



The City of  
OKLAHOMA CITY

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# BY-LAWS OF THE OKLAHOMA CITY PLANNING COMMISSION

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Adopted <DATE>

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## ARTICLE I. OBJECTIVES

### Section 1. ESTABLISHMENT

Oklahoma State Statutes allow municipalities to establish a Planning Commission per 11 O.S. §47-102, which states, “Any municipality may make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this article and create by ordinance a planning commission with the powers and duties herein set forth.” The Oklahoma City Municipal Code, §59-3150 et seq., establishes the Oklahoma City Planning Commission and defines its purpose, general powers and duties therein.

### Section 2. PURPOSE

The Purpose of the Planning Commission is to promote municipal planning through exercising the following powers, as outlined in [11 O.S. § 43-109 and](#) 11 O.S. §47-101 et seq. and the Oklahoma City Municipal Code, Chapter 59 § 59-3150.2:

- A. **Comprehensive Plan.** Planning Commission develops, adopts, updates and implements the municipality’s Comprehensive or General Plan for the physical development of the city. The Commission is also charged with promoting public interest in and understanding of the plan and consulting with and advising public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens to protect or carry out the Comprehensive Plan.
- B. **Subdivision of Land.** The Planning Commission develops, adopts and amends Subdivision Regulations governing the subdivision of land, and approves or disapproves plats, replats and subdivisions of land in accordance with these regulations.
- C. **Development Projects and Municipal Regulations.** The Planning Commission reviews, holds hearings on, and makes recommendations to the City Council on zoning, special permit uses, and Planned Unit Developments as being consistent with, and promoting the intent and purpose of the Comprehensive Plan. The Commission may also review, revise, or recommend municipal regulations as to buildings, structures and land, ensuring they are made in accordance with the Comprehensive Plan.
- D. **Approves Capital Improvements Plans.** The Planning Commission reviews and approves the municipality’s capital improvements program for consistency with the Comprehensive Plan and may recommend programs for public structures and improvements and the financing thereof that further the goals and recommendations of the Comprehensive Plan.
- E. **Review of Special Plans.** The Planning Commission reviews local plans and programs of agencies (such as a redevelopment trust intending to undertake specific redevelopment projects) and submits a finding to the governing body that the program plan is consistent with the Comprehensive Plan for the development of the city.
- F. **Consider Annexations and Deannexations.** The Planning Commission may report to the governing body on the consistency of proposed public land acquisition (annexation) or disposal (detachment or deannexation) with the Comprehensive Plan.

## ARTICLE II. MEMBERSHIP

### Section 1. QUALIFICATIONS AND EXPERIENCE

The composition of the Commission should reflect a broad range of opinion, experience, and expertise with the objective of providing sound advice to the citizenry and governing body of the municipality. Members of the Planning Commission shall be qualified by knowledge or experience to act in matters pertaining to the development and implementation of the Comprehensive Plan for the City. To achieve that purpose, persons with experience or training in the substantive areas of city planning, architecture, landscape architecture, transportation planning, urban design, engineering, environmental science, land use law, or land development are encouraged to apply. Other specialties including real estate, historic preservation, economics, government, community services, business and industry, as well as citizens active in neighborhood or community organizations contribute to a rounded perspective of the Commission.

### Section 2. APPOINTMENT

The Mayor appoints Planning Commissioners with the consent and approval of the City Council through a vote of confirmation.

- A. **Members.** The Planning Commission consists of nine (9) members.
- B. **Composition.** Geographic distribution of the nine (9) members shall include one resident from each of the eight (8) City Council wards, and one (1) member who serves at large. The members shall hold no other municipal office, except that one member shall be a member of the Board of Adjustment, one member shall be a member of the Urban Design Commission, and one (1) member may be a member of the Oklahoma City Plan Advisory Committee, the Oklahoma City Arts Commission or other body—office, as deemed necessary by the Mayor and City Council, and approved by the Planning Commission.

### Section 3. TERM

Pursuant to 11 O.S. §47-103 and Oklahoma City Municipal Code, Chapter 59 §59-3150.3, each member shall serve for a term of six (6) years. A Commissioner may serve until he/she is reappointed, or his/her successor takes office. Appointments to fill vacancies shall be for the unexpired term only.

