

Mobile City Planning Commission **Operating Rules and Procedures**

Preamble: The Mobile City Planning Commission (“the Commission”) was created by an Ordinance of the City of Mobile (“the City”) on September 7, 1944 and is governed by Chapter 52 of Title 11 of the Code of Alabama (1975) (the “statute”). The Commission: (1) adopts and amends the City Master Plan; (2) carries out and protects the City Master Plan in consultation with public officials and agencies, public utility companies, civic, educational and professional and other agencies, and with the citizens of Mobile; (3) adopts and amends the City Subdivision Regulations; (4) hears and decides subdivision and planned unit development applications; (5) sits as the appellate body for the City Tree Ordinance; (6) hears and decides applications for the construction of streets, squares, parks, or other public ways, grounds and open spaces, and public buildings and public utilities; (7) recommends programs for public structures and improvements and for the financing thereof; (8) hears and decides applications for planning approval under the City Zoning Ordinance; (9) hears and makes recommendations on applications for amendments to the City Zoning Ordinance; and (10) performs such other duties as are delegated to it by the statute or by City Ordinance.

Section One: Members. The Commission consists of eleven regular members.

- A. **Appointment and Terms.** The Mayor shall be a member, or shall designate another city official to serve in his place, to serve during his term in office. The Council shall appoint one of its own members as a Commission member for a term as determined by Council upon such appointment by the Council but not to exceed the Council’s term in office. The Mayor shall appoint one City administrative official to be a Commission member to serve during the Mayor’s term in office. The Mayor shall appoint six members from the residents of the City of

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Mobile, and the remaining two members from the residents of the Planning Jurisdiction, each to serve terms of three years.

- B. Supernumerary Members. The Mayor shall also appoint two supernumerary members who shall serve three year terms and who shall vote when any regular member cannot attend a Commission meeting.
- C. Compensation: Commission members serve without compensation.
- D. Vacancies: Vacancies shall be filled by the Mayor for unexpired terms, except as to the Council member whose vacancy shall be filled by the Council. Removal of any member shall be in accordance with the Statute. Ala. Code S 11-52-3(d) (1985 rep. vol.)

Section Two: Officers. There shall be a Chairman, Vice-Chairman and Secretary of the Commission.

- A. Election and Terms. Each officer shall be elected at the annual organizational meeting from among the members and shall serve one year terms with eligibility for re-election. Officers continue to serve until their successors have been elected. Vacancies shall be filled by an election from among the members.
- B. Duties.
 - 1. Chairman. The Chairman shall call and preside at all meetings and shall have such other duties as are conferred upon presiding officers by Roberts' Rules of Order.
 - 2. Vice-Chairman. The Vice-Chairman shall act in place of and for the Chairman in the latter's absence.
 - 3. Secretary. The Secretary, subject to the direction of the Commission and the Chairman, shall supervise the maintenance of a record of the Commission's resolutions, transactions, findings, and determinations. All such records shall be public records. All documents requiring Commission approval shall be

signed by the secretary, or in his absence, the Chairman. The Secretary may direct the Commission's staff to use a facsimile of his signature on routine documents. The Secretary shall act in place of and for the Chairman, in the absence of the Chairman and Vice-Chairman.

Section Three: Meetings.

- A. Open Meetings. All Commission meetings are open to the public and news media. Comments and questions from the public and news media shall only be taken at the public hearing portion of the Commission's agenda and at such other portions as allowed by the Chairman.
- B. Regular Meetings. The Commission shall meet in regular meetings on the first and third Thursdays of each month, at 2:00 p.m., in the City Council Chambers. However, from time to time, budgetary constraints or staffing issues may require the Commission to reevaluate its meeting schedule and adjust the regular meetings to once a month, upon the recommendation of the Urban Development Department, Planning Section. The first Regular Meeting of the Commission at the beginning of the City's fiscal year shall constitute the Commission's annual organizational meeting. Notices for all such regular meetings shall be sent to the Mayor, the Council, the Commission members, all persons with pending applications, and news media, and others designated from time to time by the Commission, not later than five (5) business days before each such meeting.
- C. Special Meetings. The Chairman, any two officers, or any three members may call a special meeting of the Commission. Notice of such meeting shall be given directly to each member not less than 48 hours prior to such called meeting. Notice may be in writing, telephonic, in person, or by electronic transmission so long as it is directly to each member.
- D. Agenda. All reports, recommendations, and other written materials to be considered by the Commission shall be submitted to the Urban Development

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Planning Section, and sent by the staff to the Commission members, not later than the Friday before each Regular Meeting. The foregoing shall not preclude the Commission from considering other materials or matters, in the Commission's discretion. No application shall be considered by the Commission unless received according to the deadline schedule established each fiscal year, as may change from time to time. To be considered, an application must contain all information required by the Commission's staff and must be accompanied by the required filing fee.

