

BALDWIN COUNTY PLANNING COMMISSION



BY-LAWS

November 5, 2009

**BY-LAWS
OF THE
PLANNING COMMISSION
OF
BALDWIN COUNTY, ALABAMA**

Adopted by the Baldwin County Planning Commission
Amended by the Baldwin County Planning Commission
Amended by the Baldwin County Planning Commission

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ARTICLE I AUTHORIZATION AND PURPOSE

Section 1. AUTHORIZATION. The Baldwin County Planning & Zoning Commission, hereinafter referred to as the Planning Commission, was established by the Baldwin County Commission, pursuant to statutory provisions of the Code of Alabama.

Section 2. PURPOSE. Purpose of the Planning Commission is to follow and carry out the authority both granted by the Alabama Legislature, and delegated by the Baldwin County Commission. Included in those duties are, among other things, making and maintaining a Master Plan for physical development of the unincorporated areas of Baldwin County, making recommendations to the County Commission on zoning amendments and administering the *Baldwin County Subdivision Regulations*.

ARTICLE II JURISDICTION

Jurisdiction of the Planning Commission for planning and zoning pursuant to Alabama Law will apply to all unincorporated areas of Baldwin County. Jurisdiction of the Planning Commission over proposed subdivisions of land will apply to all unincorporated areas with the exception of certain municipal planning jurisdictions.

ARTICLE III MEMBERS

Section 1. COMPOSITION. The Planning Commission will be composed of nine (9) members, each of whom will be a qualified elector in and an actual resident of Baldwin County. A minimum of eight members of the Planning Commission will be qualified electors from the unincorporated areas of Baldwin County. In addition, upon the affirmative vote of a majority of the qualified electors in a district election held pursuant to Alabama Law, the membership of the Planning Commission will be increased by appointment by the County Commission of a qualified elector from that district (district member). No member will be a County officer or employee.

Section 2. TERMS. All members will be appointed by, and serve at the pleasure of, the Baldwin County Commission. Each member will serve a term of four years, and may be reappointed; except that district members will serve for a single term of three years.

Section 3. VACANCIES. Vacancies on the Planning Commission will be filled, for the duration of any unexpired term, by appointment made by the Baldwin County Commission.

Section 4. REMOVAL. The Baldwin County Commission may remove any member of the Planning Commission for cause upon written charges and after a public hearing conducted by the County Commission. Any member who misses three (3) consecutive regular meetings without cause, or who misses a total of four (4) regular meetings without cause in any calendar year (January through December), will be referred by the Chair of the Planning Commission to the County Commission for review and action. Sufficient cause will be determined, on a case by case basis, by the Chair of the Planning Commission in his (her) sole discretion, however said discretion is reviewable by the County Commission.

Section 5. COMPENSATION. All members will serve without compensation; however, reasonable and necessary expenses of the members of the Planning Commission will be paid from the General Fund of Baldwin County.

ARTICLE IV OFFICERS

The officers of the Planning Commission will be a Chairman and a Vice-Chairman, each of whom will be elected by a majority of the full Planning Commission membership, at the annual meeting.

Section 1. CHAIRMAN. The Chairman will preside at all meetings of the Planning Commission; call special meetings in accordance with these By-Laws; sign documents on behalf of the Planning Commission and see that all actions of the Planning Commission are properly taken. He (she) will serve as liaison between the Planning Commission and the County Commission.

Section 2. VICE-CHAIRMAN. During the absence, disability or disqualification of the Chairman, the Vice-Chairman will exercise and perform all the duties and be subject to all the responsibilities of the Chairman. The Vice-Chairman will succeed the Chairman if the Chairman vacates the office before his (her) term is completed. In that event, a new Vice-Chairman will be elected from among the Planning Commission membership at the next regular meeting of the Planning Commission.

Section 3. ACTING CHAIRMAN. If the Chairman and the Vice-Chairman are not able to preside over a meeting and a quorum is present, an acting Chairman to serve only at that meeting will be elected by a majority of the members present.

Section 3. TERM. Term of office will be one (1) year with eligibility for re-election. Each officer will hold office until his (her) term expires or until he (she) shall resign, by written notice, to the Chairman of the County Commission, or be removed for cause.

ARTICLE V OFFICES AND STAFF

Administrative staff of the Planning Commission will include the County Planning Director, the County Engineer, Legal Counsel and their respective staff, all of whom are provided by the County Commission. Staff will inform applicants of the appropriate office location for any filings.

