RULES AND PROCEDURES
OF THE
METROPOLITAN PLANNING COMMISSION

I. PURPOSE. These rules are to provide for the orderly disposition of the business of the Metropolitan Planning Commission (MPC) and include information sometimes found in by-laws. They deal with procedural issues and should not be confused with substantive regulations promulgated by the Commission to set standards determining whether a specific action may be taken.

II. AUTHORITY. These rules are adopted pursuant to the authority vested in the Commission by Sections 11.503 and 11.504 of the Charter of the Metropolitan Government and T.C.A. Sections 13-3-103 and 13-4-102.

III. MEMBERSHIP AND OFFICERS. The number, qualifications and appointment of members, their terms of office and the filling of vacancies shall be in accordance with Section 11.502 of the Charter of the Metropolitan Government.

Officers shall be Chairperson, Vice-Chairperson and Secretary.

A. **ELECTIONS.** The Chairperson and Vice-Chairperson shall be elected at the annual meeting from among the appointed members of the Commission. Their terms shall be for one year with eligibility for re-election. The person holding the position of Executive Director shall serve as Secretary. Officers shall hold office until their successors are elected.

B. **DUTIES OF OFFICERS:**

1. **Chairperson.** The Chairperson shall preside at all meetings of the Commission. Except as otherwise authorized by the Commission, he/she shall sign, and the Secretary shall attest, all contracts, reports and instruments adopted by the Commission. At any meeting, the Chairperson may submit such recommendations and information as he/she may consider proper concerning the business, affairs, and policies of the Commission. The Chairperson shall have the right to debate and vote on any issue before the Commission. Unless otherwise cast, the Chairperson's vote shall be reflected in the minutes as being cast with the prevailing side.

2. **Vice-Chairperson.** In the absence or incapacity of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. In the case of resignation of the Chairperson, the Vice-Chairperson shall perform those duties until a new Chairperson is elected. In the absence of both the Chairperson and Vice-Chairperson, when a quorum is present for a regular or special meeting, an interim Chairperson shall be elected from those members present.

3. **Secretary.** The Secretary shall keep or cause to be kept a full record of all proceedings of the Commission, including a record of all votes, in a journal of proceedings kept for the purpose and identified as the "Minutes of the Metropolitan Planning Commission." He/She shall perform such other duties in regard to records, including certification of transcripts and attestation of contracts or other documents, as the Commission may direct.

C. **VACANCIES.** Should the office of Chairperson or Vice-Chairperson become vacant, the Commission shall, at its next regular meeting, elect a successor for the unexpired term of office.

D. **EXECUTIVE COMMITTEE.** There shall be an Executive Committee consisting of the Chair, Vice Chair, and one additional member chosen by the Commission at the annual meeting. The Executive Committee shall meet at the call of the Chair with the Executive Director who may include other employees at his/her discretion. The purpose of the Executive Committee is to guide the Planning Commission in establishing its vision, goals, policies and strategies. The Committee shall provide oversight of the Planning Department in order to align the objectives of the Commission and the work program of the Department. The Executive Committee will review the status of specific planning studies, procedures, the adopted and proposed budget and other issues necessary to facilitate the effective operation of the Commission in achieving its mission. All meetings of the Executive Committee shall be scheduled and held in full compliance with all notice and open meeting procedures. The Executive Committee shall not consider or discuss specific applications that may come before the full Metropolitan Planning Commission, nor shall the Committee direct the daily operations of the Department.

IV. **ETHICAL STANDARDS.**

A. Members shall conduct themselves in accordance with the standards of ethical conduct established in the Metropolitan Code, Section 2.222, et seq.

B. **Conflict of Interest.** Any member who has, or whose spouse, child, sibling, or parent has, a ***financial*** interest in any property that is the subject matter of a decision of the Commission is disqualified from participating in the discussion, decision, and/or proceedings of the Commission in connection with that property. The Commission member shall disclose the interest prior to any hearing on the matter.

C. **Ex Parte Communications.** In matters before the Commission that are advisory, it is best practices that the Commission members refrain from ex parte communications. As the Commission's role in matters not subject to Council approval is deemed quasi-judicial, all elected and appointed members shall refrain from ex-parte contact on pending actions for which Commission decisions are binding. If inadvertent contact does occur on quasi-judicial matters, the member of the Commission shall report on that contact in full to the Commission prior to any action on the matter.

V. **STAFF**. The Commission may appoint such employees as it deems necessary and may contract for services in compliance with T.C.A. Sections 13-4-102 and 11.506 of the Charter of the Metropolitan Government

A. **EXECUTIVE DIRECTOR**. An Executive Director, who shall be qualified by special training or experience in planning, shall be appointed by the Commission. The Commission may enter into an employment contract with such person not to exceed five years at a compensation fixed by the Commission. He/She shall serve as technical advisor and secretary to the Commission, shall appoint subordinate personnel with the approval of the Commission, and shall have other authority, duties, and responsibilities as may be required by the Commission or provided for by Ordinance.

