



**AGENDA ITEM #: 59**

## **MEMORANDUM**

**TO:** Metropolitan Planning Commission

**FROM:** Dan Kelly, Deputy Director/Development Service Manager

**DATE:** Thursday, May 04, 2017

**SUBJECT:** Amendments to MPC's Administrative Rules and Procedures regarding Article II, Public Notice Signs; Article XI, Order of Meeting and Discussion of Debate; and removing Appendix F, Records Management Policy.

5-A-17-OB

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### **STAFF RECOMMENDATION:**

APPROVE the amendments to Article II regarding posting of signs; Article XI regarding the order of the meeting and debate; and the elimination of Appendix F from the MPC Administrative Rules as presented by staff

### **BACKGROUND:**

Staff is recommending three changes to the MPC Administrative Rules for your consideration. The first two items were discussed at the April 11, 2017 Agenda Review Meeting. The third item will be discussed at your Agenda Review Meeting on May9, 2017.

Staff is recommending that you amend your rules in order to permit the institution of a program which will moves the responsibility from staff to the applicant for the placement of the public notice signs. This recommendation will allow for a more efficient use of staff time. At present 4 to 5 days per month are spent by a staff person preparing, placing and retrieving the signs. Under the new process the applicant will given a disposable sign with instructions as to when and where it will need to be posted. Signs will be color coded according to the type application that is to be heard (i.e. rezoning, UOR, subdivision). Staff believes that the signs are just one element of the public "notice/awareness" process. Of course the legally required notice will continue to be published in the newspaper. Additionally, the preliminary agenda is published on our Web site well in advance of the meeting date.

The second item dealing with order of the meeting and the "rules" for debate are proposed to bring them in line with what has become the general practice over the past number of years. The primary reason to have these types of rules is to insure that each side in a matter gets heard.

The final amendment to the Administrative Rules is to delete Appendix F from the document. Appendix F deals with our records management system. After consultation with our attorney, it was deemed best if this portion of the rules be contained in its own document. If approved, agenda item #61 will establish the free-standing Public Record Management Policy.

## Possible Amendments to the MPC Administrative Rules

Highlights are language to be added

Underlining is language to be deleted

### Article II - Notices

SECTION 4 – PUBLIC NOTICE SIGNS For each proposal or application to be considered by the Planning Commission, notice shall be given by conspicuously posting a sign on the property that is the subject of the proposal or application, not less than twelve (12) days prior to the scheduled hearing date.

Calculation **of the notice period shall commence on the first date of posting, but shall not include the hearing date. For each proposal or application to be considered by the Planning Commission at the public hearing, the notice sign shall provide:** A. The nature of the proposal or application; and **B. the MPC contact information (telephone number and internet address) and (~~Delete: location of the public hearing~~)**. Provided, notice signs shall not be posted for Subdivision Final Plat Applications, **amendments to Plan text or general area amendments , (~~Delete: Plan Amendments (except for One-Year Plan Amendments)~~)** , General Amendments to the Zoning Map, Zoning Map Amendments pertaining solely to public rights-of-way, or Amendments to the text of the Zoning Ordinances.

**The required public notice sign shall be provided by MPC to the applicant at the time of application. The applicant or their designee shall be responsible for posting the sign per the requirements stated above. Failure to post the notice sign as required shall be sufficient cause for postponement by the Planning Commission. However,** failure to post notice signs as provided in this Section shall not preclude the Planning Commission from acting on any application or proposal properly before it. (~~Delete: The MPC may require the applicant to post the signs required in this section.~~)

### Article XI – Monthly Public Meeting

SECTION 1 – ORDER OF MEETING The monthly public meeting of the Planning Commission shall be conducted in the order of the **printed** meeting agenda, which shall be prepared in advance, and approved by the Planning Commission at the public meeting. **Amendments to the order in which matters appear on the printed agenda may be permitted with the consent of a majority of the MPC members present at the meeting.**

SECTION 2 – DISCUSSION AND DEBATE At the monthly public meeting, the Planning Commission shall consider the views of the applicant and other interested parties, staff reports and recommendations, and the standards set forth in the Knoxville Zoning Ordinance, the Knox County Zoning Ordinance and/or the Knoxville-Knox County Minimum Subdivision Regulations, as is appropriate, and all applicable plans and formal policy statements.

A. Each matter on the agenda will be considered in the following order:

1. Staff recommendations (questions allowed)
2. Proponents **or the proponents may defer to the opponent** (questions allowed)
3. Opponents (questions allowed)
4. Rebuttals (**questions allowed**)

5. Discussion among Planning Commissioners (**questions allowed**)
6. Motion
7. Second
8. Discussion among Planning Commissioners (**questions allowed**)
9. Vote

B. Public participation in the discussion and debate shall be conducted in conformity with the following:

1. Any group in favor of an application will be allowed a total of five (5) minutes to speak. **The chair person may grant up to a two (2) minute extension for those speaking in favor of an item. Additional time for speakers in favor of an item may be granted by a majority vote of the members present.**
2. Any group in opposition to an application will be allowed a total of five (5) minutes to speak. **The chair person may grant up to a two (2) minute extension for those speaking in opposition of an item. Additional time for speakers in opposition to an item may be granted by a majority vote of the members present**
3. Speakers must limit their remarks to the facts of the case and should avoid repeating comments that have been previously presented to the Planning Commission.
4. Any group wishing to speak should select a spokesperson.

## **Possible Amendments to the MPC By-Laws**

Article IX – Rules of Order

When a parliamentary matter not covered by the By-Laws arises, Robert's Rules of Order (~~Delete: ***shall apply***~~) **may be applied.**

4/11/17 - DK