- E. Quorum. A quorum of the Commission shall consist of six regular or supernumerary members.
- F. Presiding Officer. The presiding officer at any Commission meeting shall follow Robert's Rules of Order and shall make procedural rulings to preserve strict order and decorum. All persons attending Commission meetings shall abide by its rules and the rulings and directions of the presiding officer or face removal at the direction of the presiding officer. The presiding officer shall have the right to vote on all Commission business.
- G. Order of Business. The order of business at any Commission meeting shall be substantially as follows:
 - 1. Roll call and determination of quorum
 - 2. Public Hearings (if any)
 - 3. Deliberation Session and determination of voting members
 - 4. Approval of minutes
 - 5. Old business
 - 6. New business
 - 7. Administrative matters
 - 8. Adjournment
- H. Public Hearing. During any public hearing, the presiding officer shall determine the order of the matters to be heard. Only applicants, opponents, and citizens seeking information shall be allowed to speak. All speakers shall have a maximum of five (5) minutes, unless the commission votes to allow a longer

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time. Any rebuttal shall be limited to two (2) minutes, unless the Commission votes to allow a longer time. Each side of an issue/development shall be limited to four (4) speakers, unless the presiding officer or Commission decides to allow more. Copies of staff reports and recommendations shall be made available to each Commission member and members of City staff shall respond to questions from the Commission and, when in order, from the public. No member of the public shall be allowed to speak during a Commission meeting, except during public hearing or upon the affirmative permission by the presiding officer.

- I. Motions. No motion shall be fully debated or put to a vote without a second. A motion may be amended with the agreement of the mover and the second, or by motion to amend with a second and majority vote by the Commission. Once amended, a motion must be voted upon in its amended form only. No motion or amendment shall be voted upon without a period of discussion, the length of which shall be in the discretion of the presiding officer. Notwithstanding the foregoing, a motion to lay on the table shall be decided immediately without discussion. A motion to act on a matter prior to the close of a public hearing shall be in order but shall require a unanimous vote.
- J. Lack of Motion. As to any application pending before the Commission, the failure to receive a motion thereon shall constitute a denial of such application unless action on such application is specifically postponed to a subsequent meeting.
- K. Voting. There shall be no voting by proxy or by telephonic or electronic means. Voting must be in person at a Regular or Special Meeting. Except as expressly provided otherwise in these rules, the Commission acts by a majority of those members voting at a meeting where a quorum is present. Failure to obtain a majority, as when there is a tie, means the matter under consideration fails. Voting shall be by voice except the presiding officer may require a show of hands. All abstaining or recusing members shall so state.
- L. Notification of Action. When the Commission takes any action on an application, the applicant shall be notified in writing by the Urban Development

Department, Planning Section. Notifications of actions by the Commission on any application shall be made available to the public by posting on the City of Mobile web site.

Section Four: Committees. The Commission shall meet and act as a whole body. The presiding officer may appoint committees made up of less than all members and may include certain members of the staff and of the public thereon. Such special committees shall not be entitled to act for the Commission but shall report their findings and recommendations to the Commission for action thereon.

Section Five: Employees and Consultants. The Commission may appoint employees, as it deems appropriate for its work, which employees shall be hired, promoted, demoted, removed, and compensated, and subject to the same laws and regulations, as are other City employees. The Commission may contract with City planners, engineers, architects, and other consultants for services as it deems appropriate but compensation and expenditures therefor must be appropriated by the City Council or paid for by gifts or grants to the City by third parties designated for that purpose.

Section Six: Subdivision Plats.

- A. **Submission of Plats.** The Commission shall consider a subdivision plat only at a regular meeting. To receive consideration at that meeting, an application and the plat must be filed according the deadline schedule established each fiscal year, as may change from time to time. The plat shall include such information as is required by the Subdivision Regulations, and no plat that is incomplete shall be considered to have been filed.
- B. **Hearings.** Each application shall contain the name and address of a person to who notice of hearing shall be sent and shall contain the names and addresses of the owners of land immediately adjoining and across the street(s) or rights-of-ways from the platted land as their names appear on the tax records of Mobile County. The applicant shall be responsible for the correctness of such names and

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addresses. Notice of the time and place of hearing will be sent by certified mail to the person named upon the plat and to the owners of land immediately adjoining the platted land no less than five (5) days before the date fixed therefor. Applications and plats before the Commission shall be on the meeting agenda, and in reports and recommendations as prepared by its staff.

- C. Planning Commission Review: The Commission shall approve or disapprove a plat within thirty (30) days after submission; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may waive the requirement and consent to an extension of such period.

Section Seven: Ethics. A Commission member shall recuse himself or abstain from voting on any matter in which he, or a family member, has a direct pecuniary or proprietary interest (whether by ownership, mortgage, lease, or business association), in accordance with the rules of the Alabama Ethics Commission.

Section Eight: Polices and Regulations. The Commission may from time to time adopt policies and regulations to guide it and the public in the performance of the Commission's functions. Such policies and regulations shall only be adopted at regular meetings, shall be kept in organized and written form, and shall be made available to the public at the offices of the Urban Development Department, Planning Section and at the Commission's regular meeting.

Section Nine: Adoption and Amendment.

- A. Adoption. These Operating Rules and Procedures take effect upon adoption by the Commission and supersede all prior existing operating rules, procedures and by-laws.

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- B. Amendment. These Rules and Procedures may be amended only at a Regular Meeting of the Commission, with at least one week's notice to each Commission member, and upon a vote of at least six (6) members of the Commission.


Adopted by the Mobile City Planning Commission on the 15th day of October, 1992; and Amended by the Mobile City Planning Commission on the 19th day of June, 2014.



Chairman



Vice-Chairman



Secretary