

ORDINANCE NO. 2023-02-13

AN ORDINANCE CREATING AND ESTABLISHING THE PLANNING AND ZONING COMMISSION OF THE CITY OF ARGO, ALABAMA.

WHEREAS, over the past year, the City of Argo, Alabama, (“City”) has engaged the Regional Planning Commission, through one of its contractors, for the creation and development of a comprehensive plan in to protect the health, safety, and welfare of its citizens to regulate land use through enactment of a zoning ordinance; and

WHEREAS, the work on completing the comprehensive plan is close to completion; and

WHEREAS, prior to completion of the comprehensive plan, the City shall create and establish a planning and zoning commission as required by Chapter 50 of Title 11 of the Code of Alabama (1975); and

WHEREAS, pursuant to the authority granted under Title 11 of the Code of Alabama (1975), the City Council of the City of Argo, Alabama, finds it in the best interest of the health, safety, and welfare of its citizens to create and establish the Planning and Zoning Commission of the City (“P&Z Commission”), and authorize the P&Z Commission to take any and all action necessary to fulfill the statutory duties of a planning and zoning commission as found in §11-52-3 of the Code of Alabama (1975).

NOW THEREFORE, BE IT ORDAINED by the City of Council of the City of Argo, Alabama, while in regular session, that the following be and is hereby adopted.

Section 1. This Ordinance shall be included in the compilation and codification of the “Zoning Ordinances of the City of Argo, Alabama.

Section 2. The preamble stated above is hereby adopted and incorporated as if fully set out herein.

Section 3. The City Council of the City of Argo, Alabama, hereby creates and establishes the Planning and Zoning Commission of the City of Argo, Alabama.

Section 4. (A) The Planning and Zoning Commission of the City of Argo, Alabama, (the “Commission”) shall be and is hereby vested with all the powers and rights as provided in § 11-52-1, *et seq.* of the Code of Alabama (1975). The Commission is charged with all the duties that are imposed upon and vested to the Planning and Zoning Commission by law.

(B) The Commission shall be authorized to adopt its procedures, elect its officers, enact its by-laws and operating procedures, 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 5. (A) The territorial jurisdiction of the Commission of the City shall include all land lying within the corporate limits of the City and within the City’s police jurisdiction as provided by law.

(B) The jurisdiction of the Commission provided for by state law to regulate subdivisions outside the city's corporate limits shall be exercised only in areas of unincorporated St. Clair County, Alabama, that lie within the police jurisdiction of the city limits of Argo. For those area of the City that lie within the City's police jurisdiction but in Jefferson County, Alabama, Jefferson County shall continue to regulate subdivisions within those areas. All stormwater detention and retention ordinances and standards, however, shall be applied to and enforced in the City's police jurisdiction by the Commission.

(C) To the extent that other ordinances, resolutions, or other prior law refer to the jurisdiction of the Commission as it relates to the corporate limits and police jurisdiction of the City, those ordinances, resolutions, and other prior laws are hereby amended to expand the Commission's jurisdiction to the maximum area as provided by law.

Section 6. (A) The Planning and Zoning Commission of the City of Argo, Alabama, shall consist of nine (9) members appointed as stated in § 11-52-3 of the Code of Alabama (1975) which is as follows:

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

(B) Except for the City administrative official as provided in section 6(A)(2), all other members of the Commission shall be residents of the City.

(C) (1) The terms of the mayor, or her designee (as appointed in section 6(A)(1)); the administrative official of the city (as appointed in section 6(A)(2)), and the city councilor ex officio (as appointed in section 6(A)(4)) shall correspond to their respective terms in office. Upon the expiration of the terms of the mayor or the city councilor, 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 6(C)(3) 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 city 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).

Section 7. All members of the Commission shall serve without compensation. The members appointed as provided in section 6(A)(3) 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.

Section 8. Any ordinance in conflict shall be and is hereby expressly repealed.

Section 9. Nothing contained herein shall be deemed to conflict with or otherwise supersede state law. In the event of a conflict, state law shall supersede and be deemed to replace the affected section.

Section 10. If a court of competent jurisdiction shall hold any part of this Ordinance as invalid or unconstitutional, the remaining provisions of the ordinance shall not otherwise be affected and continue in full force and effect.

Section 11. This ordinance shall become effective upon its adoption, passage, and publication as provided for by law.

ADOPTED AND APPROVED this the 27th day of February 2023.


APPROVED: 
BETTY BRADLEY
MAYOR

ATTEST: 
TIFFANY WESTBROOK
CITY CLERK

CITY CLERK CERTIFICATION

I, Tiffany Westbrook, the undersigned City Clerk of the City of Argo, Alabama, hereby certify that this Ordinance constitute a true, correct, and complete copy of the Ordinance that was duly adopted by the City Council on the date set out in the Ordinance, and that following adoption a copy of the Ordinance was published as required by law, and that one of the places of its publication was by place a copy at City Hall.

WITNESS my signature, as said City Clerk, under the seal of said City on this the 27th day of February 2023.


TIFFANY WESTBROOK
CITY CLERK