The term Executive Director used throughout these Rules and Procedures shall mean Executive Director or his/her designee.

B. **OTHER PERSONNEL**. Additional personnel may be hired in conformance with the Rules of the Civil Service Commission of the Metropolitan Government or by employment contract for professional services.

C. **ETHICAL CONDUCT.** Employees shall conduct themselves in accordance with the most recent Executive Order guiding ethics, conflict of interest, and related subjects and with the standards of ethical conduct, Metropolitan Code, Section 2.222 et seq.

D. **DISCRIMINATION.** The Commission shall not discriminate on the basis of race, religion, creed, gender, gender identity, sexual orientation, national origin, color, age, and/or disability (Metropolitan Code, Section 11.20.130) in hiring, promotion or awarding of contracts. It shall ensure that civil service positions are advertised in accordance with Civil Service Rules and Policies, and that contractual positions are advertised on the department web site and through the media of applicable professional association(s). In addition, when the Commission decides to use consultant services, the "request for proposals" or "request for qualifications" shall be sent to a broad range of qualified consultant firms and made available to other firms upon request.

E. **DIVISIONS.** The Commission shall establish functional divisions and define the duties and responsibilities of each division.

VI. MEETINGS. Regular meetings of the Planning Commission shall be held a minimum of one time each month, at a time and place within Davidson County established by the Commission. By the first Commission meeting in October of each year, the Commission shall establish a schedule of meetings for the following year. The Commission may reschedule meetings or cancel a meeting by giving public notice 30 calendar days prior to the scheduled meetings(s).

A. **ANNUAL MEETING**. The second regular meeting in May of each year shall be the annual meeting. At that meeting, officers are to be elected, a member is to be chosen to serve with the Chairperson and Vice-Chairperson on the Executive Committee, and these rules are to be reviewed and considered for re-adoption.

B. **SPECIAL MEETINGS.** A special meeting may be called by the Chairperson or upon the written request of three or more Commissioners. Written notification, including by e-mail, of the time, place and purpose of the meeting shall be delivered to each Commissioner at least five calendar days prior to the meeting. At a special meeting, only the business designated as the purpose of the meeting may be transacted. The Chairperson may also from time to time schedule informal work sessions at which information is provided by Planning Department staff to the members about upcoming items to be considered by the Commission or general items of interest to the Commission. It is not necessary for a quorum of the Commission to be present and no business shall be conducted at any such work session.

C. **OPEN PUBLIC MEETINGS ACT.** All sessions of every meeting of the Commission, including special meetings and work sessions, shall be open to the public pursuant to the Tennessee Open Public Meetings Act, T.C.A. Section 8-44-101, et seq.

D. **PUBLIC NOTICE**. The following rules regarding notification of the public are

adopted in compliance with Sections 2.24.146 and 2.68.020 of the Metro Code, as amended by Metro Council Ordinance BL2004-245 and BL2004-373. These procedures supplement and do not replace other public notice requirements in these Rules.

1. The agenda and staff report for each regular or special meeting shall be posted on the Planning Department website no later than the Monday preceding each regular Commission meeting. In addition, the agenda shall be posted on the "Council, Boards and Committee Event List" maintained by the Metro Information Technology Services Department.
2. No later than the Monday preceding each regular Commission meeting, the agenda for the meeting shall be posted in a location visible to the public at the Metropolitan Courthouse and City Hall.
3. The agenda for any special meeting or work session shall be posted on the Planning Department website the Council, Boards and Committees Event List at least five calendar days prior to the meeting.

E. **QUORUM.** The presence of six members of the Commission shall constitute a quorum for the transaction of business. The Chairperson may, at his/her discretion, wait up to 30 minutes after the scheduled meeting time for a quorum to be present. In the event that a member is required to leave a meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until a quorum is restored, other than adjournment. A majority vote of the members of the Commission present and constituting a quorum shall be necessary to decide any item of business requiring action by the Commission except as noted in Section VIII. A.

F. **REQUESTS TO SPEAK.** Any person who wishes to address the Metropolitan Planning Commission on matters scheduled for a public hearing should complete a "Request to Speak" form, on which they shall list their name, home address, and the item on which they wish to speak. Presentations to the Commission should be clear, concise and relevant to the item being considered by the Commission. The Commission may take measures to limit the presentation of information that is unrelated to the case or repetitive in nature. Presentations from the public are not permitted for items on the Commission agenda designated as "Other Business."

