

**AGENDA
NORTHPORT PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 12, 2023**

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. APPROVAL OF MINUTES

A. Special Called Meeting - November 9, 2023

B. November 14, 2023

5. APPROVAL OF THE AGENDA

6. VERIFICATION OF PROPER NOTIFICATION

7. VERIFICATION OF NO CONFLICT OF INTEREST

8. OLD BUSINESS

9. NEW BUSINESS

A. **S-29-23 Rehearing The Terrace at Northcreek Master Plan Revision** -

Brasher Holdings, LLC is requesting a revision to the Master Plan for approximately 72.22 acres for Phases II-V located at the east dead end of Northcreek Boulevard.

B. **S-30-23 Forest Glen Seventh Section** - Adam Springer is requesting preliminary plat approval for approximately 12.54 acres located south of Randa Parkway and east of Arbor Oaks Road.

10. DISCUSSION

A. Review of the Planning Commission By-laws

B. Election of Chair and Vice-Chair

11. CITIZEN COMMUNICATIONS

12. ADJOURNMENT

Northport Planning and Zoning Commission Meeting Procedures

- I. The Chairman calls for the next agenda item.
- II. Staff provides a summary of the case and answers any questions from the Commission.
- III. The applicant or petitioner presents his or her request and provides information in support of the application and answers any questions from the Commission.
- IV. If a public hearing is needed, the Chairman will ask for anyone present who would like to provide input regarding the request.
- V. The Commission members may discuss details and issues raised, and may ask questions of the applicant, city staff, or other parties.
- VI. The Chairman will call for a motion to be read and a second, and the Chairman may ask if further discussion by the Commission is needed.
 - i. Motions for a vote and second will be made for each item in a positive fashion. The purpose of which is to allow the Commission to vote on a motion. Members making the motion or second are not obligated to vote in the affirmative for said motion.
 - ii. Waivers may be added to the motion for approval of a preliminary plat if listed verbally in the motion. If it is requested by any member of the Commission, the waivers shall be voted on individually or in a group prior to the vote on the preliminary plat.
- VII. The Chairman will call for a roll call vote.

City of Northport
Planning and Zoning Commission – December 12, 2023
Staff Report

Case: S-29-23

Applicant: Northcreek Properties, LLC, Sullivan Properties, & Brasher Holdings

Location: The Terrace at Northcreek

Request: Master Plan Rehearing

Northcreek Properties, LLC, Sullivan Properties, and Brasher Holdings, LLC request a rehearing for the revision to the Master Plan for The Terrace at Northcreek. The total acreage for the master plan is 72.2 acres. The master plan includes 163 single-family residential lots plus 10 open space lots. The properties are located at the east end of Northcreek Boulevard. The Commission previously made a favorable recommendation to the City Council for RS-SD zoning. However, the associated master plan did not receive approval. A master plan is required prior to the development of any RS-SD zoned property. The proposed development is compatible with the adjacent phase of the Terrace at Northcreek.

The Planning Commission's by-laws state the following concerning rehearing of cases:

No petition which has been denied by the Commission or City Council or not favorably recommended by the Commission to the City Council shall be placed on the agenda for consideration by the Commission within a period of twelve (12) months from the date of the prior decision, except under the following stipulations:

- i. *Prior to the publication of the legal notice, a petitioner must notify the Secretary in writing to request that a reconsideration of a previously denied/unfavorably recommended case be placed on the agenda. The petitioner shall submit a new application and pay any/all associated fees.*
- ii. *The petitioner shall be responsible for producing any supplemental documentation to be included with their reconsideration request and shall be responsible for presenting their request to the Commission.*

The Commission will hear the request and determine if there has been a substantial change in the facts (including new relevant or different information) of the case, evidence or circumstances of the case that early reconsideration is necessary to prevent undue hardship to the petitioner, and the early consideration will not result in an undue hardship on the Commission or other affected parties. An affirmative vote of five (5) members of the Commission is needed to grant the reconsideration request.

Because this request comes within one year of the original hearing, the applicant must demonstrate to the Commission there has been a substantial change in the master plan approval request and, by a vote of the Commission, five members must concur to rehear the rezoning requests.

The proposed master plan revision includes 163 lots in phases II-V. The proposed setbacks are 25' front, 25' rear, and 7' on each side. The following table shows the percentage of lots that meet the various lot standards for residential zones:

Zoning	Min. Lot Area	Min. Lot Width	% of lots October proposal	% of lots in December proposal	# of lots
RS-1	15,000	95	1.84%	0.61%	1
RS-2	12,000	85	6.75%	9.20%	15
RS-3	9,000	75	28%	17.79%	29
RS-4	6,000	60	31.97%	38.04%	62
RS-SD	4,000	55	31.28%	34.36%	56

The developer is proposing 23.7 acres to be designated as open space. Included in that acreage is 3.92 acres for detention ponds and 1.5 acres for amenities. The proposed amenities include a pavilion, grilling area, playground, dog park, and benches. Those amenities are planned in phases IV and V of the development.

