

## Planning & Zoning Commission Bylaws and Procedures

In the process of updating the Commissions Bylaws it was determined that provisions in the Bylaws overlapped and in some cases contradicted provisions in the Commission's Policies and Procedures. In an effort to avoid any contradictions, staff has incorporated the changes to the Bylaws that were discussed by the Commission with the Policies & Procedures.

Attached are two copies, one is a marked up version showing what has changed and the second copy is a clean version.

For additional information, you may contact Wes Morrison, City Planner at 281-554-1084 or via e-mail at [wes.morrison@leaguecity.com](mailto:wes.morrison@leaguecity.com).

## **City of League City Planning and Zoning Commission Bylaws & Policies**

### **Article I – Purpose**

The Planning and Zoning Commission was established by the City Council of the City of League City on August 10, 1999 pursuant to Ordinance No. 99-52. The Commission's purposes are twofold:

1. To plan for the orderly development of the City of League City and its environs and to advise the City Council on that subject. This is to be accomplished through the adoption of a comprehensive plan for the long-range development of the City, approved by the City Council, and updating it from time to time. This will be in accordance with Chapter 213 of the Texas Local Government Code. This planning purpose is not to be considered subordinate to the zoning function (below). Rather, it is the essential ingredient to effective zoning.
2. To perform the function of a zoning commission as set forth in Chapters 211 and 212 of the Texas Local Government Code and Chapters 102 and 125 of the Code of Ordinances of the City of League City.

### **Article II – Members**

1. The Planning and Zoning Commission shall consist of ten (10) members, ~~of which two (City Attorney and City Engineer) shall be ex officio members, eight (8) of which~~ ~~who~~ shall be appointed by the Mayor and confirmed by the City Council for a designated term of two years *and two ex-officio members (City Attorney and City Engineer)*. The ex-officio members shall serve in an advisory capacity, and their terms shall correspond to their respective official tenures. All commissioners must be residents of the City of League City.
2. The Mayor may reappoint commissioners for another term. However, vacancies shall be filled by appointment for the unexpired term only.
3. Any member of the Commission may be removed by the appointing authority for inefficiency, neglect of duty, or malfeasance.

### **Article III – Qualifications of Members**

1. Persons appointed to the Planning and Zoning Commission should be either well known to members of the City Council or carefully screened by such body prior to appointment to the office of commissioner.
2. The Commission should be composed of a representative cross section of the city, involving persons with public, private, and community interests. Appointments should be made without regard to wealth, station, position, age, race, or creed, providing general qualifications are met.
3. The prospective appointee shall have been a resident of League City for not less than two years, be a registered voter, and must have a minimum of a high school education or its equivalent.

**Article IV – Officers**

1. The elected officers of the Commission shall be a Chairperson and a Vice-Chairperson.
2. Elections shall be held at the first official Commission meeting after January 1 every two years. The newly elected officers will take office at the same meeting.
3. The Vice-Chairperson shall serve in the absence of the Chairperson.
4. In the absence of both the Chairperson and the Vice-Chairperson, the members at such meeting shall elect a Chairperson Pro-Tempore.
5. If the Chairperson vacates the office before completing his or her term, The Vice-Chairperson will assume the office and serve the remainder of the term. A new Vice-Chairperson will then be elected at the next regular meeting.
6. The City Planner’s designee shall act as Secretary and shall provide other staff services as necessary to carry on the work of the Planning and Zoning Commission.

**Chairperson**

The Chairperson shall be a voting member of the Commission and shall:

1. Call meetings of the Commission.
2. Preside at meetings and hearings.
3. Act as spokesperson for the Commission (*also see 5 below*).
4. Sign documents for the Commission.
5. Transmit reports and recommendations to the City Council. Transmissions to the City Council shall be in person. In the event the Chairperson is unavailable to personally transmit reports and recommendations, he or she shall appoint another Commission member to be his or her representative.
6. Perform other duties approved by the Commission.
7. Be the Commission’s representative to other Boards and Commissions of the City. In lieu of personal representation by the Chairman to these Boards and Commissions, the Chairman may delegate this responsibility to other Commission members. It is anticipated that these Boards and Commissions shall include the following:
  - Zoning Board of Adjustments
  - Parks Board
  - Historical District
  - Economic Development Corporation

**Vice-Chairmanperson**

The Vice Chairmanperson shall exercise the duties of the Chairmanperson in the absence, disability, or disqualification of the Chairmanperson.

