

**BY-LAWS**

**WESTMORELAND MUNICIPAL PLANNING COMMISSION**

**WESTMORELAND, TENNESSEE**

RESOLUTION AMENDING BYLAWS AND RULES OF PROCEDURE OF THE  
WESTMORELAND MUNICIPAL PLANNING COMMISSION

WHEREAS, THE CITY OF WESTMORELAND MUNICIPAL PLANNING COMMISSION, wishes to comprehensively amend its bylaws and rules of procedure for the transaction of business pursuant to Public Chapter 701, 2010 Acts of the Tennessee General Assembly; and

WHEREAS, Public Chapter 701 stipulates that the Bylaws and Rules of Procedure shall include, but not limited to, the selection of additional officers from among its members it deems appropriate to fulfill the organizational needs of the Commission, the requirements for the Commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the Commission, and the keeping of public records of its resolutions, transactions, motions, actions and determinations.

NOW THEREFORE BE IT RESOLVED BY THE WESTMORELAND MUNICIPAL PLANNING COMMISSION that the *Bylaws and Rules of Procedure of the Westmoreland Municipal Planning Commission* set forth below are hereby adopted and any previous Resolution of the Planning Commission in conflict thereof is hereby repealed:

**BYLAWS AND RULES OF PROCEDURE  
OF  
WESTMORELAND MUNICIPAL PLANNING COMMISSION**

**ARTICLE I**

**GENERAL PROVISIONS**

**SECTION I            OBJECTIVE**

The objectives and authority of the Westmoreland Municipal Planning Commission shall be set forth in Sections 13-4-101 through 13-4-105 of the Tennessee Code and amendments and supplements thereto, and Ordinance Number 175 known as the Zoning Ordinance of Westmoreland, Tennessee.

**SECTION II           OFFICE OF THE PLANNING COMMISSION**

The office and meeting place of the Planning Commission shall be at City Hall and the Community Meeting Room respectively.

### **SECTION III RECORDS OF THE PLANNING COMMISSION**

The records of the Planning Commission shall be kept at the Westmoreland City Hall and shall be available for public inspection. A records of the business conducted at the Planning Commission meetings shall be kept in a Journal of Proceedings which shall record the names of all members present or absent, the names of all persons in attendance, the business conducted and the vote or abstention of all members on any item of business on which a vote is taken.

### **SECTION V. MEMBERSHIP**

The membership of the Planning Commission shall not consist of not less than five (5) members and not more than ten (10) members. Only (1) of the members shall be the Mayor of Westmoreland or a person designated by the Mayor. All other members shall be appointed by the Mayor and an effort shall be made to ensure that the minority composition of the Planning Commission is at least reflective of the municipality's racial and minority population. The terms of appointive members shall be one year in length. Members are eligible to successive re-appointment. The Mayor shall have the authority to remove any appointed member at his or her discretion. A record of the Planning Commission membership shall be kept in the Journal of Proceedings.

### **SECTION VI VACANCIES**

Absence from fifty (50) percent of the meetings held in any one year shall be considered as a resignation. Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Mayor by the Secretary, and an appointive membership shall be filled for the unexpired term.

## **ARTICLE II**

### **OFFICERS, THEIR ELECTIONS AND DUTIES**

#### **SECTION I OFFICERS**

The officers of the Planning Commission shall consist of a Chair, Vice-Chair, and Secretary elected by the membership at the Annual Organizational Meeting for a term of one year. Should a vacancy occur among the officers of the Planning Commission, the vacant office shall be

filled immediately in accordance with SECTION III supra of these By-Laws, such officer to serve the unexpired term of the office in which such vacancy shall occur.

## **SECTION II ELECTIONS**

Nomination of officers shall be made from the floor and officers shall be elected at the Annual Organizational Meeting. Said elections shall be held at the first January meeting of each year. The election meeting shall be presided over by the staff representative of the Tennessee State Planning Assistance Office acting as Chair pro-tem.

The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.

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

Vacancies in officers shall be filled immediately for the unexpired term by regular election procedure.

## **SECTION III DUTIES OF OFFICERS**

The officers of the Commission shall be a Chairman, a Vice-Chairman and Secretary.