### Section 4. RESPONSIBILITIES

Planning Commission members are expected to be present and adequately prepared for all meetings and to actively participate in meeting discussions. Members who are unable to fulfill these obligations or complete assigned tasks should notify the Chair as soon as possible.

### Section 5. ATTENDANCE

Members shall attend at least two-thirds75 percent of the regularly scheduled Planning Commission meetings over a one calendaryear period. Failure to achieve this level of attendance may be grounds for termination of the members' tenure with the Planning Commission.

### Section 6. REMOVAL

Members of the Planning Commission may be removed by the Mayor for insufficiency,

neglect of duty or malfeasance in office, upon the filing of written charges and after a public hearing before the City Council. Members may resign with the Mayor's acceptance of a letter of resignation.

**Section 7.**

**CONTACT INFORMATION**

Planning Commission members are required to provide ~~contact information a mailing address and phone number or email address~~ to the City Clerk as required on the Application form submitted for appointment for the Commission. This contact information is available to City staff. Arguably, persons filing an Open Records request with the City will also be entitled to ~~this any~~ information submitted to the City unless or until changes are made to state law.

**ARTICLE III. OFFICERS**

The officers of the Planning Commission consist of a Chair, Vice-Chair, and the Planning Director or designee as Secretary Ex-officio to the Commission.

**Section 1.**

**ELECTION AND TERMS OF OFFICE**

- A. **Election of Officers.** A majority of the Commission (5 votes) shall elect a Chair and Vice Chair on the second regular meeting in June of each year.
- B. **Terms of Office.** The term of office shall be one year, from July 1st until the following June 30th.

**Section 2.**

**DUTIES OF CHAIR**

The Chair shall vote and be recorded on all matters coming before the Commission, and shall have the following duties:

- A. **Preside Over Meetings.** The Chair is responsible to run an orderly meeting and conduct the Planning Commission's business in a fair and timely manner.
- B. **Maintain Decorum and Order.** The Chair is responsible for maintaining order throughout public meetings. Members of the public should not be allowed to clap or cheer for testimony that is presented by other members of the public or by the Planning Commission. The Chair should not permit fellow Planning Commission members to accuse or challenge one another or persons speaking. The Chair should prevent to the best of his or her ability any arguments or criticisms between Planning Commission members, applicants or the public, or amongst Planning Commission members themselves.
- C. **Keep Business Moving.** The Chair is responsible for ensuring that the business of the Planning Commission continues to move forward in a reasonable amount of time. The Chair may summarize facts presented by the Commission to move items forward to a vote once relevant information and public comments have been expressed.
- D. **Maintain Parliamentary Procedure.** The Chair exercises and ensures, with support from the Municipal Counselor's Office assigned to the Commission, that motions, amendments to motions, the order in which business is conducted, etc. are conducted according to the parliamentary procedure set forth in these bylaws,

State Law, and City Ordinances.

- E. **Execute Documents.** The Chair has signing authority to execute documents in the name of the Commission, with its approval.

**Section 3. DUTIES OF VICE CHAIR**

The Vice Chair shall assume the duties of the Chair in cases of the Chairperson's inability to act or absence.

**Section 4. ABSENCE, VACANCY OR RESIGNATION OF CHAIR OR VICE CHAIR**

- A. In the absence of the Chair and Vice-Chair, the most immediate past Chair in attendance shall chair the meeting, otherwise the members present shall select an acting Chairperson.
- B. In the event of a vacancy by either the Chair or Vice Chair, a majority of the Commission (5 votes) shall elect a replacement to fill the unexpired term at the next regular meeting. Should the Vice Chair be elected to fill the unexpired term of the Chairperson, a majority of the Commission (5 votes) shall thereupon, immediately elect a replacement for the Vice Chair.
- C. In case of the resignation or inability of the Chair to serve, the Vice Chair shall act as the Chair until a replacement is elected.
- D. Either the Chair or the Vice Chair may be removed from office for neglect of duty by a 2/3-majority vote of the entire Commission prior to the expiration of the regular term.