**Article V – Meetings**

1. The Commission shall hold at least two regular meetings every month on the first and third Monday at a time set in advance by the Commission so as to ensure reasonable public participation.

2. The Chair may call special meetings as circumstances require upon the written request of not less than three Commissioners. Notice of a special meeting shall be given in accordance with the Charter of the City of League City.
3. Closed meetings, working sessions or executive sessions of the Commission are allowed when deemed necessary and proper to the public interest and not in conflict with current statute or law.
4. The Commission shall require and adopt an annual schedule of regular meetings
5. No meeting, whether scheduled or special, shall be an official meeting of the Commission nor shall any action be taken at any meeting be an official action of the Commission unless a quorum is present.
6. A quorum is constituted of five of the members of the Planning and Zoning Commission who are entitled to vote, except in the case of vacancies in which instance a majority of the remaining members of the Commission shall constitute a quorum.
7. No action of the Planning and Zoning Commission ~~will~~ shall be valid unless authorized by a majority vote of those present and voting.
8. The right of the permanent or acting Chairperson to vote, if he or she so desires, shall not be questioned.
9. Voting
  - a. Each commissioner present at a meeting may vote once on any matter before the commission.
  - b. A commissioner may abstain from voting. In accordance with the City of League City's Policies and Procedures, a reason for abstaining is not necessary.
  - c. A commissioner must abstain from any vote in which he has a financial interest in the matter before the Commission.
10. Chapter 171 of the Texas Local Government Code shall govern the regulation of conflicts of interest of any member of the Commission.
11. Robert's Rules of Order shall govern the conduct of meetings except where in conflict with these Bylaws, City Ordinances, or State Law.
12. Except for public hearings, no member of the public may speak at a Commission meeting unless invited to do so by the Commission.
13. *Inasmuch as those commissioners providing liaison with the five commissions enumerated above may encounter confidential information, the Commission's meetings shall be permitted to go into Executive Session to protect such confidentialities, as otherwise permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.*

**Comment [W1]:** Added from the Policies document.

#### Article VI – Agenda

~~A written agenda shall be furnished to each member of the Commission, and shall be posted at least 72 hours prior to each regular meeting.~~

**Comment [W2]:** Removed and added to the Policies section of this document.

#### Article VII – Procedure

1. In matters brought before the Commission for public hearing, which were initiated by an applicant, the staff shall be heard first, the applicant, or his or

*her* agent or attorney shall be heard next, and any members of the public may be heard next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. Members of the Commission shall pose all questions. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

2. *From time to time, information comes to the surface subsequent to a meeting of the Commission in which the Commission has made a recommendation. Where such an occurrence arises, Council should either consider returning the issue to the Commission for further deliberation or consider the Commission's recommendation null and void.*

#### **Article VIII – Records**

The Secretary shall record all meetings and hearings of the Commission on tape, which shall be preserved according to the Records Retention Policy of the City of League City. The Secretary shall prepare minutes of each meeting for approval by the Commission at its next regular meeting. ~~Minutes shall be maintained as public records.~~ *Unless otherwise directed by the Commission to provide a precise transcription on a particular subject, the minutes should be prepared in a concise manner a copy of the announced agenda, a listing of members in attendance (and the reason for absence submitted by any member), the time the meeting was called to order and closed, a statement of each issue discussed, salient points of the discussion related to each issue, and the decision of the Commission on each of those issues. These minutes and supporting tapes shall be maintained as public records.*

#### **Article IX – Attendance**

~~The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member.~~ The unexcused absence of a member for three (3) consecutive meetings of the Commission shall ipso facto terminate membership on the Commission, unless the absence is excused by the Commission for a reason found to be justifiable. Without limiting the grounds for justifiable absence, sickness, or leave of absence obtained in advance at a regular meeting shall be deemed justifiable grounds for failure to attend a meeting.

#### **Article X – Adoption**

These ~~rules~~ *bylaws & policies* were adopted by vote of the members of the Commission at a regular meeting and submitted to the City Council for ~~adoption~~ approval.

#### **Article XI – Amendment**

These ~~rules~~ *bylaws* may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment(s) is (are) delivered to all members.

