

**BYLAWS OF THE
WILLIAMSON COUNTY REGIONAL
PLANNING COMMISSION**

AMENDED: December 12, 2019

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**BYLAWS OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION**

1.1 BYLAWS PURPOSE AND AUTHORITY

1.1.1 Pursuant to Tennessee Code Annotated, Section 13-3-103, the Williamson County Regional Planning Commission for Williamson County, Tennessee, hereinafter referred to as the “Planning Commission”, hereby enacts these bylaws.

1.1.2 The Purpose of these bylaws is to provide for the orderly disposition of the business of the Planning Commission.

2.1 THE PLANNING COMMISSION

2.1.1 Planning Commission Name

The name of the Planning Commission shall be the “Williamson County Regional Planning Commission”, hereinafter referred to as the “Planning Commission.”

2.1.2 Planning Commission Office

The principal office of the Planning Commission shall be located at the County Administrative Complex, 1320 W. Main Street, Suite 400, Franklin, Tennessee 37064.

3.1 GENERAL POWERS AND AUTHORITY

3.1.1 Applicable Legislation

The purposes and general powers of the Planning Commission shall include those purposes and powers specified in:

- (1) Tennessee Code Annotated, Title 13, Chapter 3, Parts 1, 3, and 4 and Title 13, Chapter 7, Part 1, and any amendments and supplements thereto enacted by the Tennessee General Assembly;
- (2) The Williamson County Zoning Ordinance and any amendments and supplements thereto; and
- (3) The regulations, rules and bylaws and policies adopted and enumerated by the Planning Commission, including the Subdivision Regulations, the Comprehensive Plan, the Major Thoroughfare Plan and the Administrative Manual.

4.1 OFFICERS

4.1.1 Officers

The officers of the Planning Commission shall be a chairperson, vice-chairperson, secretary and secretary pro-tempore.

4.1.2 Elections

The officers shall be elected at the regular meeting held in August of each year. Nominations shall be made by the members of the Planning Commission. The candidate receiving a majority vote of those members present shall be declared elected. Term of office will be one (1) year, with eligibility for re-election. In the event the election of officers is not conducted at the August meeting or a meeting does not occur in August, then the current officers shall continue to serve until the election is held at the next scheduled meeting of the Commission.

4.1.3 Chairperson

The chairperson shall preside at the meetings of the Planning Commission and shall be permitted to vote on all matters. The chairperson is empowered to appoint committees of the Planning Commission in accordance with these bylaws, and shall be an ex-officio voting member of all said committees.

4.1.4 Vice-Chairperson

The vice-chairperson shall perform the duties and exercise the powers of the chairperson during the absence or disability of the chairperson.

4.1.5 Secretary

The secretary may or may not be a member of the Planning Commission. The secretary may be a member of the Planning staff. The secretary shall be responsible for the keeping of the minutes of meetings and proceedings of the Planning Commission. The secretary shall sign plats and other documents on behalf of the Planning Commission. The secretary shall give notice of all meetings and shall perform such other duties as are from time to time delegated by the Planning Commission.

In the event of the absence of both the chairperson and vice-chairperson, a temporary chairperson shall be elected from among the members present and comprising a quorum. The secretary of the Planning Commission shall take nominations and conduct this election.

4.1.6 Secretary Pro-Tempore

The secretary pro-tempore may or may not be a member of the Planning Commission. The secretary pro-tempore may be a member of the Planning staff. The secretary pro-tempore shall perform the duties of the secretary during the absence or disability of the secretary.

5.1 RECORDS

The Planning Commission shall keep permanent records of all items of business. These records shall be made available to anyone wishing to see these records in accordance with the Tennessee Code Annotated Public Records Act and the rules and policies adopted by the Williamson County Public Records Commission.

6.1 MEMBERS

6.1.1 Membership

The Planning Commission shall consist of twelve (12) members. At least one member of the Planning Commission shall be a member of the County Commission. Further, less than a majority may hold salaried public offices, excluding faculty members of educational institutions.

6.1.2 Appointment

Members of the Planning Commission shall be nominated in writing by the County Mayor and confirmed by the County Commission in accordance with Tennessee Code Annotated Section 13-3-101(i).

6.1.3 Compensation

Planning Commission members may receive compensation for his/her attendance at the Planning Commission meetings and may be reimbursed for personal expenditures made directly in connection with the work of the Planning Commission.

