

**DECATUR CITY PLANNING COMMISSION
BYLAWS, RULES AND PROCEDURES
2018**

WHEREAS, the Commission is authorized by the Code of Alabama 1975, as amended, Sections 11-52-1 through 11-52-30 to organize itself and establish rules of procedure to govern its meetings;

NOW, THEREFORE, BE IT RESOLVED by the undersigned members of the "City Planning Commission of the City of Decatur, Alabama", in the meeting assembled at the City Hall in Decatur, Alabama on this _____ day of _____, 20____, that the following rules be hereby adopted to provide for the organization of the "City Planning Commission of the City of Decatur, Alabama", and to establish the procedure for the conduct of meetings and the transaction of business by said Commission, to wit:

- I) **Chairman:** The Commission shall elect a chairman from amongst its appointed members, who shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law, ordinance, these rules, or the Commission. The term of the chairman shall be one year, and any member serving as chairman shall be eligible for reelection. The Commission shall vote by simple majority and elect the chairman at the December meeting each year.
- II) **Vice Chairman:** The Commission shall elect a vice chairman from amongst its appointed members, who shall perform all of the duties of chairman during the absence or disability of the chairman. The term of the vice chairman shall be one year. and any member serving in that office shall be eligible for reelection. The Commission shall vote by simple majority and elect the vice chairman at the December meeting each year.
- III) **Secretary:** The Commission shall elect a secretary from amongst its appointed members, who shall perform all the duties of secretary as provided by law and designated by the Planning Commission. The term of the secretary shall be one year, and any member serving as secretary shall be eligible for reelection. The Commission shall vote by simple majority and elect the secretary at the December meeting each year.
- IV) **Staff:** The Planning Department shall serve as staff to the Planning Commission of the City of Decatur. It shall be the duty of the Planning Department to: conduct all official correspondence of the Commission; send out all notices required by law and these rules of procedure; keep a record of each meeting, hearing, or other official action of the Commission; and to perform all other duties required by law, ordinance,

PLANNING COMMISSION BYLAWS

these rules, or the Commission. The Planning Director of the Planning Department shall coordinate and report recommendations to the Planning Commission from various city departments and sub-committees of the Planning Commission at each meeting.

- V) **Regular Meetings:** Regular meetings of the Commission shall be held on the second to the last Tuesday of each month at the city council chambers in the City of Decatur, Alabama, at three thirty(3:30) p.m. Items on the agenda advertised for a public hearing shall not begin to be heard until three thirty (3:30) p.m. of any regular Tuesday meeting. The foregoing notwithstanding when such regular meeting of the Planning Commission shall fall on a legal holiday as designated by the governing body of the City of Decatur, or where in the opinion of the Planning Commission a quorum will not be present at the next regularly scheduled meeting, the Planning Commission may designate another day for the meeting during that month in either event.
- VI) **Special meetings:** Special meetings and executive sessions may be held upon call of the chairman, and at such other times as the Commission may determine.
- VII) **Meetings, Public:** All meetings and hearings of the Commission shall be open to the general public. Any action calling for a formal vote shall take place only at a public meeting. The news media shall be notified of all work sessions and public meetings.
- VIII) **Quorum:** A quorum necessary for the transaction of business shall consist of five members of the Commission. Except as specifically otherwise provided by statute, ordinance, or these rules of procedure, the business of the Commission shall be transacted by a majority vote of members present.
- IX) **Order of Business:** The order of business shall be as follows:
- A) Approval of minutes
 - B) Public Hearings
 - C) Consent Agenda Items – those items that the applicant is aware and consents to the conditions of the Technical Review Committee.
 - D) Items requiring further review by the City Council – Annexations, Vacation Requests, et
 - E) Old business
 - F) Communications from the City Council
 - G) Reports
 - H) Resolutions
 - I) New business

PLANNING COMMISSION BYLAWS

- X) **Minutes and Records:** It shall be the duty of the Planning Department to keep minutes of the proceedings of each meeting of the Commission, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The minutes of the Commission shall be kept in a well-bound book, and shall constitute a permanent record. All files and records of the Planning Commission shall be maintained and retained in accordance with State Law.
- XI) **Attendance:** The Planning Commission hereby establishes a minimum number of excused absences of 25% per year. After an annual review in October of each year, the Chairman shall write to each member of the Planning Commission who does not meet minimum attendance requirements, in addition to notifying the Mayor.
- XII) **Employees, Contracts and Finances:** The Commission may appoint such employees as it may deem necessary for the work of the Commission, and may contract with city planners, engineers, architects and other consultants for such services it may require. Provided, however, that the expenditures of the Commission, exclusive of gifts, shall be within the amount appropriated for that purpose by the City Council to the City of Decatur, Alabama.
- XIII) **Powers and Duties of Commission:** Comprehensive Plan Master Plan: It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the City of Decatur and areas outside of its boundaries which bear relation to planning for the future growth of the municipality. The Commission shall review the Comprehensive Plan at a work session in January of each year.
- A) **Content of Master Plan:** The master plan, with maps, plats, charts and descriptive matter shall show the Commission's recommendations for the development of the territory including:
- 1) General location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, schools, aviation fields, and other public grounds, ways and open spaces;
 - 2) General location of public buildings and other public property;
 - 3) General location and extent of public utilities and terminals, both public and private, whether for water, light, sanitation, transportation, communication, power or other purposes;
 - 4) The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing; and
 - 5) A zoning plan future landuse plan for the control of the height, area, bulk, locations, and use of buildings and premises.