## **Article XII – Policies & Procedures**

The policies and procedures listed below establish processes and codes of conduct for Planning and Zoning Commission meetings, members and staff.

### **Placement of Agenda Items:**

#### Regular Business Items

Regular business items result from applications for plats, certain site plans, master plans, master plan revisions, zoning, special use permits, buffer yard variances, and subdivision variances submitted to the Planning Department. After the Development Review Committee has reviewed an application for compliance with City Ordinances and made suggestions to the applicant to enhance the project for the overall benefit of the City, staff will place the item on an agenda for action by the Commission as a consent item, new business item, or public hearing item according to local ordinances and state law.

#### Consent Items

The only items that will be under Consent Items are final plats. However, if a final plat is of a known controversial nature or involves changes from the preliminary plat that are not significant enough to warrant a revised preliminary plat, it will be under New Business Items.

#### New Business Items

New Business Items are for plats (excluding certain final plats as discussed above), certain site plans, master plans and master plan revisions. Based upon Section 125-45.C. of the Zoning Ordinance pertaining to the approval authority for site plans, site plans of a known controversial nature will be placed on the agenda under New Business Items. Also, site plans for property zoned “CM” (Commercial Mixed Use) for which a master plan has not previously been approved will be under New Business Items.

#### Public Hearing and Action Items

~~Public Hearing and Action Items are for ordinance revisions, Comprehensive Plan Updates, Public Infrastructure Master Plan Revisions, zoning, special use permits, replats, buffer yard variances, and subdivision variances.~~

~~Even though public hearings for buffer yard variances and subdivision variances are not required by city ordinances or state law, written notice will be mailed to surrounding property owners notifying them of public hearings in the same manner as prescribed in the Zoning Ordinance for zoning applications.~~ Notice for all other public hearing and action items will be provided in accordance with city ordinances and state law. If public hearing items are continued to another meeting, they must be continued to a specific date in order to keep those that attended the meeting informed and to eliminate the costs of re-noticing.

**Comment [W3]:** According to the City Attorney we cannot set additional notice requirements than what is prescribed in the Zoning Ordinance.

#### Tabled Items Subject to Recall

All regular business items may be tabled. However, in accordance with state law, the Commission can only table plats if 30 days will not expire from the submittal

date of the plat to the next meeting. Tabled items shall remain on the agenda until they are acted upon or the application is withdrawn by the applicant. Items shall not remain on the table for more than 90 days. After 90 days expire, then the Commission will take action on the item if the applicant has not withdrawn the application. In order for an item to be removed from the table, a majority of the Commission present has to approve the removal.

#### Other Business Items

Other Business Items are placed on the agenda by staff for preliminary submittal presentations by applicants and miscellaneous items that need action by the Commission.

#### Commissioners' Comments

If a Commissioner wants to make a comment during the Commissioners' Comments section on the agenda, he/she will notify the Director, City Planner or Planning Assistant of the topic by noon on the Wednesday before the Monday meeting. During the Comments' section of the agenda, there is no discussion. Comments will not be used to engage in attacks or comments that insult, abuse, malign or slander another individual, including but not limited to other staff, Commissioners, Mayor, City Council members or citizens.

#### Reports from Staff

Reports from staff will typically be used to give general reminders and news to the Commission. Reports will not be used to engage in attacks or comments that insult, abuse, malign or slander another individual, including but not limited to other staff, Commissioners, Mayor, City Council members or citizens.

#### **Maximum Number of Public Hearings**

The maximum number of public hearings on an agenda will be 4. In order to schedule more than 4, staff must get consent from a consensus of Commissioners via e-mail or telephone.

#### **Format for Public Hearing Items**

Public hearings shall follow the following format:

- I. The presiding Chairperson will read the agenda item.
- II. The staff report will be presented. The Commission will ask staff questions, if there are any.
- III. The applicant will make a presentation (10 minutes maximum). The Commission will ask the applicant questions, if there are any.
- IV. The presiding Chairperson will open the public hearing.
- V. The presiding Chairperson will announce something similar to the following: "Anyone wishing to address this matter before the Commission may come forward and be heard. Speakers must sign in and state their name and address for the record. Speakers will be limited to 3 minutes and must remain at the microphone while speaking." The presiding

- Chairperson may extend the time limit for persons speaking on behalf of a group.
- VI. The presiding Chairperson will announce that he/she will start on one side of the room and go row by row. Once a row is passed, the Commission will not recognize any additional comments.
  - VII. After the comments are finished, then the public hearing will be closed.
  - VIII. The applicant will be permitted to address the public comments to the Commission (5 minute maximum).
  - IX. The presiding chairperson will ask the Commission if they have any additional questions for the applicant or staff.
  - X. The Chairperson will ask for a motion and second.
  - XI. The Commission will deliberate.
  - XII. A vote will be taken.