6.1.4 Term

The term of members of the Planning Commission shall be four (4) years with the exception of any members who are also members of the County Commission whose term shall be coterminous with such member's term with the County Commission.

6.1.5 Removal

The County Commission may remove a member of the Planning Commission for cause specified in writing served on the member and after a hearing, in accordance with Tennessee Code Annotated Section 13-3-101(j) or for cause in relation to the ethical obligations as described in these bylaws. Such member shall be given not less than fifteen (15) days' written notice of this hearing.

6.1.6 Vacancy

Any vacancy in membership of the Planning Commission shall be filled through appointment by the County Mayor, subject to confirmation by the County Commission, for the unexpired term. Exception is if such vacancy is that of a member of the County Commission whose term of the member so designated shall be coterminous with such member's term of the County Commission.

6.1.7 Conduct

- (1) **Site Visits.** A member of the Planning Commission, at his/her own discretion, may visit sites for the evaluation of a matter on the agenda. The site visits shall not be in the company of other members of the Planning Commission unless notice of the visit is advertised to the public as required by the Open Meetings Act. Any such visits shall be disclosed at the meeting as well as any particular information that was obtained during the visit.
- (2) **Ex Parte Communication.**
 - (a) At no time shall two or more members of the Planning Commission meet to discuss any issues to be heard by the Planning Commission without first complying with Tennessee Code Annotated, Title 8, Chapter 44, Part 1. Nothing in this section shall be construed as to require a chance meeting of two or more Planning Commission members to be considered a public meeting so long as the members do not use the meeting to decide or deliberate on any matters to come before the Planning Commission.
 - (b) In all matters before the Commission, it is best practice that the Commission members refrain from ex parte communications. All elected and appointed members should refrain from ex parte contact on pending actions for which Commission decisions are binding. If contact does occur on these decisions where the Commission action is binding, the member of the Commission shall report that contact in full to the Commission prior to any action on the matter. Nothing in this statement prohibits an elected member from communicating with citizens regarding matters over which the County Commission has the final, binding decision.

- (3) Direct Economic Conflict of Interest. Any member of the Planning Commission who personally has, or has an immediate family member who has any economic stake in any item or matter to come before the Planning Commission must make known the conflict and excuse him or herself from discussion or voting on the item. At no time may a member of the Planning Commission derive or attempt to derive any unjustified enrichment from his/her position on the Planning Commission through the solicitation or acceptance of any bribe, gift or other economic benefit, which the member believes or should believe was intended to influence his or her vote or other action to be taken in his/her capacity. Planning Commission members shall not accept any gift or other economic benefit granted because of any vote or other action taken in his/her official capacity already taken by him/her.
- (4) Indirect Conflict of Interest. Any member of the Planning Commission who has an indirect interest in any matter that is to be heard by the Planning Commission may vote on the matter if the member informs the body immediately before the matter is heard that he/she has an indirect conflict of interest but that he/she declares that he/she will vote his/her conscience to fulfill his/her obligation to the citizens that the Planning Commission represents. "Indirect Conflict" shall mean any contract or transaction in which the Planning Commission member may have an interest but will not derive a direct benefit from the action.
- (5) Code of Ethics. All members of the Planning Commission are subject to the terms of the Code of Ethics adopted by the County Commission and as may be amended from time to time.

7.1 BUDGET

Exclusive of gifts, the Planning Commission shall rely on the monies appropriated by the County Commission to fund the activities and expenses of the Planning Commission.

8.1 MEETINGS

8.1.1 Regular Meetings

- (1) Regular meetings of the Planning Commission shall be held on the second Thursday of each month at 5:30 p.m. in the County Administrative Complex, or other such place designated by the Planning Commission. Due to holiday schedules and other unforeseen events, it may be necessary to reschedule or cancel a regular meeting. When that occasion arises, the Planning Commission shall vote to cancel or reschedule the meeting. In no event shall a meeting be cancelled by vote of the Planning Commission within less than thirty (30) days of a regular meeting. The only exception would be where a quorum is not present and the Planning Commission is

therefore unable to conduct its business, in which case the meeting shall be cancelled without a vote of the Planning Commission and rescheduled to the next available time when a quorum can be present and proper notice of the meeting, in accordance with these bylaws, can be given.

- (2) The deadline for submittal for regular meetings shall be as specified in the Administrative Manual.

