

**CITY OF MOUNDVILLE  
PLANNING AND ZONING COMMISSION  
BY-LAWS**

**Article I – GENERAL RULES**

The Planning and Zoning Commission for the City of Moundville (hereafter referred to as the Commission) shall be governed by the provisions of the Code of Alabama, as the same may be amended, the Zoning Ordinance of the City of Moundville, the Moundville Subdivision Regulations, and the rules of procedure set forth herein as adopted by the Commission.

**Article II – APPOINTMENT, REMOVAL AND VACANCIES**

- 2.1 Appointment of Regular Members: The Planning and Zoning Commission shall consist of nine (9) members, namely, the Mayor or his designee, one of the administrative officials of the city selected by the Mayor, and a member of the City Council to be selected by the Mayor. These three members shall be ex-officio, to serve by virtue of their office and their terms on the commission 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/her. The remainder of the commission shall consist of six (6) persons who shall be appointed by the mayor for six year terms, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years. All members (appointed and ex-officio) of the Commission shall serve without compensation, and the six appointed members shall hold no other city office, except that one of such appointed members may be a member of the Moundville Zoning Board of Adjustment.
- 2.2 Removals and Vacancies: Members other than the member selected by the City Council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The City 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. Vacancies occurring on the Commission otherwise than through the expiration of term, shall be filled for the unexpired term by the mayor in the case the members selected or appointed by him and the City Council in the case of the member selected by it.

### **Article III – OFFICERS, COMMITTEES**

- 3.1 Selection of Chairman: The Commission shall elect a Chairman and Vice Chairman, who shall be acting chairman in the absence of the chairman, annually in the month of January. Said officers may succeed themselves. The chairman (or in his absence the Vice Chairman) shall preside at all meetings and hearings of the Commission and decide all points of order and procedure.
- 3.2 Selection of Secretary: A secretary, who may be a member of the Commission or a town official who may not be a member, shall be designated by the Commission. The secretary shall conduct all correspondence of the Commission; keep a minute book recording attendance and all business conducted by the Commission, such as resolutions, transactions, findings and determinations, which shall be a public record; and shall carry such other official duties as may be assigned by the Commission.
- 3.3 Committees: The Chairman shall have the authority to appoint any committees as deemed necessary to assist the Commission in the execution of the responsibilities. Such committees shall be advisory only and shall report back to the Commission such information as requested.

### **Article IV – MEETINGS**

- 4.1 Meetings: Meetings shall be open to the public and shall be at the call of the chairman and at such other times as the Commission may specify. The secretary shall notify all members of the Commission at least twenty-four (24) hours in advance of the called meeting, except

for those meetings at which a public hearing will be held, then notice shall be given at least five (5) days prior to the hearing.

- 4.2 Public Notice: The Zoning Administrator shall notify each adjoining and cornering property owner and the person(s) requesting the amendment prior to the meeting stating the time and place of a public hearing where the proposed amendment shall be heard. Such notice shall be in writing and presented in person or by certified mail, return receipt requested. In addition, the public at large shall be notified seven (7) days prior to the meeting by a legal advertisement placed in a newspaper of general circulation in the city or by placement of notices in four (4) public buildings.
- 4.3 Quorum: A quorum shall consist of five (5) members, except at meetings where a vote on the master plan, subdivision, or these By-Laws is proposed, then a quorum shall be six (6) members.
- 4.4 Vote: The affirmative vote of six (6) members of the Commission shall be necessary for the adoption of the master plan for the physical development of the town or of any such part or amendment or extension or addition to said plan, including the approval of any subdivision plat. The affirmative vote of a majority of those present is necessary to recommend annexations, a change to the boundaries of the various districts in the City and/or to recommend a change in the text of the Zoning ordinance of the City of Moundville to the City Council.
- 4.5 Representation, Personal Interest: Neither the Secretary, the Town Engineer nor any member of the Commission shall represent or appear for any person in any matter pending before the commission. No member of the Commission shall hear or vote upon any matter before the commission in which he is directly interested in a personal or financial way – stating he abstains.
- 4.6 Order of Business: The order of business shall be as follows: (a) roll call; (b) approval of the minutes from the previous meeting(s); (c) reports of committees; (d) verification of no conflict of interest; (e)

verification of proper notice; (f) unfinished business; (g) hearing of new business; (h) voting.

