

BY-LAWS

JOHNSON CITY REGIONAL PLANNING COMMISSION

ARTICLE I

Objective and Purpose

The objectives and purpose of the Johnson City Regional Planning Commission (hereafter "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 (10) members. One (1) of the members shall be the Mayor of Johnson City or a person designated by the Mayor, one (1) shall be a member of the Board of Commissioners selected by said Board of Commissioners, at least one (1) 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 (3) years.

ARTICLE III

Officers and Their Duties

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

Section 2. The Chairperson 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 Chairperson 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-Chairperson shall be one of the appointive members of the Planning Commission and shall act for the Chairperson in his or her absence.

Section 5. In the event of the absence of both the Chairperson and Vice-Chairperson, the Secretary will assume the responsibility of chairperson for that meeting and proceed with the order of business. If the Chairperson, Vice-Chairperson and Secretary are absent, the members present may elect a temporary Chairperson for that meeting and proceed with the order of business.

Section 6. The Administrative Coordinator for Department of Development Services will act as Recorder and shall keep the minutes and records of the Planning Commission, prepare with the Chairperson 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 that are normally assigned and coordinate with the Secretary those actions. The Secretary is responsible for signing all plats approved by the Planning Commission and all replats that are approved administratively.

Section 7. When the Secretary is absent or unavailable, the Assistant Secretary shall perform and be vested with all the duties and powers of the Secretary.

Section 8. The Administrative Coordinator or such staff appointed by the Development Services Director may perform in the name of the Secretary all functions listed in Section 6, excluding the signing of subdivision plats that shall be reserved exclusively to the Secretary or the Assistant Secretary of the Planning Commission, or in the absence of both, the Chairperson of the Planning Commission.

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 quorum 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 Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The Recorder, after coordinating with 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 (5) days notice of special meetings may be waived if approved by majority of all Planning Commission members.

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 Chairperson 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. Before a location-specific public hearing of any kind (rezoning, annexation, etc) is held, residents within a minimum of two hundred feet (200') of the area in question should be notified of the hearing fifteen (15) days prior or as required by state law.

Section ~~3~~-4. 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 5. When a member of the Planning 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.

Section ~~4~~-6. A record shall be kept of those speaking before the Planning Commission.

Section 7. The applicant shall present their case, including:

- a. The applicant's name and address of residence;
- b. A statement of why the applicant believes the request should be granted, and

Section 8. The opponent shall present their case, including:

- a. The opponent's name and address of residence;
- b. A statement of why the opponent believes the request should not be granted

Section 9. Time Limits on Testimony

- a. Except otherwise permitted by the Chairperson, the applicant shall have no more than ten (10) minutes to present their case. When the Chairperson permits the applicant to present their case for more than ten minutes, the Chairperson shall state for the records the reasons justifying the extension. Before the consideration of the first case on the agenda, the Chairperson of the meeting may decrease this time limit for all cases to be heard at the meeting considering the number of applications on the agenda.
- b. Each person appearing in support or in opposition to the request shall have up to three (3) minutes to present their case. The Chairperson of the meeting may alter this time limit equally for each speaker depending on the length of the agenda and the number of persons wishing to speak on the item under consideration.

- c. Any person in support or in opposition to the application may petition the Planning Commission for additional time for case presentation. The petitioner must state what extenuating circumstances exist that would prevent the petitioner from completing their presentation in the allotted time. Should the Planning Commission grant such a request, each side of the case shall receive an equal amount of additional time.

Section 10. Planning Commissioners may question speakers for clarification, additional information, etc. that is pertinent to enabling the Planning Commissioners to make informed decisions.

Section 11. All exhibits presented to the Planning Commission for consideration must be submitted as evidence and made part of the record unless the Planning Commission otherwise deems it unrelated to the request under consideration.

Section 12. Upon the conclusion of all of the testimony and evidence, the public hearing will be closed and no further evidence may be admitted except as the Planning Commission may permit on motion.

