

# CITY OF ANNISTON, ALABAMA

## PLANNING COMMISSION

### BYLAWS

#### ARTICLE I OBJECTIVES

The objectives and purposes of the Planning Commission of the City of Anniston, Alabama, are those set forth in Title II, Chapter 52, Articles 1 through 4, Code of Alabama, 1975, as the same may be amended, and those powers and duties are delegated to the Planning Commission by the City Council of the City of Anniston, Alabama, by ordinance in accordance with the enabling law.

#### ARTICLE II MEMBERSHIP

The Commission shall consist of nine members; the Mayor, one of the administrative officials of Anniston, a member of the Council selected by it as a member ex-officio and six citizens-at-large appointed by the Mayor.

SECTION 31. All members of the Commission shall serve without compensation and the appointed members shall hold no other municipal office, except, that one of such appointed members may be a member of the Zoning Board of Adjustment.

SECTION 32. The terms of the ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him.

SECTION 33. The term of each appointed member shall be six years or until his successor takes office.

SECTION 34. Members of the Planning Commission may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Mayor or the Council, as the case may be, shall file a written statement of reasons for such removal.

SECTION 35. When members propose to resign, if reasonably feasible, they shall give notice of their intent to the chairman or secretary, or make the

date of resignation effective, in such manner as to allow time for appointment of replacements.

SECTION 36. Failure to attend three consecutive regular meetings, or four of any seven consecutive meetings (to include workshops), without the recorded consent of the chairman shall be construed as resignation from the Commission by absence. This provision shall apply to all members of the Commission.

SECTION 37. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Mayor in the case of members appointed by him.

## ARTICLE IV

### OFFICERS

The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.

SECTION 41. The Chairman shall preside at all meetings of the Planning Commission and at other such meetings and public hearings called by the Planning Commission.

41 .1 He shall decide all points of order or procedure and perform any duties required by law, ordinances, these rules, or the Planning Commission.

41 .2 He shall decide all points of order or procedure and perform any duties required by law, ordinances, these rules, or the Planning Commission.

SECTION 42. The Vice-Chairman shall serve as Chairman in the absence or the disability of the Chairman.

42.1 In the event of the death or resignation of the Chairman, the Vice-Chairman shall perform the duties of the Chairman until such time as the Planning Commission shall elect a new Chairman.

42.2 The Vice-Chairman shall also be an appointed member of the Planning Commission.

SECTION 43. The Planning Commission shall designate the Planning Director to act as Secretary of the Commission.

43.1 The Secretary shall assist the Chairman in the preparation of agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Commission meetings, and shall establish and maintain the Commission's files.

43.2 The Secretary shall also arrange for proper and legal notice of public hearings, attend to correspondence of the Planning Commission, and shall carry out such other duties as are normally the responsibility of a Secretary.

## ARTICLE V

### ELECTION OF OFFICERS

The Planning Commission shall choose its own Chairman and Vice-Chairman from citizens-at-large members for a term of one year, with the provision for reelection.

SECTION 51. Nomination of officers shall be made from the floor, and the election shall follow immediately thereafter.

SECTION 52. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his successor shall take office.

SECTION 53. Vacancies in offices shall be filled immediately by regular election procedures.

## ARTICLE VI

### MEETINGS

SECTION 61. Regular meetings of the Planning Commission shall be held on the third Tuesday of each month at the City Hall in the City of Anniston, Alabama, and such meetings shall commence at 5:30PM.

61 .1 If the regular meeting of the Planning Commission should fall on a legal holiday, the Commission shall set another date for such meeting. All members of the Commission shall be notified of the time and date of said meeting and notice shall be given in the official newspaper of the City of Anniston in time for at least one publication of such change in date.

61 .2 Each Commission member shall be obligated to attend each regularly scheduled or special meeting of the Commission in order to assure the efficient operation of the Commission. If, for any reason, a member knows he will not be able to attend a meeting .he will notify the Department of Planning in advance.

SECTION 62. A quorum necessary for the transaction of business shall consist of five (5) members of the Planning Commission. Except as specifically otherwise provided by statute, ordinance, or these rules of procedure, the business of the Planning Commission shall be transacted by a majority of members present.

62.1 In case of conflict between a commission member and any business under consideration by the Commission, the commissioner shall notify the Commission as soon as such conflict becomes apparent. If, in the opinion of the Commission, a conflict does exist, the member should disqualify his or her self from voting on the matter and exclude his/herself from discussion as a member of the commission.

SECTION 63. When a specific future meeting has been set out for taking action on a proposal in which it is necessary to inspect a location, the members of the Commission shall make an effort to view the location prior to the specified meeting.

SECTION 64. The order of business at regular meetings shall be:

- a) roll call;
- b) reading and approval of minutes of previous meeting(s);
- c) communications from City Council,
- d) old business, e ) hearing of applications,
- f) reports;
- g) resolutions,
- h) communications and miscellaneous business; and
- i) adjournment.