Typically, waivers are addressed at the preliminary plat submittal. However, the layout of required stub streets does not appear to meet the subdivision regulations. Approval of the proposed master plan would require approval of a waiver of stub streets at the preliminary plat level.

At the October Commission meeting, there was some discussion concerning the requirements for block length and width in the subdivision regulations. The subdivision regulations require block lengths to be at least 400' and no more than 1200'. Block width should be wide enough to accommodate two tiers of lots at minimum lot depth. The revised master plan is consistent with the apparent intent of the block length and width regulations.

The steep slope impact for this proposal does appear to exceed 15 percent which is allowable per the zoning ordinance with approval of the Planning Commission. The applicant did not submit a grading plan or steep slope exhibit with the resubmittal. However, the previous grading plan is included in your packet which indicates the location of the steep slopes.

Any action on the master plan would require six affirmative votes of the Commission.



432 65th Street, Suite A
Tuscaloosa, AL 35405
(205) 345-5646

November 29, 2023

City of Northport
Planning and Zoning Commission
3500 McFarland Boulevard
Northport, AL 35476

Re: *Request to Rehear Master Plan
 Terrace at Northcreek Subdivision*

Planning and Zoning Commission,

Please see attached a new master plan revision for the Terrace at Northcreek Subdivision. This application was previously submitted in September 2023 and accompanied a rezoning request. The rezoning request to RS-SD received a favorable recommendation from the Planning Commission and will be forwarded to City Council soon. The master plan that accompanied the rezoning request was denied. Planning Commission stated concerns regarding open space amenities and the stub street and block length/width waivers that would be required on the future preliminary plats. Following this feedback, the proposed master plan was revised and is being resubmitted. Due to the changes to the street layout and amenities, we would like to request that this master plan revision be reheard by Planning Commission.

The proposed master plan includes over 23 acres of open space with a variety of uses. Four detention ponds are proposed. Two of the open spaces include utility easements – one for stormwater and one for sanitary sewer. This will avoid any future issues that may arise from utility easements along property lines. Open spaces 7 and 9 will serve as buffers between the residential areas to the east along with accommodation for proposed grading. Open space 1 was originally created to accommodate for the significant grading required between the proposed Rosemary Way entrance road and the existing utility tower (at a topographical high point) located immediately south of the property line. All of these open spaces serve either engineering or planning purposes while providing large areas of buffers and/or natural vegetation.

Additionally, amenities are provided in more accessible and pedestrian-friendly areas within the site. Proposed amenities are spread over approximately 1.5 acres throughout the site for residents in both the existing and new neighborhood. The proposed open space amenities include a pavilion, grilling area, playground, dog park, and benches throughout the subdivision. Walking paths are proposed in OS 3, 6, and 8 to provide an internal route to the amenities for all residents in the new subdivision as well as Phase 1 residents.

During the October public hearing, the Planning Commission stated that they had concerns regarding the variances required in future phases. The two variances were not included on the master

plan, but would be required in the future preliminary plats. The first variance was from the stub street requirement. An additional stub street has been added to the master plan. With this addition, the proposed master plan includes stub streets to the east and south and connects to Union Chapel Road to the west and The Terrace Parkway to the northwest. The northern portion of the property includes significant topography and wetlands. The proposed layout minimizes impacting these areas and does not include a stub street to the north. The second variance was from the block length/width requirement. The proposed street layout has been revised. This new street layout has been provided preliminarily to City staff, and they agree that it meets the intent of the requirement.

Please let me know if you have any questions or need any further information.

Sincerely,
Longleaf Engineering, LLC

A handwritten signature in blue ink, appearing to read 'Tom Sims', is written over a light blue rectangular background.

Tom Sims, P.E.
Consulting Engineer

New Submission ☒Re-Submission ☐

Date of first submission: _____

City of Northport

Date of Plng Comm Mtg: ____ / ____ / ____

Preliminary Plat Application and Checklist

Deadline: ____ / ____ / ____

Application Submitted: ____ / ____ / ____

Name of Subdivision: The Terrace at Northcreek Master Plan RevisionName of Applicant: Longleaf Engineering, LLCPhone: (205) 345-5646Name of Owner: Sullivan Properties & Northcreek PropertiesPhone: (205) 339-1052Address: PO Box 657, Northport, AL 35476Engineer: Tom Sims, Longleaf Engineering, LLCPhone: (205) 345-5646Address: 432 65th Street, Suite A, Tuscaloosa, AL 35405Email: tsims@longleafengineering.comSurveyor: Lonnie J. "Jamie" AuteryPhone: (205) 886-4342Address: PO Box 1486, Northport, AL 35476Email: jautery@alsurvey.comIn City Limits? Yes ☒
No ☐Current Zoning: R-1 Proposed Zoning: RS-SD Total Acreage: 72.2 Total Lots: 163*Any rezoning requests must be accompanied by appropriate application*Date of Predesign/Pre-application Meeting: 5 / 12 / 22 Required, unless expressly waived by Planning DirectorIs this part of a master plan? Yes ☒
No ☐Name and date of most recent approved master plan: Northcreek Commons Master PlanIs this design in substantial compliance with approved master plan? Yes ☒
No ☐May 2005

Describe the Location of Property to be Subdivided:

Located at the east dead end of Northcreek BoulevardWill any waivers be requested? Yes ☐
No ☒

If yes, list them here and attach documentation explaining reason for request.