PLANNING COMMISSION BYLAWS

- B) Purpose of Plan: The general purpose of the master plan shall be to guide and accomplish a coordinated, adjusted and harmonious development of the City of Decatur and its surrounding territory, and provide for the public health, safety, morals, order, convenience, prosperity and general welfare in the light of present and future needs. Among other factors the plan shall provide for traffic, the promotion of safety from fire and other dangers, adequate light and air, the healthful distribution of population, the promotion of good civic design, the wise and efficient expenditure of public funds, and adequate provision for public utilities and other public improvement requirements.
- C) Procedure for Adoption of Master Plan: The Commission shall follow these procedures in the adoption of a master plan and parts thereof:
- 1) The Commission may adopt the master plan as a whole by a single resolution, or it may adopt successive parts of the plan which correspond with major geographical sections of the municipality or with functional parts of the subject matter of the plan (Land Use - Master Street Plan Community Facilities - Public Utilities - Capital Improvements Program - etc.).
 - 2) Amendment, extension or addition to the plan or any part thereof: The Commission may amend, extend or add to the plan as a whole or any part thereof by resolution of the Commission.
 - 3) Adoption by Resolution: Required Vote: The adoption of the plan or any part, amendment, extension or addition thereto shall be done by resolution of the Commission carried by the affirmative votes of not less than 6 members of the Commission.
- XIV) **Subdivision Regulations:** The Planning Commission of the City of Decatur shall adopt and administer Subdivision Regulations of the City of Decatur and within 1.5 miles of the corporate limits, except that land lying within (1.5) one and one half miles of another incorporated municipality, which has a planning commission, then the jurisdiction of Decatur Planning Commission shall terminate at the boundary line equidistant from the respective corporate limits. The content of the subdivision regulations shall contain at a minimum the following requirements:
- A) Proper arrangement of streets in relation to existing streets.
 - B) Open spaces for traffic
 - C) Utilities
 - D) Access for fire fighters' apparatus
 - E) Access for garbage and trash pick up
 - F) Light and air preservation
 - G) Avoidance of population congestion
 - H) Minimum width and area of lots

PLANNING COMMISSION BYLAWS

- I) Minimum street improvements and utility installations and facilities required to be installed prior to final approval of plats.
- J) Tentative approval pending the installation of required facilities (this shall not be noted on plats, however).
- K) The final approval of plats prior to completion of required facilities and installations upon delivery of proper bond by the subdivider payable to the City of Decatur, conditioned upon actual construction and installation of improvements and facilities according to specifications fixed by the Commission within the time specified by the Commission.

XV) Technical Review Committee:

- A) Purpose:
 - 1) Provide "one stop" review for those subdividing and/or developing land.
 - 2) Comprehensive review and coordination by all service providers to development.
 - 3) Provide Planning Commission with research and expertise to enable the commission to make "informed" decisions on development permits.
- B) Membership of Committee: In addition to Planning Department; all Decatur Utilities--water, sewer, gas, electric; Joe Wheeler Co-op; West Morgan East Lawrence Water, County Health Department; City Engineer; City Attorney; City Building Director and other inspectors as needed including zoning enforcement officer; Decatur City Schools, Alabama Department of Transportation, Metropolitan Planning Agency, Decatur Geographic Information Services, Decatur Community Development Department, AT &T; Post Office, County Engineer; Police Department (Traffic Division); Fire Marshall, Parks & Recreation Director or a representative; City Street and Environmental Services Department, or a representative: and other such public or semi-public agency or department as deemed necessary for adequate review.
- C) Planning Department's role: Chairman, secretary/recorder; facilitate and coordinate; may make separate recommendations to the Planning Commission; and bring recommendations to Planning Commission from the committee.

XVI) Zoning Ordinance:

- A) The purpose of the municipal Zoning Ordinance is to divide the municipality into districts according to their peculiar suitability for particular uses, and to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures and land according to such districts. The purpose of this is to lessen congestion in streets, to provide safety from fire, to provide adequate light and air, to prevent overcrowding of land, to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, and to conserve the value of buildings. The municipal

PLANNING COMMISSION BYLAWS

zoning ordinance shall provide with it a map establishing the various land use districts within the corporate limits, and the regulations governing the use within the districts should specify restrictions as to height of buildings, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence or other purposes. The zoning map as established by the zoning ordinance will be maintained in paper format but in addition may be maintained in electronic format.