G. **DOCUMENTS FOR COMMISSIONERS.** All communication that is delivered to the Planning Department for delivery to the Metropolitan Planning Commission for consideration during any regularly scheduled or called meeting must be received by the secretary at least four hours before the beginning of the meeting. Copies of the correspondence will be made for each of the Planning Commission members to be reviewed at the appropriate time during the meeting. If documents or other materials are attached to the correspondence, then the person submitting the correspondence must provide 12 copies of the materials or they will not be distributed to the individual Commissioners. Persons addressing the Commission also may bring copies of documents and distribute them to Commissioners at the meeting. Two additional copies of the documents shall be provided to Commission staff for the minutes and the official file for the item under consideration. The Planning Commission will decide by consensus the appropriate use or disposition of the information provided.

H. **BASIS FOR COMMISSION ZONING DECISIONS; CONFORMANCE WITH THE GENERAL PLAN.** The Planning Commission will generally make its recommendation in conformance with the General Plan. If the Planning Commission recommends to the Metropolitan Council an amendment to the zoning code and/or map that, according to the analysis provided by department staff, is in conflict with the General Plan, the Commission shall direct staff to initiate an amendment to the General Plan or include in the motion a clear explanation of how the proposed zoning amendment complies with the overall goals and intent of the General Plan.

I. **MANNER OF ACTING.** After completion of staff presentations or testimony by the public, or during Commission deliberations, Commission members may ask questions of any person present at the Commission meeting for clarification of the factual issues. The voting on all questions coming before the Commission shall, at the discretion of the Chairperson, be by roll call or voice vote and the ayes and noes shall be entered upon the Minutes of such meeting. When the vote is unanimous, the record of a unanimous vote shall be sufficient. If a motion on a question fails, deliberation shall continue until a motion of definitive action is offered and passed.

J. **DEFERRALS**. The Commission may defer action on any item provided the reason for deferral is reflected in the motion to defer. If an item is deferred at the request of the applicant, any time restrictions normally placed on the Commission will be suspended until the item is returned to the agenda, except when a council bill has been filed. Additional rules are established in VIII I relating to subdivisions.

K. **REHEARING**. Any aggrieved party or a Commission member may request a rehearing within 45 calendar days after the approval of meeting minutes memorializing a commission action. The request, filed in writing by an aggrieved party or announced by a sitting Commission member at a regular meeting, must be filed or announced at least 14 calendar days prior to the meeting at which the request will be considered. The request must state what conditions have changed or what new information has become available since the original hearing that may serve as cause for rehearing.

1. Upon receipt of a request for rehearing, the councilmember in whose district the subject of the rehearing lies shall be notified of the request within five business days.

2. The Chairperson and the Executive Director shall review a request for rehearing for merit and determine whether the request should be considered by the full Commission. If the Chairperson and Executive Director determine that a rehearing request is without merit and need not be considered by the Commission, that decision will be noted on the Commission's next available agenda. The Commission may, by a majority vote of the members present, overrule the decision of the Chairperson and Executive Director and consider the request at a subsequent meeting.

3. If the request for rehearing is considered by the full Commission, a motion to rehear may be made and seconded by any member of the Commission who voted with the prevailing side. A simple majority of the Commissioners present and constituting a quorum is sufficient to carry a motion to rehear.

4. If the motion to rehear passes, the issue may be heard at that point and action may be taken, unless the issue was originally heard at public hearing. When the issue had originally been heard at public hearing, the issue must be set for public hearing again before action is taken. Notice of the rehearing shall be given in the manner required for the original public hearing.

L. **MINUTES AND RECORDS.** Each action of the Commission shall be recorded in the Minutes and supporting documentation retained. The entire proceedings shall be electronically recorded and that record shall be retained a minimum of 60 calendar days following a final decision by the Commission. All such records shall be available to the public.

M. **ABSENCE OF A RULE.** When a procedural issue arises that is not specifically covered by these rules, the Commission will be governed by Robert's Revised Rules of Order.

VII. PUBLIC HEARINGS. As indicated in Section VIII, public hearings must be held on some issues and the Commission may choose to hold public hearings on others.

A. NOTICE. Whenever notice of application filing, notice of public hearing, or notice of required community meeting is required by these Rules or by code or regulation, notice shall be printed by the applicant in a form provided by the Planning Department, with first-class postage included, delivered to planning staff, and mailed by planning staff to affected and neighboring property owners. Geographic areas subject to individual property owner notice are defined for each application type in Section VIII of these Rules.