SECTION 65. Special meetings of the Planning Commission shall be held upon call of the Chairman, and at such other times as the Planning Commission may determine, provided that at least 48 hours' notice is given in writing to each member.

SECTION 66. All meetings and hearings of the Planning Commission shall be open to the public.

SECTION 67. The failure of the Commission to act within 60 days from and after the date of official submission to the Commission shall be deemed approval (Code of Alabama, 1 1-52-1 1).

SECTION 68. All agendas for meetings of the Planning Commission shall be set by the Secretary and approved by the Planning Commission Chairman.

## ARTICLE VII

### POWERS AND DUTIES

SECTION 71 . The Commission shall make and adopt a Comprehensive Plan , and current modifications thereof, for the physical development of the City, including any areas outside its boundaries which, in the Commission's judgement, bear relation to the sound planning of the City of Anniston.

SECTION 72. The Commission shall adopt and recommend to the Council a comprehensive zoning ordinance and proposed amendments or revisions thereto with such provisions as the Commission shall deem necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants

of the City. Such zoning regulations shall be made in accordance with a comprehensive plan.

72.1 The Commission shall hear applications for amendments, modifications or revisions of the zoning ordinance, and shall forward such applications to the Council with its recommendations thereof.

72.2 In conjunction with its duty to prepare a zoning ordinance, the Commission is empowered to hear cases on rezoning. It also has the authority to make decisions regarding conditional uses, height of structures, and off-street parking plans.

SECTION 73. The Commission shall adopt regulations governing the subdivision of land within its jurisdiction.

73.1 The territorial jurisdiction for the subdivision of land shall include all land located within the City and all land lying within five miles of the corporate limits (Code of Alabama, 1 1-52-30).

73.2 The Commission shall approve or disapprove a plat within 30 days after its submission; otherwise such plat shall be deemed to have been approved (Code of Alabama, 1 1-52-32).

73.3 All plats of proposed subdivisions shall be submitted to the Commission for its recommendation to the Council.

SECTION 74. The Commission shall submit annually to the Director of Planning a list of recommended capital improvements, arranged in order of preference, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period.

SECTION 75. The recommendations of the Commission shall not be binding on the Council; however, no general City plan, nor zoning ordinance, nor any modification, amendment or revision thereof, shall be considered by the Council unless it has first been submitted to the Commission for its examination and recommendation.

SECTION 76. The Commission shall conduct public hearings as it deems necessary.

- SECTION 77. The Commission shall review all street and alley dedications and vacations, the erections of public buildings, park locations, public transportation, annexations, etc., which would change or alter the comprehensive plan or any part thereof.
- SECTION 78. The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary marks and monuments thereon.
- SECTION 79. The Commission shall have such powers as may be necessary to enable it to fulfill its function to promote sound municipal planning.
- SECTION 80. It shall be the responsibility of the Commission, as part of its duties, to consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens with relation to the protection and implementation of the comprehensive plan.
- SECTION 81. Members of the Commission shall attend planning conferences, planning institutes, and hearings on pending planning legislation. Expenses to be paid by the City of Anniston depending on budget allocation.
- SECTION 82. Planning Commissioners are strongly encouraged to complete basic training by attending the CAPZO course and becoming certified within two years. Additional continuing education is encouraged for Planning Commission, as well. Expenses to be paid by the City of Anniston depending on budget allocation.

## ARTICLE VIII

### RECORDS

- SECTION 93. The Secretary shall keep minutes of the proceeding of each meeting of the Planning Commission, showing the vote on each question.

SECTION 94. In addition to the minutes of the Planning Commission, the Secretary shall keep a permanent file of all plats, maps, charts, reports, notices, resolutions, correspondence and applications filed with and issued by the Planning Commission.

SECTION 95. The minutes and all records of the Planning Commission shall constitute public records, and the Planning Commission shall arrange with the Secretary to provide for the safekeeping of those records.

## ARTICLE IX

### EMPLOYEES, CONTRACTS, AND FINANCES

SECTION 100. The Planning Commission may request the City Council to designate municipal employees to assist in the work of the Planning Commission; and the Planning Commission may also recommend that the City contract with city and regional planners, engineers, architects and other consults for such services as may be required.


SECTION 101. The expenditures of the Planning Commission shall be with the amounts appropriated for the purpose by the City Council.

## ARTICLE X

### AMENDMENTS TO THE BYLAWS

The Planning Commission may, from time to time, amend any part or parts of these rules and regulations so long as such amendments are in accordance with the laws of the State and ordinances of the City of Anniston; such amendments shall require the affirmative vote of six members of the Planning Commission.

Adopted this 13<sup>th</sup> day of April, 20 17.

  
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Chairman

ATTEST.

  
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Secretary