

ORDINANCE AMENDING ORDINANCE NO. 95-138
CREATING THE BROOKWOOD PLANNING AND ZONING COMMISSION

WHEREAS, the Town Council of the Town of Brookwood has created a Planning and Zoning Commission by adopting Ordinance No. 95-138.

WHEREAS, the Town Council of the Town of Brookwood wishes to clarify certain provisions of said Ordinance by amending certain provisions of Ordinance No. 95-138.

WHEREAS, the entire Ordinance Creating the Brookwood Planning and Zoning Commission shall be amended, as set forth in full below.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BROOKWOOD, ALABAMA, AS FOLLOWS:

SECTION 1.

There is hereby created a Planning Commission for the City to consist of nine (9) members, to be appointed for terms and in the manner set forth in Section 11-52-3, Code of Alabama (1975).

SECTION 2.

The Commission shall consist of nine (9) members, namely Mayor, one of the administrative officials of the City, to be selected by the Mayor, and a member of the Council to be selected by it as members ex-officio, and six (6) persons who shall be appointed by the Mayor.

SECTION 3.

All members of the Commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one such appointed member may be a member of the Zoning Board of Adjustments.

SECTION 4.

The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him. The term of each appointed member shall be six (6) years or, until his successor takes office, except that the respective terms of five (5) of the members first appointed shall be one, two, three, four, and five years. Members other than the member selected by Council may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Council may, for like cause, remove the member selected by it. The Mayor, or Council, as the case may be, shall file a written statement of reasons for such removal.

SECTION 5.

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in the case of the councilmanic member or other members selected by it.

SECTION 6.

The Commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one (1) year, with eligibility for re-election. The Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

SECTION 7.

The Commission may appoint such employees, as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding employees of the municipality. The Commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

SECTION 8.

It shall be the function of the Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the Commission's recommendations for the development of said territory, including, among other things, the

general location, character, and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of height, area, bulk, location, and use of buildings and premises. As the work making the whole master plan progresses, the Commission may, from time to time, adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The Commission may, from time to time, amend, extend, or add to the plan.

SECTION 9.

In the preparation of such plans, the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision

for Light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

SECTION 10.

The Planning Commission is hereby authorized and empowered to exercise all powers and do all things authorized to such Commission by Title 11, Chapter 52, of the Code of Alabama, as it may deem necessary for its work.

SECTION 11.

As the work of making the whole master plan referred to in Section 8 progresses, the Planning Commission may, from time to time, adopt and publish a part or parts thereof, and such part to cover one or more major sections or divisions of the city or one or more of the matters mentioned in Section 8 or other functional matters to be included in the plan.

SECTION 12.

The Planning Commission is also authorized and empowered to exercise all powers and to do all things authorized to such Commission by Title 11, Chapter 52, of the Code of Alabama, and to exercise such control as is authorized thereunder with reference to subdivisions of unimproved property within five (5) miles of the corporate limits of the city.

SECTION 13.

The procedure of the Planning and Zoning Commission shall be as specified and established in Code of Alabama, 1975, §11-52-10, as now amended, or hereafter amended or established by the Legislature of Alabama, and the legal status of the official plan shall be as provided in Code of Alabama, 1975, §11-52-11, as now amended, or hereafter amended or established by the Legislature of Alabama.

SECTION 14.

The Mayor and City Council are hereby authorized to make all appointments and exercise all authority with respect to the Planning Commission as is authorized by Title 11, Chapter 52, of the Code of Alabama.

SECTION 15.

The Town Planning Commission of the Town of Brookwood is hereby appointed as the Zoning Commission of the Town of Brookwood and shall exercise all the powers and duties of a Zoning Commission pursuant to the authority provided in §11-52-79, Code of Alabama (1975).

SECTION 16.

The territorial jurisdiction of the Planning and Zoning Commission over the subdivision of land located in the municipality and all land lying within five (5) miles of the corporate limits of the municipality and not located in any other municipality, except that, in the case of any such non-municipal land lying within five (5) miles or more than one municipality where there is a

Planning Commission in such other municipality the jurisdiction of each such municipal Planning Commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities.

SECTION 17.

The Planning and Zoning Commission shall exercise subdivision control as authorized and provided by law in Code of Alabama, 1975, §11-52-31, et seq., as now amended, or hereafter amended or established, by the Legislature of Alabama, and the powers and jurisdiction of the Commission concerning building in mapped streets shall be as set forth in Code of Alabama, 1975, §11-52-50, et seq., as now amended, or hereafter amended or established by the Legislature of Alabama.

SECTION 18.

In addition to the territorial jurisdiction of the Planning and Zoning Commission over the subdivision of land, as specified in Section 16 of this Ordinance, the Planning and Zoning Commission of the Town of Brookwood shall have jurisdiction over the planning and zoning of all territory subsequently annexed to the Town of Brookwood and all territory subsequently brought within the police jurisdiction of the Town of Brookwood by reason of any annexation or change in the boundaries of the Town of Brookwood.

SECTION 19.

This Ordinance shall become effective upon its adoption and publication as required by law.

SECTION 20.

The provisions of this Ordinance are severable. If any part or provision of this Ordinance is declared invalid or unconstitutional, such declaration shall not affect the part or portions which remain.

ADOPTED AND APPROVED THIS THE 16 DAY OF January, 1996.

Alton C. Hyche
Alton C. Hyche, Mayor

ATTEST:

Linda Barger
Linda Barger, Town Clerk

I hereby certify that the above and foregoing Ordinance was posted on the 22 day of January, 1996, at the following locations:

1. Brookwood Town Hall
2. Henry's
3. Hudson's Hardware
4. Jerry (C) Store
5. Brookwood Shell
6. Village Restaurant

Linda Barger
Linda Barger, Town Clerk