

ORDINANCE NO. 2024- 0028

ESTABLISHING A TOWN PLANNING COMMISSION

WHEREAS, the Town Council of Cherokee Ridge finds it necessary to establish a Planning Commission in order to oversee and direct the adoption of a master plan/comprehensive plan for the physical development of the Town and to otherwise take those statutory actions required under Alabama law.

BE IT ORDAINED by the Town Council of the Town of Cherokee Ridge, Alabama, as follows:

SECTION 1. DEFINITIONS

- (1) TOWN, MUNICIPALITY or MUNICIPAL: The Town of Cherokee Ridge
- (2) MAYOR. The chief executive of the municipality, whether the official designation of his/her office be mayor, Town manager, or otherwise.
- (3) COUNCIL. The chief legislative body of the municipality.
- (5) STREETS. Streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other ways.
- (6) SUBDIVISION. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(Code of Ala. 1975, § 11-52-1 et seq.)

SECTION 2. ESTABLISHMENT OF PLANNING COMMISSION

(A) Pursuant to Code of Ala. 1975, § 11-52-1 et seq., the Town hereby establishes a town planning commission consisting of nine members appointed for the terms and in the following manner:

- (1) The mayor, or her designee;
- (2) One (1) administrative official of the Town who shall be appointed by the mayor;
- (3) Six (6) members, who are residents of the Town, and who shall be nominated and approved by the Town Council; and
- (4) One (1) Town council member, serving as an ex officio member, who shall be elected by the Town council.

(B) Except for the Town administrative official as provided in section 2 (A)(2), all other

members of the Commission shall be residents of the Town.

(C) (1) The terms of the mayor, or her designee (as appointed in section 2(A)(1)); the administrative official of the Town (as appointed in section 2(A)(2)), and the Town council member (as appointed in section 2(A)(4)) shall correspond to their respective terms in office. Upon the expiration of the terms of the mayor or the Town council member, their respective terms on the Commission shall expire contemporaneously therewith.

(2) All other members of the Commission shall serve a term of not less than six (6) years except as provided in section 2(C)(3) below and except that such member whose term expires may continue to serve until a replacement or successor is appointed.

(3) The initial terms of the six (6) members appointed by the Town council shall be staggered in that an initial single member shall be selected to serve a one (1) year term; another initial member shall be appointed to serve a two (2) year term; another initial member shall be appointed to serve a three (3) year term; another initial member shall serve a four (4) year terms; another initial member shall serve a five (5) year term; and another initial member shall serve a six (6) year term.

(D) All vacancies shall be filled as soon as practical as provided for in § 11-52-3(e) of the Code of Alabama (1975).

(E) All members of the Commission shall serve without compensation. The members appointed as provided shall hold no other municipal office except one (1) member of the Commission who shall be appointed by the Commission to serve on the Board of Zoning Adjustment.

State law reference(s)—Municipal planning commissions, Code of Ala. 1975, § 11-52-3

SECTION 3. POWERS AND DUTIES GENERALLY; MASTER PLAN

- (a) The planning commission is hereby authorized and empowered to exercise all powers and do all things authorized by state law as it may deem necessary for its work.
- (b) The planning commission is also authorized and empowered to exercise such control as is authorized by state law with reference to subdivision of unimproved property within one and one-half (1.5) miles of the corporate limits of the Town.
- (c) The planning commission is authorized and empowered to make and adopt a master plan for the physical development of the town including any areas outside its boundaries that, in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matters, shall show the commission's recommendations for the development of said territory including:
 - (1) 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;
 - (2) The general location of public buildings and other public property, and 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;

- (3) 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 the height, area, bulk, location and use of the buildings and premises.

SECTION 4. AUTHORITY TO PUBLISH PORTIONS OF MASTER PLAN

As the work of making the whole master plan progresses, the planning commission may from time to time adopt and publish a part of 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 said plan.

SECTION 5. BY-LAWS AND RULES OF PROCEDURE

The Planning Commission shall be authorized to adopt its procedure, elect its officers, enact its by-laws and operating procedures (which it may amend from time to time) and set dates for its meetings, which shall be public unless otherwise exempted under the "Alabama Open Meetings Act" pursuant to Title 36 of the Code of Alabama, 1975.

SECTION 6. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY

Should any section or provision of this Ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof which is not of itself invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon passage and publication as required by law and shall remain in full force and effect, and shall apply to each month of each calendar year thereafter, from year to year.

ADOPTED AND APPROVED this 9th day of September, 2024.

Natalie Burke, Mayor

AUTHENTICATED:

Gail Busbey, Town Clerk