**Section 5. DUTIES OF SECRETARY**

The Director of the Planning Department of the City of Oklahoma City or his/her designee serves as Secretary Ex-officio to the Commission and provides such technical and consultative assistance as may be required by the Commission in the exercise of its duties, including the authority to sign official documents of the Planning Commission.

- A. **City Staff Liaison.** The Planning Director serves as a City Staff Liaison to the Planning Commission and is expected to work cooperatively with Planning Commission members. Members may not direct City staff but can request assistance through the City Staff Liaison to carry out the Planning Commission mission. The duties of the City Staff Liaison include but are not limited to:
  - 1. Provide technical expertise and access to City resources.
  - 2. Relay information or directives from City Council meetings or work sessions relevant to the Planning Commission.
  - 3. Respond to Planning Commission inquiries in a timely manner.
  - 4. Provide orientation materials to new members and chairperson.
- B. **Secretarial duties to be delegated to City Staff**

1. Post or serve all notices required by law or by these bylaws.
2. Prepare the agenda for all meetings of the Planning Commission.
3. Serve as custodian of Planning Commission records.
4. Inform Planning Commission of correspondence relating to business of the Planning Commission and attend to such correspondence.
5. Take minutes of all meetings of the Planning Commission.
6. Forward information to and between Planning Commission members.

## **ARTICLE IV. NOTICE AND QUORUM**

### **Section 1.**

#### **PUBLIC NOTICE**

In accordance with the Oklahoma Open Meeting Act, all official meetings of the Planning Commission shall be open to the general public. An "official" Planning Commission meeting is any personal gathering of a quorum of Planning Commission members for the purpose of conducting the public business of the Planning Commission.

- A. The date, time and place of all regular meetings for the following calendar year shall be filed annually by December 15<sup>th</sup> with the City Clerk's office. In addition, notice of such meeting shall be posted at least 24 hours in advance of the meeting and in compliance with the Open Meeting Act.
- B. Special meetings shall require public notice at least 48 hours prior to the meeting and in compliance with the Open Meeting Act.
- C. No informal gatherings or any electronic or telephonic communications (except teleconferences done in accordance with the Open Meeting Act) shall be used to conduct business of the Planning Commission. Emails and phone calls between a quorum of members discussing Planning Commission business, is a violation of the Open Meeting Act.

### **Section 2.**

#### **QUORUM**

At least five (5) members of the Commission shall be necessary to constitute a quorum for the transaction of any business.

- A. The affirmative vote of five (5) members comprising the Commission shall be required for the exercise of the powers or functions conferred or imposed upon the Commission.
- B. In the event there is a lack of five (5) concurring votes, the item will automatically be continued to the next regularly scheduled meeting.

## **ARTICLE V. RESPECTFUL AND ETHICAL CONDUCT**

### **Section 1.**

#### **RESPECTFUL BEHAVIOR**

Respectful behavior includes how Planning Commission members relate to each other, City staff and members of the public. Members share a joint responsibility in modeling,

monitoring and addressing behavior within the group.

- A. During Planning Commission interactions, members should strive to:
  - 1. Treat people with courtesy, politeness, and kindness;
  - 2. Encourage others to express their opinions and ideas;
  - 3. Listen to what others have to say;
  - 4. Use the ideas of others to improve decisions and outcomes; and
  - 5. Recognize cultural differences.
- B. Members should avoid:
  - 1. Speaking over or cutting off another individual's comments;
  - 2. Insulting, disparaging or putting down people or their ideas; and
  - 3. Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments.

**Section 2.**

**VIOLENCE AND THREATS**

The Chairperson and City Staff Liaison have the right to call for the immediate removal of anyone who threatens to commit or commits an act of violence on City property.

- A. Violence and threats may include, but are not limited to:
  - 1. Any act which is a physical assault; and
  - 2. Any threat, behavior or action which is interpreted by a reasonable person to carry the potential to harm or endanger the safety of others, or result in an act of aggression, or destroy or damage City property.

**Section 3.**

**CONFLICTS OF INTEREST**

Members may not use their position on the Planning Commission for personal benefit. The interests of the Planning Commission must be the first priority in all decisions and actions.

