

FRANKLIN MUNICIPAL PLANNING COMMISSION BYLAWS

1.1 ENABLING LEGISLATION

Pursuant to the Tennessee Code Annotated, section 13-4-102, the Franklin Municipal Planning Commission of the City of Franklin, Tennessee, hereinafter referred to as the city, hereby enacts these bylaws.

2.1 THE PLANNING COMMISSION

2.1.1 Planning Commission Name

The name of the Planning Commission shall be the Franklin Municipal Planning Commission, hereinafter referred to as the Planning Commission.

2.1.2 Planning Commission Office

The principal office of the Planning Commission shall be at City Hall, Franklin, Tennessee 37064.

3.1 PURPOSES AND GENERAL POWERS

3.1.1 Applicable Legislation

The purposes and general powers of the Planning Commission shall encompass those purposes and powers specified in:

- (1) the Tennessee Code Annotated, sections 13-4-101 through 13-4-309, and sections 13-7-201 through 13-7-210, and any amendments and supplements thereto, together with the applicable statutory provisions enacted by the Tennessee Legislature;
- (2) the applicable sections of the Franklin City Charter and the Franklin Municipal Code, and any amendments and supplements thereto; and
- (3) the regulations, rules, bylaws and policies adopted and enunciated by the Planning Commission. In addition to the Order of Business, as directed in section 8.1.7, Robert's Rules of Order shall govern procedural actions.

4.1 OFFICERS

4.1.1 Officers

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

4.1.2 Elections

The Chair and the Vice-Chair shall be elected at the regular meeting held in January of each year from among the appointed members and shall serve for a term of one year, with eligibility for reelection. The Chair and the Vice-Chair shall hold office until successors are elected.

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4.1.3 Chair

The Chair shall preside at the meetings of the Planning Commission and shall vote on the matters coming before it. Except as otherwise authorized by resolution of the Planning Commission, the Chair shall sign, and the Secretary shall attest, the contracts, reports and instruments made by the Planning Commission. At each meeting the Chair shall submit the recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Planning Commission.

4.1.4 Vice-Chair

The Vice-Chair shall serve in the absence of the Chair.

4.1.5 Secretary

The Planning Director shall serve as the Secretary. The Secretary shall attest the contracts, reports, and instruments signed by the Chair or made by the Planning Commission. Prior to recording final subdivision plats in the Register's Office of Williamson County, the Secretary, or, in his/her absence, the Chair, Assistant City Administrator of Economic and Community Development, the Assistant Planning Director, Current Planning Supervisor, or the City Administrator, shall sign the final subdivision plats submitted to the Planning Commission that have been granted final approval. In the absence of, the Directors of Water Management Department or the Street Department, the City Engineer, City Administrator, and/or the Director of Engineering shall sign the appropriate certificates on the final subdivision plats that have been granted final approval. The Director of the Water Management Department and the Director of the Street Department may designate their signatory authority. The Director shall list his/her designee in writing and that list shall be kept on file in the Planning and Sustainability Department.

4.1.6 Absences

Should the Chair not be in attendance, the Vice-Chair shall serve as Chair. Should both the Chair and the Vice-Chair be absent, the Planning Commission shall, on the motion of the Secretary, or any of its members, accept nominations, and shall hold an election to appoint an Acting Chair to conduct the meeting during the absence of the Chair and the Vice-Chair.

4.1.7 Vacancy

Should the Chair resign or be unable to continue as Chair, then the Vice-Chair shall serve for the remainder of the term.

5.1 MEMBERS

5.1.1 Members

The Planning Commission shall consist of nine members, including the officers. One of the members shall be the Mayor, or a person designated by the Mayor. One of the members shall be a member of the Board of Mayor and Aldermen, who shall be selected by that body. The Mayor shall appoint all other members.

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5.1.2 Terms

The terms of the appointed members shall be as specified by the Board of Mayor and Aldermen, provided, however, that the terms shall be so arranged that the term of at least one (1) member shall expire each year.

5.1.3 Vacancies

The Mayor shall fill vacancies in the terms of appointed members.

5.1.4 Removal

The Mayor shall have the power to remove appointed members at his/her or her pleasure.

