

**By-laws of the Planning Commission
City of Dothan, AL**



Adopted/Amended

July 15, 1981/August 19, 2009

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BY-LAWS OF THE DOTHAN PLANNING COMMISSION

Section I: Preamble

The following constitutes the by-laws, procedures and objectives that will serve to establish, organize and guide the proper functioning of the City of Dothan's Planning Commission.

Section II: Objectives and Purpose

The objectives and purpose of the Planning Commission is to formulate, adopt, and assist in the implementation of the City's Future Land Use Plan, Downtown Master Plan and any other plans that may be adopted which shall guide the city's growth and physical development. This commission, along with the assistance of the staff of the Planning Department, shall carry out the planning function for the City of Dothan and its planning jurisdiction.

Section III: Membership and Officers

A) Selection and Tenure

The Planning Commission shall consist of nine (9) regular members and five (5) supernumerary (alternate) members, as appointed by the Mayor and City Commission. (Ala. Code 11-52-14)

B) Removal From Office/Vacancies

Vacancies shall be filled immediately by regular selection procedure as deemed appropriate by the Mayor and City Commission. (11-52-14, Code of Alabama)

- 1) After a public hearing, the council (commission), in the case of a regular or supernumerary members appointed by it, or the mayor, in the case of the regular or the supernumerary member appointed by him or a previous mayor, may remove a regular or supernumerary member for reason of inefficiency, neglect of duty, malfeasance in office, or continued failure to attend meetings. The council or mayor, as the case may be, shall file a written statement of reasons for removal.
- 2) Vacancies occurring other than through expiration of term shall be filled for the duration of the unexpired term by the mayor in the case of the regular member and supernumerary member appointed by him or a previous mayor; and by the council in the case of the regular members and supernumerary members appointed by it.

C) Officers

1) Chairman

- (a) At the first regular meeting of the Commission each calendar year, the Commission members shall nominate regular members for the office of Chairman and shall vote thereon.

(b) The Chairman shall preside at all meetings and shall have the privilege of discussion all matters before the Commission. The Chairman shall also have the privilege of voting on all matters heard by said Commission.

2) Vice-Chairman

(a) At the first regular meeting of the Commission each calendar year, the Commission members shall nominate regular members for the office of Vice-Chairman and shall vote thereon.

(b) The Vice-Chairman shall act in the capacity of the Chairman in his/her absence and shall have the same powers and privileges of said Chairman.

3) Temporary Chairman

(a) In the absence of the Chairman and the Vice-Chairman, the members shall elect from among themselves a Temporary Chairman to preside over the meeting.

(b) The Temporary Chairman shall act in the capacity of the Chairman in his/her absence and shall have the same powers and privileges of said Chairman.

4) Secretary

The Secretary shall be designated by the commission and may or may not be a member thereof. The Secretary, subject to the direction of the commission and the Chairman, shall keep all minutes, proceedings and records, shall conduct all correspondence and shall send out and publish all notices required.

5) Terms

All officers shall serve a term of one (1) year, or until their successors are selected and assume office. All members shall be eligible for re-election for consecutive terms, and no term limits are imposed on the membership of this Commission.

D) Professional Conduct Policy

Pursuant to Resolution 2009-185 enacted by the City of Dothan Board of Commissioners on Tuesday, June 16, 2009, adopting a Code of Conduct for members of City boards and committees, the City Manager has directed that the following Code of Conduct shall be included in the Bylaws of this Commission.

1) Purpose

The purpose of this policy is to promote a professional, ethical environment where all volunteers, board members, appointees, etc can maximize their performance in service to the citizens of Dothan by eliminating offensive or threatening conduct that might interfere with maximum productivity. The types of behavior that are specifically targeted include but are not limited to: (1) sexual harassment; (2) racially derogatory language, religious and other forms of harassment; (3) violence or threats of violence, and (4) unethical behavior. These types of behavior can distract from the effective operation of City business and related duties, and it is the policy

of the City of Dothan to prohibit and eliminate these types of behaviors where they occur. Violation of this policy and any retaliation will result in the immediate and automatic removal from office, volunteer positions, appointments, and/or special assignments delegated to the individual.

2) Definitions

- (a) Sexual Harassment: Sexual Harassment can include but is not limited to:
 - (i) Physical assaults or physical conduct that is sexual in nature (touching, pinching, or brushing against another's body).
 - (ii) Unwelcome sexual advances, propositions, comments, "kidding," "teasing," or requests for sexual favors.
 - (iii) Sexual displays or publications such as calendars, cartoons, graffiti, or computer pornography.
 - (iv) Other verbal or physical conduct of a sexual nature that would interfere with the conduct and productivity of other volunteer or board appointees and City employees or create an intimidating, hostile or offensive work environment.
 - (v) Retaliation for complaints of harassment.