Waivers:

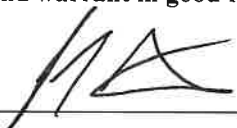
No waivers requested for Master Plan****All of the above information has been completed or marked "N/A." Initial JS ****

All submissions (new and updated) must be accompanied by appropriate applications and checklists. Incomplete submissions will not be accepted. In order for a preliminary plat to be heard before the Northport Planning and Zoning Commission, all relevant items must be received by the Planning Department by the deadline, including completed application and checklist, correct number of *complete and correct* plats, designation of agent form, adjoining property owner lists/labels, and any other necessary items.

Staff will review and research all submissions. If it is determined after the deadline that a submission is missing required elements or needs substantial correction (i.e. something that cannot be easily annotated by hand by the designer on every plat), then the applicant/agent must appear in person before the Planning Commission and ask for a continuance to another meeting. If applicant/agent desires to continue with presenting the deficient plat before the Planning Commission, staff will recommend disapproval of plat due to deficiencies. Incomplete submissions will not be accepted.

****It is strongly recommended that application be submitted well in advance of deadline; especially for new, large, or complex subdivisions. This will give staff time to point out needed corrections and offer any further suggestions.**

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct.

Applicant Signature:  Date: 9 / 18 / 2023

Please contact the Planning Department at 205-339-7000 with any questions.

New Submission ☒Re-Submission ☐

Date of first submission:

City of Northport

Preliminary Plat Application and ChecklistName of Subdivision: The Terrace at Northcreek Master Plan RevisionName of Applicant: Longleaf Engineering, LLCPhone: (205) 354-5646

All submissions (new and revised) must be accompanied by appropriate application and checklist. All items must be marked as included or "N/A" if not applicable. Explain if not applicable. **Plats must be fully compliant with the Northport Subdivision Regulations.**

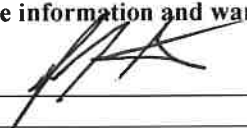
This checklist is provided as an aid in the process.

