

RESOLUTION AMENDING AND ADOPTING RULES  
FOR THE TRANSACTION OF BUSINESS

WHEREAS, Section 11-52-4 of the Code of Alabama, 1975 provides that Planning Commissions shall adopt rules for transaction of business, and

WHEREAS, the Tuscaloosa Planning and Zoning Commission wishes to amend its former rules of procedure,

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA PLANNING AND ZONING COMMISSION:

That the following Rules for Transaction of Business be, and they are hereby, adopted:

RULES FOR TRANSACTION OF BUSINESS  
TUSCALOOSA PLANNING AND ZONING COMMISSION  
OCTOBER 18, 1988

1. POWERS, DUTIES, AND COMPOSITION

The powers, duties, and composition of the Tuscaloosa Planning and Zoning Commission shall be as specified in Title 11, Chapter 51 of the Code of Alabama, 1975, as amplified in applicable ordinances and resolutions adopted by the City Council of Tuscaloosa.

2. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

The Commission shall elect a Chairman and Vice-Chairman for a term of one (1) year. The election shall be held each year in the month of December or the last meeting of their term of office whichever is later. The Chairman and Vice-Chairman shall continue to serve in office until such time as their successor shall be elected.

In the event of the Chairman's term ends or the chairman resigns or is no longer able continue his office for any reason, then the Vice-Chairman shall fill the unexpired term of the office of Chairman and the Commission shall elect a new Vice-Chairman for the remainder of the unexpired term of Vice-Chairman.

3. MEETINGS

Regular meeting of the Planning and Zoning Commission shall be held on the third Monday of each month at 5:00 p.m. in the Council Chamber at City Hall. Additional meetings may be scheduled by the Commission as needed.

#### 4. QUORUM

Not fewer than five (5) members shall be a quorum for the conduct of official business, provided that not fewer than six (6) affirmative votes shall be required to adopt or amend the Master Plan or any element of the Master Plan.

#### 5. SECRETARY

The Secretary of the Planning and Zoning Commission shall be a properly qualified official appointed by the City for that purpose.

#### 6. REZONING APPLICATIONS

A proposed zoning amendment may be initiated by one or more citizens, by the City Council, or by the Planning and Zoning Commission. Petitions for zoning changes shall be submitted on forms provided for that purpose, and shall be filled out to the satisfaction of the Secretary. Upon receipt of a properly completed petition form accompanied by the required fee, the Secretary shall assign the petition a sequential calendar number and enter the petition on the agenda for the next meeting. Cases shall come before the Commission in the order received, unless the Chairman rules otherwise for appropriate reasons.

#### 7. SUBDIVISION PLATS

Plats of subdivisions shall be filed with the Secretary in accordance with the Subdivision Regulations. Upon submission of a plat containing all required information and payment of the proper fee, the Secretary shall enter the plat upon the agenda for the next meeting. The Planning and Zoning Commission shall approve, conditionally approve, or disapprove such Preliminary Plat within thirty (30) days after holding a hearing thereon, unless the developer consents to an extension of this period. In the event of disapproval, the grounds therefor shall be stated in the minutes.

#### 8. NOTICE OF PUBLIC HEARINGS

As required by State Law, each plat submitted to the Planning and Zoning Commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the Commission without affording a hearing thereon. Notice shall be sent by the Secretary to the said address by certified or registered mail of the time and place of such hearing not less than five days before the date fixed therefore. Similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessor's office. The Planning Commission shall hold a public hearing on each proposed rezoning, notice of which shall be published one time in a newspaper of general circulation not less than seven (7) days in advance of the hearing date. In addition to the above-listed notification procedures required by law, the Secretary may

employ supplemental notification procedures to ensure that interested parties are aware of pending cases, but the failure of any such supplemental notification procedures shall not invalidate any lawful action or decision of the Planning and Zoning Commission.

