

**RULES OF PROCEDURE
PLANNING COMMISSION
CITY OF RALEIGH**

ARTICLE I: ORGANIZATION

Pursuant to Section 10.1.2.A.3.b of the Unified Development Ordinance (“UDO”) of the City of Raleigh, North Carolina, the following Rules of Procedure are adopted by the Planning Commission (“Planning Commission”):

Section 1. Name

The name of this organization shall be the Planning Commission.

Section 2. Purpose

Pursuant to Section 10.1.2.B of the UDO of the City of Raleigh, North Carolina, the purposes and activities of the Planning Commission shall be to review and make recommendations regarding the following:

1. Rezoning requests
2. Comprehensive Plan Amendments
3. Text Changes to the Unified Development Ordinance
4. Text Changes to Zoning Conditions requests
5. Major modifications to development plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in the UDO;
6. Streetscape Plans; and
7. Custom Signage Plans.

Section 3. Annual Workplan

Pursuant to City Council Resolution 2002-240, the Planning Commission’s workplan consists of the work the Planning Commission is tasked with under the UDO outlined in Section 2 above and any special item the City Council requests the Planning Commission to evaluate.

Section 4. Membership

The Planning Commission shall be comprised of ten (10) members. Part 1, Chapter 4 of the Raleigh Municipal Code sets forth the City’s regulations relating to board and commission membership. Pursuant to the City Code, a board or commission member’s initial term shall be for a period of two years with the option to be reappointed for additional terms, provided that a member’s total term of service does not exceed six consecutive years on any one board or commission. Additionally, a member cannot serve on more than two City boards or commissions at any one time.

Section 5. Residency

Nine members of the Planning Commission shall be residents of the City. One member shall reside within Raleigh’s extraterritorial jurisdiction and shall be appointed by Wake County. In

cases where City residency is a requirement for membership, the member shall forfeit their seat upon removing their residence from the City.

Section 6: Resignation of Members

Should a Commission member need or choose to resign prior to the expiration of their term, written notice should be provided to the City Clerk.

Section 7: Term Expiration of Members

Members of the Commission shall continue to serve upon expiration of their term until their successor is named by City Council, unless a resignation with a date certain is submitted in writing to the City Clerk.

Section 8: Removal of Members

Any member of the Commission who is absent without being excused from three (3) consecutive meetings of the Commission may, upon recommendation of the Chairperson or otherwise designated officer of the Commission, be removed or replaced by the City Council or Wake County, as appropriate.

ARTICLE II: OFFICERS

Section 1. Positions and Duties

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson who shall be elected at the first meeting in June each year and their duties shall include:

- A. **Chairperson.** The Chairperson shall preside over all regular meetings of the Planning Commission. The Chairperson shall appoint the members of the regular Committees as described in Section IV of these Rules of Procedure. Additionally, the Chairperson shall attend any City Council meeting for which there is a Report of the Planning Commission on the City Council's agenda, or delegate another member to attend in their absence.
- B. **Vice Chairperson.** The Vice Chairperson shall serve as Chairperson in the event of absence or abstention of the Chairperson. If the Vice Chairperson is also absent or unable to serve as Chairperson, the Commission shall temporarily elect a chairperson. The Vice Chairperson shall serve as the Chairperson of the Committee of the Whole.

Section 2. Election and Term

Officers shall serve a one-year term and will continue to serve until a successor has been selected by the Planning Commission. If an officer were to leave the Planning Commission unexpectedly, the Planning Commission shall take a vote to name a replacement at the next regular meeting. There is no limit to the number of consecutive terms that an officer may serve.

Section 3. Vacancies

See Article II, Section 2 above.

Section 4. Removal of Officers

Any officer elected by the Planning Commission may be removed from their position by the vote

of two-thirds of the members of the Planning Commission membership with or without cause at any regular or special meeting of the Planning Commission, but no vote for the removal of an officer shall be effective unless notice of the proposed removal shall have been given to the members of the Planning Commission at least 10 days in advance of the meeting. Such notice shall be sent by the Chairperson at the request of the members proposing the removal.

Section 5. Delegation of Duties of Officers

In the case of an absence of any elected or appointed officers of the Planning Commission, or for any other reason deemed sufficient, the Planning Commission may delegate powers and/or duties of such officer to any member of the Planning Commission.

ARTICLE III: MEETINGS

Section 1. Regular Meetings

Regular meetings of the Planning Commission shall be held in the Council Chambers at a day and time determined by the Planning Commission in consultation with the Director of Planning and Development or their designee.

Section 2. Special Meetings

The Chairperson shall have the authority to call a special meeting, consistent with NC General Statutes §160A-71.

Section 3. Commission Retreat

For the purposes of holding a Commission retreat, the Chairperson shall have the authority to call a special meeting consistent with NC General Statutes §160A-71.

Section 4. Notice of Meetings

All meetings shall be subject to the North Carolina Open Meetings Law as specified in NC General Statutes §143-318.10. Notice of such meetings shall be given as required by State law and the UDO. The Commission shall keep permanent minutes of its meetings, which shall include the attendance of its members and its resolutions, findings, recommendations, and other actions.

Section 5. Conduct of Meetings

All meetings shall be open to the public. Any question concerning parliamentary procedure at meetings shall be determined by reference to the most recent edition of Robert's Rules of Order except where such rules conflict with the laws of the State of North Carolina, ordinances of the City of Raleigh, or these Bylaws. Robert's Rules of Order may be suspended by a two-thirds vote of the Board members present at any meeting. Except as otherwise provided in these Bylaws, the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board.