6.1 STAFF

6.1.1 Urban Planners

The Planning Commission may appoint and enter into contracts for services with full-time or part-time urban planners as it shall deem appropriate and shall fund the expenses from its budget.

6.1.2 Employees

The Planning Commission may appoint and enter into contracts for services with employees on a full-time or part-time basis as it shall deem appropriate and shall fund the expenses from its budget.

6.1.3 Other Personnel

The Planning Commission shall use the services of the City Attorney and other city employees as it shall deem necessary.

7.1 BUDGET

Exclusive of gifts, the Planning Commission shall rely on the monies appropriated by the Board of Mayor and Aldermen to fund the activities and expenses of the Planning Commission and may budget the monies in any manner it shall deem appropriate.

8.1 MEETINGS

8.1.1 Regular Meetings

Regular meetings of the Planning Commission shall be held on the fourth Thursday of each month, January through October, and the second Thursday of December, at 7:00 P.M. in the City Hall, or at such other place as the Planning Commission may designate. The deadline for regular meetings shall be as set forth in section 8.1.4.

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8.1.2 Special Meetings

The Chair, when he/she deems it necessary, or upon the request of any Planning Commission member, shall call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

8.1.3 Publication

Notice of regular meetings shall be published prior to each meeting in at least one local newspaper with an agenda of the items to be considered at the meeting. If possible, notice of special meetings shall be published prior to each meeting in at least one local newspaper, with an agenda. If notice of a special meeting is not possible in at least one local newspaper, then, prior to holding the meeting, notice shall be announced on the City's website with a brief summary or agenda of the matters to be discussed.

8.1.4 Agenda

- (1) It shall be the duty of the Department of Planning and Sustainability to prepare an agenda listing the business and matters to be considered by the Planning Commission at each meeting. For the purposes of setting the submittal dates, as listed in 8.1.4(2), below, days refer to calendar days. Therefore, in counting the days for submittals, weekends and holidays are included in the computation of days. The day of the Planning Commission Meeting is not counted in the computation of days.
- (2) In order for items to be considered at a regular meeting, they shall be submitted to the Department of Planning and Sustainability as follows:
 - a. An applicant wishing to present an item to the Planning Commission shall contact the Department of Planning and Sustainability to schedule a plan meeting, if required by the Zoning Ordinance, and submit for preapplication. The applicant will be advised of what constitutes a complete submittal via the Preapplication Form. It shall be the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the City. Failure to schedule a preapplication conference or to submit information identified on the Preapplication Form is grounds for not being placed on the agenda pursuant to Section 8.1.4(2)(k).
 - b. Items shall be submitted to the Department of Planning and Sustainability on Monday, by 5:00 p.m., 45 days prior to the January through October meetings, and 45 days prior to the fourth Thursday in November, for the December meeting. The Department of Planning and Sustainability shall perform a completeness review of the items submitted before accepting an item for an agenda. Items not received by the deadline date and time will not be placed on the agenda.
 - c. The Staff shall review, within two weeks, the items submitted by the deadline date.

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- d. Once the items have been reviewed by the Staff, they shall be returned to the applicants on Tuesday, 30 days prior to the January through October meetings and 30 days prior to the fourth Thursday in November, for the December meeting. It shall be the responsibility of the applicants to make the necessary identified corrections, along with any additional information required, to the Department of Planning and Sustainability on Thursday, at 5:00 p.m., 21 days prior to the January through October meetings, and 21 days prior to the fourth Thursday in November, for the December meeting. No revisions to exhibit documents, or additional exhibit documents, shall be accepted by the Department of Planning and Sustainability after this date, except if, in the opinion of the Planning Director, or the Assistant City Administrator of Economic and Community Development in his/her absence, the additional exhibits are related to ongoing discussions to address specific staff comments, recommended conditions of approval, or deficiencies.
 - i. If an applicant does not return an agenda item according to this section, then the Department of Planning and Sustainability shall not place the item on the agenda. An applicant has three (3) resubmittal dates, including the resubmittal of the first submittal review cycle, to return an item to be placed on the agenda. Failure to resubmit within three (3) resubmittal cycles voids the application resets the review process starting with 8.1.4(2)a.
- e. An applicant may ask that an item be deferred to the next regular Planning Commission meeting, after an applicant has resubmitted and prior to being placed on the agenda. Deferral requests shall be submitted to the Department of Planning and Sustainability no later than ten (10) days prior to the Planning Commission meeting, and plans are required to be resubmitted as outlined 8.1.4(2)d; however, if changes are made to the project that are so numerous or substantial that it no longer resembles the initial submittal, a complete re-review of the project is required according to the deadlines established in section 8.1.4(2)b.
- f. The time prior to the agenda items being made available to the Planning Commission members shall be used by the Department of Planning and Sustainability as processing time for the items.
- g. The Department of Planning and Sustainability shall prepare the Planning Commission agenda and all exhibits pertaining to the agenda eight (8) days prior to the meeting at which the agenda items will be considered.
- h. Non-agenda items shall not be considered .
- i. The following provisions shall apply to items on the agenda:
 - i. Items to be Withdrawn by an Applicant:

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If, for any reason, an applicant wishes to withdraw from the agenda, they shall be permitted to do so until 12:00 Noon on Monday ten (10) days, prior to the meeting. After that time, no agenda item will be permitted to be withdrawn by the applicant and must be requested for withdrawal at the Planning Commission meeting.

- ii. Items to be Deferred by an Applicant:
Deferrals can be granted by staff according to section 8.1.4.(2) e. All other deferral requests must be requested at the Planning Commission meeting. Items deferred by the Planning Commission shall be deferred to a particular date as determined by the Planning Commission. The provisions of the Tennessee Code Annotated, Section 13-4-304, shall apply to the time frame for approval, approval with conditions, or disapproval of subdivision plats. For all other items, the Planning Commission may grant a maximum of three (3) deferrals before the agenda item must be acted upon or withdrawn.
- iii. Items for Planning Commission Consideration
If the applicant has questions about or is in disagreement with a staff recommendation on an agenda item or a specific condition of approval on an agenda item, then the applicant shall contact the Staff Planner with the Department of Planning and Sustainability prior to the Planning Commission Meeting. If the applicant fails to notify the Department of Planning and Sustainability of an objection to a staff recommendation or a condition of approval by at least 48 hours prior to the Planning Commission Meeting, the item may be requested to be deferred by staff until the next available Planning Commission Meeting Agenda.
- j. The City Administrator, the Assistant City Administrator of Economic and Community Development, the Planning Commissioners or the Planning Director may place items on the Planning Commission agenda as circumstances dictate but must do so no later than 48 hours prior to the Planning Commission meeting, and the agenda must be republished on the City's website.
- k. Items may be administratively removed from the agenda by the Planning Director, if, in the opinion of the Planning Director, one or more of the following conditions are determined. In the absence of the Planning Director, the Assistant City Administrator of Economic and Community Development shall make this determination.
- i. A preapplication review/conference, as required by section 8.1.4(2)a, was not held with the Department of Planning and Sustainability.

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- ii. It is determined that the submittal was not received by a deadline established by sections 8.1.4(2)b or 8.1.4(2)d.
 - iii. The submittal is incomplete and is missing one or more essential components as identified on the completed Preapplication and/or Initial Submittal Form.
 - iv. All prerequisites from the conditions of approval of an associated application, such as a development plan, preliminary plat, or site plan, are not satisfied.
 - v. The submittal contains technical deficiencies that:
 - 1. are so numerous or substantial that the submittal is too incomplete or illegible for the staff to determine if the applicable minimum requirements have been met and to make an accurate and informed recommendation to the Planning Commission;
 - 2. are so numerous or substantial that, when corrected, any conditions would change the project so substantially that it would no longer resemble the initial submittal and would necessitate a complete review by the staff; or
 - 3. are substantially inconsistent with an approved development plan, concept plan and/or pattern book, preliminary plat or previous condition of approval applicable to the submittal.
 - iv. If an item is administratively removed from the agenda, the Planning Director or his/her designee shall notify the applicant in writing as soon as possible after the determination is made. An applicant is required to resubmit plans per section 8.1.4.(2)b or d.
- (3) Items considered at special meetings are limited to those designated by the Chair or at the request of any Planning Commission member calling the meeting. The items shall be listed in an agenda at the earliest possible date.
- (4) The Department of Planning and Sustainability shall make copies of the agenda available to the Planning Commission members, to the City Recorder, to the City Attorney, to the applicants and to at least one local newspaper and/or city website, prior to each regular meeting and at the earliest possible date prior to a special meeting.
- (5) An Envision Franklin Land Use Plan amendment request and a rezoning request or development plan shall not be submitted to the Planning Commission for action at the same meeting. Requests for amendments to the Land Use Plan shall only be placed quarterly on the Planning Commission agenda (March, June, September, and December). Depending on the nature of the request, special meetings of the Planning Commission may be needed to discuss the requested land use plan amendment and allow for additional public involvement. Envision