8.1.2 Special Meetings

The chairperson, when deemed necessary, may call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

8.1.3 Publication

Notice of regular meetings shall be published at least ten (10) days prior to that meeting in one (1) local newspaper and on the County website. If possible, notice of special meetings shall be published prior to said meeting in one (1) local newspaper and on the County website. If notice of a special meeting is not possible in one (1) local newspaper, other media shall be utilized for publication.

8.1.4 Agenda

- (1) It shall be the duty of the Planning Department to prepare an agenda listing the business and matters to be considered by the Planning Commission at said meeting.
- (2) Agenda and Non-Agenda Items
 - (a) Agenda Items

In order for an item to be placed upon the agenda, the submission to the Planning Department shall be in accordance with the requirements of the Zoning Ordinance, Subdivision Regulations (including all rules and regulations incorporated therein), and the Administrative Manual. Any item submitted that is not in accordance, shall not be placed on the agenda.
 - (b) Non-Agenda Items

Non-agenda items are to only be rarely considered. Items not submitted in accordance with the requirements of this Section shall not be placed on the agenda unless the applicant contacts the Planning Department, as described herein. Non-agenda items shall be placed on the agenda only upon the unanimous approval of those Planning Commissioners present and voting. Additionally, the request must be supported by the Planning Department. First time reviews of concept plans, preliminary plats, final plats, or bond reviews are ineligible for non-agenda item consideration. It

is the responsibility of the applicant to provide a letter requesting the non-agenda item to the Planning Director as well as to supply necessary documentation for a thorough consideration of a non-agenda item and pay all applicable fees.

- (3) Items considered at special meetings are limited to those designated in the call. The items shall be listed in an agenda at the earliest possible date.
- (4) Items deferred by the Planning Commission shall be reset as determined by the Planning Commission. The provisions of Tennessee Code Annotated, Section 13-3-404, shall apply as to the time frame in action upon all subdivision plats. Subdivision plats may be voluntarily withdrawn by the applicant as well.
- (5) Consent agenda items are deemed by the Planning Commission to be routine in nature (such as bond review and final plat approvals of later sections of a development) and will be approved by one motion. The items on the consent agenda will not be discussed. Any member of the Planning Commission desiring to discuss an item on the consent agenda may request that it be removed and placed on the regular agenda. It will then be considered in its printed order. If an item is approved on the consent agenda, it is approved with the staff recommendation unless otherwise noted.

8.1.5 Quorum

A quorum is defined as a majority of the membership of the appointed members of the Planning Commission. A quorum must be present to call a meeting to order and to hear an item on the agenda. Once a quorum is established, it will not be removed upon recusal of a member or if a member leaves for any reason.

8.1.6 Voting

- (1) Due to the nature of the action of the Planning Commission and in order to fully discuss and specify the basis upon which an action is taken, the Planning Commission will consider each agenda item for discussion prior to offering a motion on that agenda item. At the discretion of the Chairperson, the voting upon any item may be by roll call, with the results duly reported within the minutes of the meeting. Voice votes without opposition shall be recorded as a unanimous vote within the minutes of the meeting.

- (2) A concurring vote of a majority present and voting shall be necessary to deny or approve an agenda item or any other matter.
 - (a) A recusal is not considered the same as an abstention. A recusal is not counted in determining the required majority vote.
 - (b) An abstention is a vote, but it is not a vote in favor or against the motion. An abstention is counted in determining the required majority vote.
 - (c) A tie vote results in the motion failing.
- (3) In accordance with Tennessee Code Annotated, Section 13-3-404, the Zoning Ordinance and Subdivision Regulations, the Planning Commission must take action by majority vote to approve, approve with conditions, defer or deny an application for a subdivision plat or plan or a site plan within sixty (60) days of first consideration of the application for subdivision plat or plan or site plan. A tie vote or a motion failing for lack of a second does not fulfill this requirement and the Planning Commission must continue to take action until a majority vote is achieved.
- (4) In accordance with Tennessee Code Annotated, Section 13-3-103, the Planning Commission is required to make findings of fact and statement(s) of material evidence to support any action taken.
- (5) Failure to act within sixty (60) days of the Planning Commission's first consideration of an application will result in automatic approval of that application unless the applicant agrees to an extension of time beyond the sixty (60) days. An automatic approval violates the obligation of the Planning Commission to provide findings of fact and statement(s) of material evidence in support of its action. Tennessee Code Annotated, Section 13-3-404.
- (6) When an application for other than a subdivision plat or plan or site plan, does not receive a majority vote of those present and voting for approval or denial, fails for lack of motion, or results in a tie vote, the application shall be considered to have failed.

