

# Planning Commission City of Raleigh, North Carolina Rules of Procedure

(amended April 19, 2022)

## I. **Legal Authority**

The City of Raleigh Planning Commission shall be governed by Sec. 160D-109, 160D-301 and 160D-604 of the State Statutes, the Raleigh City charter, the Unified Development Ordinance and City of Raleigh policies established by the City Council.

## II. **Composition**

The Planning Commission shall be comprised of ten members. Nine members shall reside within the City of Raleigh corporate limits and shall be appointed by the City Council. One member shall reside within Raleigh's Extra Territorial Jurisdiction and shall be appointed by Wake County.

- a. **Duration of Service.** Each Planning Commissioner shall be appointed to serve a two-year term. The maximum number of successive terms shall be three.
- b. **Officers.** The Planning Commission shall elect a Chairperson and a Vice Chairperson in June each year. These officers shall serve a one-year term and will continue to serve until a successor has been selected by the Commission. If an officer were to leave the Commission unexpectedly or if an officer leaves the Commission at the end of a term, the Commission shall take a vote to name a replacement at the next regular meeting. In this instance, the replacement officer shall serve the remainder of the term. There is no limit to the number of consecutive terms that an officer may serve.
- c. **Chairperson.** The Chairperson shall preside over all regular meetings of the Planning Commission. The Chairperson shall appoint the members of the regular subcommittees as described in Section III of these Rules of Procedure.
- d. **Vice Chairperson.** The Vice Chairperson shall serve as Chairperson at a meeting in the event of absence or abstention of the Chairperson. If the Vice Chairperson is absent or unable to serve as Chairperson, the longest serving member shall temporarily serve as chairperson. The Vice Chairperson shall serve as the Chairperson of the Committee of the Whole.

### III. **Subcommittees**

The Planning Commission shall have several standing subcommittees. The subcommittees shall be comprised of members as appointed by the Planning Commission Chairperson; however, any member of the Planning Commission can choose to participate in the various subcommittee meetings. Upon election, the Chairperson shall appoint members of the Planning Commission to the various subcommittees. The Planning Commission Chairperson shall also designate the Chairperson and vice chairperson of each subcommittee. In the event that the chairperson or vice chairperson is unable to attend a meeting, the longest-serving member shall serve as the chairperson. Members of the Commission can serve on multiple subcommittees. The subcommittee Chairperson shall set the meeting date, location and time of the subcommittee. The subcommittee Chairperson shall work with staff to set the agenda for each meeting.

- a. **Purpose and Intent.** The purpose of the subcommittees is to allow for a full, detailed discussion of issues of the items referred to each particular subcommittee.
- b. **Referral to Subcommittee.** The Planning Commission Chairperson shall have the authority to refer items to a subcommittee without first placing the item on a regular Planning Commission agenda. Additionally, the Chairperson shall announce the referral to the Planning Commission at a regular meeting. Without objection, the Chairperson can refer a discussion item at a regular meeting to a subcommittee for further discussion. The following rezoning requests shall be automatically referred to the Committee of the Whole without first appearing on a Planning Commission agenda:
  - i. Rezoning requests that are deemed inconsistent with the future land use map and inconsistent with the comprehensive plan in the official staff report; and
  - ii. Rezoning requests for Planned Development District or Campus District. This shall include applications for Text Change to Zoning Conditions (TCZ) and amendments to existing master plans for either district.
- c. **Conduct of subcommittee meetings.** The subcommittee shall operate in the same manner as regular meetings, as described in Section IV.
- d. **Subcommittee Structure.** There shall be the following subcommittees of the Planning Commission:
  - i. Text Change Subcommittee
  - ii. Strategic Planning Subcommittee
  - iii. Infrastructure and Mobility Subcommittee

The Chairperson has the authority to appoint special subcommittees comprised of Planning Commission members to discuss a particular topic. The Chairperson shall announce the desire, intent and purpose of the subcommittee and appoint the membership. The Planning Commission can refer any discussion item not appearing on any agenda to a subcommittee with a majority vote.

- e. **Text Change Subcommittee.** The membership of the text change committee shall be appointed as described above. This subcommittee is intended to review development-related regulations and proposed amendments to the Unified Development Ordinance.
- f. **Strategic Planning Subcommittee.** The membership of the strategic planning committee shall be appointed as described above. This subcommittee is intended to review policies related to long range growth in the City.
- g. **Infrastructure and Mobility Subcommittee.** The membership of the infrastructure and mobility committee shall be appointed as described above. This subcommittee is intended to review issues related to infrastructure, mobility, transit, transportation or other growth and development issues.