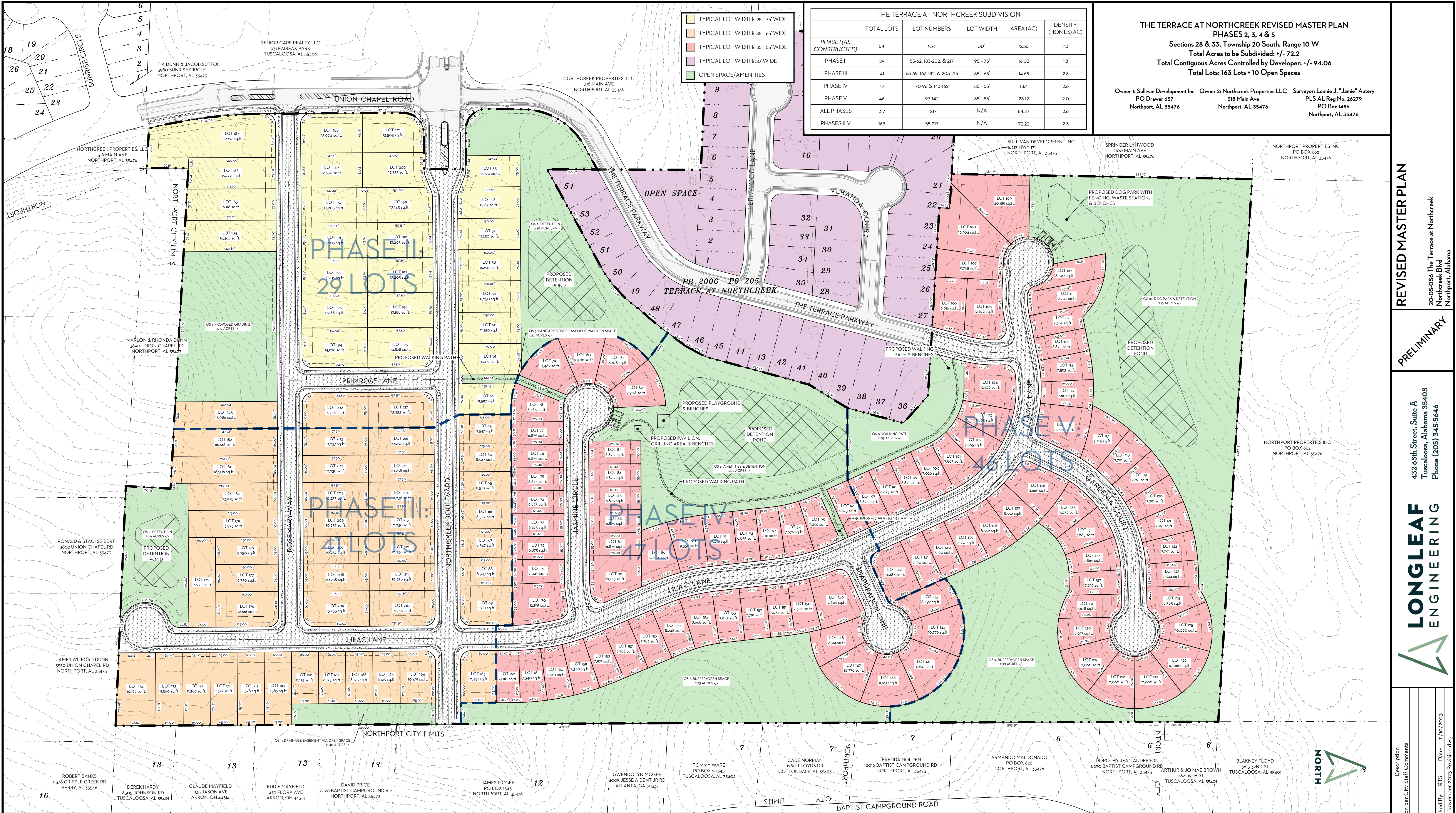
- ☒ Name and address of the owners, and the surveyor of the plat. Surveyor shall be registered to practice in the State of Alabama.
- ☒ Names and addresses of current record (as per the tax assessor's records) of adjoining property owners, which shall include those across public rights-of-way, other rights-of-way, easements, creeks, etc.
- ☒ Date of the plat, north arrow, scale of not less than one inch equals 100 feet, amount of acreage contained in the plat and a statement as to the remaining adjoining acreage the developer or subdivider owns, has an option on or leases.
- ☒ Contours shall be shown at an interval of not more than five feet for slopes over five percent, and for slopes less than five percent contours shall be shown at an interval of not more than two feet. All contours shall be based on the true city elevation, which is the USGS-MSL datum. No assumed datum will be accepted. A note on the plat shall indicate which city B.M. was used.
- ☒ Lot dimensions, areas, building lines and back and side setback lines and lot and block numbers and proposed street names.
- ☒ Rights-of-way, easements, alleys, location and proposed widths.
- ☒ Proposed subdivision boundaries, with dimensions and tie to nearest government monument, with description of monument.
- ☒ Any pertinent topographic features existing on the site.
- ☐ Proposed storm drains, sanitary sewer, and water lines with approximate sizes and design data.
- ☐ Location and dimensions of existing storm and sanitary sewers, and water lines.
- ☒ A statement as to the current and proposed zoning (if applicable); or a statement of the allowable use of each lot, if required pursuant to section 107.
- ☒ A vicinity sketch showing location of proposed site in relation to existing major streets, etc.
- ☒ Width of all proposed paving in the proposed project from back to back of curb.
- ☒ Proposed location of "stop," "yield," and other traffic control signs and devices to be installed. If the proposed subdivision abuts an existing street, the location of any intersecting streets on the other side abutting street shall be depicted.
- ☒ Evidence from the appropriate governing body (state, county, federal, or city) that the proposed subdivision has access over a publicly dedicated and maintained street or road.
- ☒ The names, locations, widths, and other dimensions of existing or proposed parks, playgrounds, open spaces or other public property.
- ☒ The locations of existing and proposed property lines and existing buildings, watercourses, railroads, power lines, bridges, culverts, and drainpipes on the land to be subdivided and immediately adjoining land.
- ☒ Street cross-section, showing proposed construction and statements concerning type of material to be used in construction.
- ☒ Location of proposed sidewalks.
- ☒ If any portion of the land included in, or immediately adjacent to, the proposed subdivision is located within the floodway or the 100-year flood boundary of a stream or river, as depicted on the flood boundary and floodway map, or is located in a special flood hazard area, as depicted on a flood hazard boundary map, then such floodway, boundary, or flood hazard area shall be indicated on the preliminary plats accurately as possible.
- ☐ Any requested waivers listed on plat (explanation for waiver requests in accompanying paperwork).
- ☒ This plat is compliant with all applicable requirements for preliminary plats as per the Northport Subdivision Regulations

Additional Required Items for Submission:

- ☒ Sixteen (16) folded copies of plat (folded to 8½" x 11" size)
- ☒ Electronic copy of plat (PDF; may be submitted via CD or emailed)
- ☒ Designation of Agent form (if applicable)
- ☒ Three (3) copies of mailing labels for each adjoining property owner, applicant, and owner (and Word file)
- ☒ Fees (\$250 application fee, plus certified mailing fee for each adjoining property owner and newspaper legal advertising fee)

I have completed the above information and warrant in good faith that it is correct and complete.