### **Chairman**

The Chairman shall preside at all meetings of the Commission and shall perform other such duties as the Commission shall authorize. The Chairman shall exercise his voice and vote as a member of the Commission

### **Vice-Chairman**

In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman.

### **Secretary**

The Secretary shall be responsible for maintaining a full record of all proceedings for the commission and the minutes of the Westmoreland Municipal Planning Commission. The Secretary shall also perform such other duties in regard to records, including the certification of plats, mylars, and record transcripts, as the Commission may direct. In the absence of the Secretary, the Chairman may perform the duties of the Secretary.

## **ARTICLE III**

### **MEETINGS**

#### **SECTION I**

#### **ANNUAL ORGANIZATIONAL MEETING**

The Annual Organizational Meeting of the Planning Commission shall be held on the first meeting in January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission.

#### **SECTION II**

#### **REGULAR MEETINGS**

Regular meetings of the commission shall be held on the fourth (4<sup>th</sup>) Thursday of each month at 6:30 p.m. or at such other date and time as the Planning Commission may decide, at the Community Meeting Room or other place designated by the Chair.

All meetings at which official action is taken shall be open to the general public, and public notice in a newspaper of general circulation shall be given to the public of the date, time and place of these meetings.

All members of the Planning Commission shall be notified in writing by the Secretary of the date, time, place and agenda of each meeting no less than seven (7) days in advance of such meeting.

Items placed on the agenda shall be submitted to the Secretary no less than thirty-four (34) days before the scheduled meeting. Only those items on the agenda shall be considered for official business and voting.

#### **SECTION III**

#### **QUORUM**

A majority of the membership of the Westmoreland Municipal Planning Commission shall constitute a quorum for the purpose of conducting the business of the Commission. Approval of any business shall be by a favorable vote of the majority of the Planning Commission members in attendance.

#### **SECTION IV**

#### **VOTING**

The voting on all questions coming before the Commission shall be by voice vote or, if requested by a Commission member, by roll call. The "ayes" and the "nays" shall be entered upon the record in

the Journal of Proceedings except when the vote of all Commissioners present is unanimous the record of such unanimous vote shall be sufficient. The concurring vote of the majority of those present shall be required to take the final action on any motion before the Planning Commission.

Each motion or action of the Planning Commission shall include specific findings of fact and statements of material evidence and include the reasons for its actions in accordance with Article IV, Section I. The action taken on the motion and the specific findings and reasons shall be noted in the minutes of such meeting.

## **SECTION V**

### **AGENDA**

The Local Planning Assistance Office Staff or other designated official shall have prepared for each meeting an agenda specifying the order in which items of business shall be heard before the Commission. All items including subdivision plats, site plans and zoning requests shall be submitted to City Hall no later than 11:00 a.m. the Monday prior to the next scheduled meeting of the Planning Commission which the business is to be discussed. Staff will distribute an agenda one week before the meeting.

The City of Westmoreland Clerk received date, stamped upon the submission, shall be determinative as to the date of submission pursuant to this section.

## **SECTION VI**

### **SPECIAL MEETINGS**

Special meetings may be called by the Chair. It shall be the duty of the Chair to call such a meeting when requested to do so by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered.

The Secretary shall notify all members of the Planning Commission not less than five (5) days in advance of such special meetings.

## ARTICLE IV

### ORDER OF BUSINESS

#### SECTION I

#### RULES OF PROCEDURE

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order.

Each formal action of the Planning Commission required by law, City Charter, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Journal of Proceedings after an affirmative vote as provided in SECTION IV supra.

#### SECTION II

#### ORDER OF BUSINESS

The procedural order of business at the regular meeting of the Planning Commission shall be as follows:

1. Roll Call
2. Minutes of Preceding Meeting
3. Public Hearings
4. Old Business
5. New Business
6. Report of Chair
7. Report of City Planner
8. Comments from the Floor
9. Adjournment

## **ARTICLE V**

### **COMMITTEES**

#### **SECTION I**

#### **SPECIAL COMMITTEES**

Special Committees may be appointed by the Chair for purposes and terms which the Planning Commission approves.

## **ARTICLE VI**

### **EMPLOYEES AND EXPENDITURES**

#### **SECTION I**

#### **EMPLOYEES**

The Planning Commission shall have no employees. The Mayor of the City of Westmoreland may employ such employees and staff as he or she may deem necessary for the work of the Planning Commission and may contract with planners and other consultants for such services as it may require within the City's economic limits.