#### IV. **Meetings**

All meetings of the Planning Commission are open to the public and subject to the open meetings laws in the State of North Carolina. Notice of the meetings shall be consistent with the regulations contained within the Unified Development Ordinance and State law. The chairperson shall decide the points of order and procedure, consistent with the common practices contained with Robert's Rules of Order.

All Planning Commission members shall serve on the Committee of the Whole. This body is primarily intended to discuss items identified in Section III. above, and any other referrals that may require additional focused discussion.

Legislative hearings described in the UDO may be held by either the Planning Commission or one of its subcommittees as indicated in the public hearing notice; however, the required recommendation to the City Council shall be made by the Planning Commission.

The chairperson shall have the authority to alter the order of the agenda without any objection from the body. The chairperson shall have the authority to call a special meeting, consistent with G.S. 160A-71

- a. **Quorum.** A quorum of the Planning Commission and Committee of the Whole shall be a majority of the membership, not including any vacant seat. A quorum of the subcommittees listed in section III.d is three members. The Chairperson cannot open the meeting until a quorum is present.
- b. **Voting.** All present members shall cast a vote on each discussion item, unless that member has been recused in accordance with section IV.e. A majority vote is required for any action of the Planning Commission or subcommittee.
- c. **Public Comment.** Each regular Planning Commission meeting shall begin with a general public comment period whereby any interested party can speak for up to three minutes on any topic that does not appear on the agenda. This general public comment period shall last a maximum of ten minutes, regardless of the number of speakers. Without objection, the Chairperson shall have the ability to alter the speaking time if a large number of people have signed up to speak.
- d. **Comment During Application Requests.** During review of the items on the agenda, the Chairperson shall invite the applicant and proponents to speak on each item for a total of ten minutes. At the conclusion of the applicant and proponent presentation, the Chairperson shall invite opponents to speak for a total of ten minutes. If there are more than four opponents who wish to speak, the Chairperson shall inform the audience that each speaker shall be allotted 2 minutes to speak for a total of ten minutes, and that the comments provided shall not be duplicative in nature. At the conclusion of the comments delivered by members of the public, the applicant shall have two additional minutes to respond to issues or questions raised.

These time limitations shall be enforced by a timing device. Upon an affirmative motion and vote of the Planning Commission, additional time may be granted to either the applicant, members of the public, or both, citing complexity of issues discussed. In the event circumstances arise where additional information is needed from either the applicant or members of the public, the item can be reopened for discussion with a three-fourths vote of the members present.

The staff report presentation shall not be subject to a time limitation. The subcommittees described in Section III are not subject to these time limitations. Both proponents and opponents will be provided equal opportunity to comment.

- e. **Recusals.** Members of the Planning Commission shall request to be recused from discussion, citing a conflict consistent with G.S. 160D-109(b) or 160D-109(d) when the Commission is sitting as a quasi-judicial board.

Upon request by a member of the Planning Commission, the Commission shall vote on the recusal.

- f. **Recommendations.** The Planning Commission shall make recommendations to the City Council in the form of a Certified Recommendation. This Certified Recommendation shall state the findings and reasons for the recommendation, as well as the vote tally for each item. The Chairperson or designee may join staff in reporting the Planning Commission recommendations to the City Council.

The chairperson of each subcommittee shall report the recommendation of the subcommittee to the Planning Commission. The subcommittee chairperson shall provide an overview of the discussion item, relevant facts considered and recommendation of the subcommittee. Recommendations delivered from the subcommittee to the Planning Commission shall not be opened for additional comment. However, in the event circumstances arise where additional information is needed from either the applicant or member of the public, the item can be opened for discussion with a three-fourths vote of the members present.

V. **Records and Minutes**

City staff shall maintain the official records of the Planning Commission.

VI. **Ethics**

In addition to G.S. 160D-109, the Planning Commission members shall be governed by Resolution (1988)-955A and (2002)-240.

VII. **Amendments**

Any amendment to these Rules of Procedure shall occur in a manner consistent with the Unified Development Ordinance. Upon affirmative vote of the Planning Commission, staff may be directed to draft amendments to be presented and considered by the Planning Commission.