Applicant Signature:  **Date:** 9 / 18 / 2023



THE TERRACE AT NORTHCREEK SUBDIVISION					
	TOTAL LOTS	LOT NUMBERS	LOT WIDTH	AREA (AC)	DENSITY (HOMES/AC)
PHASE I (AS CONSTRUCTED)	54	1-54	50'	12.55	4.3
PHASE II	29	55-82, 183-202, & 217	95'-75'	16.02	1.8
PHASE III	41	63-69, 163-182, & 203-216	85'-65'	14.68	2.8
PHASE IV	47	70-96 & 143-162	85'-55'	18.4	2.6
PHASE V	46	97-142	85'-55'	23.12	2.0
ALL PHASES	217	1-217	N/A	84.77	2.6
PHASES II-IV	163	55-217	N/A	72.22	2.3

THE TERRACE AT NORTHCREEK REVISED MASTER PLAN
PHASES 2, 3, 4 & 5
Sections 28 & 33, Township 20 South, Range 10 W
Total Acres to be Subdivided: +/- 72.2
Total Contiguous Acres Controlled by Developer: +/- 94.06
Total Lots: 163 Lots + 10 Open Spaces

Owner 1: Sullivan Development Inc
PO Drawer 657
Northport, AL 35476

Owner 2: Northcreek Properties LLC
318 Main Ave
Northport, AL 35476

Surveyor: Lonnie J. "Jamie" Autery
PLS AL Reg No. 26279
PO Box 1486
Northport, AL 35476

TYPICAL ROAD CROSS SECTION (NOT TO SCALE)

1. REQUIRED 4" IMPROVED BITUMINOUS CONCRETE WEARING SURFACE LAYER, 12" MAXIMUM AGGREGATE SIZE (1")
2. REQUIRED 4" IMPROVED BITUMINOUS CONCRETE BINDER LAYER, 12" MAXIMUM AGGREGATE SIZE (2")
3. REQUIRED 8" CRUSHED AGGREGATE BASE (IF COMPACTED THICKNESS: 100% S.P.D.)
4. REQUIRED BITUMINOUS TREATMENT (PRIME COAT) AS NEEDED
5. REQUIRED BITUMINOUS TREATMENT (TACK COAT)
6. REQUIRED 2" CONCRETE CURB & GUTTER
7. REQUIRED 4" THICK CONCRETE SIDEWALK (3,000 PSI MIX), 2% MAX CROSS SLOPE
8. REQUIRED 4" THICK CONCRETE SIDEWALK (3,000 PSI MIX), 2% MAX CROSS SLOPE
9. REQUIRED 4" THICK CONCRETE SIDEWALK (3,000 PSI MIX), 2% MAX CROSS SLOPE

NOTE: ONLY THE 2" THICK BINDER LAYER WILL BE INSTALLED DURING INITIAL CONSTRUCTION OPERATIONS. THE 1" WEARING SURFACE LAYER MAY NOT BE INSTALLED UNTIL UP TO A YEAR LATER.

NORTHCREEK BLVD CROSS SECTION (NOT TO SCALE)

1. REQUIRED 4" IMPROVED BITUMINOUS CONCRETE WEARING SURFACE LAYER, 12" MAXIMUM AGGREGATE SIZE (1")
2. REQUIRED 4" IMPROVED BITUMINOUS CONCRETE BINDER LAYER, 12" MAXIMUM AGGREGATE SIZE (2")
3. REQUIRED 8" CRUSHED AGGREGATE BASE (IF COMPACTED THICKNESS: 100% S.P.D.)
4. REQUIRED BITUMINOUS TREATMENT (PRIME COAT) AS NEEDED
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LEGEND

Existing 5' Contours	36" RCP	Existing Storm Sewer
Subdivision Boundary	36" RCP	Proposed Storm Sewer
Development Boundary	36" RCP	Proposed Sanitary Sewer
Adjacent Property Lines	36" RCP	Proposed Sanitary Sewer
Proposed Lot Line	36" RCP	Proposed Sanitary Sewer
Proposed Sublot Line	36" RCP	Proposed Sanitary Sewer
Existing Water Main	36" RCP	Proposed Sanitary Sewer
Proposed Water Main	36" RCP	Proposed Sanitary Sewer
Proposed Sanitary Sewer	36" RCP	Proposed Sanitary Sewer
Proposed Gas Main	36" RCP	Proposed Sanitary Sewer
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Proposed Gas Main	36" RCP	Proposed Sanitary Sewer