- A. **Determination.** Conflicts of interest may be actual or perceived, including direct or indirect interest in any property or matter that is the subject matter of or is affected by a decision of the Commission. Commission members may consult with and be advised by the City Attorney on the determination of a conflict of interest.
- B. **Disclosure.** Any member who has a financial interest in, or who may receive a financial benefit as a result of, any Planning Commission action or decision must disclose this fact as a conflict of interest. In the event that any member has a conflict of interest, he/she shall refrain from participation in any discussion of such matter and should abstain from voting upon the matter.
- C. **Gifts.** Planning Commission members may not receive personal gifts from any "interested person" in conjunction with their Commission duties. An "interested



person" is a person, or representative of a person or an association, who has a direct financial interest in a recommendation under the Planning Commission's purview. This section does not apply to lawful campaign contributions.

**Section 4.**

**EX PARTE COMMUNICATIONS**

- A. **Definition.** Ex parte communications are contacts, whether oral or written, including telephone calls or letters, direct or indirect, which occur outside the public meeting forum between interested individuals and individual members of the Planning Commission in which such member discusses the merits of any matter which may or will be subject to such Commissioner's vote. Such contacts include, without limitation, meetings with project proponents or opponents, residents, property owners, citizens or other interested parties separate from Planning Commission meetings.
- B. **Exclusions.** Ex parte communications shall not include the following:
1. Written communications delivered to City Staff for distribution to all members of the Planning Commission as part of each member's public meeting packet and which thereby become available to all interested parties and constitute communications within the public meeting forum; or
  2. Site visits by a Planning Commission member, provided that such visits are conducted without any unnecessary contact or communication with any project proponents or opponents, residents, property owners, citizens or other interested parties, or any of their respective representatives.
- C. **Quasi-Judicial Matters.** Ex Parte Communications are prohibited in connection with quasi-judicial matters. In the interest of avoiding bias or undue influence, or the appearance of bias or undue influence, all Planning Commission members shall refrain from engaging in any ex parte communication related to any Quasi-Judicial Matters, such as the approval of plats, the recommendation, revision, adoption or amendment of the comprehensive plan, -or lot-splits. Legislative actions such as ~~recommending, adopting, amending or revising comprehensive plans,~~ zoning ordinances, other land use planning documents or other similar matters are not considered quasi-judicial matters.
1. In the event any Planning Commission member is contacted by any project proponents or opponents, residents, property owners, citizens or other interested parties, or any of their respective representatives, under circumstances where the Planning Commission member has reason to believe that an ex parte communication related to a Quasi-Judicial Matter will or may occur, such member shall promptly inform such interested party that the Planning Commission member cannot discuss the matter or have any contact with such interested party on the subject of such matter other than at a Planning Commission meeting.
  2. Members are encouraged to recommend to all such interested parties that they attend meetings of the Planning Commission to publicly express their views, or that they otherwise deliver written comments to the office of City Staff for distribution to Planning Commission members.

- D. **Disclosure of Ex Parte Communications/Abstention.** When any ex parte communication occurs, each Planning Commission member participating in such ex parte communication shall promptly notify the Chairperson and City Staff Liaison of the occurrence of such ex parte communication and should abstain from participating in the discussion and voting on the matter.

**Section 5.**

**COMMUNICATION BETWEEN MEMBERS OUTSIDE OF MEETINGS**

Planning Commission-related communication between members when a quorum of voting members is present constitutes a violation of open meeting laws if it takes place outside of publicly noticed meetings. Members are prohibited from discussing Planning Commission business in such a situation. Members must not engage in a serial discussion of Planning Commission business. A serial discussion occurs when members discuss official business with a majority of voting members through successive communications. Serial communication can occur through a combination of communication methods such as "face to face," email, telephone or on social media.

- A. Email communication shall follow the following protocol:
1. Any email communication intended for a majority of Planning Commission members should go through the City Staff Liaison so that an appropriate record can be established and to avoid violating the Open Meeting Act.
  2. Members should not respond "reply all" to group messages.
  3. Members should not blind copy (bcc) other members.

**Section 6.**

**PUBLIC ANNOUNCEMENTS AND PRESS RELEASES**

The City's Communications and Marketing Department will approve and coordinate any public announcements, press releases or other media contact desired by the Planning Commission.