Section 1. RECORDS. Planning Commission records maintained and stored by the Planning Director will include (but not be confined to) meeting minutes, copies of all applications, plats, maps, reports, notices, resolutions and correspondences, and will be of public record. Corresponding records applicable to subdivision applications will be maintained and stored by the County Engineer, and will also be of public record.

Section 2. DIRECTOR OF PLANNING. The Planning Director and/or his (her) staff, will provide the following support on planning and zoning matters:

- (a) assist and advise the Planning Commission during preparation and administration of zoning ordinances adopted by the County Commission for those planning districts that elect to adopt the planning and zoning authority of the Baldwin County Commission;
- (b) consult with applicants and their representatives regarding compliance with applicable ordinances;
- (c) conduct on-site inspection of parcels that are the subject of applications to the Planning Commission;
- (d) prepare and submit, after consultation with the County Engineer, a written report and recommendation to the Planning Commission, for each application to the Planning Commission;
- (e) prepare an agenda for each Planning Commission meeting;
- (f) attend each Planning Commission meeting;
- (g) present and discuss findings relative to each application, at each Planning Commission meeting;
- (h) inform the Planning Commission of any correspondence or other communication received that relates to the business of the Planning Commission, and respond to such communications as directed by the Planning Commission and/or as otherwise appropriate to the particular communication;
- (i) arrange for recording the minutes of all Planning Commission meetings, and preserve these official minutes in an appropriate Minute Book;
- (j) give or serve all notices required by law;
- (k) keep an account of all Planning Commission receipts and expenditures, and maintain the Planning Commission records; and,
- (l) provide technical and administrative assistance in the process of drafting or updating the County Master Plan, as required by law.

Section 3. COUNTY ENGINEER. The County Engineer will provide to the Planning Commission, as pertains to subdivision matters, support similar to that provided by the Director of Planning on planning and zoning matters, as outlined in Section 2 of this Article, above. The County Engineer will also review, approve and sign all subdivision plats that he (she) finds to be in compliance with the *Subdivision Regulations*, as required by law.

Section 4. **LEGAL COUNSEL.** The Legal Counsel will serve in an advisory capacity. He (She) will attend all meetings of the Planning Commission, and advise, investigate and furnish such other legal counsel as the Planning Commission requests.

ARTICLE VI MEETINGS

Section 1. **ANNUAL MEETING.** The annual meeting of the Planning Commission will be the first regular meeting in January of each year. At this meeting the Planning Commission will elect a Chairman and a Vice-Chairman. All nominations for officers will be from the floor in open forum. Any person nominated for office should first be consulted to insure that person is willing to serve and/or have his (her) name placed in nomination. Following the election of officers, the Planning Commission will continue in session to transact such other business as may come before it.

Section 2. **REGULAR MONTHLY MEETING.** The Planning Commission will meet at least once a month on a day (or days) to be determined by the membership. The regular monthly meeting day may be changed for good reason by the Chair.

Section 3. **SPECIAL MEETINGS.** Special meetings may be called at any time by the Chair, by a majority of the Planning Commission members or by request of the Baldwin County Commission, provided that a 48 hour notice is given to each member.

Section 4. **MEETING LOCATION AND TIME.** The Chair, after consulting with the Planning Commission members, may designate any place within Baldwin County for any annual, regular or special meeting. In the selection of a time and place for a meeting, due consideration will be given to space requirements and travel distances for those who will attend the meeting. All meetings of the Planning Commission are open to the public.

Section 5. **MEMBER ATTENDANCE.** Planning Commission members are expected to attend every Planning Commission meeting. Any member who anticipates he (she) will not attend a duly scheduled meeting is required to so notify the Planning Director at the earliest opportunity, but not later than one (1) day before the scheduled meeting date. The Planning Director will notify the Chair of all such anticipated absences. Any member, who seeks to depart a meeting before the meeting has been adjourned by the Chair, is expected to notify the Chair of such premature departure. A member may be removed from the Planning Commission for excessive absences, as provided in Article III, Section 4, of these By-Laws.

Section 6. **QUORUM.** A majority of the members of the Planning Commission will constitute a legal quorum for the official transaction of business.