1. Each lot shall comply with maximum ISR of 0.45. Proposed typical house pads range from approximately 55'x75' to 40'x75'.
2. Existing zoning: RS-1. Proposed zoning is RS-SD zoning pending Northport City Council Approval.
3. All easements shown on this Preliminary Plat will be dedicated for public utility use, including drainage facilities. All storm infrastructure outside of ROW will be maintained by the HOA.
4. No fencing or permanent structure shall be located within any utility, sanitary, or stormwater easement. No bushes, trees, etc. may be planted on an access easement.
5. Contour lines shown are existing and at 5' intervals (based on NGVD 1929 vertical datum).
6. No portion of the site lies within a 100-year flood plain (FIRM Map 01125C0339G (1/16/2014) & 01125C0338G (1/16/2014)).
7. Homebuilders shall be required to plant 1 tree or shrub per 3,000 sq ft of lot non-buildable area to comply with Section 406 of the Subdivision Regulations.
8. All proposed homes shall be constructed with full brick exterior.
9. Project Benchmarks: NW Corner, NW 1/4 - NW 1/4 Sec. 33, T20S, R10W Tuscaloosa County, Alabama.
10. No lots shall have direct access to Union Chapel Road.
11. No cul-de-sac shall exceed 600 LF.
12. Sequence of construction for fire access:
12.a. Phase II: Northcreek Boulevard entrance, Rosemary Way entrance, fire access turn around at stub streets if greater than 150'
12.b. Phase III: Full width, paved fire access along Lilac Lane to the Terrace Parkway entrance
13. Total Open Space Area: 23.7 Acres - 32.8% of Total Site Area; Total Detention Pond Area: 3.92 Acres

RS-SD Subtasks:
Front: 25'
Rear: 25'
Side: 7' & 7'

Requested Variances: None

NOTES

1. Each lot shall comply with maximum ISR of 0.45. Proposed typical house pads range from approximately 55'x75' to 40'x75'.
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GRAPHIC SCALE

0 100

1" = 100'

