

ARTICLE 3

BY-LAWS

SECTION I - AREAS OF RESPONSIBILITY

1. It shall be the responsibility of the Planning Commission to cause the preparation, development and adoption of a comprehensive plan.
2. It shall be the responsibility of the Planning Commission to formulate subdivision regulations.
3. It shall be the responsibility of the Planning Commission to formulate zoning regulations.
4. It shall be the responsibility of the Planning Commission to determine extraterritorial zoning where that territory is considered to be a part of the community of the City of De Soto.
5. It shall be the responsibility of the Planning Commission to hold public hearings for proposed zoning changes, text amendments, and special use permits, and make a recommendation to the City Council.
6. It shall be the responsibility of the Planning Commission to consider flood plain development controls.
7. It shall be the responsibility of the Planning Commission to perform an annual review of the Comprehensive Plan.
8. It shall be the responsibility of the Planning Commission to adopt bylaws.

SECTION II - PART I - OFFICERS

1. The Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chairman and a Vice-Chairman from among the appointed members at the annual organization meeting. These officers shall serve for one year and until their successors have been elected.

3. A Secretary shall be selected for an indefinite term. It is not required that he or she be a member of the Commission.

SECTION II - PART II - DUTIES OF OFFICERS

1. Chairman:

The Chairman shall preside at all meetings and public hearings of the Planning Commission and shall:

- (a) decide all points of order and procedure and facilitate discussion;
- (b) certify plans and subdivision plats;
- (c) transmit reports and recommendations of the Planning Commission to the City Council or appoint a Commissioner to do so; and
- (d) ensure that petitioners are informed of decisions.

2. Vice-Chairman:

The Vice-Chairman shall assume the duties of the Chairman in his absence.

3. Secretary:

The Secretary shall be responsible for:

- (a) keeping the minutes of the Planning Commission meetings;
- (b) sending agenda to members of the Planning Commission;
- (c) carrying out written correspondence;
- (d) maintaining the records of the Commission; and
- (e) performing other duties as the Planning Commission may require.

SECTION III - MEETINGS

1. The Planning Commission shall hold regular monthly meetings at a time and place to be designated by the Commission; except that the Chairman may cancel a regular meeting with at least three (3) days prior notice for the following reasons:

- (a) it is determined that a quorum will not be present;
- (b) no subjects are scheduled for the agenda; and
- (c) other reasonable circumstances.

2. Special meetings of the Planning Commission for obtaining public opinion on a problem

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- or discussion of a particular problem with interested parties may be called by the Chairman or in his absence by the Vice-Chairman. Notice of special meetings shall be given by the secretary to the members of the Commission at least three (3) days prior to such meeting and shall state the purpose and time of the meeting.
3. All regular and special meetings, hearings and records shall be open to the public.
 4. Four (4) members, a majority, shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting, those present shall continue the meeting at a specific date, time and location.
 5. The order of business at all meetings shall be as follows:
 - (a) call to order;
 - (b) roll call (may be taken orally or by visual identification by the secretary);
 - (c) approval of minutes;
 - (d) presentation of requests and/or petitions (hearings) on the agenda;
 - (e) old business;
 - (f) new business; and
 - (g) adjournment.
 6. The name of the maker and supporter of a motion shall be recorded.
 7. An affirmative vote of a majority of a quorum is required to take action on a motion; except that, an affirmative vote of a majority of the full Planning Commission is required for certain actions, such as approving subdivision plats, recommending adoption or amendment of the Comprehensive Plan and for recommending adoption of new zoning and subdivision regulations.
 8. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the Governing Body with an explanation of the failure to establish an official vote on the subject in question. All members including the Chairman shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.
 9. When procedural and parliamentary rules adopted by the Planning Commission conflict, parliamentary procedure shall be according to the "Roberts Rules of Order."

SECTION IV - AGENDA SUBJECTS

1. Any interested party may request a place upon the agenda of a Planning Commission meeting.
2. A copy of the agenda shall ordinarily be mailed to the members of the Planning Commission so that they may review them at least three (3) days prior to the meeting.
3. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chairman may allow consideration of non-agenda items.

SECTION V - HEARINGS

1. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, Subdivision Regulations, Zoning Ordinance or Major Street Plan, the Planning Commission shall hold a public hearing on the matter as required by law.

The following procedure will normally be observed:

- (a) staff presents the agenda item;
 - (b) the Planning Commission may ask questions regarding the staff presentation and report;
 - (c) proponents of the agenda item make presentation;
 - (d) any opponents make presentations;
 - (e) applicant makes rebuttal;
 - (f) staff presents staff findings; and
 - (g) Planning Commission asks any questions it may have of the proponents, opponents or staff, and then acts upon a motion.
2. The secretary of the Planning Commission shall cause a notice of such public hearings to be published once in the official City newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe such proposal in general terms.
 3. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

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SECTION VI - RECOMMENDATIONS

1. The Planning Commission shall authorize a member of the Planning Commission or staff to appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.

SECTION VII - COMMITTEES

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. The Planning Commission shall fill vacancies on committees as they are created.

SECTION VIII - EXPENSES

1. The Planning Commission may accept, receive or expend funds, and services from the Governing Body.
2. The designated fiscal agent of the Planning Commission shall be the City Administrator of the City of De Soto.

SECTION IX - RECORDS AND REPORTS

1. The Commission Secretary shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.

SECTION X - AMENDMENTS

1. These rules of procedure may be amended by an affirmative vote of a majority of a quorum of the Commission, provided such amendment has been submitted in writing to each member of the Commission at least three (3) days prior to the meeting at which action is to be taken.

SECTION XI - SAMPLE AGENDA FOR PLANNING COMMISSION MEETINGS

1. Call to Order
2. Roll Call
3. Approval of current agenda and minutes of prior meeting (as delivered or amended)
4. Call to Public
5. Public Hearings
 - Zoning applications previously discussed
 - New zoning applications
 - Special use permits previously discussed
 - New special use permit applications
6. Old Business
7. New Business
8. Calendar
9. Adjournment