

THE TOWN PLANNING COMMISSION OF MULGA, ALABAMA

RESOLUTION NO. 2024-01P

A RESOLUTION OF THE TOWN PLANNING COMMISSION OF MULGA, ALABAMA, TO ESTABLISH THE ORDER AND RULES OF PROCEDURE OF ALL INSTANCES FOR MEETINGS OF THE PLANNING COMMISSION.

WHEREAS, the Town Council of the Town of Mulga, Alabama (the "Town"), adopted Ordinance No. 97-72 which established a planning commission for the Town pursuant to Sections 11-52-1 through 11-52-30 of the *Code of Alabama* (1975), as amended, to consist of nine members, and to be known as the "Town Planning Commission of Mulga, Alabama (the "Commission");

WHEREAS, the Commission is composed of the following named members for the following terms, commencing on the day of March 19, 2024, to-wit:

Hon. W. Keith Varner	during tenure as Mayor
Hon. Lisa Armstrong	during tenure as Councilmember
Hon. Austin Lovelady	during tenure of Mayor
Hon. Jacob Presley	1-year term
Hon. Ken Smith	2-year term
Hon. James Smitherman	3-year term
Hon. Jonathan Goodwin	4-year term
Hon. Jason Smith	5-year term
Hon. Richard Brown	6-year term

WHEREAS, the Commission is authorized by the aforementioned ordinance and statutory provisions to organize itself and establish rules of procedure to govern its meetings;

NOW, THEREFORE, BE IT RESOLVED by the Town Planning Commission of Mulga, Alabama, as follows:

Section 1. Chairman. The Commission shall elect a chairman from amongst its appointed members, who shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, and perform any duties required by law, ordinance, these rules, or the Commission. The term of the Chairman shall be one year, and any member serving as Chairman shall be eligible for re-election.

Section 2. Chairman Pro Tempore. The Commission shall elect a Chairman Pro Tempore from amongst its appointed members, who shall perform all of the duties of Chairman during the absence or disability of the Chairman. The term of the Chairman Pro Tempore shall be one year, and any member serving in that office shall be eligible for re-election.

Section 3. Secretary. The Commission shall designate one of its members, or an employee or other resident of the Town, who is familiar with zoning matters, to act as Secretary of the Commission. The Secretary shall serve at the pleasure of the Commission. It shall be the duty of the Secretary to conduct all official correspondence of the Commission; to send out all notices required by law and these rules of procedure; to keep a record of each meeting, hearing or other official action of the Commission; and to perform all other duties required by law, ordinance, these rules, or the Commission.

Section 4. Meetings. All meetings and hearings of the Commission, except executive sessions, shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

A. Regular Meetings. Regular meetings of the Commission shall be held on the _____ each month at Mulga Town Hall, 505 Mulga Loop Road, Mulga, Alabama 35118, at ___ o'clock __m.

B. Special Meetings. Special meetings and executive sessions may be held upon call of the Chairman, and at such other times as the Commission may determine, provided that at least 24-hours' notice is given to each member.

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

Section 6. Order of Business. The order of business shall be as follows:

- A. Roll call
- B. Reading and approval of minutes of previous meeting(s)
- C. Communications from Town Council
- D. Unfinished business
- E. Hearing of applications
- F. Reports
- G. Resolutions
- H. Communications and miscellaneous business

Section 7. Minutes and Records. It shall be the duty of the Secretary to keep minutes of the proceedings of each meeting of the Commission, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes of the Commission shall be kept in a well-bound book and shall constitute a permanent public record.

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

The Commission shall arrange with the Town Council to provide for the safe keeping of the records of the Commission.

Section 8. Employees, Contracts, and Finances. The Commission may appoint such employees as it may deem necessary for the work of the Commission, and may contract with Town planners, engineers, architects and other consultants for such services it may require. Provided, however, that the expenditures of the Commission, exclusive of gifts, shall be within the amount appropriated for the purpose by the Town Council.

Section 9. Powers and Duties of the Commission.

A. Master Plan. It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Town, and areas outside of its boundaries which bear relation to planning of the municipality.

- (1) *Content of Master Plan.* The master plan, with maps, plats, charts and descriptive matter shall show the Commission's recommendations for the development of the territory, including:
 - (a) General location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public grounds, ways and open spaces;
 - (b) General location of public buildings and other public property;
 - (c) General location and extent of public utilities and terminals, both public and private, whether for water, light, sanitation, transportation, communication, power or other purposes;
 - (d) The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing; and
 - (e) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.
- (2) *Purpose of Plan.* The general purpose of the master plan shall be to guide and accomplish a coordinated, adjusted, and harmonious development of the Town, and its surrounding territory, public health, safety, morals, order, convenience, prosperity, and general welfare in the light of present and future needs. Among other factors, the plan shall provide for traffic, the promotion of safety from fire and other dangers, adequate light and air, the healthful distribution of population, the promotion of good civic design, the wise and efficient expenditure of public funds, and adequate provision for public utilities and other public improvement requirements.
- (3) *Procedure for Adoption of Master Plan.* The Commission shall follow the following procedure in the adoption of a master plan and parts thereof:
 - (a) The Commission may adopt the master plan as a whole by a single resolution, or it may, adopt successive parts of the whole plan which correspond with major geographical sections of the municipality or with functional parts of the subject matter of the plan.
 - (b) The Commission may amend, extend or add to the plan as a whole or any part thereof by resolution of the Commission.
 - (c) Before the adoption of the master plan or any part thereof, or any amendment, extension or addition thereto, the Commission shall hold at least one public

hearing thereon, and shall give notice of the time and place of such hearing by posting said notice in four conspicuous places within the Town.

