

BY-LAWS OF THE MARYVILLE MUNICIPAL PLANNING COMMISSION

OBJECTIVE AND PURPOSE

The Maryville Municipal Planning Commission shall have the powers and duties prescribed to it in Title 14 of the Maryville Municipal Code and those described in Tennessee Code Annotated §§13-4-101 through 13-4-105.

ARTICLE I – COMMISSION STRUCTURE

Section 1. Officers and Their Duties

- A. The officers of the Planning Commission shall consist of a chair, vice-chair, and secretary.
- B. The chair shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.
- C. The chair shall be a member of the Planning Commission. The chair is a voting member of the Planning Commission.
- D. The vice-chair shall be a member of the Planning Commission and shall act for the chair in her/his absence.
- E. The secretary shall be one of the members of the Planning Commission and shall be responsible for the minutes of the Planning Commission, preparing the agenda of regular and special meetings (along with the chair), providing notice of meetings to Planning Commission members, arranging proper and legal notice of hearings, execution of all documents and plats for the Planning Commission, attending to correspondence of the commission and such other duties as are normally carried out by a secretary. Though the secretary is ultimately responsible for carrying out these duties, the day-to-day execution of these duties (except for execution of plats) may be delegated to city staff to act as agent for the secretary when appropriate.
- F. The Planning Commission hereby designates the Planning Commission chair and vice-chair to act on behalf of the secretary to execute documents, including but not limited to signing plats, on behalf of the Planning Commission in the event the Secretary is unavailable
- G. In the absence of the chair and vice-chair, the secretary shall be responsible for calling the meeting to order and serving as chair. In the absence of all officers, a member of the commission shall call the meeting to order and the commission shall nominate and elect a chair for the meeting.

Section 2. Election of Officers

- A. Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting which shall be held on the third Monday in July each year. Two-thirds of the membership shall be present at this meeting, and the election will be postponed until this number is present.
- B. The candidate for each office receiving a majority vote of the members present shall be declared elected.
- C. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.
- D. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE II – RULES OF PROCEDURE

Section 1. Meetings

- A. Meetings shall be held on the third Monday of each month at such time determined by the commission at the Maryville Municipal Building or at such other date or place as determined by the commission. If the meeting date falls on a holiday in which city offices are closed, the meeting will be held the following day.
- B. A quorum for the Planning Commission shall consist of a majority (four) of the commission membership (excluding vacant seats). A quorum is necessary for the commission to take official action.
- C. All actions of the Planning Commission shall be taken by a majority vote, a quorum being present.
- D. All matters before the commission shall first be discussed by those attending who are interested in same and by the members of the commission prior to a motion regarding the matter; thereafter the chair may entertain a motion regarding the matter.
- E. The Planning Commission is to make findings of fact, statements of material evidence, and reasons for its actions as part of each motion or action of the board.

Section 2. Called Meetings

- A. A called meeting may be scheduled if deemed necessary by the chair.
- B. An applicant may request a called meeting by submitting an application and paying the fee as established in the Zoning and Land Use Ordinance. A called meeting may be scheduled presuming the application is complete, public notification requirements can be met and a minimum quorum can be present. Called meetings to consider a

preliminary or final plat shall only be scheduled if the plat is submitted with the request for the meeting with all staff comments addressed and/or all necessary signatures obtained.

Section 3. Manner of Voting. The voting of all questions coming before the commission shall be by roll call, and the ayes and nays shall be entered upon the minutes of such meeting, except that recording unanimous vote as such shall be sufficient. Members should vote their conscience, regardless of any perception of trending opinion.

A. An affirmative vote by a majority of the entire commission membership is required to approve any item. If a motion to approve or deny any request or application does not receive the necessary majority vote and less than the full commission is present, the item will automatically be deferred until the next regular meeting. If the full commission is present and a motion to approve or deny any request or application does not receive the necessary majority vote, then the item is considered to be denied.

B. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as a negative vote unless the member has recused themselves or abstains.