Section 7. **VOTING.** Each member will have one vote on any matter requiring a decision of the Planning Commission. A vote by a majority of the members present will be required for the approval of any motion presented to the Planning Commission. The method of voting may be verbal, a show of hands, or, if requested by a Planning Commission member, by roll call. The Chair must vote last on a roll call and must not create a tie vote; or the Chair may choose to remain neutral or to vote only to break a tie vote.

Section 8. CONFLICTS OF INTEREST. Any member of the Planning Commission who may have a conflict of interest on any item that is on the agenda will voluntarily recuse himself (herself) and refrain from discussing and voting on said item.

Section 9. CODE OF CONDUCT. Members of the Planning Commission are public officials, appointed by the Baldwin County Commission in accordance with Alabama Law and, as such, are expected to conduct themselves at all times in the performance of Planning Commission business in a manner that meets or exceeds the highest standards of ethics and responsibility that apply to public officials. Following are minimum standards to which all Planning Commission members are expected to adhere:

(a) Members are expected to read and acquire a working knowledge of the current *Baldwin County Comprehensive Plan*, the *Baldwin County Zoning Ordinances* and *Subdivision Regulations*, and to apply this body of guidance and directives with diligence and impartiality, during Planning Commission deliberations of all cases presented to the Planning Commission.

(b) Members are expected to read and familiarize themselves with the Agenda and with the information and materials presented to them in the staff report furnished to all members in advance of each scheduled Planning Commission meeting. Members are encouraged to make site visits to the properties listed on the forthcoming meeting agenda.

(c) Members participating at a Planning Commission meeting may speak only when and for so long as recognized by the Chair for that purpose; and will confine their questions and comments to the particular matters before the Planning Commission at the time. Members are expected to maintain a civil and courteous tone and demeanor throughout each Planning Commission meeting.

(d) Members may not use their position as a member of the Planning Commission to secure any special privilege or exemption for themselves, or for others.

(e) Members may not, directly or indirectly, give or receive compensation, gifts, rewards or gratuities to or from any source for any matter connected with or related to service as a Planning Commission member. This provision does not prohibit any member from seeking and obtaining reimbursement for reasonable and necessary related expenses as provided in Section 3 e) of these By-Laws.

Section 10. PARLIAMENTARY PROCEDURE. In addition to the guidance provided by these By-Laws, Robert's Rules of Order will generally govern the conduct of business at all Planning Commission meetings.

Section 11. COUNTY COMMISSION REFERRALS. Matters referred to the Planning Commission by the County Commission will be placed on the agenda for consideration at the next meeting of the Planning Commission.

Section 12. APPLICATIONS. All applications that require Planning Commission action will be properly filed either at an office of the Planning Department or at the Highway Department, depending upon the type of application. No application will be placed on the agenda for any meeting unless a full and complete application is received at the appropriate office within the submittal deadline stipulated in the *Subdivision Regulations* or *Zoning Ordinances*.

Section 13. DECORUM. The following guidelines will be observed, as means to promote fairness, maintain order, and achieve efficiency, in the conduct of all business before the Planning Commission.

- (a) No person may address the Planning Commission without first obtaining recognition from the Chair.
- (b) Speakers will be asked to speak from the podium equipped with a microphone provided for this purpose, and will be expected to state their name and address for the record, at the onset of their presentation
- (c) Speakers will be expected to confine comments or questions solely to matters that pertain to the particular case or subject about which the Speaker has been recognized to speak; and will be expected to observe time limits set by the Chair for this purpose.
- (d) Profane, insulting or threatening language or gestures, or disruptive behavior of any kind, are inappropriate and will not be tolerated at a Planning Commission meeting. Anyone, whether a member of the public or a member of the Planning Commission, who, in the sole discretion of the Chair, engages in such unacceptable behavior, may be asked by the Chair to cease and desist and/or may be directed by the Chair to depart the meeting. The Chair may declare a recess, or may call for a Motion to Adjourn, in the event such a disruption should occur.

Section 14. ORDER OF BUSINESS. The Planning Commission agenda shall, ordinarily, include the following items, numbered as shown:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Announcements/Registration to address the Planning Commission
5. Consideration of Zoning Applications*
6. Consideration of Subdivision Applications*
7. Old Business
8. New Business
9. Reports and Announcements
10. Public Comments
11. Adjournment

**Note. At alternate meetings, Consideration of Subdivision Applications will appear as Item 5, and Consideration of Zoning Applications will appear as Item 6, on the Planning Commission agenda. These Applications invoke a public hearing.*

Section 15. PUBLIC HEARINGS.

