

JOHNSON CITY PLANNING COMMISSION - ESTABLISHED PROCEDURES

The membership of the Planning Commission changes from year to year and even from month to month. In order to inform new members of our established procedures, and in order that persons appearing before this Commission at any time may receive fair and equal service from this Commission, we are listing the following established procedures. When new situations arise and actions are taken which formulate additional policies, these will be added.

1. ATTENDANCE: See attached copy of by-laws.
2. Items not on the written agenda may be acted upon if the majority of members present vote to do so, or if the City Commission requests that action be taken.
3. When a member of the Commission has a personal interest in a matter brought before the group, it is customary that he or she abstain from voting upon the issue.
4. Before a zoning change is voted upon, residents of the area in question should be notified of the proposal and given a chance to be heard. Members of the Planning Commission should be given an opportunity to visit and study the site before being required to vote.
5. When a zoning request comes before the Commission and it is known that deed restrictions upon the land are contrary to the zoning change requested it shall be deferred until the parties involved come to an agreement.

BY-LAWS
JOHNSON CITY REGIONAL PLANNING COMMISSION

ARTICLE I
Objective and Purpose

The objectives and purpose of the Johnson City Regional Planning Commission shall be those set forth in the appropriate sections of the Tennessee Code Annotated, and amendments and supplements thereto.

ARTICLE II
Membership

Per T.C.A. 13-3-102 and 13-4-101, the membership of the Planning Commission shall consist of ten members. One of the members shall be the Mayor of Johnson City or a person designated by the Mayor, one shall be a member of the Board of Commissioners selected by said Board of Commissioners, at least one shall be appointed by the Mayor from the regional area outside the municipal boundaries, and the remaining members shall be citizens of Johnson City appointed by the Mayor for terms of three years.

ARTICLE III
Officers and Their Duties

Section 1. The officers of the Planning Commission shall consist of a Chairman, Vice Chairman, Secretary, and Assistant Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary procedure on such officers.

Section 3. The Chairman shall be one of the appointive members of the Planning Commission. He or she shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 4. The Vice-Chairman shall be one of the appointive members of the Planning Commission and shall act for the Chairman in his or her absence.

Section 5. In the event of the absence of both the Chairman and Vice-Chairman, the members present may elect a temporary chairman for that meeting and proceed with the order of business.

Section 6. The Secretary shall keep the minutes and records of the Planning Commission, prepare with the Chairman the agenda of regular and special meetings, provide notice of meetings to Planning Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a secretary. The Secretary is responsible for signing all plats approved by the Planning Commission and all replats that are approved administratively. When the Secretary is absent or unavailable, the Assistant Secretary shall perform and be vested with all the duties and powers of the Secretary.

ARTICLE IV Election of Officers

Section 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organizational meeting which shall be held on the second Tuesday in July of each year.

Section 2. The nominee for each office receiving a majority vote of the membership of the Planning Commission present shall be declared elected.

Section 3. All officers shall be elected for a term of one (1) year and all officers shall be eligible to succeed themselves.

Section 4. Vacancies in offices shall be filled at the next regular meeting after the vacancy occurs for the unexpired term by regular election procedures.

ARTICLE V Meetings

Section 1. Meetings shall be held on the second Tuesday of each month at 6:00 p.m. in the City Commission Chambers of the Municipal-Safety Building.

Section 2. A majority of the membership of the Planning Commission, six (6) members, shall constitute a quorum. A quorum shall be present before any business is transacted.

Section 3. All actions and recommendations of the Planning Commission shall be approved by a majority vote.

Section 4. A record of the vote of each member on each question shall be kept as a part of the minutes.

Section 5. Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The Secretary shall notify all members of the Planning Commission in writing not less than five (5) days in advance of a special meeting. Five days notice of special meetings may be waived by unanimous consent of the Planning Commission.

Section 6. All meetings at which official action is taken shall be open to the general public.

ARTICLE VI Membership Attendance

In order for the Planning Commission to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. When any member has been absent for three (3) consecutive regular meetings, the Secretary shall notify such member in writing of his absences and if such member fails to attend the next regular meeting following such notification, the Planning Commission shall take such action as it deems proper.

ARTICLE VII Order of Business

The order of business at regular meetings shall be:

- a. Roll call
- b. Approval of the agenda
- c. Approval of minutes of previous meeting
- d. Recognition of persons having business with the Planning Commission
- e. Reports of officers and committees
- f. Unfinished business
- g. Consent agenda
- h. New business
- i. Adjourn

ARTICLE VIII Committees

Committees may be appointed by the Chairman for such purposes as the Planning Commission approves.

ARTICLE IX
Employees

Section 1. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require.

Section 2. The expenditures of the Planning Commission, exclusive of gifts or other income, shall be within the amounts appropriated for the purpose by the city.

ARTICLE X
Hearings

Section 1. In addition to those required by law, the Planning Commission may at its discretion hold public hearings when such hearings are in the public interest.

Section 2. Notice of such hearings shall be published in a newspaper of general circulation within the city of Johnson City at least ten (10) days prior to the date of such public hearing.

Section 3. The case before the Planning Commission shall be presented in summary by the Secretary or other designated individual and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 4. A record shall be kept of those speaking before the Commission.

