

# Chapter 64 Unified Development Code

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## Article IX Agencies

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### Section 64-165 Generally



*Purpose: This Article formally establishes agencies or official, or recognizes existing agencies or officials, that administer this Chapter. It establishes the composition of those agencies, their jurisdiction, and related administrative matters.*

### Section 64-166 Planning Department

#### A. Establishment

1. The Planning Department (the “Department”) shall administer and enforce this Chapter.
2. The Department is delegated the power necessary to enforce and administer this Chapter.
3. The Planning Director shall supervise the Planning Department, and may delegate specific duties to Department staff such as zoning administration, permit intake, long-range planning, and \*\*\*\*\*

#### B. Administration.

In carrying out its administrative duties the department shall:

##### 1. Permits and Plan Review

- (a) Review all applications for building permits, certificates of occupancy, and other permits, certifications or plans where required by this Chapter.
- (b) Approve or disapprove those applications as they relate to compliance with this chapter, and make the necessary certifications and issue the necessary certificates and approvals.

##### 2. Applications for Text Amendment / Rezoning

- (a) Receive all applications for text amendments or rezonings. [*↔ Art. V, § 64-77*]
- (b) After action by the planning commission, submit to the city council all text amendment or rezoning applications, together with the Planning Commission's recommendation.

##### 3. Applications for Conditional Use Permit Approval.

The Department shall receive all applications for conditional use permit approval. [*↔ Art. V, § 64-78*]

##### 4. Appeals to the Board of Adjustment and Applications for Variance.

The Department shall receive all appeals to the Board of Adjustment and all applications for a variance.

##### 5. Procedures.

Establish and administer rules and regulations for proceedings of the Planning Commission together with the regular forms for those proceedings.

##### 6. Zoning Map.

Maintain the Zoning Map showing the current classification of all land.

##### 7. Record of Actions.

Maintain records of all actions taken by the Planning Commission, the City Council and the Board of Adjustment relating to this Chapter.

##### 8. Public Hearings.

The Planning Director shall:

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**(a)** represent the City at all public hearings before the City Council Planning Commission or Board of Adjustment where required by this Chapter; and

**(b)** present facts and information to assist the decision maker in reaching a decision consistent with this Chapter.

### **C. Enforcement**

In carrying out its enforcement duties the Department shall:

- 1. Investigations and Surveys.** Conduct investigations and surveys to determine compliance or noncompliance with this Chapter.
- 2. Enforcement.** Issue written orders requiring compliance with this Chapter.

## **Section 64-167 Planning Commission**

### **A. Establishment**

- 1.** Except where this Chapter is administered by the Department (see Section 64-166), this Chapter shall be administered by the Mobile City Planning Commission (the “Planning Commission”).
- 2.** The Planning Commission is delegated all power necessary to carry out its authority and duties in this Section.

### **B. Administration**

In carrying out its administrative duties, the Planning Commission shall:

- 1. Plans or Permit Review.** Review and approve, conditionally approved or deny all plans or permits where specifically required by this Chapter.
- 2. Applications for Text Amendment/Rezoning.** Receive all applications for text amendments or rezonings, and submit a recommendation to the City Council. The Planning Commission may also initiate a text amendment or rezoning application. [*↔ Art. V, § 64-77*]
- 3. Applications for Subdivision Plats.** The Planning Commission shall review and approve, approve with conditions or deny applications for subdivision plat approval. [*↔ Art. V, § 64-81, -84*]
- 4. Applications for Conditional Use Permit.** The Planning Commission shall review all applications for a conditional use permit and submit a recommendation to the City Council. [*↔ Art. V, § 64-78*]
- 5. Procedures.** Establish and administer rules and regulations for proceedings of the Planning Commission together with the regular forms for those proceedings.<sup>2</sup>

## **Section 64-168 Board of Adjustment<sup>3</sup>**

### **A. Establishment**

A Board of Adjustment (“Board”) is established in accordance with Code of Alabama Section 11-52-80.

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**B. Rules of Procedure**

The Board shall elect its chairman from among its members and shall adopt rules of procedure in accordance with this Chapter.

**C. Records**

1. The Board shall prepare a record of its proceedings for each case or matter heard. The record shall show the grounds for each decision and the vote of each member upon each question, or, if absent or failing to vote, shall indicate that fact.
2. The record of proceedings shall be filed in the office of the Board and is a public record.

**D. Decisions**

Every decision of the Board shall be based upon findings of fact, and every finding of fact shall be supported by evidence before the Board.

**E. Powers of the Board**

The Board shall have and exercise the following powers:

1. **Administrative Review.** To hear and decide appeals of zoning decisions, including any question requiring interpretation of the Zoning Map. [*↔ Art. V, § 64-89*]
2. **Variances.** To hear and decide applications for variances, as provided in Code of Alabama § 11-52-80. [*↔ Art. V, § 64-90*]

**Section 64-169 Reserved.**

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## Endnotes

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<sup>2</sup> From 64-8.C.

<sup>3</sup> From 64-8.B.6.