- B) The Planning Commission shall from time to time make recommendations to the City Council concerning amendments and/or additions to the zoning text and zoning map of the City of Decatur.
 - C) Amendment Procedure:
 - 1) The regulations and the number, area, and boundaries of districts established by this chapter may be amended, supplemented, changed, modified, or repealed by the City Council, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The City Planning Commission will hold a public hearing, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this chapter or to the zoning map, and a report on its recommendation shall be given to the City Council for final action.
 - 2) An application for rezoning may be obtained from the City Planning Department, where a fee and monthly review deadline shall be established and required by the City Planning Commission. Upon the recommendation for denial of an application for rezoning by the Planning Commission another application for rezoning of the same premises to a zone or zones previously denied within the past 6 months from the date of final action by the Planning Commission may not be accepted. The above notwithstanding, if in the opinion of the Planning Commission changes or circumstances occur that alter said rezoning request to such an extent as may be determined by the Planning Commission to justify an earlier review of such rezoning request, then said rezoning may be reconsidered sooner than 6 months.
- XVII) **Zoning Committee:**
- A) Purpose: To give Planning Department additional consideration and to broaden input that is given to Planning Commission to enable commission to make "informed" recommendations on rezoning.
 - B) Membership of committee: Chairman of the Board of Zoning Adjustment, Chairman of the Planning Commission, and another member of the Planning Commission chosen by the membership of the Planning Commission. Unless otherwise established this member will

PLANNING COMMISSION BYLAWS

rotate through the membership of the commission with the exception of the Chairman who is a member.

- C) Planning Department's role: chairman, secretary/recorder; facilitate and coordinate; may make separate recommendation to Planning Commission; bring recommendations of the committee to the Planning Commission; and serve as a nonvoting member and advisor to the committee. The Building Director and City Attorney shall also serve as advisor to the Zoning Committee.

XVIII) Zoning Review and Approval Process

- A) Application for rezoning: map or text amendment submitted to Planning Department.
- B) Planning Department prepares legal notice for newspaper, this ad should run 6 days prior to the scheduled public hearing usually the monthly Planning Commission meeting.
- C) Planning Department distributes handbills to residents in vicinity of proposed rezoning as determined by the Planning Department and posts sign on property to be considered for rezoning when appropriate.
- D) Planning Commission holds public hearing on proposed rezoning.
- E) At public hearing Planning Commission votes to RECOMMEND or NOT TO RECOMMEND rezoning to City Council.
- F) Applicant decides whether to take request to City Council for final decision, or to stop with Planning Commission recommendation after Planning Commission meeting.
- G) Applicant may apply for different rezoning or wait and apply for same rezoning, as referenced above under section 16 (C) amendment procedure.

XIX) **Application Deadline:** Unless otherwise required within the Subdivision Regulations, all development permits and applications requiring Planning Commission review shall be submitted no less than 21 days prior to the Planning Commission meeting at which time the applicant wishes to be heard.

- A) The Planning Commission shall hear the following types of applications. They may make recommendations for approval, approval with conditions, and disapproval of Certificates to Subdivide/consolidate, Minor or Major Subdivision Plats, Site Plan reviews, and Planning Commission Resolutions.
 - 1) When Conditional approvals are granted the Planning Department will work with the applicant to get the conditions met. All conditions should be met within a year of approval or the item shall either be denied or go back to the commission for re-approval and status update.
 - 2) The Planning Department is responsible for obtaining signatures of a Planning Commission Officer and the County Engineer where applicable on Certificates to Subdivide, and Minor or Major

PLANNING COMMISSION BYLAWS

Subdivision Plats after all other required signatures are present on the document and recording them in the office of the Judge of Probate of the appropriate county.

- B) The Planning Commission shall make recommendations to the City Council on the following applications Annexations, Vacations of Rights of Way or Easements, Sidewalk cafes in the sidewalk café district, street name changes, dedication of rights of way when not part of a plat. They may also make recommendations to the Council in the form of Planning Commission Resolutions when they deem that necessary.
- 1) The Planning Department is responsible for getting the correct signatures and paper work on items being recommended to the City Council and for meeting any agenda deadlines established by the City Council
 - 2) The Planning Department is responsible for insuring that any conditions placed on an item going to the Council are met. Items with pending conditions may not be forwarded to the Council.
- XX) **Review of By Laws:** The Planning Department shall provide the commission a copy of the By Laws for review every year to coincide with the election of officers.
- A) **Amendments:** The Commission may from time to time amend any part or parts of these bylaws, rules and procedures so long as such amendments are in accordance with state laws and are by affirmative vote of six members of the Commission.

Adopted this ____ day of ____, 20__

Kent Lawrence, Chairman

Chuck Ard, Council Liaison

Myrna Burroughs

Frances Tate

Gary Borden, Vice Chairman

Joseph Wynn

Eddie Pike

Daniel Culpepper, Secretary