4.7 Adjourned Meetings: The commission may adjourn a meeting or public hearing if all business cannot be disposed of on the day set, and if the time and place of the continued meeting are publically announced at the time of adjournment and is not changed after adjournment, no further notice shall be required.

4.8 Rehearing:

(a) Subdivision Plats: A preliminary or final plat that has been disapproved by the Planning and Zoning commission shall not be reconsidered for a period of one (1) year from the time of the ruling disapproving the plat, unless all such reasons for disapproval are removed or cured prior to resubmission.

(b) Annexations, Rezoning, Zoning Text Amendments and Amendments to Comprehensive Plan: When a petition or other case for an annexation, a change in the zoning text or the zoning map, or an amendment to the Moundville Comprehensive Plan receives a negative recommendation to the City Council by the Moundville Planning and Zoning Commission, said rezoning petition or other case shall not be reconsidered by the commission for a period on one (1) year from the time of the negative ruling, unless, by the concurring vote of five (5) members, the commission determines that there has been a substantial change in the facts (including relevant new or different information), evidence of circumstances of the case to the extent that early reconsideration is necessary to prevent undue hardship to the petitioner and will not result in an undue hardship on the Commission or other affected parties.

(c) Withdrawal of Applications: Should an applicant for Subdivision Plat, annexation approval, or a change to the zoning map or text, desire to withdraw his/her application, the following procedure shall be follows:

1. At least five (5) working days prior to the hearing date scheduled by the Planning and Zoning commission, the applicant shall submit a written formal request for such action.
2. Five (5) working days in advance of the hearing shall be at the close of business at 6:00 p.m. on the Thursday preceding the regular meeting date of the Planning and Zoning Commission, which normally is at 6:00 p.m. on the first Thursday of each month.
3. Phone calls or verbal withdrawals shall not be permitted.
4. The Commission, by a majority vote of those present, may alter or waive the above withdrawal requirements in the event of unforeseen circumstance including without limitation Acts of God, the sickness or death of applicant or his/her immediate family, and similar extraordinary events and circumstances.

## **ARTICLE V – POWERS AND DUTIES**

The Moundville Planning and Zoning commission shall have the following general powers and duties:

- 5:1 Comprehensive Plan: To make and adopt a Comprehensive Plan for the physical development of the city, including any areas outside of the city limits that, in the Commission's judgment, bear relation to the planning of the city. Such plan shall show the Commission's recommendations for the development of said territory. The Commission may from time to time amend, extend, or add to the plan.

- 5.2 Zoning: To recommend to the City Council the boundaries of the various original zoning districts in the city and appropriate regulations to be enforced therein; to recommend changes, amendments, or extension the zoning ordinance in accordance with the Comprehensive Plan; and to review requests for rezonings or amendments to the zoning regulations from the Zoning Administrator or private citizens make recommendations to the City council relative to said requests.
- 5.3 Subdivisions: To adopt regulations governing the subdivision of land, within its jurisdiction and to approve, disapprove, or approve conditionally all plats within thirty (30) days after the submission thereof to the Commission.
- 5.4 Miscellaneous: To promote public interest and understanding of city planning; to recommend to the appropriate public officials programs, projects and methods of financing them; to review proposals for annexation to the city and make recommendations to the City Council; and to make and recommend ordinances and administrative procedures to implement the Comprehensive Plan or otherwise fulfill its functions.

## **ARTICLE VI – ZONING**

- 6.1 Initiation of proposals for Zoning Amendments: An amendment to the text of the Moundville Zoning Ordinance or the zoning map may be proposed by the Planning and Zoning Commission, any department, commission or agency of the town, or any individual corporation or agency. Requests for amendments shall be submitted in writing to the secretary whose duty it shall be to present amendments to the Planning and Zoning commission for review and to the City Council for determination.