- (d) The adoption of the plan or any part, amendment, extension or addition thereto shall be done by resolution of the Commission carried by the affirmative votes of not less than six members of the Commission.
 - (e) The resolution adopting the plan or part of the plan shall expressly refer to the maps and descriptive matter intended to form such plan or part thereof.
 - (f) The Chairman of the Commission shall sign the map, plan and descriptive matter, and identify them with the resolution of the Commission. The Secretary shall attest the Chairman's signature.
 - (g) The Chairman shall certify copies of the plan or parts of the plan, adopted by resolution of the Commission, to the Town Council, and to the Probate Judge of Jefferson County.
- (4) *Approval of Commission Required.* After the adoption of the master plan, or part thereof, no street, square, part or other public way, ground, or open space, or public buildings or structures, or public utility, whether publicly- or privately-owned, shall be constructed or authorized in such planned portion of the municipality or district, until the location, character, and extent thereof shall have been approved by the Commission.
- (a) *Submission for Commission's Approval.* Any person, firm, association, corporation, board or agency proposing to construct any such improvements in a planned portion of the municipality or district, shall submit a request for the Commission's approval thereof. The request shall describe in detail the location, character and extent of such improvements, and shall be filed with the Secretary of the Commission.
 - (b) *Action of Commission on Requests for Approval.* Immediately upon receipt of such request the Secretary of the Commission shall notify the Chairman and other members of the Commission. The Chairman shall call a meeting of the Commission to consider such request not later than two weeks after the filing thereof, and shall notify the applicant through the Secretary of the Commission of the date and time of such meeting.
 - (c) In no event shall the Commission delay final action on such application beyond 60 days from the filing thereof.
 - (d) In the event the Commission approves the application, such action shall be recorded in the minutes of the Commission, and the Chairman shall certify such fact upon a copy of the application for the records of the applicant. The Secretary shall file the original application with the Chairman's signature of approval thereon in the permanent files of the Commission.
 - (e) In the event the Commission disapproves such application, such disapproval shall be communicated to the Town Council, setting forth the Commission's reasons for disapproval and shall also communicate such fact to the applicant if other than the Town.

B. Subdivision Regulations. At the earliest possible time, the Commission shall adopt regulations governing the subdivision of land located in the Town, and all land lying within a mile and a half outside the corporate limits thereof, except that in the case of any non-municipal land

lying within the planning jurisdiction of more than one municipality which has a planning commission, the jurisdiction of the Commission shall terminate at a boundary line equidistant from the respective corporate limits.

(1) *Content of Subdivision Regulations.* Such regulations shall provide for the following:

- (a) Proper arrangement of streets in relation to existing streets;
- (b) Open spaces for traffic;
- (c) Utilities;
- (d) Access for firefighting apparatus;
- (e) Light and air;
- (f) Avoidance of population congestion;
- (g) Minimum width and area of lots;
- (h) Minimum street improvements and utility installations and facilities required to be installed as a condition precedent to final approval of plats;
- (i) Tentative approval pending the installation of required facilities (this shall not be noted on plats however);
- (j) The final approval of plats prior to completion of required facilities and installations upon delivery of proper bond by the subdivider payable to the Town, conditioned upon actual construction and installation of improvements and facilities according to specifications fixed by the Commission with the approval of the Town Council within the time specified by the Commission; and
- (k) That bonds provided by subdividers be delivered by the Commission to the Town Council.

(2) *Procedure for Adoption of Subdivision Regulations.* The Commission shall follow the following procedure in the adoption of subdivision regulations.

- (a) Prior to the adoption of subdivision regulations, the Commission shall hold a public hearing after giving at least six days' notice thereof by posting said notice in four conspicuous places within the Town.
- (b) Resolution adopting subdivision regulations. The adoption of subdivision regulations shall be done by resolution of the Commission carried by the affirmative votes of not less than five members of the Commission.
- (c) Publication of Subdivision Regulations. Subdivision regulations adopted by the Commission shall be published by the Secretary of the Commission in the same manner as are ordinances of the municipality. The Secretary shall file a copy of such resolution together with the adopting resolution with the certificate setting forth the manner in which such regulations were published together with the date of such publication;
- (d) Certification. Immediately after the Commission adopts subdivision regulations, a copy of the regulations shall be certified by the Chairman, attested by the Secretary, and delivered to the Probate Judge of Jefferson and the Town Council.