#### **Format for Regular Business Items**

The format for all other regular business items will follow the public hearing format except for the public hearing portion.

#### **Format for Consent Items**

The presiding Chairperson will ask for a motion and second on the agenda items and a vote will be taken. If there are questions or deliberation is necessary on a consent item, then it must be pulled from the Consent Agenda by a motion and a second by Commissioners and a majority Commission vote. There will be no motions for denial of items that are on the consent portion of the agenda. In these cases, the items will need to be pulled from the consent portion of the agenda.

#### **Failed Motions**

1. When an original main motion to approve fails to obtain a majority vote, then the action is the same as being denied and another motion to deny is not needed. If there is a secondary motion, then it must come from one who voted with the prevailing side on the original main motion.
2. When an original main motion to deny fails to obtain a majority vote, then a secondary motion to approve from the prevailing side on the original main motion will be required in order for the agenda item to obtain approval.
3. In the event of a tie vote, then a secondary motion may be made by any member of the Commission.

#### **Commission Initiation**

If a Commissioner wants to place an item on the agenda for discussion, it must be related to the powers and duties listed in Section 125-24.C of the Zoning Ordinance. The Commissioner will contact the Director of Planning & Development or the City Planner for consultation with staff and the Commission Chairperson. The Commissioner, Chairperson and staff will determine what items need to be prepared, the staff that need to be included, potential time that needs to be allotted and any other variables pertaining

to the discussion item. Based upon these decisions, a meeting date will be set and staff will place the item on the corresponding agenda.

**Internal Schedules**

Staff will e-mail the internal schedule showing the preliminary items scheduled for the upcoming meeting at least 7 days prior to the meeting.

**Delivery of Agenda Packets**

Staff will make every effort to deliver the packets to the Commission on the Wednesday evening before the Monday meeting. If staff is unable to deliver the packets on Wednesday evening due to extenuating circumstances, staff will notify the Commissioners.

**Meeting Changes**

When the Planning staff is made aware of a meeting change, then staff will inform the Commission of the change via the information that has been provided to staff on the internal contact list. Staff will e-mail and call the Commissioners regarding the change.

**From P&Z to City Council**

When Council receives a recommendation from the Commission on an item, the minutes of the Commission's meeting and report shall be included with the data sheet at the time of the public hearing and action.

If an application is altered beyond what the Commission instructed and the Commission was not privy to the new information, then the case has to be reconsidered by the Commission with a new public hearing.

If an applicant wants to postpone the City Council public hearing and consideration after the Commission takes action, then 90 days cannot expire between action by the Commission and the City Council public hearing. If 90 days expires, then the application is considered withdrawn and a new application and fee are required.

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7. No action of the Planning and Zoning Commission shall be valid unless authorized by a majority vote of those present and voting.
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9. Voting
  - a. Each commissioner present at a meeting may vote once on any matter before the commission.
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11. Robert's Rules of Order shall govern the conduct of meetings except where in conflict with these Bylaws, City Ordinances, or State Law.
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2. From time to time, information comes to the surface subsequent to a meeting of the Commission in which the Commission has made a recommendation. Where such an occurrence arises, Council should either consider returning the issue to the Commission for further deliberation or consider the Commission's recommendation null and void.

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### **Article IX – Adoption**

These bylaws & policies were adopted by vote of the members of the Commission at a regular meeting and submitted to the City Council for approval.

### **Article X – Amendment**

These bylaws may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment(s) is (are) delivered to all members.

### **Article XI – Policies & Procedures**

The policies and procedures listed below establish processes and codes of conduct for Planning and Zoning Commission meetings, members and staff.