**Section 7.**

**REPORTING**

Members can report cases of disrespectful or unethical conduct to the City Manager's Office or Mayor's Office.

**ARTICLE VI. MEETINGS**

**Section 1.**

**PARLIAMENTARY PROCEDURE**

Robert's Rules of Order shall govern the Oklahoma City Planning Commission in all cases to which they are applicable and in which they are not inconsistent with the by-laws or the special rules of order of this Commission, State Law, or City Ordinances.

**Section 2.**

**MEETINGS**

- A. **Regular Meetings.** Regularly scheduled meetings shall be held at 1:30 p.m. in the City Council Chambers (3<sup>rd</sup> floor of 200 N. Walker Ave.) on the second and fourth Thursday of each month, except when in conflict with legal holidays. The Planning Commission may also propose alternative dates when adopting the schedule of filing deadlines and meeting dates by a majority vote.
- B. **Special Meetings.** Special meetings of the Planning Commission may be called by

the Mayor, City Council, Chair or Vice-Chair, [or](#) by written request of three (3) members of the Commission. The time, place and purpose of the meeting shall be designated with provision for adequate time to prepare and meet State open meeting law notice requirements.

**Section 3.**

**ORDER OF BUSINESS**

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

- I. CALL TO ORDER AND PROCESS EXPLANATION**
- II. RECEIPT OF MINUTES**
- III. CONTINUANCE REQUESTS**
  - A. Uncontested Requests**
  - B. New Requests**
- IV. PUBLIC HEARINGS**
  - A. Consent Docket**
  - B. Items Requiring Separate Vote**
- V. ADDITIONAL ITEMS**
- VI. COMMUNICATIONS AND REPORTS**
  - A. Planning Commission Committees**
  - B. Planning Commission Members**
  - C. Planning Department**
  - D. Development Services Department**
  - E. Municipal Counselor's Office**
- VII. CITIZENS TO BE HEARD**
- VIII. OTHER BUSINESS**
- IX. ADJOURNMENT**

**ARTICLE VII. COMMITTEES**

The Planning Commission may establish committees or task forces for the purpose of conducting in-depth reviews of issues and recommending actions and ordinances. Committees of the Planning Commission should be comprised of at least three (3) Commissioners but no more than four (4). ~~In the event additional commissioners request to participate in a committee meeting, resulting in a quorum, the meeting shall be noticed and conducted in conformance with the Open Meeting Act.~~ Planning Department and/or Development Services Department staff may be requested to provide professional advice and support for the committees, including but not limited to the coordination of meetings, outreach to stakeholders, and involvement from other City staff.

**Section 1.**

**STANDING COMMITTEES**

**A. Development Regulations Committee (DRC)**

1. **Purpose.** The Development Regulations Committee ~~may is responsible for~~ reviewing and making recommendations on amendments to the Oklahoma City Municipal Code, Chapter 59: Planning and Zoning Code, and to the Oklahoma City Subdivision Regulations. The purpose of the DRC is to monitor these ordinances and regulations ~~in order to effect and~~ ensure changes they are ~~made~~ in accordance with the Comprehensive Plan.
2. **~~Composition~~ Consultation.** The Committee may invite ~~citizens individuals~~ with technical expertise to consult on the development or amendment of ordinances and regulations.
3. **Public Notice.** These meetings shall be publicly noticed. Planning or the Development Services Department staff shall maintain and send special email notice to all parties who express interest in attending DRC meetings.
- 3-4. **Chair.** The committee shall appoint a chair. In the event of the Chair's absence, the acting Chair of the DRC shall be the most senior Planning Commissioner present in terms of length of service.

**Section 2.**

**SPECIAL COMMITTEES AND ADVISORY TASK FORCES**

The formation of a Special Committee or Advisory Task Force may be approved by the Planning Commission upon recommendation of the Mayor, City Council, Chair, Vice-Chair or Planning Director, or by the request of three (3) members of the Commission.