1. **Early notice of application filing**.

a. Within two (2) business days of each application filing deadline all complete applications shall be posted on the Planning Commission's Development Tracker website.

b. For applications that, upon submittal, meet the requirements for a public hearing, postcard notice shall be mailed to property owners (as defined for each application type in Section VIII) within nine (9) calendar days of each application filing deadline. This requirement shall be waived if written confirmation has been received from the District Councilmember that a community meeting has or will be held and that written notification of the application and meeting has or shall be sent to approximately the same property owners, within a timeframe similar to or earlier than the timeframe required for the postcard notice, thereby fulfilling the purpose of providing early notice by mail to potentially affected property owners. If it is determined by the Executive Director during the review process that a case should be forwarded to the Planning Commission for a hearing, then Early Notice Postcards will not be required, however, regular written notice may be required, as defined for application types in Section VIII.

c. Failure on the part of the Planning Department to meet the deadlines for a. and/or b., above, will not delay the application processing schedule.

2. **Written notice of public hearing.** Prior to the Planning Commission meeting at

which a public hearing will be held on a development application, written notice, in a form provided by the Planning Department, shall be mailed to property owners and/or representative groups, as defined for application types in Section VIII. Deadline for mailing notice of public hearing shall be determined by development application type, also specified in Section VIII.

3. **Public Hearing Signs**. For all zone change proposals, the applicant shall obtain sign(s) at his or her expense and post such sign(s) on the property at least 10 calendar days prior to the Commission meeting at which the application is scheduled to be heard. The number and placement of signs shall be consistent with Section 17.40.730 C of the Metropolitan Code. The Planning Department will provide the required specifications for the sign and a map showing where the sign(s) must be posted. Failure to post the required public hearing sign(s) may result in a decision by the Commission to defer or disapprove the application on the basis of inadequate notice to the surrounding community. Signs shall be removed by the applicant within three business days after the final public hearing date advertised on the signs.

B. PROCEDURE. All public hearings shall be conducted in the following manner:

1. Staff will briefly describe the proposal and present the staff recommendation. Other Metro department or agency representatives present at the meeting may also present at this time.
2. The Commissioners may ask questions of staff for the purpose of clarifying the content of the proposal.
3. Any member of the Metropolitan Council who wishes to speak to the issue may do so at one of these designated times: during recognition of councilmembers, or during the public hearing, or at the close of the public hearing.
4. The Chairperson shall open the public hearing.
5. The applicant may next present information regarding the proposed project for a maximum time period of ten (10) minutes, with the option of reserving up to two (2) of the ten (10) minutes for rebuttal. All applicant representatives speak or are represented during this time.
6. Staff may clarify key issues to ensure the Commission is fully informed on the character and effects of the proposed project.
7. The Chairperson shall recognize individuals to speak in the following order:
   a. Proponents from the public
      i. When prior to the meeting written notice has been received by the Commission authorizing a representative to speak on behalf of an organization, the identified representative may speak for up to five (5) minutes.
      ii. Persons speaking as individuals, not represented by an organization, may speak for up to two (2) minutes.
      iii. Speakers who have signed up shall be called in order.

iv. Next, speakers who have not signed up will be recognized, providing name and address for the record.

b. Opponents from the public

i. When, prior to the meeting, written notice has been received by the commission authorizing a representative to speak on behalf of an organization, the identified representative may speak for up to five (5) minutes.

ii. Persons speaking as individuals, not represented by an organization, may speak for up to two (2) minutes.

iii. Speakers who have signed up shall be called in order.

iv. Next, speakers who have not signed up will be recognized, providing name and address for the record.

8. The Commission may request combined presentations or establish alternative time limits, considering the time constraints of the meeting and the complexity of the issue.

9. An additional specified time for rebuttal arguments may be granted by the Commission. If additional time for rebuttal is granted, then equal time shall be granted to each side. At such time as additional rebuttal is granted, the Commission shall establish time limits for the parties.

10. At the conclusion of the public comments, the Chair will declare the public hearing closed.

C. WITNESSES AND TESTIMONY. Pursuant to Section 18.10 of the Charter of the Metropolitan Government, the Commission may compel the attendance of witnesses and production of books, papers, and records pertinent to an issue. The Commission has the discretion whether or not to require an oath to be administered to the witness. Cross examination of any witness appearing before the Commission is permitted to a limited extent to be determined by the Chairperson in consultation with legal counsel.

VIII. SPECIFIC RULES. Because of the diversity of actions before the Commission**,** this section promulgates specific rules applicable to particular actions.

A. **PLAN ADOPTION OR AMENDMENT.** The Commission, in accordance with T.C.A. Section 13-4-201, et seq., shall adopt a general plan for the physical development of Nashville and Davidson County and may amend the general plan in any manner, including carrying any part of the subject matter to greater detail. The adoption of the plan or any amendment to the plan shall be by a resolution carried by the affirmative vote of at least six members of the Commission. The action shall be recorded on the adopted plan or amendment and descriptive matter by the identifying signature of the Secretary of the Commission, and a copy of the plan or amendment shall be certified to the Metropolitan Council.