SHEET

1 OF 1

REVISED MASTER PLAN

PRELIMINARY

432 65th Street, Suite A
Tuscaloosa, Alabama 35405
Phone (205) 345-5646

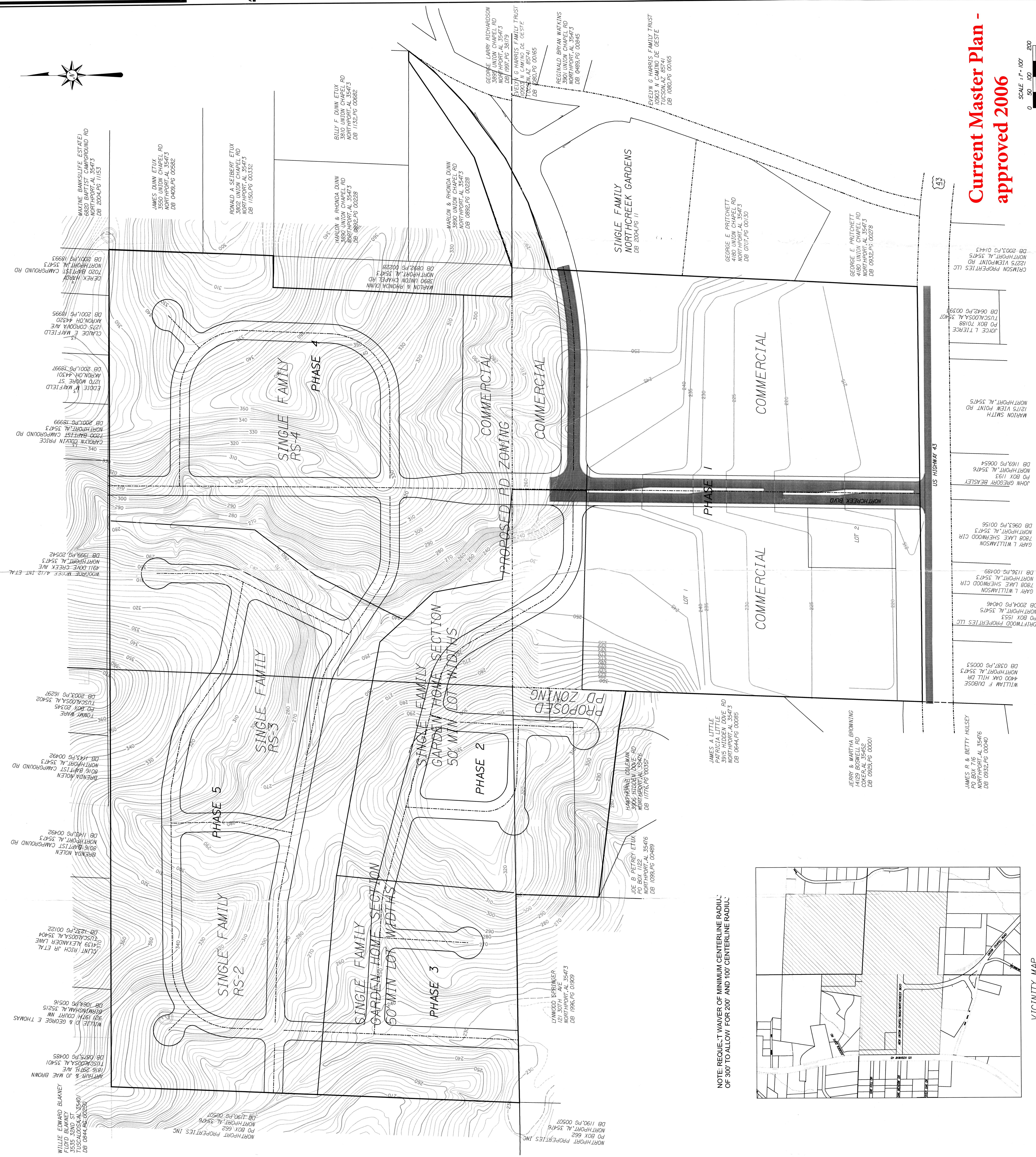
LONGLEAF
ENGINEERING

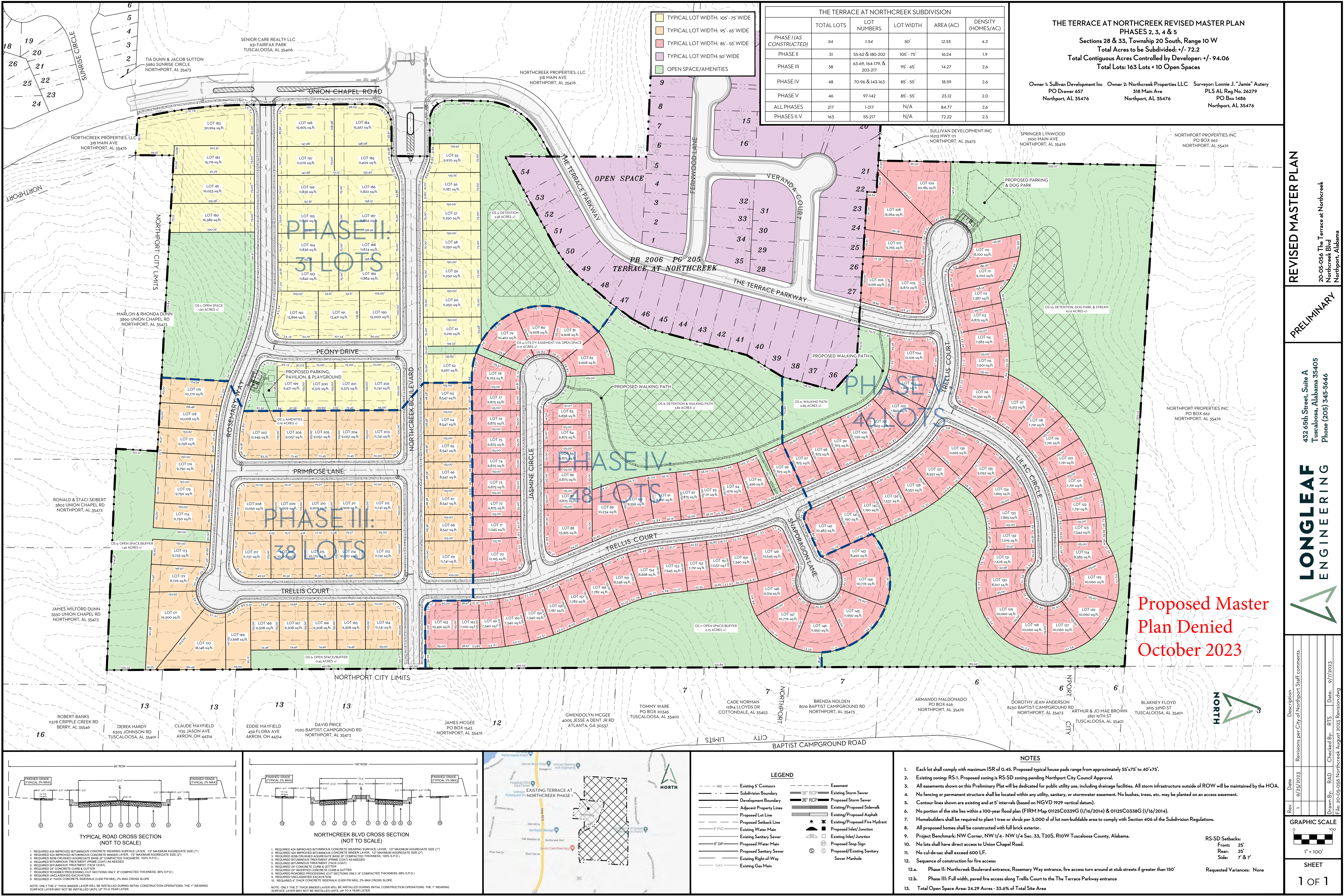


Rev	Date	Description
1	11/28/2023	Revision per City Staff Comments

Drawn By:	RTS	Checked By:	RTS	Date:	11/10/2023
Rev:	1	Rev:	1	Rev:	1