- A. **Purpose.** From time to time, Special Committees may be necessary to conduct in-depth reviews of issues and inform changes to ordinances, processes, programs, plans or policies to affect the Comprehensive Plan. Advisory Task Forces may be formed of ad-hoc community members to serve Standing or Special Committees by providing technical expertise, research or proposals to inform the Committees' work.
- B. **Formation.** The Planning Commission Chair shall coordinate with the Planning Director to determine the scope of work of the Committee or Task Force, and what City staff and/or lay citizens may be needed to provide professional advice, technical expertise, research, or administrative support for community outreach and/or meeting coordination.
  1. The Chair shall announce the formation of the Committee or Task Force at a regularly scheduled meeting under the Communications and Reports section of the Planning Commission agenda.
  2. The Chair shall call for volunteers of Commissioners who wish to serve on the Committee or Task Force and shall call for a Committee Chair to be named.
- C. **Composition.** Special Committees should consist of a minimum of three (3) Planning Commission members. Task Forces may include Planning Commission members, City staff, and members of the community.

- D. **Resignation or Removal.** A Committee or Task Force member may voluntarily resign by submitting his or her written resignation to the Chair of the Committee or Task Force. A Committee or Task Force member may be removed by a majority vote of the Planning Commission.
- E. **Public Notice.** Any meetings held by Special Committees or Task Forces involving (5) or more Planning Commission members, which constitutes a quorum, shall be noticed as public meetings in accordance with the Open Meeting Act.
- F. **Communication and Reports.** The organization of Special Committee and Task Force meetings shall be determined by and coordinated by the Committee Chair, and may include assignment of responsibilities for preparing agendas, distributing information, recording meetings, and sharing meeting notes.
  - 1. The Committee Chair shall report progress and pertinent information to the Planning Commission under the Communications and Reports section of the Planning Commission agenda throughout the duration of the Special Committee or Task Force's work.
  - 2. When a Special Committee or Task Force has concluded its work, the Committee Chair shall coordinate the preparation of a final written report that will include any recommendations made to the Planning Commission for consideration or further action.
- G. **Completion of Responsibilities and Dissolution.** The Committee Chair shall be responsible for coordinating with City staff and the Planning Commission Chair how best to present the final report to the Planning Commission.
  - 1. The Committee Chair may request holding a Study Session prior to the presentation of the final report to the Planning Commission or to include the report on the Commission's agenda for discussion at a regularly scheduled public meeting.
  - 2. The final report shall be presented by Committee Chair to the Commission under the Other Business section of the Agenda. The Commission may receive the report and recommend further action be taken.
  - 3. Upon completion of their work, the Planning Commission Chair will announce the dissolution of the Special Committee or Task Force at the Planning Commission meeting under the Communications and Reports section of the Planning Commission agenda.

## **ARTICLE VIII. ADMINISTRATIVE PROCEDURES**

### **Section 1.**

#### **AGENDA**

The agenda of a Planning Commission meeting shall be prepared and posted by the Development Services Department.

- A. **Submissions.** Any Planning Commission member may request that Staff place an item or issue on a future Planning Commission agenda. The request must clearly communicate the subject matter and intended action to be taken by the

Commission.

- B. **Delivery of Agenda to Members.** On the Friday immediately preceding the next meeting of the Planning Commission, the meeting agenda and supporting materials shall be provided to each member of the Planning Commission.

**Section 2.**

**SUBMITTAL REQUIREMENTS**

For any item to be placed on a Planning Commission agenda, each item shall be submitted in complete form to the Development Services Department in accordance with submittal and ordinance requirements and deemed a complete application by staff.

- A. Preliminary and final plats shall not be placed on a Planning Commission agenda until they are deemed complete by Development Services staff, as to include all required information listed in Articles 5 and 6 of the City of Oklahoma City Subdivision Regulations.
- B. Final Plats shall not be placed on a Planning Commission agenda if information from the Preliminary Plat is outstanding, incomplete, or incorrect.
- C. Final Plats deemed complete by Development Services staff that do not deviate from an approved preliminary plat may be placed on the Consent Agenda unless variance(s) are requested.

**Section 3.**

**FILINGS OF SUPPORT AND OPPOSITION**

All written documents in support or opposition to a case that are filed by noon the Friday prior to the Planning Commission meeting will be included in the agenda packet. Documents filed after the agenda is published will be forwarded via email to the Commission or hand-delivered. Development Services Staff will make available to the applicant all written documents relating to the pending case by protestors or other interested persons.

