

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 (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.

Subject to availability, meetings will be video recorded and broadcast live and rebroadcast periodically on one or more cable public access channels. In addition, the meetings may be replayed through the City's website.

4. SPECIALLY SET MEETINGS

Should a petitioner or petitioners request a supplemental, special, or emergency meeting of the Planning and Zoning Commission (in addition to the regular monthly meeting), the granting of any supplemental, special, or emergency meeting shall be within the sole and exclusive discretion of the Commission.

Upon city staff's receipt of the request for a supplemental, special, or emergency meeting, the Commission shall be notified of the request and polled on their availability, taking into consideration the quorum requirements of Rule 5 below.

Upon determination that there will be enough Commission members available to conduct business, the petitioner shall be notified by staff and the petitioner shall submit an administrative fee of \$500 payable to the City of Tuscaloosa prior to the submission of legal advertising of the meeting.

5. 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.

6. SECRETARY

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

7. REZONING APPLICATIONS

A proposed zoning amendment may be initiated by a petitioner, 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. Rezoning applications initiated by a petitioner should be accompanied by a drawn to scale conceptual site plan showing present and proposed buildings and/or parking dimensions if able to do so; if not, the petitioner shall provide a detailed explanation acceptable to the Commission. All rezoning petitions must be accompanied by an accurate legal description. 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.

8. 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 petitioner consents to the case being continued for a longer period. In the event of disapproval, the grounds therefor shall be stated in the minutes.

9. 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, Downtown Riverfront Overlay District case, Riverfront Development District case, Planned Unit Development, Historic District Buffer case, or Annexation, 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 (yard signs, electronic notification, etc.) 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.

10. 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 Commission may implement a consent agenda. The consent agenda items shall consist of:

- A. The conversion to condominiums of existing apartment complexes which are considered to have been in compliance with regulations at the time of construction; or
- B. Subdivisions or resubdivisions which are not requesting any variances from the subdivision regulations, or which are only requesting a variance from constructing sewer laterals when the Office of the City Engineer agrees to such variance

Following the announcement of the consent agenda items, any member of the Planning and Zoning Commission or any party present at the hearing may request that any item be removed from the consent agenda and considered under the regular Order of Business. The presiding officer or a city staff member shall report on the items on the consent agenda, and the presiding officer shall call for a vote to approve the consent agenda. The consent agenda shall be enacted by one motion and one vote.

The Planning and Zoning Commission will take up the items on the agenda in the order they appear, though the Commission may take an item out of order. During a public hearing, only the petitioner and his or her designees, opponents, and citizens seeking information shall be allowed to speak. Each side of an issue/development shall be limited to four (4) speakers, unless the presiding officer or commission decides to allow more. All speakers, excluding the petitioner, shall have a maximum of five (5) minutes, unless the commission votes to allow a longer time. Speakers may be interrupted by any member of the Commission for clarification or additional information, but those interruptions will not count against the speaker's time. After a presentation from staff, the presiding officer will call on the petitioner to present their case. The petitioner will have a maximum of ten (10) minutes, unless the Commission votes to allow a longer time. At the conclusion of the petitioner's remarks, the presiding officer will call on any other party who wishes to support the petition. After receiving those comments, the presiding officer will call on those who wish to oppose the petition. After receiving the remarks of those who oppose the petition, the petitioner will have the opportunity to respond to those objections. Any rebuttal shall be limited to two (2) minutes, unless the Commission votes to allow a longer time. If the petitioner presents any new information in response to the objections, the presiding officer may allow those in opposition to respond to the new information. Any response shall be limited to two (2) minutes, unless the Commission votes to allow a longer time. Once the Commission is satisfied that they have received all relevant information, public discussion will be closed and the Commission members may discuss the matter further, and upon conclusion of any further discussion, the presiding officer will call for a vote.

The presiding officer reserves the right to require an individual wishing to speak on behalf of another person, group or entity to provide written authorization to the Commission from the person, group or entity being represented. Immediate family members (defined for this purpose as spouse, parent, or child) are not required to provide such written authorization when speaking on behalf of another immediate family member.

11. CONTINUING CASES

The Commission may, on its own motion, continue the hearing on any petition other than a subdivision plat to such future date as it may determine, and it may give consideration to written requests from petitioners for such continuance. The continuance of any subdivision must be in accordance with Rule 7.