8.1.7 Order of Business

- (1) Call to Order
- (2) Announcements
- (3) Consideration of Minutes
- (4) Presentation of Agenda Items for Discussion and Action
- (5) Non-agenda items
- (6) Any other business

8.1.8 Attendance by Applicants

In order that any concerns expressed by Planning Commission members might be addressed, it is mandatory that the applicant and/or a designated representative be present. Failure to be available to address Planning Commission concerns may constitute a withdrawal from consideration of the item in question.

8.1.9 Minutes

- (1) A permanent record of the Planning Commission and its proceedings shall be maintained as minutes. It is the responsibility of the Secretary of the Planning Commission or designee to prepare the minutes of the proceedings and maintain copies of all reports, exhibits, correspondence and other pertinent information utilized by the Planning Commission in the course of its deliberations. The minutes shall contain the following information:
 - (a) The kind of meeting, such as regular or special.
 - (b) The name of the assembly.
 - (c) The meeting date and place.
 - (d) The fact of the regular chairperson being present, or, in his/her absence, the name of vice-chairperson or temporary chairperson.
 - (e) The main motions and the name of the Planning Commission member making the motion, and whether the motion was seconded.
 - (f) The action taken on the motion and the reasons for the action.
 - (g) The names of the persons addressing the Planning Commission and a general statement as to whether they favored or opposed the proposition addressed and a summary of their statement.
 - (h) The hours of the meetings and its adjournment.
- (2) The minutes shall be attested by the chairperson.
- (3) The minutes shall remain on file for general reference. The minutes shall be delivered to the Planning Commission members for examination before the next regular meeting.

9.1 PUBLIC PARTICIPATION

9.1.1 Written Materials

- (1) In order to provide information to the Planning Commission in a timely manner, all written materials of any kind that are delivered to the Planning Department for delivery to the Planning Commission for consideration during any regularly scheduled or called meeting must be received by the Planning Department no later than 12:00 p.m./Noon, three (3) days prior

to the meeting date. This would be 12:00 p.m./Noon on Monday before the regularly scheduled Thursday evening meeting.

- (2) In order to facilitate the receipt by the Planning Commission of written materials via electronic communications from members of the public, the Planning Department has created an email address for the entire Planning Commission, so that all members are in receipt of the same information. Written materials sent via electronic communications directed to the Planning Commission members should be sent to this designated email address in order to be considered. The email address is located on the County website. Any written materials sent electronically to the Planning Commission members shall also be provided electronically to the Planning Director at the same time. The deadline for submittal of written materials sent electronically shall be the same as in Section 9.1.1(1) above.
- (3) Written materials of any kind received after the deadline specified herein, whether the documents were submitted to Planning Staff, any Planning Commissioner, County Commissioner, other Elected Official or any other Department or Staff member of Williamson County Government will not be considered in the deliberations by the Planning Commission and will not be made a part of the Official Record of the Planning Commission.
- (4) Written materials, as the term is utilized in these bylaws, include any correspondence, memoranda, reports, studies, and information of any kind, electronic or otherwise, submitted by anyone other than the applicant of the item under consideration or his/her representative, Planning/Community Development Staff and Planning Commission legal counsel, or from any source produced at the request of Planning/Community Development Staff or Planning Commission legal counsel, regardless of how said written materials were delivered.

9.1.2 Public Hearings

- (1) Public hearings shall be conducted on all matters required by the Williamson County Zoning Ordinance. In addition, the Planning Commission shall conduct a public hearing on the following types of development:
 - (a) Any Concept Plan, as defined by the Subdivision Regulations, for a residential development consisting of fifty (50) or more lots; and
 - (b) Any existing Concept Plan seeking a revised Concept Plan approval for a residential development consisting of fifty (50) or more lots.
- (2) Method and manner of notification of public hearings shall be as required by the Zoning Ordinance or Subdivision Regulations.