Section 6. Quorum

A majority of the voting membership of the Planning Commission and its Committees, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether a quorum is present.

Section 7: Voting

Each member shall be entitled to one vote on each matter submitted to a vote at a meeting of the Commission. Voting on all matters shall be by voice vote or show of hands. Silence or failure to vote by a member shall be counted as an affirmative vote on the matter before the Commission. The Secretary shall record the votes on all matters in the meeting minutes. Any member who has an interest in any official act or action before the Commission shall publicly disclose on the record such interest and withdraw from any consideration of the matter.

ARTICLE IV: COMMITTEES

Section 1. Number

Committees are permanent standing bodies, while a taskforce is time limited and created for a specific purpose. City Council approval is required for the creation of a committee and/or taskforce. Standing nominating committees shall not be established; however, the City Council may accept recommendations as it deems appropriate. The Planning Commission shall have two standing committees as described in this section. The committees shall be comprised of members as appointed by the Chairperson upon the Chairperson's election; however, any member of the Planning Commission may choose to participate in the various committee meetings. The Planning Commission Chairperson shall also designate the chairperson of each committee. Members of the Commission may serve on multiple committees. The committee chairperson shall set the meeting date, location, and time of the committee after consultation with the Director of Planning and Development or their designee.

Section 2. Purpose and Intent. The purpose of the committees is to allow for a full, detailed discussion of issues of the items referred to each particular committee.

Section 3. Referral to Committee. The Planning Commission Chairperson shall have the authority to refer items to a committee 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 may refer a discussion item at a regular meeting to a committee 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; or
- 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.

Section 4. Conduct of Committee meetings. The Committee shall operate in the same manner as regular meetings, as described in Article VI below

Section 5. Committee Structure. There shall be the following Committees of the Planning Commission: Committee of the Whole, and Text Change Committee. The Planning Commission can refer any discussion item not appearing on any agenda to a committee with a majority vote.

- A. **Committee of the Whole.** All Planning Commission members shall serve on the Committee of the Whole. This committee is primarily intended to discuss items and referrals that require additional focused discussion or to evaluate any special items as directed by the City Council.
- B. **Text Change Committee.** The membership of the text change committee shall be appointed as described above. This committee is intended to review development-related regulations and proposed amendments to the Unified Development Ordinance as directed by the City Council.

ARTICLE V: REPORTING & WORK PLAN

Section 1. Reporting.

Pursuant to City Council Resolution 2002-240, the Planning Commission's recommendations to the City Council are made in Reports of the Planning Commission at City Council meetings. The Director of Planning and Development will delegate a City staff person to prepare and make the report to the City Council for each City Council meeting in which there are Commission recommendations to the City Council. The Planning Commission Chairperson will also attend.

Pursuant to City Council Resolution 2002-240, the Planning Commission's standing workplan is described in Article I, Section 3 above.

ARTICLE VI: RESERVED FOR COMMISSION SPECIFIC RULES OF ORDER

Section 1. Order of Business

The Chairperson shall have the authority to alter the order of the published agenda without any objection from the body.

Section 2. Voting.

All members present shall cast a vote on each discussion item, unless that member has been recused in accordance with Section 5 below. A majority vote is required for any action of the Planning Commission or committee.

Section 3. 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.

Section 4. 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. The chairperson shall inform the audience that each speaker shall be allotted 2 minutes to speak, 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 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 majority vote of the members present.

The staff report presentation shall not be subject to a time limitation. The committees described in Article IV are not subject to these time limitations.

Section 5. Recusals.

Members of the Commission shall request to be recused from discussion, citing a conflict consistent with G.S. 160D-109. Upon request by a member of the Commission, the Commission shall vote on the recusal.

Section 6. 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 of each committee shall report the recommendation of the committee to the Planning Commission. The committee chairperson shall provide an overview of the discussion item, relevant facts considered and recommendation of the committee. Recommendations delivered from the committee 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 majority vote of the members present.

ARTICLE VII: CONFLICT OF INTEREST & ETHICS

Section 1. Conflict of Interest

Members will avoid conflict of interest and any conduct which may suggest appearance of impropriety when exercising their responsibilities to the board per Resolution No. (1988) 955A entitled A Resolution to Clarify Ethical Responsibilities of Certain Board and Commission Appointed by the Raleigh City Council.

ARTICLE VIII: MISCELLANEOUS PROVISIONS

Section 1. Conflict of Law

If any provision within these Rules of Procedure conflicts with any applicable Federal, State, or local law, statute, ordinance, rule, or regulation, the applicable law, statute, ordinance, rule, or regulation shall supersede said provision and control.

Section 2. Amendment

These Rules of Procedure may be amended by the affirmative vote of two-thirds of the members of the Planning Commission appointed to office, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. No rule change is effective until approved by City Council.

Section 3. Non-Discrimination Policy

The Planning Commission its agents, officials, directors, officers, members, representatives, agree

not to discriminate in any manner or in any form the administration of its policies, programs, or in access to or treatment in any other program based on actual or perceived age, mental or physical disability, sex, religion, creed, race, color, sexual orientation, gender identity or expression, familial or marital status, economic status, veteran status or national origin in connection with the administration of its policies, programs, or in access to or treatment in any other program or its performance.