(a) Outside Communication. Discussion of the merits of any application scheduled to be heard by the Planning Commission should take place only at a regularly scheduled public hearing scheduled for that purpose. This is essential to promote openness and fairness, and as a measure to avoid prejudice, in the consideration of all such applications. Accordingly, discussion of matters that pertain to the merits of an application pending or impending before the Planning Commission, conducted outside such public hearing scheduled for that application, between a member (or members) of the Planning Commission and any person(s), group, entity or representative who (which) has (have) an interest in the merits and/or outcome of a pending or impending application before the Planning Commission, is highly discouraged. Members may freely communicate with staff and with legal counsel, at any time, without limitation.

(b) Disclosure. Situations may arise where prior communication, although unsolicited by a member of the Planning Commission, takes place despite the best efforts of a member to avoid it. In such instances, the member involved will disclose, at the public hearing, the name of the person(s) with whom the application was discussed, and the nature and substance of the communication. In the event that such communication is in writing, the member must promptly provide a copy of the writing(s) to staff, so that it may be reproduced and distributed to the entire Planning Commission, and distributed to the entire Planning Commission, disclosed to the public at the public hearing held on that application, and incorporated into the meeting minutes.

(c) Hearing Procedure. All persons who wish to address the Planning Commission must first complete a Registration Form provided by staff at the meeting site for this purpose. The order of procedure at public hearings will be as follows:

1. *Opening the Public Hearing* (as announced by the Chair);
2. *Disclosure of Prior Communication.* The Chair inquires if any member(s) has (have) any prior communication to report, followed by member(s) responses, if any, as provided in these By-Laws;
3. *Staff Presentations.* Staff report, including findings and recommendations, followed by questions (if any) from Planning Commission members recognized, in turn, by the Chair;
4. *Applicant Presentation.* Applicant and/or applicant's representative(s) describe and discuss the application, followed by questions (if any) from Planning Commission members, in turn, as recognized by the Chair. Applicant will have ten (10) minutes, unless an extension is granted by the Chair.
5. *Public Response.* The Chair will recognize, in turn, each member of the public that has completed a registration form and indicated thereon the desire to address the Planning Commission on the application.

5. *Public Response. (Continued)*

- a. Each speaker will state his (her) name and address, for the record, and will be allowed up to three (3) minutes. Any speaker, who indicates that he (she) is speaking also for (in place of) others present at the hearing, may be granted additional time, at the Chair's discretion.
- b. When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.
- c. In any event, the Chair may extend these time limits when merited, at the Chair's sole discretion.
- d. Members of the Planning Commission may, in turn, pose questions to any speaker(s), after the speaker has concluded his (her) comments, when recognized for this purpose by the Chair.
- e. Ordinarily, the Chair will call all members of the public, in turn, who have indicated on their registration from a wish to speak in favor of the application, before calling those, in turn, who have indicated on their registration form a wish to speak in opposition to the application. Those registrants who indicate that they are neither in favor of nor in opposition to the application will then be heard, in turn, after the last speaker in opposition has been heard.

6. *Applicant Response.* After the last speaker has concluded his (her) comments, Members of the Commission may, in turn address additional questions to the applicant, when recognized by the Chair for this purpose.

7. *Staff Summary.* Staff will make closing comments on the application, followed by questions (if any) from Planning Commission members, recognized, in turn, by the Chair.

8. *Closing of Public Hearing* (as announced by the Chair).

Section 16. PUBLIC COMMENTS. Prior to adjourning each Meeting, after the other business of the Planning Commission has been completed, the Chair will allow members of the public to speak, in turn, on any matter that relates to the business of the Planning Commission. During this portion of the Planning Commission Agenda, the rules of decorum and time limits set out in the other provisions of these Bylaws apply, and will be enforced by the Chair. Each such speaker must pre-register, by completing the Registration Form furnished by Staff at the meeting site for this purpose.

ARTICLE VII
AMENDMENTS

These By-Laws may be amended at any meeting of the Planning Commission by the concurring vote of two-thirds (2/3rds) of the membership of the Planning Commission, provided that five (5) days notice of such proposed amendment will be given to each member.

ARTICLE VIII
ADOPTION

These By-Laws were adopted by the Baldwin County Planning Commission on the 5th day of November, 2009. All previous By-Laws of the Planning Commission are hereby repealed.


Chairman

Attest:


Planning Director