- 6.2 Minimum Areas for New Zoning Districts: No request from any individual, corporation, or agency (other than City Council, the Planning and Zoning Commission, or any department or agency of the town) for a zoning classification or creation of a separate district shall be considered which involves an area of less than two (2) acres, except that the following may be made to apply to areas of less than two (2) acres;
- (a) The extension of existing district boundaries;
  - (b) The addition of C-1 or C-2 Zoning contiguous to existing commercial or industrial zones.
- 6.3 Amendment Procedures: The Moundville Zoning Ordinance may be amended only by the City Council, but no proposed amendment shall be adopted unless such amendment is first submitted to the Planning Zoning commission for its recommendation.
- 6.4 Filing Procedures: All requests for zoning amendments shall be first presented to the Zoning Administrator twenty-one (21) days prior to the regular meeting of the Planning and Zoning Commission. The applicant for an amendment to the zoning map shall also supply to the Zoning Administrator the names and mailing addresses of adjoining property owners as they appear on the current tax assessment rolls as well as a legal description of the property involved and or engineering or land surveyor's plat of the property. Upon receipt of the required information and payment of any applicable fee, the Zoning Administrator shall immediately place the amendment request on the calendar of the next regularly scheduled Planning and Zoning Commission meeting.
- 6.5 Prehearing Procedures: All requests for an amendment to the Zoning Ordinance shall be thoroughly investigated by the Zoning Administrator or other member designated by the Chairman and the City Engineer. Comments and recommendations of both shall be sent, along with minutes of the previous meeting, and the agenda for the next meeting to each member of the Planning and Zoning commission five (5) days prior to the regularly scheduled meeting. The

Zoning Administrator shall notify each adjoining and cornering property owner and the person (s) requesting the amendment prior to the meeting stating the time and place of a public hearing where the proposed amendment shall be heard. Such notice shall be in writing and presented in person or by certified mail, return receipt requested. In addition, the Zoning Administrator shall notify the public at large seven (7) days prior to the meeting by a legal advertisement placed in a newspaper of general circulation in the town.

- 6.6 Continuances: By a majority vote of those present, the commission may continue a request for an amendment to the text of the Zoning Ordinance or the zoning map for a period not to exceed sixty (60) days. The time and place of the continued hearing shall be stated in the motion and spread upon the minutes without requirement of additional notice.
- 6.7 Changes to Amendments: Any change in a request for an amendment to the Zoning Ordinance may be permitted at any time prior to or during the public hearing; provided that the change shall not alter the original request as to make it different from its description in the notice of the public hearing.
- 6.8 Additional Information: When deemed necessary, the Planning and Zoning Commission may request the applicant to provide such information as may be needed to make its recommendation to the City council on the case.
- 6.9 Recommendations to the City Council: At the conclusion of the public hearing, the Commission by majority vote of those present, may recommend approval of the propose amendment or recommend disapproval. If not present, the applicant shall be notified in writing by the secretary, of the Commission's action, within one week subsequent to the public hearing. All recommendations to the commission shall be transmitted within one week of the determination by the Commission to the Council member appointed to the Commission so he/she can present the determination to the City Council for final determination.