C. A member shall recuse themselves from voting on a particular issued under the following circumstances:

- (1) If the member has a direct financial interest in the outcome of the issue under consideration
- (2) If the matter at issue involves the member's own conduct
- (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility
- (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest
- (5) If required to do sunder applicable state laws relating to conflicts of interest.

Section 4. Record Keeping. All meeting minutes and actions taken by the Planning Commission will be kept on file with the City of Maryville's Development Services Department.

Section 5. Rules of Order. The latest edition of Roberts Rules of Order shall govern the meetings of the Commission.

Section 6. Amendments. These bylaws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

ARTICLE III – PROCEDURES FOR FILING APPLICATIONS WITH THE 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 or approval shall be filed with the Development Services Department on or before the fourth Monday of the month preceding the month in which the item is to be considered. If the fourth Monday of the month falls on a holiday in which city offices are closed, then such applications shall be filed on the next regular working day.

B. Final Plats: As required by the City of Maryville Subdivision Regulations, all final plats must be submitted to the Planning Commission with all necessary signatures.

Section 3. 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 Development Services 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. 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.

ARTICLE IV – AGENDAS

Section 1. The agenda shall be prepared by the Development Services Department.

Section 2. For any item to be placed on the agenda, the application must be complete, and the necessary fees paid.

Section 3. Preliminary Plats: Preliminary Plats shall be submitted containing the information as required by the Maryville Subdivision Regulations.

A. Following the initial submittal, Development Services staff shall submit comments and corrections to the applicant within 5 business days. The applicant must submit the revised plat to the office within 5 business days. If staff comments and corrections are not addressed and the preliminary plat resubmitted within the aforementioned timeframe, the item will not be placed on the agenda for the meeting.

Section 4. Final Plats: As required by the Maryville Subdivision Regulations, final plats requiring the approval of the Planning Commission must be submitted to the commission with all necessary certification signatures. If the plat has not been submitted to the commission with all signatures by the 5 pm on the Friday prior to the meeting at which it is to be considered, the application will be deemed incomplete, and the request considered withdrawn.

ARTICLE V – PUBLIC NOTICE

Section 1. Meetings: All meeting of the Planning Commission are open to the public. A notice of any meeting is to be advertised in the Daily Times and the agenda available on the city’s website.

ARTICLE VI – ADVISORY COMMITTEES

Section 1. In exercising its responsibilities as prescribed in Tennessee Code Annotated 13-4-103 and elsewhere in state law to perform its purposes and promote municipal planning, the commission may create designate advisory committees consisting of its membership and others deemed necessary to study and report back to the commission on relevant issues.

MARYVILLE MUNICIPAL PLANNING COMMISSION:

Chair: _____

Secretary: _____

Revisions:

10/21/96
4/21/03
10/20/03
02/15/10
12/19/16
9/17/18
###/##/23

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- E. The secretary shall be one of the members of the Planning Commission and shall be responsible for the minutes of the Planning Commission, preparing the agenda of regular and special meetings (along with the chair), providing notice of meetings to Planning Commission members, arranging proper and legal notice of hearings, execution of all documents and plats for the Planning Commission, attending to correspondence of the commission and such other duties as are normally carried out by a secretary. Though the secretary is ultimately responsible for carrying out these duties, the day-to-day execution of these duties (except for execution of plats) may be delegated to city staff to act as agent for the secretary when appropriate.
- F. The Planning Commission hereby designates the Planning Commission ~~c~~Chair and vice-chair to act on behalf of the secretary to execute documents, including but not limited to signing plats, on behalf of the Planning Commission in the event the Secretary is unavailable
- G. In the absence of the chair and vice-chair, the secretary shall be responsible for calling the meeting to order ~~and holding an election for an acting chair and serving as chair.~~ In the absence of all officers, a member of the commission shall call the meeting to order and the commission shall nominate and elect a chair for the meeting.

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- E. The Planning Commission is to make findings of fact, statements of material evidence, and reasons for its actions as part of each motion or action of the board.

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- A. ~~A called meeting may be scheduled if deemed necessary by the cChair. In the event of the failure to obtain a quorum at a regular meeting, the Chair shall direct staff to~~

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schedule a called meeting provided public notice requirements can be met and a minimum quorum can be present.

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