

BYLAWS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLINSVILLE, TEXAS

These Bylaws of the Planning and Zoning Commission of the City of Collinsville, Texas, were established in March 2001, and were subsequently updated in April 2018 and December 2021.

Article 1: Authority

The City Council authorized the creation of the Collinsville Planning and Zoning Commission via Ordinance No. 333 on June 8, 1998, to better provide for the public health and welfare of the City and to hear all cases and perform all duties authorized by Texas Local Government Code, §§ 211.001 et seq. The Commission shall be responsible to act as an advisory board to the City Council. The Commission shall also perform other duties as may be prescribed by City ordinance, state law, and as follows:

The Commission shall:

- (1) recommend to the City Council the boundaries of the various districts and appropriate regulations to be enforced according to the City's Code of Ordinances or the laws of the State of Texas, and to recommend approval or denial of zoning changes and regulations according to Code of Ordinances or the laws of the State of Texas; and
- (2) hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required according to the Code of Ordinances or the laws of the State of Texas; and
- (3) exercise those duties and powers as may be now or hereafter conferred by Code of Ordinances or applicable laws of the State of Texas.

Article 2: Jurisdiction

The Jurisdiction of the Commission includes all property within the city limits of the City of Collinsville, Texas, as well as any and all property within the extra-territorial jurisdiction (ETJ) of the City.

All applications to the Planning and Zoning Commission shall be heard at the next planned Commission meeting. The Commission's final recommendation to the City Council on zoning items shall be made no more than ninety (90) days from the date of the application, or as required by state law. The Commission shall adhere to the 30 day shot clock for requests governed by Chapter 212 of the Texas Local Government Code, as amended.

Article 3: Appointment/Term/Removal of Commissioners

All appointments to the Commission shall be made by the City Council. The Planning and Zoning Commission shall consist of seven (7) members or commissioners who shall all reside in the City of Collinsville, or be a resident of Grayson County and live within five (5) miles of the city limits of the City of Collinsville.

Each appointment to the Commission is for a two year term, or until a successor is duly qualified and appointed. If a commissioner is unable to complete their two year term, the City Council shall vote on a replacement to complete the portion of the unexpired term. Members are elected in overlapping terms, i.e., in one year three positions are appointed for two year terms and in the next year four positions are appointed for two year terms. Terms begin at the first regular meeting of the Commission in December.

Commissioners may be removed, without cause, by an affirmative vote of a majority of the City Council.

Article 4: Officers and their Duties

The Commission shall have the following officers, whose terms shall be for one (1) year, or until their successor is duly qualified and appointed. Officers shall be recommended for appointment by the Commission, subject to approval by the City Council.

Chairperson - presides at all hearings and meetings of the Commission, assures proper order of the Commission and the public in all proceedings, signs all documents of the Commission, and represents the Commission before legislative and administrative bodies.

Vice-chairperson - provides orientation to new commissioners, and, in the absence of the chairperson, performs all of the chairperson's duties. If applicable, prepares the annual report of Commission activities and coordinates the annual meeting of the Commission.

Secretary - prepares all official instruments of the Commission, records the proceedings of all hearings and meetings of the Commission, and together with the chairperson, signs all documents of the Commission, and assures the proper indexing of all Commission documents as public records.

Chairperson-Pro Tem - serves as the chairperson when both the chairperson and vice-chairperson are absent.

Treasurer - if applicable, retains direct control over the budget for operations and staff, maintains complete, accurate and orderly accounts in preparation for the annual audit, and together with the chairperson, signs all authorizations and payments of funds.

Article 5: Commission Staff and their Duties

Consultants - the Commission may hire consultants to perform planning related activities under terms of a contract prepared by the Planning and Zoning Commission and approved by the City Council.

Legal counsel - the City Attorney shall serve as legal counsel to the Commission, shall prepare memoranda of law as requested by the Commission, and review drafts of ordinances, resolutions, and other Commission documents.

Director of Planning – if applicable, advises the Commission, City Council, and chief administrative officer on matters related to planning, development, and redevelopment, coordinates and supervises the work of all other staff and consultants, prepares all documents for presentation to the Commission, and assists the chairperson and secretary in the exercise of their duties; the director of planning or designee shall have the privilege to address the Commission during regular meetings.

Zoning Administrator – if applicable, advises the Commission on all matters regarding the regulation of development and prepares all related documents for presentation to the Commission.

Commission staff - the Commission may appoint other staff members to carry-out appropriate functions of the Commission as needed.

Article 6: Public Hearings

A public hearing of the Commission is a noticed official hearing, as required by state law, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Commission, for which publicly-accessible minutes shall be prepared. The Commission may neither deliberate nor take a substantive vote during a public hearing.

