

**TOWN OF MENTONE  
PLANNING AND ZONING COMMISSION**

**RESOLUTION OF THE COMMISSION**

**WHEREAS**

the Commission has received a request from the applicant for a change in zoning classification of the property, including any areas outside the property boundaries, for use as a residential, single-family detached, house, and the Commission has considered the request and the public interest and has determined that the proposed change is in the public interest and should be granted.

The Commission has also considered the request for a change in zoning classification of the property, including any areas outside the property boundaries, for use as a residential, single-family detached, house, and the Commission has determined that the proposed change is in the public interest and should be granted.

**THEREFORE**

the Commission hereby resolves to grant the application for a change in zoning classification of the property, including any areas outside the property boundaries, for use as a residential, single-family detached, house, and the Commission has determined that the proposed change is in the public interest and should be granted.

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### Composition

The commission shall consist of nine members: The mayor, or his or her designee, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor. Code of Alabama 11-52-3.

### Organization

The commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of office of the chairman shall be one year, with eligibility for reelection. The commission shall hold at least one 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. Code of Alabama 11-52-4

## AUTHORITY OF THE PLANNING COMMISSION

### 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 municipality, including any areas outside of its boundaries, which, in the commission's judgment, bear relation to the planning of such municipality. Code of Alabama 11-52-8

The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six members of the commission. Code of Alabama 11-52-10

### Subdivision

The planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including minimum width and area of lots. Code of Alabama 11-52-31

All such regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon. A copy



thereof shall be certified by the commission to the probate judge of the county in which the municipality and territory are located. Code of Alabama 11-52-31

#### Definition of 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 or of building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. Code of Alabama 11-52-1

#### Jurisdiction

The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five 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 miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities Code of Alabama 11-52-30

#### Plat Approval

The planning commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period.

Approval of a plat shall not be deemed to constitute or affect an acceptance by the public of any street or other open space shown upon the plat.  
Code of Alabama 11-52-32

Acceptance of a public improvement must be accomplished by a resolution of the City council.

### ZONING

Each municipal corporation in the State of Alabama may divide the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and



may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of this article. Code of Alabama 11-52-70

#### Relationship to the Plan

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Code of Alabama 11-52-72

#### Relationship to the Community

Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. 11-52-72

#### Purpose

For the purpose of promoting the health, safety, morals or general welfare of the community, the legislative body of incorporated cities and towns is hereby empowered to regulate and restrict the height, 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 density of population and the location and use of buildings, structures and land for trade, industry, residences or other purposes. Code of Alabama 11-52-73

#### Role of the Planning Commission

In availing itself of the powers conferred by this article, the legislative body of any incorporated city or town may appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold a public hearing thereon before submitting its final report. In case of the appointment of such zoning commission, the municipal legislative body shall not hold its public hearings or take action until it has received the final report of such commission. Where a municipal planning commission already exists, it may be appointed as the "zoning commission."

Code of Alabama 11-52-79