1. **Public Hearing.** Prior to the consideration of a plan or an amendment to a plan, a public hearing before the Commission shall be set. The Executive Director shall determine whether any proposed amendment to an adopted plan is an update, major amendment, minor amendment, or housekeeping amendment based upon all

relevant factors, including, but not limited to, the size of the area to which the change will apply, and the degree of change in the recommended land use, design or other characteristic. Conduct of the public hearing required herein shall be in conformance with Section VII B of these Rules.

2. **Plans and Updated Plans.** Prior to the consideration by the Commission of any proposed plan or updated plan, at least one broadly publicized community meeting shall be held in the affected subarea. The public hearing for a plan or updated plan shall be advertised in the body of a newspaper of general circulation 15 to 30 calendar days prior to the hearing, or notice shall be mailed or e-mailed 15 to 30 calendar days prior to the hearing to all persons who have attended and registered at one of the community meetings held to discuss the plan or updated plan, or otherwise have contacted the Commission's staff to request notice prior to the Commission's consideration of the plan or updated plan. In addition, an attempt shall be made to notify any representative groups that may be impacted by the proposed amendment, and any organizations known to the Commission's staff as groups that represent the interests of neighborhood groups or similar interests in the area.

3. **Major Amendments**. For all major amendments to a plan, a community meeting shall be conducted by the Commission's staff in the area affected by the amendment. In the event that a proposed major amendment is not specific to a particular location or involves multiple locations within one or more communities, the Executive Director may determine an alternative community meeting schedule and format that is appropriate to the nature of the amendment under consideration. The community meeting shall be held prior to the public hearing. Notice of the time and location of the public hearing and the community meeting shall be mailed to owners of property in and within 1,300 feet of the perimeter of the proposed change at least 13 calendar days prior to the public hearing and at least 13 calendar days prior to the community meeting. Where possible, notice for the community meeting and the public hearing may be combined. If, however, the scheduling of the community meeting and the public hearing are such that the notices cannot be combined, then one notice for the community meeting and a separate notice for the public hearing shall be required. In addition, an attempt shall be made to notify any representative groups that may be impacted by the proposed amendment and organizations known to the Commission's staff as groups that represent the interests of neighborhood groups or similar interests in the area. Further, staff will attempt to notify people who participated in the original plan for the area and provided their contact information for the purpose of receiving information associated with the plan's development.

4. **Minor Amendments.** For all minor amendments to a plan, notice of public hearing shall be mailed to owners of property in and within 600 feet of the perimeter of the proposed change or the distance required for an associated zone change, whichever is greater, at least 13 calendar days prior to the public hearing. In addition, an attempt shall be made to notify any representative groups that may be impacted by the proposed amendment and organizations known to the Commission's staff as groups that represent the interests of neighborhood groups or similar interests in the area. The Executive Director may also require that a community meeting be held for a minor plan amendment. In the event that such meeting is required, the requirements of Section VIII.A.4 of these Rules and Procedures shall be followed with the exception that the notice mailing distance for the community meeting shall

be that contained in this section.

5. **Housekeeping Amendments**. From time to time, the Commission's staff may present to the Commission amendments to the general plan intended to correct errors in the general plan, community plans, and/or detailed design plans, or to bring the plan into agreement with changes that have occurred in the community since the adoption of the general plan or one of its component parts, if such changes are understood to reflect sound planning policy.

   Such periodic housekeeping amendments shall be subject to the public hearing notice requirements of Rule VIII.A.4 for Minor Amendments to plans.

6. **Mailing of Notices.** When, in the opinion of the Executive Director, the mailing requirements of the subsections above would result in an excessive number of notices being mailed, the Executive Director may impose a reasonable limitation on the number of notices to be mailed to individual owners of property.

B. REDEVELOPMENT PLANS AND AMENDMENTS. Redevelopment districts, their plans and amendments to those plans are established by the Metro Council and administered by the Metropolitan Development and Housing Agency to ensure the use and long-term viability of the urban areas that they encompass by reversing disinvestment and blight and promoting redevelopment that is sustainable from economic, environmental, aesthetic, public safety, and historic preservation perspectives. Because the Commission's role in the adoption or amendment of redevelopment plans is advisory, a public hearing is not necessary and the plan or amendment may be approved administratively at the discretion of the Executive Director. If a plan or amendment is forwarded to the Commission a public hearing may be held at the discretion of the Commission in conformance with procedures established in Section VII. The Commission will act on such plans or amendments as soon as all necessary information has been received and has been reviewed by the Commission's staff.