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Franklin Land Use Plan amendment requests are limited to one deferral request prior to resetting to the beginning of the review process, as established in section 8.1.4(2)(a). Envision Franklin Land Use Plan Amendment deferral requests shall be to defer the item for a minimum of 60 days to allow for required public notice.

8.1.5 Quorum

Five members of the Planning Commission shall constitute a quorum for the purpose of conducting business.

8.1.6 Voting

A majority of the Planning Commission members present and constituting a quorum shall be necessary to decide items requiring action. At the discretion of the Chair, the voting on questions shall be by roll call, and the ayes and nays shall be entered upon the minutes of the meeting, except that, when the vote of all of the Planning Commission members present is unanimous, recording the unanimous vote shall be sufficient. Otherwise, a voice vote shall be sufficient.

8.1.7 Order of Business

The following shall be the order of business for regular meetings of the Planning Commission.

- (1) Call the meeting to order.
- (2) Citizen Comments. (Open to citizens to be heard on any issue or concern, including those related to items on the agenda. Speaker cards must be filled out prior to speaking on an item. The Chair may restrict the period for public comment, including the length of the public comment period, the number of individuals who can speak and the length of time each individual may speak. When time allows, the standard individual public comment time is two minutes. As provided by law, the Planning Commission shall make no decisions or consideration of action of citizen comments for items not on the agenda, except to refer the matter to the Planning Director for administrative consideration, or to a schedule the matter for consideration at a later date.
- (3) Approve the minutes of prior meetings.
- (4) Announcements
- (5) Consent agenda items. The items under the consent agenda are deemed by the planning commission to be non-controversial and routine in nature and will be approved by one motion. The items on the consent agenda will not be discussed. Any member of the Planning Commission or the public desiring to discuss an item on the consent agenda may request that it be removed and placed on the regular agenda. It will then be considered in its printed order. If an item is approved on the

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consent agenda, it is approved with the staff recommendation unless otherwise noted.

- (6) Order of presentation of agenda items.
 - a. Presentation by the Staff
 - b. Public Comments. (See Section 8.1.8, below.)
 - c. Presentation by the applicant. Applicants are encouraged to come to the meeting, even if they agree with the staff recommendation. The Planning Commission may defer or disapprove an application/request unless someone is present to represent it. (See Section 8.1.8, below.)
 - d. Planning Commission:
 - i. Motion and second by the Planning Commission members.
 - ii. Discussion on the motion.
 - iii. Vote of the Planning Commission members.
- (7) Any other business.
- (8) Adjourn.

8.1.8 Public Comments, Public Hearings, and Applicant Presentation

- (1) Public Comments and Public Hearings

Guidelines for Public Comments or Public Hearings for Individuals:

- a. The Planning Commission shall also allow Public Comments on all items on the agenda. Public Comments on these items may be opened and closed by the Chair, without a vote of the Planning Commission.
- b. Prior to speaking during Public Comments or a Public Hearing, individuals should complete a Public Comment Card.
- c. Comments shall be limited to two (2) minutes per individual. At the discretion of the Chair, and under limited circumstances, the time may be extended for due cause.
- d. Individuals wishing to speak shall come to the podium at the front of the room, face the Planning Commission, identify themselves by name and home address, and make comments related to the agenda item.
- e. The Chair may limit those Public Comments that are irrelevant or repetitive in nature.