**Section 4.**

**WITHDRAWAL AND CONTINUANCE REQUESTS**

Applicants may request to withdraw completely, defer indefinitely, or defer the Public Hearing of a case docketed on a Planning Commission agenda to a future regularly scheduled meeting by contacting the Development Services Department/Subdivision and Zoning Office staff prior to the date of the Planning Commission meeting. [Cases should not be continued more than six times without valid justification.](#)

- A. **Uncontested Requests.** Development Services staff may list an item requested for continuance to a specific date under the Uncontested Request section of the agenda if the request for continuance is made to staff prior to the meeting agenda being published. If staff did not receive sufficient notice for the item to be placed on the list of Uncontested Requests, the item may be included under the New Requests for continuance section of the agenda.
- B. **New Requests.** New requests for continuance, either by the applicant or by any person interested in the application, may be granted by the Planning Commission on a case-by-case basis upon consideration of public comments and determination that the applicant or other interested person has provided a valid reason for the deferral. Applicants should attend the Planning Commission meeting in order to

explain the reason for the request to continue the item and allow any members of the public who attended the meeting to speak about the item to be heard by the Commission.

**Section 5. PRESENTATION OF NEW MATERIALS AT PUBLIC HEARINGS**

The applicant should not present any new documentation to the Commission at the meeting without staff having first had an opportunity to review and comment.

**Section 6. CONSIDERATION OF PROPOSED AMENDMENTS TO APPLICATIONS AT PUBLIC HEARINGS**

The Commission may consider amendments to an application that are proposed during a Public Hearing. The Commission shall determine if an action may be taken on the proposed amendment at the hearing, or if the case shall be continued based on the provisions below.

- A. The Commission may approve amendment(s) presented at the Public Hearing in the following situations:
  - 1. The amendment has been listed in the Staff Report as an alternative that has been evaluated and recommended by staff; [or](#)
  - 2. The amendment can be determined during the meeting to be in compliance with the technical standards, regulations, ordinances and comprehensive plan policies normally evaluated by City departments during the Development Review Process and detailed in Staff Reports. In such situations, the amendments shall be articulated in detail in the Commissioner's motion so that the understanding of all Commission members, staff, and public is made clear and the amendments are recorded in the public record.
- B. The Commission may consider but shall continue applications if amendments proposed during a Public Hearing cannot readily be determined during the meeting to be in compliance with the technical standards, regulations, ordinances and comprehensive plan policies normally evaluated by City departments during the Development Review Process and detailed in Staff Reports.
  - 1. In such situations, the Commission may direct the applicant to work with City staff to modify the application to include proposed amendments.
  - 2. Staff shall update the Staff Report with the proposed amendments and re-evaluate how changes may affect the application's consistency with technical standards, regulations, ordinances and comprehensive plan policies. Staff will revise the Staff Recommendation accordingly in an updated Staff Report, which will be available for the public to review prior to the deferral date agreed upon in the Public Hearing.

**ARTICLE IX. PUBLIC HEARINGS**

**Section 1. DECORUM**

Decorum during a Commission public hearing shall be maintained by the Chairman, who may request such assistance as necessary in maintaining order.

**Section 2.**

**PUBLIC HEARING PROCEDURE**

It shall be the Chairman's responsibility to enforce the procedures and time limitations set forth below. These procedures shall be followed for all items listed under Public Hearings on the Planning Commission agenda.

**A. Call of the Agenda Item**

1. The Secretary of the Commission will announce the agenda item, case number, and subject of the case.
2. If speakers have signed in to address the Commission, the Chair shall:
  - a) inform those present of the procedures to be followed, to include time limitations;
  - b) ask speakers who have not presented a sign-in sheet to the Clerk to do so to be called to speak;
  - c) encourage organizations to have only one representative speak, with others standing to demonstrate their support.

**B. Call for the Staff Presentation**

1. Staff may introduce the item by summarizing the purpose of the application, highlighting the main points of the request, and reviewing any considerations listed in the Staff Report.