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.

Section 4. When a rezoning request comes before the Planning Commission and the Planning Commission determines through staff findings, public input or Planning Commissioners submission that deed restrictions upon the land are contrary to the zoning change requested, the Planning Commission shall be defer the item until the parties involved come to an agreement.

ARTICLE XII

Procedures for Filing Applications with the Johnson City Regional Planning Commission

Section 1. All applications for matters to be brought before the 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 Division of Planning on or before the fifteenth (15th) day of the month preceding the month in which the item is to be considered. If the fifteenth (15th) 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 (15th).
- b. Application for certain matters may be submitted on or before the Tuesday fourteen (14) days prior to the 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.
- c. The submission of an application by the fifteenth (15th) of the month deadline does not guarantee the placement of the application on the next Planning Commission meeting agenda or approval. Staff may delay placing the item on the agenda for no more than ninety (90) days from the date of submission of the application if the Development Services Director determines that significant information required from the applicant for review of the application is lacking.

Section 3. 1. Deferrals from the agenda. Requests to defer matters 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 requesting party, and shall include the date to which the item is requested to be deferred. In addition to the written request, the person requesting deferral (or his/her representative) may 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 or at the meeting itself.

- a. When requesting withdrawal before the meeting, the requests shall be made to the Planning Department in writing, signed by the requesting party. 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.
- b. When requesting withdrawal at the meeting, the applicant 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. 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. For those applications that require decision by the City Commission, 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. Motions ending in a tie vote shall be considered to have failed.

ARTICLE XIII **Standing Committees**

Section 1: The Planning Commission shall have three standing committees that represent major areas of responsibility of the Planning Commission. Each Planning Commissioner shall serve on at least one committee, except that the Chairperson of the Planning Commission shall not be a member of any specific committee but may assist any Committee as he or she deems necessary. The Planning Commission Chairperson shall appoint the committee members annually. Each committee shall meet on an as-needed basis. Each Committee shall have a committee chairperson appointed by the Chairperson of the Planning Commission. At the option of its chair, a standing committee of the Planning Commission may draw upon one or more citizens who are qualified to assist with particular assignments.

Section 2: Long Range Plans Committee

The Long Range Plans Committee shall provide oversight to staff in the development of long-range plans such as the Comprehensive Plan, Neighborhood Plans, Corridor Plans, Downtown Redevelopment Plans and Transportation Plans work programs, and the completion of the work program tasks. It shall pay special attention to the updating and implementation of these plans upon their adoption. The Committee, working with staff, will provide updates on its work at least quarterly and make recommendations to the Planning Commission.

Section 3: Current Land Use and Transportation Committee

The Current Land Use and Transportation Committee shall provide oversight to staff in matters of current land use such as site plans, subdivisions development, housing development and standards, and architectural details in special districts such as overlay districts. Applications for current land use developments, including annexations and rezoning requests are not required to be reviewed first by the Current Land Use and Transportation Committee before consideration by the Planning Commission at its regular or special called meetings. However, where staff determine it valuable or the applicant deem it necessary that the Committee provide preliminary review, the Current Land Use and Transportation Committee may consider the request. The Committee, working with staff, will provide updates on its work at least quarterly and make recommendations to the Planning

Commission.

Section 4: Legislation and Policy Advisory Committee

The Legislation and Policy Advisory Committee shall review ordinance and subdivision regulations amendment proposals with staff prior to consideration by the full Planning Commission. Citizens, staff, the Johnson City Board of Commissioners or the Planning Commission, may propose such amendments. The Committee shall also be responsible for periodic review of the by-laws and standing rules of the Planning Commission for approval by the full Planning Commission. It shall coordinate with the Planning Commission Chairperson on issues of strategic importance to the functioning of the Planning Commission. The Committee, working with staff, will provide updates on its work at least quarterly and make recommendations to the Planning Commission.

ARTICLE XIV

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
April 9, 2019