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- f. State law for certain items, for example, amendments to the subdivision regulations, requires Public Hearings. During statutorily required Public Hearings, after presentation of the item by the planning staff and the proponent, the Chair shall open the public hearing in order to allow individuals to speak. After those individuals wishing to speak at the Public Hearing have done so, on a motion and vote, the Public Hearing shall be closed.
- g. The Planning Commission shall also allow Public Comments on items not on the agenda. Public Comments on these items may be opened and closed by the Chair, without a vote of the Planning Commission.

(2) Applicant Presentation

Applicants shall be allotted ten (10) minutes to present their request to the Planning Commission after the staff presentation and the Public Comment. At the discretion of the Chair, and under limited circumstances, the time may be extended for due cause. All applicant representatives speak or are represented during the allotted time. Applicants shall be allowed to present illustrative plans or other exhibits during the allotted time; however, electronic media (powerpoints, commercials, videos, etc.) must be provided to and reviewed by the Planning Department 48 hours prior to the Planning Commission meeting.

8.1.9 Minutes

- (1) The Planning Commission shall speak only through its minutes, which shall be prepared by the recording Secretary, who shall prepare a written record of the proceedings and prepare the minutes from the record. The minutes shall contain the following information:
 - a. The kind of meeting, such as regular or special.
 - b. The name of the assembly.
 - c. The meeting date and place.
 - d. The fact of the Chair and Secretary being present, or, in their absence, the names of substitutes, along with the names of the Planning Commissioners and City Staff present.
 - e. Whether the minutes of the previous meetings were read and approved.
 - f. The main motions and the name of the Planning Commission member making the motion, and whether the motion was seconded.
 - g. The action taken on the motion and the reasons for that action.
 - h. The names of the persons addressing the Planning Commission and a general statement as to whether they favored or opposed the proposition addressed and a summary of their statement.

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- i. The hours of the meeting and its adjournment.
 - j. Exhibits of all items and documents reviewed and considered by the Planning Commission during the meeting.
- (2) The minutes shall be attested by the Secretary and signed by the Chair.
- (3) The written record shall also remain on file for general reference. The minutes shall be delivered to the Planning Commission members for examination before the next regular meeting.

9.1 COMMITTEES

Special committees may be appointed by the Chair for purposes and terms, which the Planning Commission members approve. The Joint Conceptual Project Workshop (JCW) shall be a standing committee of the Planning Commission as it is a required step for certain Development Plans.

9.1.1 Conceptual Project Workshop

The Joint Conceptual Project Workshop (JCW), a required step in the zoning ordinance for certain Development Plans, is intended to be informal forum for the Board of Mayor and Aldermen and the Franklin Municipal Planning Commission to learn about, and provide feedback to applicants related to, potential applications for projects and/or potential development plan projects in light of adopted City Documents including but not limited to Envision Franklin, Zoning Ordinance, Subdivision Regulations, Major Thoroughfare Plan/Connect Franklin, Transportation and Street Technical Standards, Stormwater BMP Manual, as well as neighborhood impact, context, scale, public facilities and infrastructure, open space, and project phasing. All discussion is for the aid of the applicant only and is non-binding on the Board of Mayor and Aldermen or on the Franklin Municipal Planning Commission. Any changes made or suggestions taken by the applicant based on discussion from the Joint Conceptual Project Workshop is the applicant's choice and the Board of Mayor and Aldermen and Planning Commission makes no representation as to whether any changes or suggestions made during the Joint Conceptual Project Workshop will be approved by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen retains the responsibility and duty to approve all development plans therefore, the Planning Commission and Board of Mayor and Aldermen will not make any binding decisions during the Joint Conceptual Project Workshop. In addition to development plans, Joint Conceptual Project Workshops will also entertain staff requests for discussion.

9.1.2 Membership

The Joint Conceptual Project Workshop shall consist of the full membership of both the current Board of Mayor and Aldermen and the current Franklin Municipal Planning Commission. The Planning Commission Chair shall facilitate the workshop.

9.1.3 Regular Meetings

Regular meetings of the Joint Conceptual Project Workshop shall be held on the fourth Thursday of each month, January through October, and the second Thursday in December, at 5:30PM in City Hall, or at such other place and time as the Planning Director

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and/or Assistant City Administrator of Economic and Community Development may designate.