## 9. CONDUCT OF HEARINGS

The Chairman or, in his/her absence, the Vice-Chairman, shall preside at the meetings. In the event that neither the Chairman nor Vice-Chairman is present, an Acting Chairman shall be elected from among the members present. For the conduct of business concerning subdivisions, the Planning Commission may implement a consent agenda. The consent agenda items shall consist of the conversion to condominiums of existing apartment complexes which are considered to have been in compliance with regulations at the time of construction and subdivisions or re-subdivisions containing three (3) or fewer lots which are considered to be routine by the Planning Commission and staff and which are recommended for approval by both the Director of Planning and the City Engineer. Following the announcement of the consent agenda items, any member of the Planning Commission or any citizen present at the hearing can request that any item be removed from the consent agenda and considered under the regular Order of Business. The Chairman shall read the items on the consent agenda and call for a vote to approve. The consent agenda shall be enacted by one motion and one vote. As each case under the regular Order of Business is called, the petitioner or his spokesman shall be given first opportunity to speak. A spokesman for the opposition, if any, shall be permitted to speak next. The Chairman may then permit alternating statements by the petitioner and opponents until he rules that all relevant issues have been fully aired. Each side shall proceed without interruption by the other. The chairman may rule out of order any abusive or irrelevant statements. Each speaker may address the Commission for no longer than two and a half (2.5) minutes, provided that the Chairman, at his discretion, may grant additional time to a speaker who is presenting pertinent material and whose presentation is incomplete after the expiration of five minutes.

## 10. POSTPONEMENTS

After the publication of the legal notice for the Planning Commission meeting, a petitioner or developer may request to have the scheduled hearing on his rezoning case or subdivision plat postponed to the following month, so long as the petitioner or developer notifies the Secretary in writing no less than five (5) days before the scheduled hearing and pays a fee totaling \$2.00 for each adjoining property owner to be notified. The postponement of such a case less than five (5) days before the scheduled hearing date, or the postponement of such a case for more than two (2) consecutive months, shall be deemed equivalent to a withdrawal of the rezoning case or plat, and the Secretary shall not redocket the case until a new application has been paid by the applicant.

11. TIME WITHIN WHICH RECONSIDERATION BARRED

No rezoning case which has been decided adversely to the petitioner shall again be placed on the docket for consideration by the Commission within a period of six (6) months from the date of the decision previously rendered, except with the consent of the Commission.

12. MINUTES

The Secretary shall be custodian of the minutes or synopsis and conduct all official correspondence. An accurate minute record or synopsis shall be kept of all proceedings and actions of the Commission. The minute record or synopsis shall be signed by the Chairman (or Vice-Chairman if applicable) and attested by the Secretary.

13. DISCUSSION OF CASES OUTSIDE OF THE PUBLIC HEARING

Commission members shall not discuss pending or past agenda items outside of the public hearing in any setting or online forum other than to explain the reasons for his or her vote after the case has been decided. Commission members are advised that members of the public and interested parties may request to discuss a case outside of the public hearing. At his or her discretion, a Commission member may receive information and listen to the interested party’s positions but shall not in any way indicate the manner in which he or she may vote on a case. Members may gather relevant information regarding an agenda item if such information will aid in his or her ability to make an informed, objective decision.

14. CONDUCT OF MEMBERS

Commission members shall avoid all improper conduct and the appearance of impropriety before, during, and after a public hearing, which would include, but not be limited to, the following:

- Bias against or for a petitioner, individual, or group
- Conflicts of interest, whether actual or perceived, that would lead the public or a petitioner to believe that an objective decision could not be made
- Criticizing the vote or comments of any other member of the Planning Commission or ultimately the City Council

15. EXPIRATION OF DECISION WHEN COMMISSION IS THE RECOMMENDING BODY

In matters of business where the Commission serves as a recommending body to the City Council, the decision of the Commission (recommendation or non-recommendation) shall expire ninety (90) days after the date of the Commission decision. If a decision expires before the City Council votes upon the recommendation,

the matter must be resubmitted in the same manner as new business for consideration by the Commission.

ADOPTED, this the 18<sup>th</sup> day of October, 1988

AMENDED, this the 15<sup>th</sup> day of February, 2000

AMENDED, this the 15<sup>th</sup> day of January, 2002

AMENDED, this the 16<sup>th</sup> day of November, 2004

AMENDED, this the 21<sup>st</sup> day of February, 2006

AMENDED, this the 16<sup>th</sup> day of January, 2007

AMENDED, this the 15<sup>th</sup> day of October, 2007

AMENDED, this the 19<sup>th</sup> day of November, 2007

AMENDED, this the 19<sup>th</sup> day of January, 2011

AMENDED, this the 16<sup>th</sup> day of May, 2011

AMENDED, this the 21<sup>st</sup> day of October, 2013

AMENDED, this the 17<sup>th</sup> day of November, 2014

AMENDED, this the 17<sup>th</sup> day of August, 2015

AMENDED, this the 18<sup>th</sup> day of April, 2016

Tuscaloosa Planning and Zoning Commission

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Robert P. Reynolds, Chairman

ATTEST:

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Philip O'Leary  
Planning Commission Secretary