- (b) Racial, Religious, National Origin, Disability, or Age Harassment: These types of harassment can include but is not limited to:
 - (i) Any conduct based on race, religion, national origin, disability, or age that interferes with the ability of a citizen, board member, volunteer or city employee to perform their duties.
 - (ii) Jokes which refer to race, religion, national origin, disability, or which portray these characteristics in a negative light.
 - (iii) The posting or distribution of cartoons, drawings, or any other material which adversely reflects on a person's race, religion, national origin, disability, or age.
 - (iv) The use of "slurs" or other offensive language.
 - (v) Practical jokes, horseplay, or teasing which tend to make fun of a person's race, religion, national origin, disability, or which reflect negatively on a person's age.
 - (vi) Retaliation for complaints of harassment.

- (c) Violence and Threats of Violence. This type of anti-social behavior can include but is not limited to:
 - (i) Any conduct which involves the offensive touching of another volunteer, board member, or citizen.
 - (ii) Intimidating or threatening gestures or body posture that reflects possible violence or a threat of violence.
 - (iii) Verbal threats to "get even," "go postal," or similar statements that cause a citizen, board member, volunteer or employee to fear possible harm.

3) Ethical Behavior/Expectations

- (a) Volunteers, board members, and appointees shall avoid any interest, activity or contact which is in conflict with the conduct of official duties and should avoid the appearance of conflict of interest, seeking or accepting no favor, benefit, personal profit, individually or for family members or friends, secured by privileged information or by misuse of position, public time or public resources.
- (b) Volunteers, board members, and appointees shall not directly or indirectly solicit any payments or accept or receive any payments or gifts of material value - whether it be in the form of money, services, loans, travel, entertainment, hospitality, or favors - that may be intended, perceived, inferred, expected or construed to influence them in the performance of their official duties or regard any official action on their part.
- (c) Volunteers, board members, and appointees shall identify any financial interest in regard to items before the Board/Committee for approval of any kind. In the event that there is a proprietary interest, (e.g. direct ownership, mortgage, lease, etc.) it should be called to the attention of the members of the Board/Committee. Any member of the Board/Committee having such interest should recuse oneself and not participate in any manner of the discussion or decision making surrounding such matter.

Section IV: Meetings

A) Regular Meetings

- 1) Public Hearings. Public Hearings will be held on the third (3rd) Wednesday of each month at 9:00 a.m. All public hearings meetings are held in the City Commission Chambers located on the second floor of the Roy L. Driggers Municipal Building in downtown Dothan.
- 2) Administrative meetings. Administrative meetings will be held on the third (3rd) Monday of each month at 2:30 P.M. The location will be published on the monthly agenda. The meeting is open to the public but no testimony shall be received or solicited.
- 3) When a regular meeting falls on a legal holiday, or upon a day resulting in conflict, an alternate meeting date shall be chosen and made publicly known.
- 4) Notice of regular Commission meetings shall be accomplished as provided for in the Alabama Open Meetings Act as hereafter amended and as specified in the City of Zoning Ordinance.

B) Special Meetings

Special meetings may be called by the Chairman or the Secretary. Special meetings shall be open to the public. Notice of special meetings shall be accomplished as provided for in the Alabama Open Meetings Act as hereafter amended.

C) Rules of Procedure

- 1) All meetings of the Dothan Planning Commission shall be conducted in accordance with the Code of Alabama and the Code of Ordinances of the City of Dothan.
- 2) Except where otherwise indicated, all meetings of the Dothan Planning Commission shall be conducted in accordance with the latest edition of Robert's Rules of Order.
- 3) Following the introduction of the agenda item by the chairman, each applicant shall present their request to the Planning Commission for consideration in the order published on the agenda. The chairman may modify the order of items heard for cause. The public shall be afforded the opportunity to speak in favor of or in opposition to the matter at hand.
- 4) A motion to continue or table may be discussed by the members and the public at the discretion of the Chairman.

D) Quorum

Six (6) members of the nine (9) member commission present and sitting shall constitute a quorum for the transaction of business and taking of official action.

E) Meeting Decorum

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. All remarks shall be addressed to the Commission as a body and not to any member thereof or members of the audience. Interested parties or their representatives may address the Commission by written communications, a copy of which shall be provided to the secretary either before or during the meeting. Persons not observing these guidelines may be asked to leave by the chairman.