- (3) Public hearings afford an opportunity for members of the general public (or their representatives) to address an item under consideration by the Planning Commission, which has been designated for public hearing.
 - (a) Members of the Planning Commission/Community Development staff, Planning staff, Planning Commission legal counsel, any representative or consultant on behalf of any County department and the Applicant or his/her representative are not limited to these public hearing procedures and are not considered as part of this Public Participation.
 - (b) If an item is not designated as a public hearing item on the Planning Commission agenda, there will be no public comment received during the meeting. For any of those items not subject to a public hearing, comments may be addressed to the Planning Commission via the Written Materials procedures discussed herein.
- (3) Each public hearing shall be allotted a total of thirty (30) minutes for each public hearing item. Each speaker addressing the Planning Commission during the public hearing will be allotted a total of three (3) minutes each.
- (4) Items eligible for public hearing shall be considered and the public hearing conducted according to the following procedure:
 - (a) Prior to the meeting, those wishing to speak on an item for public hearing are required to sign up on the Request to Speak sheet, which will be made available thirty (30) minutes prior to the start of the meeting. The Request to Speak sheet(s) will be collected at the start of the meeting.
 - (b) The chairperson will advise the public that an item is considered for public hearing.
 - (c) Planning staff will present the Staff Report.
 - (d) Any other County Department representatives or consultants appearing on behalf of the County may address the item at this time.
 - (e) The applicant and/or his/her designated representatives may, but are not required to, next present information regarding the proposal.
 - (f) The Planning Commissioners may ask questions of the applicant or staff following this presentation with the questions directed through the chairperson.
 - (g) The chairperson will then open the public hearing.

(h)The Chairman or a staff member will call the names of those persons who have signed the Request to Speak sheet in the order received. Anyone who has not signed the Request to Speak sheet may not speak at the public hearing.

(i)Comments are limited to only the item under consideration at that time.

(j)The speaker shall state his/her name and address. If the speaker is appearing on behalf of a group or organization other than his/her personal interests, then that representation shall be disclosed.

(k)The speaker shall make clear whether he/she is in favor or opposed to the item under consideration with a brief explanation to support his/her position.

(l)The speaker should direct his/her comments to the chairperson.

(m)If the speaker poses any questions during his/her comments, it will be within the chairperson's discretion to seek answers to those questions following the close of the public hearing.

(n)When not appearing at the podium or being recognized by the chairperson, **no one** may be permitted to speak or shout from the audience. Anyone who violates this provision shall leave the meeting, if requested to do so by the chairperson.

(o)Once all who have signed the Request to Speak sheet have had an opportunity to speak, the chairperson will close the public hearing, after which time, **no one other than** the Planning Commission members, Planning/Community Development staff, Planning Commission legal counsel, any consultants appearing on behalf of the County and the applicant or his/her representative(s) may speak, unless a member of the Planning Commission asks permission from the chairperson to allow someone to speak or answer a question from the Planning Commission. It is within the discretion of the chairperson whether to grant or deny this request.

9.1.3 County Commissioner Participation

- (1) Currently serving County Commissioners will be permitted to address the Planning Commission on any item on the agenda, except for items subject to Closed Session.
- (2) The County Commissioner may not present written materials, except in accordance with the Written Materials procedure described herein.
- (3) The Planning Commissioners may pose questions to the County Commissioner through the chairperson.
- (4) If the County Commissioner poses any questions during his/her comments, it will be within the chairperson's discretion to seek answers to

those questions following the close of the County Commissioner's comments.

- (5) It is within the chairperson's discretion whether to permit that same County Commissioner to further address the Planning Commission after he/she has completed his/her comments.

10.1 COMMITTEES

Special committees may be appointed by the chairperson for purposes and terms, which the Planning Commission members approve by majority vote.

11.1 AMENDMENTS

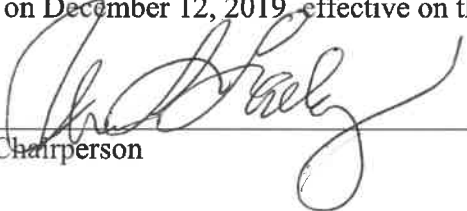
These bylaws may be amended at a regular or special meeting, but no amendment shall be adopted unless a written notice of at least four (4) days has been previously given to all members of the Planning Commission. A favorable vote of a majority of the entire membership of the Planning Commission shall be required to effect a change in these bylaws.

12.1 PARLIAMENTARY PROCEDURE

Whenever a parliamentary matter arises that is not covered in these bylaws, the current edition of Robert's Rules of Order shall apply.

13.1 ADOPTION AND EFFECTIVE DATE

These Planning Commission bylaws were originally adopted on February 9, 1995 and amended on January 10, 2008 and on August 11, 2016. The current version was amended and adopted on December 12, 2019, effective on the same date.



Chairperson



Secretary