

CPC Resolution No. 14-01

**PLANNING AND ZONING COMMISSION
MARION, IOWA**

BY-LAWS

WHEREAS, the Planning and Zoning Commission has been officially appointed by the Mayor with the approval of the City Council of the City of Marion, Iowa, in accordance with Chapter 22.01 of the Marion Code of Ordinances and Section 414 of the Code of Iowa; and,

WHEREAS, the Planning and Zoning Commission has previously adopted By-Laws and a Standard Operating Procedure which the Planning and Zoning Commission now finds need to be revised.

NOW, THEREFORE, BE IT RESOLVED, that the following By-Laws are hereby adopted as the official rules of the Planning and Zoning Commission and by passage of this resolution do hereby supersede any and all By-Laws and Rules of Procedure previously in effect.

ARTICLE I

AUTHORITY

Section 1. In all cases, the provisions of the Code of Iowa and the Marion Municipal Code respecting the conduct and organization of the Commission and the processing of business shall govern.

ARTICLE II

MEETINGS

Section 1. The regular meeting date of the Commission shall be the second Tuesday of each month.

Section 2. When appropriate, an informal meeting may be held on the first Tuesday of each month.

Section 3. All meetings shall begin at 6:00 p.m. unless otherwise scheduled in accordance with these By-Laws.

Section 4. Special meetings may be called by the Chairman or in his/her absence the Vice-Chairman.

Section 5. In the event that no business is presented to the Commission in

accordance with these By-Laws, the Chairman may cancel the regular meeting. Members shall be notified of such cancellation at least 24 hours prior to the scheduled time of the meeting.

- Section 6. In all cases, the Commission shall abide by the provisions of the Open Meetings Law of the State of Iowa.

ARTICLE III

QUORUM

- Section 1. A quorum of the Commission shall be any five members. A quorum shall be necessary for the transaction of any official business of the Commission.

ARTICLE IV

VOTING

- Section 1. Each member shall be entitled to one vote on all matters brought before the Commission during a regular or special meeting in which the member is present and providing a quorum is present.
- Section 2. Voting on all resolutions shall be by roll call vote. A simple majority of members present shall constitute passage of a particular motion or resolution.
- Section 3. If a member has a conflict of interest with respect to a matter before the Commission, the member shall advise the Commission of such conflict of interest prior to the Commission's consideration of that item. The member having the conflict of interest shall not participate in the discussion concerning the item in question and shall abstain from voting on that item.
- Section 4. If a motion to approve a resolution recommending approval of an item under consideration by the Commission is not approved by affirmative votes of a majority of those present and voting, either a second motion to approve a resolution recommending approval of the item with conditions may be made and acted upon; or, a motion recommending denial of the item may be made and acted upon; or, the lack of approval of any or all of the alternative motions shall constitute approval by unanimous consent of resolution recommending denial of the item under consideration. Reasons for and findings made as a basis for any of the actions when stated positively as a part of a motion will be included in the resolution; otherwise, the minutes of the meeting will serve as the record of the Commission's deliberation.

ARTICLE V

ATTENDANCE

Section 1. The Commission with majority vote, shall recommend to the Mayor the vacation of a Commission seat if a Commission member is absent more than fifty percent (50%) of the Planning and Zoning Commission meetings in a calendar year. Staff shall make an annual attendance report at the first regularly scheduled meeting of each calendar year, or as requested by a majority of the Commission. The Secretary will forward the attendance report to the Mayor so that resignations may be considered and new appointments to the Commission can be made.

ARTICLE VI

OFFICERS

Section 1. The officers of the Commission shall be a Chairman, Vice-Chairman, and Secretary. Each officer shall be elected at the first meeting of the calendar year and shall serve for a term of one year or until a successor has been elected. Officers shall not serve more than two successive terms.

Section 2. The Chairman shall preside at all meetings of the Commission. The Chairman may make a motion or second a motion and is eligible to vote on all matters coming before the Commission. When unable to be present at a meeting, the Chairman shall notify the Vice-Chairman. The Chairman may appoint such sub-committees or technical committees as may from time to time be necessary.

Section 3. The Vice-Chairman shall perform all duties and assume all the responsibilities of the Chairman in his/her absence. The Vice-Chairman shall be the parliamentarian.

Section 4. The Secretary shall be responsible for keeping records of all proceedings of the Commission. The Secretary shall keep track of the attendance records of Commission members in accordance with Article V – Section 1. The Secretary may make full use of City staff in discharging his/her responsibilities.

Section 5. In the absence of both the Chairman and Vice-Chairman, a Chairman pro tempore shall be elected from among those members present at a meeting.

ARTICLE VII

CITY STAFF

Section 1. City Staff as may be appointed by the City Manager shall have the following duties with respect to the Commission:

- a. Attend all regular, special, and informal meetings.
- b. Maintain a complete and accurate file of minutes of regular and special meetings, resolutions, and requests brought before the Commission.
- c. Maintain a current and accurate Zoning Ordinance and Zoning Map on file.
- d. Distribute to all members a written agenda with supporting material at least four days before a Commission meeting.
- e. Distribute copies of all Commission minutes and resolutions to the City Council, Mayor and City Manager.
- f. Receive and forward to the Commission, City Council, Mayor, City Manager, and other appropriate agencies all applications for zoning change, preliminary and final subdivision plats, street and alley vacations, and any other matters coming before the Commission.
- g. Distribute to applicants necessary signs for posting notice of zoning changes and other necessary procedures. Notify adjacent property owners of items before the Commission in accordance with applicable Commission policies.
- h. Provide staff reports and technical assistance on all items coming before the Commission. Provide additional information and assistance as requested by the Commission.

ARTICLE VIII

PUBLIC HEARING PROCEDURES

Section 1. Public hearings should comply with the following procedures:

- a. The meeting should be open precisely at the time advertised in the notice.
- b. The Chairman should exercise all authority in order to keep the meeting running smoothly and to the point.
- c. The Chairman should present an opening statement stating the purpose of the meeting. A suggested opening statement appears

below:

"The public hearing, as advertised, is now in session. In order to conduct the hearing within a reasonable time, and to keep it on the subject at hand you are asked to observe the following rules:

1. *Anyone who wishes may present his/her views to the Commission.*
2. *When asking recognition, please rise, state your name and address.*
3. *Those in favor of the proposed changes will be heard first and those opposed will be heard last.*
4. *Please refrain from repeating what has been said before you, and please do not involve personalities.*
5. *Be factual as possible."*

d. In case of recording the proceedings of a public hearing:

"Because of the interest shown in the hearing that was advertised, a recording will be made of those wishing to be heard for the benefit of the Committee studying the proposed changes."

e. To close hearing:

"Everyone present has been given a chance to voice his opinions, and we now declare the hearing closed." (Sound gavel)

ARTICLE IX

STANDARDS FOR REVIEW

Section 1. The Commission shall comply with the standards for review, if any, as set forth in the Zoning Ordinance, Subdivision Ordinance, or other section of the Municipal or State Code, with respect to its review and consideration of items coming before the Commission.

ARTICLE X

AMENDING THE BY-LAWS

Section 1. An amendment to the By-Laws may be proposed by motion of a member at any meeting. Consideration and action of any amendment shall not take place until the next regular meeting of the Board. The voting procedures as described in Article IV, Section 2, shall apply to the voting requirements concerning amendments to the By-Laws.

ARTICLE XI

PARLIAMENTARY AUTHORITY

Section 1. Robert's Rules of Order will be the parliamentary authority.

Passed and adopted this 11th day of February, 2014.

Laura Geary Bell, Chairperson

ATTEST:

Tim Mooney, Secretary