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#### Tabled Items Subject to Recall

All regular business items may be tabled. However, in accordance with state law, the Commission can only table plats if 30 days will not expire from the submittal date of the plat to the next meeting. Tabled items shall remain on the agenda until they are acted upon or the application is withdrawn by the applicant. Items shall not remain on the table for more than 90 days. After 90 days expire, then the Commission will take action on the item if the applicant has not withdrawn the application. In order for an item to be removed from the table, a majority of the Commission present has to approve the removal.

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Comments will not be used to engage in attacks or comments that insult, abuse, malign or slander another individual, including but not limited to other staff, Commissioners, Mayor, City Council members or citizens.

#### Reports from Staff

Reports from staff will typically be used to give general reminders and news to the Commission. Reports will not be used to engage in attacks or comments that insult, abuse, malign or slander another individual, including but not limited to other staff, Commissioners, Mayor, City Council members or citizens.

#### Maximum Number of Public Hearings

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#### Format for Public Hearing Items

Public hearings shall follow the following format:

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- II. The staff report will be presented. The Commission will ask staff questions, if there are any.
- III. The applicant will make a presentation (10 minutes maximum). The Commission will ask the applicant questions, if there are any.
- IV. The presiding Chairperson will open the public hearing.
- V. The presiding Chairperson will announce something similar to the following: "Anyone wishing to address this matter before the Commission may come forward and be heard. Speakers must sign in and state their name and address for the record. Speakers will be limited to 3 minutes and must remain at the microphone while speaking." The presiding Chairperson may extend the time limit for persons speaking on behalf of a group.
- VI. The presiding Chairperson will announce that he/she will start on one side of the room and go row by row. Once a row is passed, the Commission will not recognize any additional comments.
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- VIII. The applicant will be permitted to address the public comments to the Commission (5 minute maximum).
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- X. The Chairperson will ask for a motion and second.
- XI. The Commission will deliberate.
- XII. A vote will be taken.

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**Format for Consent Items**

The presiding Chairperson will ask for a motion and second on the agenda items and a vote will be taken. If questions or deliberation is necessary on a consent item, then it must be pulled from the Consent Agenda by a motion and a second by Commissioners and a majority Commission vote. There will be no motions for denial of items that are on the consent portion of the agenda. In these cases, the items will need to be pulled from the consent portion of the agenda.

**Failed Motions**

1. When an original main motion to approve fails to obtain a majority vote, then the action is the same as being denied and another motion to deny is not needed. If there is a secondary motion, then it must come from one who voted with the prevailing side on the original main motion.
2. When an original main motion to deny fails to obtain a majority vote, then a secondary motion to approve from the prevailing side on the original main motion will be required in order for the agenda item to obtain approval.
3. In the event of a tie vote, then a secondary motion may be made by any member of the Commission.

**Commission Initiation**

If a Commissioner wants to place an item on the agenda for discussion, it must be related to the powers and duties listed in Section 125-24.C of the Zoning Ordinance. The Commissioner will contact the Director of Planning & Development or the City Planner for consultation with staff and the Commission Chairperson. The Commissioner, Chairperson and staff will determine what items need to be prepared, the staff that need to be included, potential time that needs to be allotted and any other variables pertaining to the discussion item. Based upon these decisions, a meeting date will be set and staff will place the item on the corresponding agenda.

**Internal Schedules**

Staff will e-mail the internal schedule showing the preliminary items scheduled for the upcoming meeting at least 7 days prior to the meeting.

**Delivery of Agenda Packets**

Staff will make every effort to deliver the packets to the Commission on the Wednesday evening before the Monday meeting. If staff is unable to deliver the packets on Wednesday evening due to extenuating circumstances, staff will notify the Commissioners.

**Meeting Changes**

When the Planning staff is made aware of a meeting change, then staff will inform the Commission of the change via the information that has been provided to staff on the internal contact list. Staff will e-mail and call the Commissioners regarding the change.

**From P&Z to City Council**

When Council receives a recommendation from the Commission on an item, the minutes of the Commission's meeting and report shall be included with the data sheet at the time of the public hearing and action.

If an application is altered beyond what the Commission instructed and the Commission was not privy to the new information, then the case has to be reconsidered by the Commission with a new public hearing.

If an applicant wants to postpone the City Council public hearing and consideration after the Commission takes action, then 90 days cannot expire between action by the Commission and the City Council public hearing. If 90 days expires, then the application is considered withdrawn and a new application and fee are required.