## ARTICLE VII – SUBDIVISIONS

- 7.1 Authority: The Planning and Zoning Commission shall adopt regulations governing the subdivision of land within the City and in the planning jurisdiction of the city. Such regulations shall be published as provided by law for the publication of ordinances after a public hearing has been held.
- 7.2 Filing Procedure for Preliminary Plats: to obtain approval of a preliminary subdivision plat, the sub-divider shall submit four (4) copies of the plat (prepared in accordance with Moundville Subdivision Regulations) to the Zoning Administrator of the Planning and Zoning commission twenty-one (21) days prior to the next regularly scheduled commission meeting. All preliminary plats shall contain the name and address of the owner as well as the owners of land immediately adjoining and cornering the platted land as they appear on current tax rolls in the county. Upon receipt of a preliminary plat that meets all of the requirements of the subdivision regulations for preliminary plats and payment of the required fees including a surety bond, the Zoning Administrator shall immediately place the plat on the calendar of the next regularly scheduled Planning and Zoning Commission meeting.
- 7.3 Prehearing Procedure: All preliminary plats shall be thoroughly investigated by the Chairman of the Planning and Zoning Commission, and the City Engineer. Comments of both shall be sent, along with minutes of the previous meeting and the agenda for the next meeting to each member of the Planning and Zoning commission five (5) days prior to the regularly scheduled meeting. The Zoning Administrator shall, by certified mail, return receipt requested, notify all adjoining and cornering property owners as they appear on the plat prior to the meeting, stating the time and place of a public hearing where the proposed plat shall be considered. In addition, the Zoning Administrator shall give public notice seven (7) days prior to the regularly scheduled meeting by a legal

advertisement placed in a newspaper of general circulation in the town or by posting said notice in four (4) public buildings.

- 7.4 Action on Preliminary Plats by the Commission: The Planning and Zoning Commission shall approve, approve conditionally, or disapprove such preliminary plat within thirty (30) days after the submission to it at its regular meeting, unless the plat is withdrawn by the applicant or the applicant agrees in writing or in person at the hearing to an extended time for consideration. In such event, the time and place of the meeting at which the continued matter will be heard must be stated at the public hearing and spread up-on the minutes. In the case of disapproval or conditional approval, reasons for such action shall be stated in the minutes. A preliminary plat that is disapproved may not be resubmitted to the Commission for one year, unless the reasons for disapproval are removed or cured. Preliminary approval of a preliminary plat shall lapse in one (1) year.
- 7.5 Plans and Profiles: Plans and profiles of proposed improvements shall be presented to the City Engineer for review and approval of the preliminary plat prior to the initiation of construction. The city Engineer shall review all plans and profiles on an approved preliminary plat within twenty (20) days of the receipt of such plans. Plans and profiles shall meet the minimum requirements of the Moundville Subdivision Regulations.
- 7.6 Filing Procedures for Final Plats: A final plat will be considered by the Planning and Zoning Commission only after approval of all segments of the preliminary plat has been so certified by appropriate agencies and officials. The applicant shall file four (4) copies of the final plat with the Commission's Zoning Administrator at least twenty-one (21) days prior to the date of the regular meeting of the commission at which it is to be submitted.
- 7.7 Action by the Commission on Final Plans: Approval or disapproval of the final plat shall take place within thirty (30) days after the date of its submittal at a meeting, unless the applicant agrees in writing or in person at the hearing to an extended time for consideration of the

plat. If the final plat is disapproved, the grounds for refusal shall be stated in the minutes of the commission. A final plat that is disapproved may not be resubmitted to the Commission for one (1) year after such disapproval, unless the reasons for disapproval are removed or cured. The Planning and Zoning Commission may approve the final plat at any of its meetings; however, final approval shall come from the Zoning Administrator, after Commission approval, when it has been deemed that all requirements as set forth in the subdivision regulations have been met. The Zoning Administrator shall give final approval on the place of the final plat only after the signatures of all other agencies and officials have been given and all required improvements are completed or a bond has been posted as required by the subdivision regulations.

- 7.8 Recording of Final Plat: After approval of the Zoning Administrator, the sub-divider shall file the final plat for the record in the office of the Probate judge of the county in which the subdivision is located. Restrictive covenants for the subdivision shall be filed along with the final plat. Four copies of the recorded final plat shall be provided to the Zoning Administrator.

#### ARTICLE VII – AMENDMENT, ADOPTION

- 8.1 Amendment: No rule herein shall be changed or waived without affirmative vote of six (6) members of the Commission.
- 8.2 Adoption: The Planning and Zoning Commission adopted these rules of procedures of the 4<sup>th</sup> of October 2014.

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Donald E. Seale, Chairman