(3) *Administration of Subdivision Regulations.*

- (a) Submission of plats for Commission approval. Any subdivider seeking the Commission's approval of a subdivision shall submit at least three copies of the

plat of such subdivision to the Secretary of the Commission. The plat shall contain the name and address of the subdivider and adjoining property owners (as shown on the records of the tax assessor for the county) to whom notice of hearing shall be sent. Said public hearing notice shall be accompanied by the subdivider's request for approval.

- (b) Notice to Members. The Secretary shall notify each member of the Commission immediately upon receipt of a request for the approval of a subdivision the date said request was received.
 - (c) Setting the Public Hearing. The Chairman shall set a public hearing for the purpose of considering such subdivision request and hearing proponents and opponents thereto, which shall be held not later than three weeks after the submission of the plat for approval.
 - (d) Notice by Registered Mail. The person named on the plat and each property owner of land immediately adjoining the platted land, as their names appear upon the plats of the tax assessor of the county, shall be notified by registered mail not less than six days before said public hearing.
 - (e) The Commission shall take final action on requests for subdivision approval within thirty days from submission therefor, unless the applicant extends such time by written waiver filed with the Secretary.
 - (f) Approval and Disapproval of Plats. The approval or disapproval of plats submitted for the consideration of the Commission shall be recorded in the minutes of the Commission. If the Commission disapproves the request, the reasons for the disapproval shall also be set out in the minutes.
- (4) *Approval of Additional Streets.* When requested by the Town Council, the Commission shall consider the approval of additional streets within its subdivision jurisdiction which have not been included in the master plan or in any approved subdivision. The affirmative vote of six members of the Commission shall be required for the approval of such additional streets. The final action of the Commission on such requests shall be forthwith certified in writing to the Town Council, and such certificate shall reveal the vote of the Commission in the event such addition was approved. In the event of disapproval, the certificate shall briefly state why such addition is not in the best interests of the public, the municipality, and the future growth of the area.
- (5) *Review of Building Construction.* At each regular meeting of the Commission, the construction and proposed construction of buildings within the jurisdiction of the Commission shall be considered, together with building permits which have been issued during the period since the last meeting. The Commission shall notify the Town Council immediately, in writing, of any irregularity or non-conformity with the subdivision regulations or zoning laws of the municipality.

C. Mapping Streets. After the Commission has adopted a master street plan (as a part of Master Plan), it shall, upon request of the Town Council, cause surveys to be made for the exact location of the lines of a street or streets in any portion of the territory within its subdivision jurisdiction, and to make a plat of the area in the district surveyed showing land which it recommends to be reserved for future acquisition for public streets. The Commission shall follow the procedure set out in Sections 11-52-50 through 11-52-54 of the *Code of Alabama* (1975) whenever a project of this nature is undertaken.

D. Zoning. Upon the request of the Town Council, the Commission shall exercise the powers of a municipal zoning commission and shall recommend the boundaries of the various original zoning districts and appropriate regulations to be enforced therein."

- (1) *Purpose of Zoning Ordinance*. The purpose of the municipal zoning ordinance is to divide the municipality into districts according to their peculiar suitability for particular uses, and to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures and land according to such districts. The end in view being to lessen congestion in streets, to provide safety from fire, to provide adequate light and air, to prevent overcrowding of land, to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements, and to conserve the value of buildings. The municipal zoning ordinance should provide with it a map establishing the various land use districts within the corporate limits. The regulations governing land use within the districts should specify restrictions as to height of buildings, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence or other purpose.
- (2) *Procedure of Commission in Recommending Zoning Ordinance*. The Commission, in exercising the powers of a zoning commission shall keep its records and minutes in such a manner as to clearly indicate when it is acting in such capacity.
 - (a) Preliminary Report. The Commission shall draft a preliminary report of recommended districts and regulations covering the entire area of the Town.
 - (b) Public Hearing. Upon completion of the preliminary report, the Commission shall hold a public hearing thereon, giving notice to the public of such hearing, its time, place and purpose, by publication by posting in four conspicuous places in the Town, at least six days prior to the date of the hearing.
 - (c) Final Report. After holding the public hearing on its preliminary report, the Commission shall draft its final report to the Town Council, which report shall contain the zoning ordinance and map which the Commission recommends for final adoption by the Town Council. In submitting its final report, the Commission shall recite the fact that a preliminary report was drafted by the Commission and that a public hearing was held before making the recommendations contained in the final report.

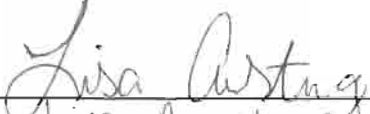
Section 10. Amendments. The Commission may from time to time amend any part or parts of these rules and regulations so long as such amendments are in accordance with the laws of the State and ordinances of the Town; ; such amendments shall require the affirmative vote of six members of the Commission.

ADOPTED this the __ day of April, 2024.



Jonathan Goodwin, Chairman
The Town Planning Commission of Mulga, Alabama

ATTEST:



Lisa Armstrong, Secretary
The Town Planning Commission of the Town of Mulga,
Alabama