C. ZONE CHANGE PROPOSALS. For purposes of these rules, a zone change proposal includes proposals to change the base zoning district or to apply, remove, or amend an overlay district. Such proposals must be submitted a minimum of 42 calendar days prior to the meeting at which they are considered. If a zone change proposal originates in the Metropolitan Council, the Commission must act within 30 calendar days from the date the ordinance is passed by the Council on first reading. The Commission will forward its recommendations to the Metropolitan Council.

1. **Information Required.** All proposals must contain a description of the request, the address and map and parcel number of the subject property, and the name of the owner or optionee of the property. If the applicant is an organization requesting a zone change for a large area, a map displaying parcel numbers may be substituted for addresses, map and parcel numbers, and the names of owners.

2. **Specific Plan District Planned Unit Development and Urban Design Overlay District Proposals**. In addition to the information necessary for submittal of any zone change proposal, Specific Plan (SP) zoning, Planned Unit Development (PUD) and Urban Design Overlay (UDO) proposals must also include all information required by the Zoning Code and meet any other requirements of the Zoning Code. SP, PUD and UDO proposals must also contain all information required in any checklist adopted by the Commission.

   The Executive Director, at his/her discretion, may require an application to amend all or a portion of a Specific Plan zoning district, or to cancel or amend all or a portion of a Planned Unit development or an Urban Design Overlay district, to contain either (a) the signatures of all property owners within the SP, PUD or UDO, or (b) an affidavit from the applicant that all property owners within the SP, PUD or UDO have been notified by registered mail. This notice shall include a map or other appropriate graphic showing the extent of the amendment or cancellation, and the date, time and place of the Planning Commission meeting when the amendment or cancellation is to be considered. A copy of the notice and copies of registered mail receipts shall be attached to the applicant's affidavit.

   Prior to submission of the application, the applicant may ask the Executive Director to specify a less extensive area of notification when the amendment or cancellation is determined to have impact on an area smaller than the entire SP, PUD or UDO. In determining the extent to which such notice will be required, the Executive Director will review the application to determine whether the requested amendment or cancellation may have a significant effect on the other property owners within the SP, PUD or UDO.

3. **Public Hearing and Notice.** The Commission is not required to hold public hearings on zone change proposals. It is Commission policy, however, to hold a public hearing on all zone change proposals. For all public hearings on zone change proposals, at least thirteen (13) calendar days prior to the public hearing, notice of public hearing shall be mailed to owners of nearby properties within distances established in Section 17.40.720 of the Metropolitan Code, and shall be e-mailed to associations and individuals that have registered with the Planning Department to receive e-notice of zone change proposals. Conduct of the hearing shall be in conformance with Section VII B of these Rules.

4. **Zone Change Proposal in Conflict with General Plan.** If a zone change proposal is submitted which, in the opinion of staff, is contrary to the general plan, then staff may, at the discretion of the Executive Director, prepare and present to the Commission an amendment or addition to the plan that would be consistent with the proposed zone change. Any such proposed plan amendment or addition shall be considered according to the procedures set forth in Rule VIII A.

D. TEXT AMENDMENTS. The Commission shall review any proposed amendments to the text of the Zoning Code and forward its recommendation to the Metropolitan Council following a public hearing held in accordance with the procedures of Section VII B of these Rules.

When a text amendment for an adopted Specific Plan, Urban Design Overlay or the Downtown Code is proposed that has the effect of a rezoning, then public hearing signs

and notices shall be required in accordance with the procedures of Section VII.A.3 and VIII. C.3 of these Rules.

E. FINAL SITE PLANS. The Commission is required to act upon final site plans for certain development applications pursuant to Section 17.40.170 B. of the Metro Code. Such proposals must be submitted a minimum of 42 calendar days prior to the meeting at which they are to be considered.

> **Administrative approval.** The Executive Director is authorized to act on behalf of the Commission to approve or approve with conditions any final site plan submitted pursuant to Section 17.40.170 B of the Metro Code that the Executive Director determines to be (1) consistent with the enacting ordinance approved by the Metro Council and (2) eligible for approval pursuant to all relevant provisions in the Metro Code. Such action by the Executive Director shall be memorialized in a letter from the Executive Director to the applicant and conveyed to the Commission. If the Executive Director finds that the final site plan should not be approved or where the Executive Director, in his/her judgment, feels that consideration by the Planning Commission is warranted, then the final site plan may be submitted to the Commission for action. The Executive Director may also waive the requirement for any item normally required to be submitted as part of a final site plan application if the Executive Director determines that the information is not required to permit adequate review and approval of the final site plan.

F. MINOR CHANGES TO APPROVED SPECIFIC PLAN ZONING. In some approved Specific Plan ordinances, the Council authorizes the Planning Commission or its designee to approve certain minor modifications to the approved SP zoning.