9.1.4 Special Conceptual Project Workshop Meetings

The Planning Commission Chair, the Planning Director and/or Assistant City Administrator of Economic and Community Development, when he/she deems it necessary, or upon the request of any Planning Commission or Board member, shall call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

9.1.5 Publication

Notice of regular meetings shall be published prior to each meeting in at least one local newspaper with an agenda of the items to be considered at the meeting. If possible, notice of special meetings shall be published prior to each meeting in at least one local newspaper, with an agenda. If notice of a special meeting is not possible in at least one local newspaper, then, prior to holding the meeting, notice shall be announced on the City's website with a brief summary or agenda of the matters to be discussed.

9.1.6 Agenda

- (1) It shall be the duty of the Department of Planning and Sustainability to prepare an agenda listing the business and matters to be considered at each Joint Conceptual Project Workshop meeting. Since the meeting is typically held prior to the regularly scheduled FMPC Meeting, there shall be a limit of three (3) items per agenda, unless the Planning Director grants special permission for additional items.
- (2) In order for items to be considered at a regular meeting, they shall be submitted to the Department of Planning and Sustainability as follows:
 - a. An applicant wishing to present an item at the Conceptual Project Workshop shall contact the Department of Planning and Sustainability to schedule a Plan Meeting. For Development Plans, the required Preapplication Conference must be held in advance of the Joint Conceptual Project Workshop presentation.
 - b. Presentation items shall be submitted to the Department of Planning and Sustainability along with an applicant's initial submittal application package. Items not received by the deadline date and time shall not be placed on the agenda. The City Administrator, the Assistant City Administrator of Economic and Community Development or the Planning Director may place items on the Joint Conceptual Project Workshop agenda, as circumstances dictate.
 - c. During and following the applicant presentation, the staff may respond to questions about the staff comments and observations at the Preapplication Conference, staff comments and observations on the initial submittal package, and applicable Land Use Plan policies.

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- d. The Department of Planning and Sustainability shall prepare the Joint Conceptual Project Workshop agenda at least one week prior to the meeting at which the agenda items will be considered.
 - e. Non-agenda items shall not be considered at the Joint Conceptual Project Workshop.
 - f. Items may be administratively removed from the agenda by the Planning Director if a Plan Meeting or preapplication conference, as required by the Zoning Ordinance, was not held with the Department of Planning and Sustainability.
- (4) The Department of Planning and Sustainability shall make copies of the agenda available to the Planning Commission members, to the City Recorder, to the City Attorney, to the applicants and to at least one local newspaper and/or the City's website, prior to each regular meeting and at the earliest possible date prior to a special meeting.

9.1.7 Quorum

There is no requirement for a quorum for the Joint Conceptual Project Workshop, since it is a nonvoting informational meeting.

9.1.8 Voting

The Joint Conceptual Project Workshop is a non-voting meeting.

9.1.9 Order of Business

The typical process for discussing an item in this workshop setting is as follows:

- (1) Call to Order by the Chair of the Planning Commission;
- (2) staff presentation;
- (3) Applicant presentation;
- (4) BOMA and FMPC comments; and
- (5) Adjournment.

9.1.10 Public Comments

In rare instances, Public Comment may be permitted during the workshop at the discretion of the Chair. The intent of the Joint Conceptual Project Workshop is to provide a forum of discussion among applicants, the Planning Commission, and the Board of Mayor and Aldermen. Opportunities for public comment will be provided for in later phases of the planning processes.

9.1.11 Minutes

Because the Joint Conceptual Project Workshop is an informal nonvoting meeting for general discussion and informational purposes, minutes will not be kept; however, the

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published agenda will serve as documentation that an item has satisfied this required step for certain development plans and any materials presented by the applicant will be entered into the official record for the proposed application.

10.1 AMENDMENTS

These bylaws may be amended at a regular or special meeting, but no amendment shall be adopted unless a written notice of at least four days has been previously given to the Planning Commission members.

11.1 ADOPTION AND EFFECTIVE DATE

These Planning Commission bylaws were adopted on July 10, 1978, and subsequent amendments and their dates are noted in the Planning Commission minutes.

Effective : _____

ATTEST:

Secretary

Chair