#### **SECTION II**

#### **EXPENDITURES**

The expenditures of the Planning Commission exclusive of gifts, shall be within the amounts appropriated for the purpose of the City of Westmoreland.

## **ARTICLE VII**

### **HEARINGS**

#### **SECTION I PUBLIC HEARINGS AUTHORIZED**

In addition to those required by law, the Planning Commission may at its discretion hold Public Hearings when it decides that such hearings will be in the public interest.

#### **SECTION II NOTICE OF HEARINGS**

Notice of such Public Hearings shall be published in a newspaper of general circulation within the City of Westmoreland at least fifteen (15) days prior to the date of such Public Hearing.

#### **SECTION III CONDUCT OF PUBLIC HEARINGS**

The matter before the Planning Commission for Public Hearing shall be presented in summary by the Chair or other designated member of the Planning Commission and any person desiring to be heard may be given an opportunity to speak only on the matter being considered before the Planning Commission. Public Hearings shall be for the purpose of due process and of allowing members of the Planning Commission to hear and consider the views of the public at large.

#### **SECTION IV RECORDS OF PUBLIC HEARINGS**

A record shall be kept in the Journal of Proceedings of those speaking before the Planning Commission.

## **ARTICLE VIII**

### **PROCEDURES**

#### **SECTION I**

#### **PROCEDURES FOR MAKING MOTIONS**

After completion of staff presentations or testimony by the applicant or public, or during Commission deliberations, Commission members may ask questions of any person present at the Commission meeting for clarification of the factual issues or take action on an item by making a motion. The Planning Commission motion shall include specific findings with regard to the following grounds for action, which shall be included in the official record:

1. Identification of whether the proposed project is in general agreement with the General Development Plan for the area. In the event of non-agreement with the General Development Plan, the Planning Commission shall review the project in the context of the Purpose of the Zoning Ordinance of Westmoreland, Tennessee as set forth in Article I, Section 1.040 of said Zoning Ordinance;
2. Determination that the legal purposes for which zoning or subdivision regulations exists have not been contravened;
3. Determination that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the public good or welfare;
4. Determination that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

#### **SECTION II**

#### **PROCEDURES FOR PLAT REVIEW**

The procedures for plat approval contained in the Westmoreland Subdivision Regulations are hereby adopted by reference and made a part of these procedures.

The Planning Commission shall take one (1) of the following actions on the plat:

1. Approve unconditionally
2. Approve subject to minor modifications or conditions
3. Disapprove
4. Defer action until the next regular or special meeting of the Commission.

All actions as part of a motion shall be made in accordance with Article IV, Section 1 of these bylaws.

## **SECTION II**

### **PROCEDURES FOR SUBMISSION AND REVIEW OF ZONING AMENDMENTS**

The procedures for approval of zoning amendments, whether to the official zoning map, or to the text of the Zoning Ordinance of Westmoreland, Tennessee, or both, are hereby adopted by reference and made a part of these procedures.

The Planning Commission shall take one (1) of the following actions on the zoning amendment:

1. Recommend approval of the request to City Council unconditionally
2. Recommend approval of the request to City Council with modifications or conditions
3. Not recommend approval of the request to City Council
4. Defer action until the next regular or special meeting of the Commission.

All actions as part of a motion shall be made in accordance with Article IV, Section 1 of these bylaws.

## **SECTION II**

### **PROCEDURES FOR SITE PLAN REVIEW**

The procedures for approval of site plans contained in the Zoning Ordinance of Westmoreland, Tennessee are hereby adopted by reference and made a part of these procedures.

The Planning Commission shall take one (1) of the following actions on the plat:

1. Approve unconditionally
2. Approve subject to minor modifications or conditions
3. Disapprove
4. Defer action until the next regular or special meeting of the Commission.

BE IT ORDAINED BY THE CITY OF WESTMORELAND, TENNESSEE MUNICIPAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 5

NAY: 0

DATED: March 24, 2011

  
\_\_\_\_\_  
Tim Farley, Chair

  
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Tony Lyles, Secretary

APPROVED AS TO FORM:

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JOHN R. BRADLEY, CITY ATTORNEY