The order of a public hearing shall be as follows:

1. Complete sign-in sheet by agenda item, listing printed name, signature, address of persons wishing to testify, and indication of support or opposition to items.
2. Call to order and determination of quorum of the Commission.
3. Presentation by commissioner (or staff if applicable) summarizing the item.
4. Testimony of agencies related to the item.
5. Presentation by the applicant.
6. Testimony of the public.

Article 7: Meetings of the Commission

A regular meeting of the Commission shall be noticed as required by state law and shall be open to the public. During a regular meeting, the Commission may deliberate and may take substantive votes on specific items, for which publicly-accessible minutes

shall be prepared. The following shall constitute the order of a regular meeting:

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. Items carried-over from a previous agenda.
4. Matters regarding the comprehensive plan.
5. Matters regarding capital improvements.
6. Matters regarding subdivision of land.
7. Matters regarding zoning of land.
8. Matters regarding other regulatory action.
9. Items of the present agenda, presented in the same order as above.
10. Other business.
11. Review of the Commission calendar and announcement of future meetings.
12. Request of the chairperson for a motion to adjourn.

An emergency meeting of the Commission shall occur only in the event of a true emergency as contemplated by state law. The chairperson, with the written consent of a majority of Commission, may call an emergency meeting in accordance with state law. Emergency meetings are open to the public and publicly-accessible minutes shall be prepared by the secretary.

A closed or executive meeting of the Commission shall occur in accordance with Chapter 551 of the Texas Government Code, as amended.

A working session of the Commission is a noticed official meeting open to the public. However, the Commission may neither deliberate nor take substantive votes during a working session.

Article 8: Form and Character of Motions

The form and character of motions shall conform to Robert's Rules of Order, as amended, except as specified below.

Upon review of the full public record and due deliberation among members of the Commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (approval, approval with specified conditions, or disapproval) but also a recitation of findings which support the motion. Additionally, the Commission shall offer citations to the City's Code of Ordinances to explain reasons for approval with conditions or denial.

Where a motion to disapprove an item has been defeated, a member of the Commission initially in the opposition may make a motion to approve or approve with conditions.

Article 9: Quorum and Voting Requirements

A majority of the members of the Commission shall constitute a quorum.

A majority of the members of the Commission shall be required to pass a motion.

All votes shall be taken by the chairperson in random order, with the chairperson not voting except as needed to break a tie vote.

If a member abstains from voting, their vote shall not be counted in the determination of a motion, but it shall be recorded in the minutes as an abstaining vote.

Article 10: Requirements for the Submission of Requests

The Commission shall adopt standard forms for the submission of each type of request required for its consideration; such forms shall specify the schedule of submission, form and content of complementary materials, and scale and content of drawings. The secretary shall certify the completeness of all submissions.

Any and all materials submitted to the Commission regarding an item shall be entered into public record by a motion to "accept for the record". All notices, agendas, requests, reports, citizen petitions, minutes of hearings and meetings, and resolutions shall constitute the documents of the Commission and shall be indexed as a matter of public record.

Article 11: Administrative Calendar

The regular meetings of the Planning and Zoning Commission are scheduled at least four (4) times per year. Additional meetings or hearings are scheduled as needed.

Copies of the agenda and any related documents shall be delivered to each commissioner no less than three (3) working days prior to an official meeting.

Article 12: Conduct of the Members of the Planning Commission

Members of the Commission shall take such time as to prepare themselves for hearings and meetings.

Three consecutive absences by a commissioner that are not excused by the chairperson, or the absence of a commissioner from more than 50% of the meetings in any calendar year, shall automatically remove a member from the Planning and Zoning Commission.

Should any person on the Commission have a conflict of interest on an agenda item before the Commission pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, he or she shall openly declare same before any

discussion proceeds. Such Commission member shall be prohibited from discussing the item or voting on the question and is not considered as present and voting for the purposes of the tally.

Any and all rules and regulations adopted by the Commission shall be forwarded in writing to the City Administrator, who shall submit them to the City Council with the City Administrator's recommendations. The City Council may amend, adopt, or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council.

Article 13: Conduct of Persons before the Planning Commission

During all public meetings of the Commission, members of the public shall be given equitable opportunity to speak. Comments should be limited to the item before the Commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the secretary to "disregard" the comment, which nevertheless may, at the discretion of the Commission, remain in the public record.

During all Commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the chairperson as "out-of-order" and the offending person shall be directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to "eject" the person from the meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

Article 14: Severability

If any section or phrase within these Bylaws is be found to be illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of these Bylaws shall continue in full force and effect.

Article 15: Adoption and Amendment of Bylaws

Adoption or amendment of the Commission's Bylaws shall be made following review by the legal counsel and a public hearing.

Adopted: March 2001

Amended & Approved: May 2018, December 2021