**C. Open Public Hearing**

**1. Call for the Applicant's Presentation**

- a) The Chair will invite the applicant, or his/her representative, to state his/her name and their address, and state why the applicant desires the action requested. If the party appearing is not the applicant, they should state the nature of his/her representative capacity.
- b) Prepared presentations must be presented to staff in advance of the meeting. Staff will load the presentation so that it may be displayed on Commissioners' monitors, the screen in the Council Chambers for those in attendance and for those watching the City's broadcast of the meeting to view.
- c) The time limit for the applicant's presentation shall ordinarily be no more than **ten minutes**. The Chairman may allow additional time for the applicant's opening presentation in complex cases.

2. **Call for Comments from the Public.** Following the applicant's presentation, the Chair will call upon members of the public who have submitted sign-in sheets requesting to be heard about an agenda item in the order that the form was received by the Clerk. If no forms to be heard have been received on an item, the Chair may ask if anyone is present who wishes to be heard in support of or against the case or are seeking information about the application. No person



shall speak to the Commission without first having been recognized by the Chair. Speakers should approach the podium and speak into the microphone, stating their name and address for the record.

- a) The Commission may limit speakers' remarks to **five (5)** minutes. Speakers may request more time and the Chair may grant or deny such requests.
  - b) Large groups attending to speak on shared concerns about an application may submit forms to be heard for one or two spokespersons that represent the group, making note on the form of the number in attendance.
  - c) Remarks should be presented directly to Planning Commission members as factually and succinctly as possible why they support or oppose the application.
  - d) The Chair shall not allow questions and responses from applicants, staff, and the public to be made to each other, but be made directly to the Commission.
  - e) The Commission shall reserve the right to discontinue discussion at any time if speaker remarks are repetitious, irrelevant, or disruptive.
  - f) The Commission reserves the right to impose additional rules regarding the hearing of any particular item, such as limiting the number of speakers or imposing time limits for comments. Any additional rules shall be announced by the Chair in advance of hearing the item.
3. **Call for Applicant's Response.** The Chair may call upon the applicant to address issues, concerns or questions presented by the public.
  4. **Commissioners' Questions and Discussion.** The Commission may ask additional questions of speakers, including the applicant or members of the public. City staff may clarify information, answer questions and provide additional comments pertaining to the case. Discussion and debate by Commissioners shall be conducted following presentation of testimony on the pending item.
- D. **Close Public Hearing.** Announce closure of the public hearing and call for action on the application. After the public hearing is closed, no person shall be recognized to address the Commission with the exception of staff, unless called back to the podium at the request of a Commissioner.
1. A Commissioner may comment on the application and introduce a motion for consideration.
  2. Other members of the Commission may, prior to the vote, comment on the application and/or the motion.
  3. The Planning Commission may defer any action to a future date.
- E. **Motion and Vote.** The Commission may approve, approve subject to Technical

Evaluations, deny, or continue any case or item thereof. On items for which Planning Commission is providing a recommendation to City Council, the Commission may also vote to send the item forward to Council with no recommendation.

## **ARTICLE X. OUTCOMES OF APPLICATION**

### **Section 1. DECISIONS OF THE COMMISSION**

In order to enable the Commission to render a fair and informed decision, Commission members may review data, or inspect sites individually, and may consider information provided at meetings. At the meeting, the Commission will render a decision on each case unless continued to a subsequent meeting.

The Planning Commission may vote to continue/defer the hearing of any case docketed on a Planning Commission agenda to a future regularly scheduled meeting for any valid reason.

Such reason may include, without being limited to:

- A. Allowing opportunity for the applicant to meet with persons who are in opposition to or otherwise interested in the application;
- B. Permitting additional information to be provided to the Planning Commission by the applicant, staff, or persons in support of or opposition to the application; or
- C. Allowing staff or the Municipal Counselor the opportunity to review information, formulate and provide relevant legal advice to the Planning Commission.

## **ARTICLE XI. AMENDMENTS OF BY-LAWS**

### **Section 1. PROCESS**

- A. These rules may be amended by an affirmative vote of a majority of acting members of the Commission provided that such amendment shall be presented in writing at a regular meeting and action taken to approve the amendment.
- B. These rules may be waived without any notice by a supermajority (3/4) of those Commissioners present, provided however, no rule shall be waived which shall create a conflict with any current Code provision.