ARTICLE XI
Application for Rezoning Request

Section 1. To initiate a rezoning request, an application shall be transmitted to the Regional Planning Commission, in care of the Planning Department that includes the following information:

- a. Identification of the property by subdivision, block, and lot number, if applicable;
- b. Legal description of the property;
- c. Map showing the location of the property;

- d. Present zoning designation and the proposed zoning designation;
- e. Contemplated use of land, if rezoned;
- f. Brief presentation on how this zoning change would be for the community benefit rather than for the benefit of the individual requesting the change or the person or persons owning the property;
- g. Name and address of property owner(s); and
- h. Name, address, and local phone number of person(s) requesting zoning change or acting on behalf of requester.

Section 2. The person requesting the rezoning shall also provide to the Planning Commission a concept plan in accordance with Article XI of the Zoning Code indicating the proposed use or reuse, building locations, parking arrangements, entrances and exits, and other information required by the Planning Commission.

Section 3. A check for the appropriate amount made payable to the City of Johnson City should accompany the application.

ARTICLE XII

Procedures for Filing Applications with the Johnson City Regional Planning Commission

Section 1. All applications for matters to be brought before the Regional Planning Commission shall be made in accordance with established regulations and procedures. Incomplete applications will not be accepted and shall be returned to the applicant with a statement of deficiencies.

Section 2. Submission Deadline Dates

- a. All applications for items requiring Planning Commission consideration, with the exceptions described in 2.b below, shall be filed with the Department of Planning on or before the fifteenth day of the month preceding the month in which the item is to be considered. If the fifteenth day of the month falls on a weekend or on a legal holiday, then such applications shall be filed before 9:00 a.m. (Eastern Time) on the next regular working day following the fifteenth.
- b. Application for certain matters may be submitted on or before the Tuesday fourteen days prior to the Regional Planning Commission meeting. These matters are: (1) Minor subdivision replats involving no utility, drainage, or right-of-way installation or change; and (2) Minor amendments to previously approved site

plans for shopping centers, planned residential developments, and mobile home parks, such as signs, location of handicapped parking spaces, landscaping details, and any other similar amendment which does not require interdepartmental review and does not involve changes in utilities, drainage, topography, building locations, or rights-of-way. If the Tuesday fourteen days before the regular Planning Commission meeting falls on a legal holiday, then the submission will be accepted up to 9:00 a.m. (Eastern Time) on the next following working day.

Section 3. 1. Deferrals from the agenda. Requests to defer matters to be considered by the Regional Planning Commission may be submitted up to the date of the Planning Commission meeting. Requests shall be made to the Planning Department in writing, signed by the requesting party, and shall include the date to which the item is requested to be deferred. The person requesting deferral (or his/her representative) shall personally appear at the Planning Commission meeting on the date the matter is initially scheduled to be heard. With the following exceptions, such requests will be honored:

- a. If the matter requested to be deferred requires notification to property owners, and if such notifications have already been made before the Planning Department's receipt of the request to defer, then deferral of the matter shall be brought to the Planning Commission for consideration. Deferral shall require the majority vote of the quorum present.
- b. If an item has been included on the agenda of the Planning Commission meeting, and if the agenda has been distributed to the Planning Commission members, then the item will remain on the agenda for Planning Commission's consideration. Deferral shall require majority vote of the quorum present.

2. Additions to the agenda. Requests to add an item to be considered by the Planning Commission may be submitted up to the date of the Planning Commission meeting. Requests shall be made to the Planning Department, in writing, signed by the party requesting the addition to the agenda. Such requests will be honored, unless the matter to be added requires notification to property owners, or unless additional staff time for review and recommendation is required. Additions to the agenda shall require the unanimous vote of the quorum present.

3. Withdrawals from the agenda. Requests to withdraw an item from an agenda may be submitted up to the date of the Planning Commission meeting. Requests shall be made to the Planning Department in writing, signed by the requesting party. The person requesting withdrawal (or his/her representative) shall personally appear at the Planning Commission meeting on the date the matter is initially scheduled to be heard. If the matter requires notification to property owners, and if such notifications have already been made, then the request to withdraw the matter shall be brought to the Planning Commission for consideration. Withdrawal from the agenda shall

require the majority vote of the quorum present. A resubmittal of the application and fee shall be required for any matter withdrawn.

Section 4. Re-application. No reapplication shall be accepted within six months of final action by the City Commission, but this in no way shall restrict the initiation of applications by the Planning Commission or City Commission. A re-application is an application relating to all or a part of the same property involved in the previous application.

Section 5. Motions. A motion by a Planning Commissioner shall be required for all actions involving subdivision, rezoning requests, text amendments to the Zoning Ordinance and Subdivision Regulations, annexations, right-of-way abandonments, and planning-related policies involving city growth and development. All motions made by a Planning Commissioner shall receive a second prior to a vote on the motion. Motions not receiving a second shall be considered to have failed.

a. Motions ending in a tie vote shall be considered to have failed.

ARTICLE XIII Adoption and Amendments

Section 1. These by-laws may be adopted by a two-thirds vote of the entire membership of the Planning Commission.

Section 2. These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

Adopted February 11, 1958
Effective Date February 11, 1958
Amended October 8, 1985
January 14, 1986
September 9, 1986
May 10, 1988
August 9, 1988
November 8, 2005
November 14, 2006
March 10, 2009
February 10, 2015