F) Voting

- 1) **Approvals.** An affirmative vote of six (6) members is required to take any action on requests heard by the Commission. This includes approvals of subdivision plats, development plans, and recommendations on rezoning requests and ordinance amendments.
- 2) **Denials.**
 - (a) Any rezoning request, Development Plans, or Subdivision Plat may be denied or disapproved upon the vote of six members.
 - (b) Unless a motion to continue or table is passed, the failure to obtain six votes to approve or recommend approval of a rezoning request, Development Plans, or Subdivision Plat shall be considered a denial or disapproval.
 - (c) If a rezoning request or Development Plans are denied (or shall fail to gain approval) the same rezoning request or Development Plans may not be submitted again by the original applicant or any other party until after a period of six (6) months. No revised rezoning request or Development Plans for any part of the affected property may be submitted by the applicant or any other party until after a period of three (3) months. In any case all normal application and public notice requirements must be satisfied.

- (d) If a Subdivision Plat is disapproved, the applicant may re-submit the Subdivision Plat as provided for in the Dothan Subdivision Regulations.
- 3) **Continued Items.**

Items scheduled for Planning Commission consideration may be continued to a date certain as announced at the initial hearing. Items may be continued only once and shall not be required to re-advertise. Applicants shall be required to post the property as otherwise required. No other fees shall be collected.
- 4) **Tabled Items.**
 - (a) Any item may be tabled by a majority six members present and sitting.
 - (b) To be removed from the tabled, an item shall require approval of six commissioners present and sitting.
 - (c) If an item has been removed from the table, public notice to adjacent property owners is required as outlined in Section VI, Public Notification.
 - (d) Items tabled for longer than six months shall be considered denied.
- 5) **Withdrawing Items.**

Any applicant may withdraw his request for rezoning, Development Plans or Subdivision Plat at any time prior to a motion being made to consider its approval or denial.

Section V: Agenda

Applicants for subdivision plat approval, development plan approval and/or rezoning requests to be considered by the Planning Commission in their official capacity, shall submit an application provided by the Planning Department along with the required supporting material according to the schedule adopted annually by the planning commission. Once all material is received, the item will be placed on the next regularly scheduled agenda.

Section VI: Public Notification

A) Signs

- 1) In addition to the public notice requirements specified in the Dothan Code of Ordinances and the Code of Alabama, one or more signs shall be posted on any property for which any rezoning, development plan or preliminary plat approval is requested. The Planning Director shall be responsible for determining how many signs shall be posted for each request as well as the most appropriate location or locations in order to provide adequate public notice.
- 2) The cost of such signs shall be borne by the applicant who also shall be responsible for making arrangements to insure that the sign or signs are posted at the proper place and time.
- 3) Each sign shall contain at least the following information: the nature of the request; the date and time of the meeting at which the request will be considered by the

Planning Commission; the location of the meeting; the date and time of the meeting; the telephone number of the Planning and Development Department office.

- 4) The sign or signs shall be posted on the property at least 14 calendar days prior to the scheduled date of the Planning Commission meeting at which the request is to be considered.
- 5) If the sign or signs are not posted on the property at least 14 calendar days prior to the scheduled date of the Planning Commission meeting, the Planning Director shall so notify the Planning Commission in writing. The affirmative votes of six members shall be necessary to waive the sign requirement in order for the request to be considered. If the Planning Commission does not waive the sign requirement, the request shall be continued automatically until the next regularly scheduled Planning Commission meeting. The applicant shall not be required to pay a new filing fee but shall post the necessary sign or signs on the property.

B) Notice to Adjacent Owners.

Written notice to adjacent property owners is required for rezoning requests. The applicant shall provide the names and addresses of adjacent property owners (those located on each side, to the rear and across the street) to receive notice by first class mail of the proposed rezoning.

C) Publication of legal notice.

- 1) **Publication of agenda. The agenda for the regularly scheduled Planning Commission meetings shall be published in *The Dothan Eagle* fourteen days and seven days prior to each such regularly scheduled meeting.**
- 2) When a request for rezoning requires publication of a legal notice, the board of commissioners shall cause the preparation of the required notice and submit it to the appropriate newspaper for publication. The cost of such publication shall be billed to the applicant. Payment of the fee set out in section 114-91 and the cost for publication of the notice shall not be required of employees or agents of the city submitting proposed amendments in the course of their official duties.

Section VII: Modifications

- A)** The Planning Commission, during the public hearing, may modify rezoning requests and may require changes to Development Plans so long as such modifications or changes are not inconsistent with the City of Dothan Zoning Ordinance. Modifications to rezoning requests shall be to a classification of lesser development intensity.
- B)** Any provision of these Bylaws, except for those regulated by either state law or city policy, may be amended or suspended by the affirmative vote of six members of the Planning Commission.