

**CITY OF AUBURN
PLANNING BOARD
BY-LAWS**

ARTICLE I- Objectives

The objectives and purpose of the Planning Board of the City of Auburn, Maine, are those set forth in the Auburn City Charter, those powers and duties delegated to the Planning Board by the City Council in Chapter 29 of the Auburn City Ordinances and those objectives and powers set forth in Maine Revised Statutes.

ARTICLE II- Planning Board Makeup

SECTION 1. There shall be a Planning Board composed of seven (7) members and two (2) associate members. Associate members may participate in all proceedings but may only vote in situations where one or more regular member is absent or cannot vote due to a conflict. An associate member shall be considered as a "member" for purposes of ward residency distribution requirements.

SECTION 2. The Board's powers and duties shall include those covered by State law and ordinances; subdivision review, approval, conditional approval, or personnel on planning and development.

SECTION 3. Members of the Planning Board shall be appointed by the Mayor subject to confirmation by the Council. Planning Board members shall hereafter serve for terms of three years and may not serve for more than three consecutive terms, except that incumbent members may serve out their current terms. No more than two members shall hereafter be appointed from the same ward. A member shall forfeit his/her membership if he/she becomes a resident of a ward in which two members of the Board already reside.

SECTION 4. Attendance at all Planning Board meetings (Public Hearings and Workshops) shall not drop below 50% within a 12 month period. If attendance does drop below this level, a Board member may be asked to step down by the City Council upon recommendation of the Planning Board Chairman.

SECTION 5. If personal or other extraordinary situations occur that does not allow a Board member to attend a meeting, a call to the Planning Board Chairman or Planning and Permitting staff is required in order to be considered for an excused absence.

ARTICLE III- Officers and Their Duties

SECTION 1. The officers of the Planning Board shall consist of a Chairman and a Vice-Chairman.

SECTION2. The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage as written in "Roberts Rules of Order."

SECTION3. The Vice-Chairman shall act for the Chairman in his absence.

SECTION 4. The Chairman shall have the privilege of discussing all matters before the Board and to vote thereon.

ARTICLE IV- Election of Officers

SECTION 1. Officers shall be nominated from the floor and elected at the annual organization meeting, which shall be held on the second Tuesday of October in each year.

SECTION2. A candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his successor shall take office.

SECTION3. Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous Sections of this Article.

SECTION 4. If more than one member is nominated for the same position, then the Board shall vote by private ballot.

SECTION 5. Associate Members may hold an office on the Board, but may only participate in a voting action if the number of regular Board members present allows for the Associate's vote.

ARTICLE V- Planning Board Submissions

In order to be placed on the Planning Board agenda, an application, petition or amendment must satisfy the conditions contained in Sections 1 through 4.

SECTION 1. A complete application, as determined by the Planning and Permitting Services Department or its designated representative; a completed petition to amend the Zoning Ordinance or Zoning Map; or an amendment initiated by the Planning Board or City Council must be received at the Department no later than 12:00 noon, thirty (30) days prior to a regularly scheduled Planning Board Meeting.

SECTION 2. City Department comments must be submitted to the Planning and Permitting Services Department no later than 18 days prior to the Planning Board meeting.

SECTION 3. All revised plans and documents must be submitted to the Planning and Permitting Services Department at least ten (10) days prior to the meeting.

SECTION 4. Additional applicant communications to the Board must be submitted to the Planning and Permitting Services Department at least seven (7) days prior to the meeting.

SECTION 5. The Board may nonetheless, in its sole discretion, consider an application, petition or amendment that fails to meet Sections 1 through 4, if the Board finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

ARTICLE VI- Meetings

SECTION 1. Meetings will be held on the second Tuesday of each month at 7:00 p.m. at the Auburn City Building provided that the Board, by resolution, may vote to hold its meeting on any other day in the month, or at any other place, or at any other time of day or upon confirmation of a majority of the Board members, the Department of Planning and Permitting Services may schedule a meeting for a different day, or place or time.

SECTION 2. Four members of the Board shall constitute a quorum. The number of votes necessary to transact business shall be four in favor or four opposed to the action being taken. A tie vote shall be considered final action by the Board and an application, petition or proposed amendment shall be deemed denied if the Board's final action results in a tie vote. Voting shall be by roll call where requested by any member except on unanimous vote. A record of the roll call vote shall be kept as part of the record.

SECTION 3. Special meetings may be called by the Chairman. Special meetings shall be called by the Chairman when requested to do so by four of the members of the Board. The notice of such a meeting shall specify the purposes for which it is called and no other business shall be considered except by unanimous consent if all Board members are present. The Staff Secretary shall notify all members of the Board at least two (2) days in advance of such special meeting.

SECTION 4. No new agenda items will begin after 11:00 p.m. except with the unanimous consent of all Board Members present.

SECTION 5. If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board, prior to its 11:00 p.m. cut-off: will automatically postpone the remaining items to the beginning of the next scheduled meeting of the Board. The Board, prior to or after the 11:00 p.m. cut-off: may postpone items or portions of items to the next scheduled meeting of the Board.

SECTION 6. If seven regular Planning Board Members are not present, then the Associate Board Members will take the place of the absent members for voting purposes. The Associate Members will have full voting privileges in the order of which they were appointed by the City Council.

ARTICLE VII- Order of Business

- A. Roll Call
- B. Approval of Minutes

- C. Public Hearings
- D. Old Business
- E. New Business
- F. Miscellaneous
- G. Adjournment

The normal order of business may be altered by vote of the Board.

ARTICLE VIII- Hearings

- SECTION 1. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- SECTION 2. Notice of such hearing shall be advertised in a newspaper of general circulation in the municipality in accordance with the State law and local ordinances pertaining to a particular project.
- SECTION 3. The matter before the Board shall be presented in summary by the City Planner or his designee, or a designated member of the Board and parties in interest may also be heard.
- SECTION 4. A record shall be kept of those speaking before the Board.

ARTICLE IX- Amendments

These By-Laws may be amended by a majority vote of the membership of the Planning Board present, provided that at least three affirmative votes are required to amend these By-Laws. Any amendments must be submitted prior to the meeting.