> **Administrative approval.** The Executive Director is authorized to act on behalf of the Commission to approve minor modifications to an approved SP plan that are consistent with the principles and further the objectives of the approved plan. Such action by the Executive Director shall be memorialized in a letter from the Executive Director to the applicant and said approval conveyed to the Commission. If the Executive Director finds that the request for a minor modification to the plan should not be approved, or where the Director, in his/her judgment, feels that consideration by the Planning Commission is warranted, then the modification request may be submitted to the Commission for action.

G. SUBDIVISION REGULATIONS. The Subdivision Regulations as duly adopted by the Planning Commission and subsequently amended are incorporated herein by reference as if copied verbatim. Prior to the consideration of new or amended regulations, the Commission shall set a date for a public hearing. Notice of public hearing shall be given by one publication in a newspaper of general circulation at least 30 calendar days prior to the hearing (TCA 13-3-403 C). Notice shall also be published on the Development Services website and the Planning Department website, and shall be broadcast electronically to development and community stakeholders. Conduct of the hearing shall be in conformance with Section VII B of these rules.

H. SUBDIVISION PLATS. Plats must conform to the provisions of the adopted subdivision regulations and must be submitted according to the published schedule of application deadlines. For purposes of these Rules and Procedures, plat is a term that applies to the subdivision concept plan as well as to the subdivision final plat.

1. **Commission Agenda**. When a complete and accurate application for a plat has been filed with the Planning Department, the plat shall be placed on the agenda of the Planning Commission within thirty (30) calendar days of the filing or the next regularly scheduled Planning Commission meeting after the thirty-day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda either in writing or on the Commission record.

2. **Commission Action.** The Commission shall act on a plat within sixty (60) calendar days after it appears on the Commission's agenda for initial consideration. If the Commission has not acted on a plat within the 60-day time period, the plat shall be deemed approved and a certificate issued to that effect upon demand. The applicant may waive the time requirement and consent to an extension or extensions of the applicable time period either in writing or on the Commission record.

3. **Disapproval.** The grounds for disapproval of any plat shall be stated in records of the Commission and recorded in the Minutes.

4. **Deferrals.** The applicant may waive the above time periods permitting the Commission to defer the plat for an extended or indefinite time period. As required by Section VI J of these rules, the reason for the deferral must be reflected in the motion to defer. The Commission is subject to the 60-day time limit unless the applicant requests the deferral or otherwise waives the 60-day requirement.

   When a subdivision concept plan application is deferred indefinitely prior to the public hearing required by subsection 5, below, persons notified of the first hearing shall be notified by mail of the date and time the delayed hearing will be held. When an item is deferred after a public hearing, it is not necessary to notify persons who receive the public hearing notice if the date for further consideration is established at that time. If the date for further consideration is not set at that time, the owners of properties first notified must be notified again. If the time between the public hearing and the date for further consideration exceeds 90 calendar days, a second public hearing must be held.

5. **Public Hearing on Subdivision Concept Plan and Final Plats.** A public hearing shall be held on each subdivision concept plan before action is taken, and on any final plat that is forwarded to the Planning Commission. Notice of public hearing shall be printed with postage included, by the applicant, delivered to planning staff and mailed by planning staff to owners of properties that are within 300 feet of the proposed subdivision. For any Infill Subdivision, notices shall be mailed to owners within 300 and shall include all of the "Surrounding Properties" as defined in the Subdivision Regulations. Conduct of the hearing shall be in conformance with Section VII B of these rules. When an application for revision or extension of a concept plan is filed, the Executive Director shall determine whether the revision or extension is substantial enough to warrant public hearing notices to be sent on the revised concept plan or extension.

6. **Administrative Approval of Final Plats.** Following input from affected departments and agencies, the Executive Director is authorized to act on behalf of the Commission to approve subdivision applications as outlined in the Subdivision Regulations. Such approval by the Director shall be memorialized in a letter from the Executive Director to the applicant and said approvals conveyed to the Commission. If the Executive Director finds that the final subdivision plat should not be approved, or where the Director, in his/her judgment, feels that consideration by the Planning Commission is warranted, then the final plat may be submitted to the Commission for action.

I. MANDATORY REFERRALS.

1. **Commission Action**. The commission shall act upon items which fall under the provisions of T.C.A. Section 13-4-104 and Section 11.505 of the Metro Charter within 30 calendar days after the item is officially submitted to the Commission. Failure to act within 30 days shall be deemed an approval unless a longer period is granted by the submitting body, board, or official. If the Commission disapproves such a submission, the reasons for disapproval shall be communicated to the Metropolitan Council.
2. **Administrative Approval.** Following input from affected departments and agencies, the Executive Director is authorized to act on behalf of the Commission to approve any Mandatory Referral the Executive Director determines should be approved pursuant to all relevant provisions in Tennessee and Metro law. The Commission shall memorialize such approval by the Executive Director in a letter from the Executive Director to the agency that submitted the item for review. A copy of said letter shall be mailed or e-mailed to the Metro Councilmember for the district affected by the Mandatory Referral and, as applicable, the property owner and/or applicant. If the Executive Director finds that the Mandatory Referral should not be approved or where the Director, in his/her judgment, feels that consideration by the Planning Commission is warranted, then the application may be submitted to the Commission for action.