A petitioner may request to have a scheduled hearing on any petition continued to the following month with the following stipulations:

- A. Prior to the mailing of notice of the Planning and Zoning Commission meeting, a petitioner may notify the Secretary in writing to request a continuance of the petition or subdivision plat to the following month. The Secretary will note on the legal notice that the case has been continued to the following month.
- B. After the mailing of notice of the Planning and Zoning Commission meeting, a petitioner may notify the Secretary in writing to request a continuance of the petition or subdivision plat, though the petitioner must be present at the meeting to formally request such continuance. The Secretary will place the item on the agenda under "Petition Continuance Requests." The Commission shall have the sole discretion to grant or deny a continuance. The petitioner will be responsible for any additional mailing fees and expenses.

The continuation of a case by the petitioner for more than two (2) consecutive months shall be deemed the withdrawal of such petition, and the Secretary shall not redocket the petition until a new application has been submitted and any/all associated fees paid.

During the course of the Planning and Zoning Commission meeting, if the petitioner requests that the petition be continued, the Planning and Zoning Commission shall vote to grant or deny such request.

12. WITHDRAWING CASES

A petitioner may request to have a scheduled hearing on any petition withdrawn with the following stipulations:

- A. Prior to the mailing of notice of the Planning and Zoning Commission meeting, a petitioner may notify the Secretary in writing to request a withdrawal of the petition or subdivision plat. The Secretary will note on the legal notice that the case or plat has been withdrawn.
- B. After the mailing of notice of the Planning and Zoning Commission meeting, a petitioner may notify the Secretary in writing to request a withdrawal of the petition or subdivision plat, though the petitioner must be present at the meeting to formally request such withdrawal. The Secretary will place the item on the agenda under "Withdrawal Requests." The Commission shall have the sole discretion to grant or deny a withdrawal.

During the course of the Planning and Zoning Commission's meeting, if the petitioner wishes to withdraw a petition and the petition has not been previously withdrawn at the

petitioner's request, the petitioner may request that the petition be withdrawn. The Planning and Zoning Commission shall vote to grant or deny such request.

A new application fee and any associated fees shall be required in order to resubmit a petition that has been withdrawn.

13. TIME WITHIN WHICH RECONSIDERATION BARRED

No petition which has been denied by the Planning and Zoning Commission or City Council or not favorably recommended by the Planning and Zoning Commission shall again be placed on the agenda for consideration by the Commission within a period of six (6) months from the date of the prior decision, except upon the majority vote of the Commission.

A petitioner may request that a case be placed on the agenda prior to the six month bar using the following steps:

- A. Prior to the publication of the legal notice, a petitioner must notify the Secretary in writing to request that an "Appeal Pursuant to Rule 13" be placed on the agenda.
- B. The petitioner shall be responsible for producing any supplemental documentation to be included with their appeal and shall be responsible for presenting their appeal to the Commission.
- C. The Planning and Zoning Commission will hear the request and shall have the sole discretion to grant or deny such request via majority vote.
- D. If the Commission votes favorably to waive the bar against reconsideration within six (6) months, the petitioner shall submit a new application and pay any/all associated fees. If circumstances arise wherein the appeal is granted by the Commission and the deadline has passed for the next Planning and Zoning Commission meeting, the petitioner shall be allowed to submit their application by 5:00 p.m. on the next business day following the approval of the appeal.

14. 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.

15. DISCUSSION OF CASES OUTSIDE OF THE PUBLIC HEARING

Planning and Zoning 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.

16. CONDUCT OF MEMBERS

Planning and Zoning 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

17. EXPIRATION OF DECISION WHEN THE PLANNING AND ZONING COMMISSION IS THE RECOMMENDING BODY

In matters of business where the Planning and Zoning 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.

In the event that the petitioner can provide written documentation that a government entity has prolonged the time in which the City Council may act upon a recommendation, then at the discretion of the Secretary of the Planning and Zoning Commission, in combination with the Office of the City Attorney, the time limit may be extended administratively.

18. MODIFICATIONS OF APPLICATIONS WHEN THE PLANNING AND ZONING COMMISSION IS THE RECOMMENDING BODY

In matters of business where the Planning and Zoning Commission serves as a recommending body to the City Council (Rezoning, Planned Unit Developments, Downtown/Riverfront Overlay cases, Historic Buffer cases, Annexations, and Riverfront Development District cases), any modifications made by the petitioner to any application outside of those recommended by the Planning and Zoning Commission shall be announced at the time of the introduction to City Council.

AMENDED, this the

Tuscaloosa Planning and Zoning Commission

Bill Wright, Chairman

ATTEST:

Zach Ponds, CNU-A
Planning Commission Secretary