J. RECOMMENDATIONS TO THE BOARD OF ZONING APPEALS. The Commission is required to provide recommendations to the Board of Zoning Appeals (BZA) for variance requests that may be considered on properties located within the Downtown Code (DTC) district, and within Planned Unit Development overlays (PUD), Urban Design Overlays (UDO), and Institutional Overlays (IO) pursuant to Section 17.40.340 of the Metro Code.

1. **Administrative approval.** The Executive Director is authorized to act on behalf of the Commission to provide recommendations of approval or approval with conditions to the Board of Zoning Appeals for any variance request within the DTC district or within a PUD, UDO, or IO that the Executive Director determines should be approved pursuant to all relevant provisions in the Metro Code and General Plan. Such action by the Executive Director shall be memorialized in a letter from the Executive Director to the applicant and the BZA, and conveyed to the Commission. If the Executive Director finds that the variance request should not be approved, or where the Director, in his/her judgment, feels that consideration by the Planning

Commission is warranted, then the variance request may be submitted to the Commission for a recommendation.

K. **RECOMMENDATIONS FOR PILOT AGREEMENTS.** Pursuant to Ordinance No. BL2016-334, The Commission is required to provide recommendations to the Metropolitan Council for payment in lieu of ad valorem tax (PILOT) agreements proposed by the Metropolitan Development and Housing Agency (MDHA) as to whether the project is consistent with the General Plan for Nashville.

1. Administrative approval. The Executive Director is authorized to act on behalf of the Commission to provide recommendations of approval or approval with conditions to the Metropolitan Council for any PILOT agreement that the Executive Director determines should be approved pursuant to all relevant provisions in the Metro Code and General Plan. Such action by the Executive Director shall be memorialized in a letter from the Executive Director to the Metropolitan Council, and conveyed to the Commission. If the Executive Director finds that the PILOT agreement should not be approved, or where the Director, in his/her judgment, feels that consideration by the Planning Commission is warranted, then the PILOT agreement may be submitted to the Commission for a recommendation.

L. CAPITAL BUDGET. In compliance with Section 11.504 (k) of the Charter of the Metropolitan Government, the Commission shall, at least 60 calendar days prior to the beginning of each budget year, submit a list of recommended capital improvements to the Mayor. The list shall consist of improvements which, in the opinion of the Commission, are necessary or desirable to be provided over the forthcoming six year period, noting the order of priority and the year in which projects should be constructed.

M. BONDS. Following input from affected departments and agencies, the Executive Director is authorized to act on behalf of the Commission to approve any request for a new performance bond, or any extension, reduction, release, or collection of an existing performance bond the Executive Director determines should be approved pursuant to all relevant provisions in the Metro Subdivision Regulations. Approval of any extension, reduction, release, or collection by the Executive Director shall be memorialized in a letter from the Executive Director or his/her designee to the applicant and said approvals conveyed to the Commission. If the Executive Director finds that a new performance bond, or any bond extension, release, or reduction should not be approved, then the matter may be submitted to the Commission for a decision. Information that may be relied upon by the Commission in determining whether to approve a new bond, or a bond extension, reduction, or release, may include, but is not limited to, the applicant's having defaulted on other current or previous bonds for the same or any other subdivision.

IX. INTERPRETATION OF RULES. The Commission is the final authority as to the meaning of these rules. From time to time, the Commission may make an exception to these rules for extraordinary cases, setting out the reasons therefor.

X. AMENDMENTS. These rules may be amended at any regular or special meeting of the Commission by the positive vote of six members provided all members have been notified by mail or e-mail of the proposed amendment at least ten calendar days prior to the meeting.

XI. REPEAL OF PREVIOUS RULES. Any other rules, procedures or by-laws previously adopted by the Commission are repealed

XII. FILING PROCEDURE AND EFFECTIVE DATE. These rules shall become effective on May 12, 2005, and a certified copy shall be sent to the Office of the Metropolitan Clerk.

APPROVED BY THE METRO PLANNING COMMISSION ON MAY 12, 2005. Amended December 8, 2005, December 13, 2007, October 14, 2008, March 25, 2010, September 23, 2010, August 11, 2011, February 27, 2014, September 25, 2014, and October 27, 2016.