20-05-056 The Terrace at Northcreek
Northport, Alabama



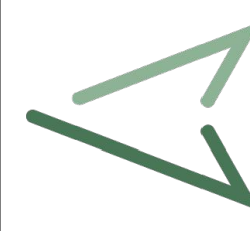


REVISED MASTER PLAN

PRELIMINARY

432 65th Street, Suite A
Tuscaloosa, Alabama 35405
Phone (205) 345-5646

LONGLEAF
ENGINEERING



Rev	Date	Description
1	9/25/2023	Revisions per City of Northport Staff comments

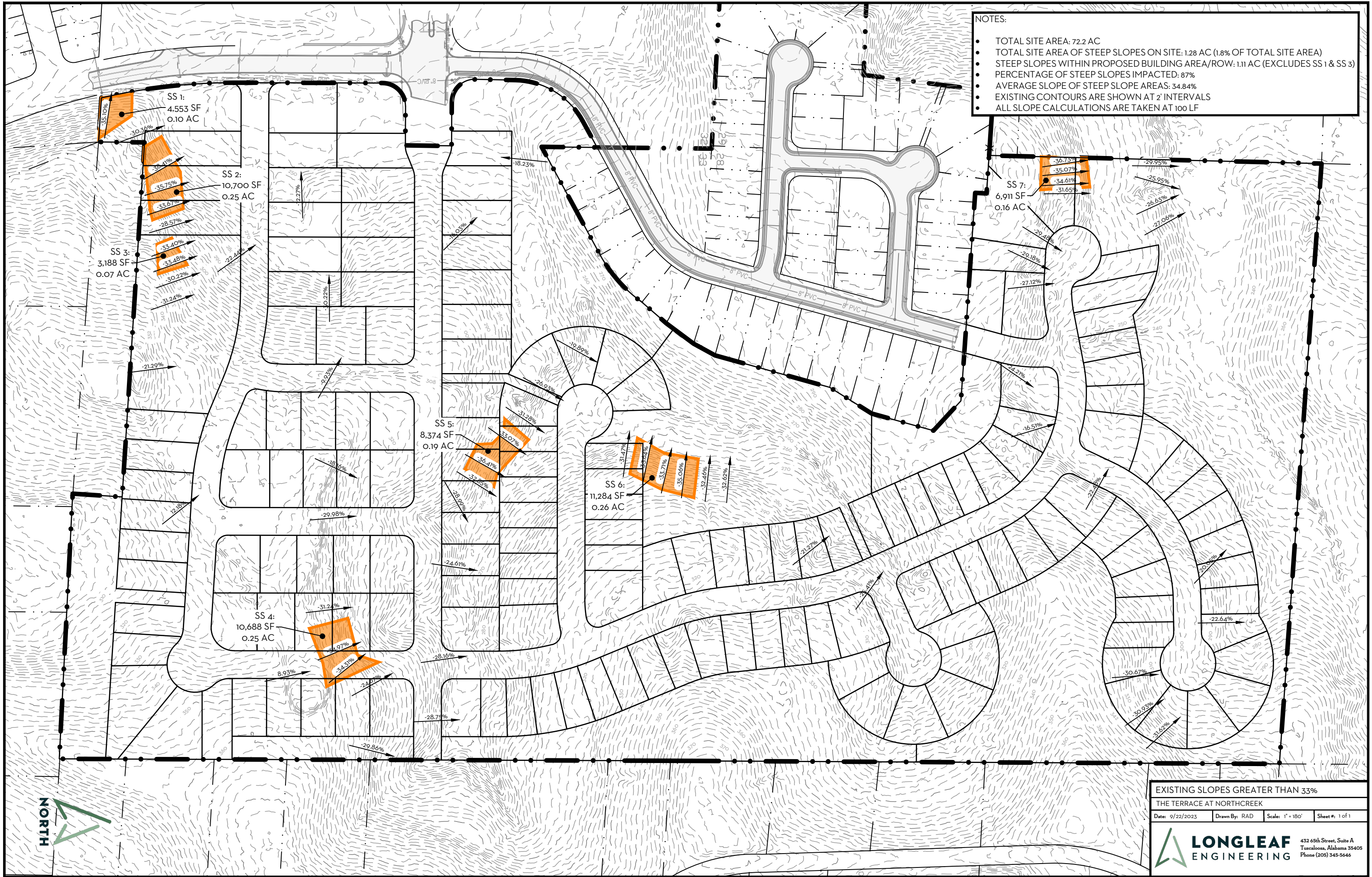
Rev	Date	Drawn By	Checked By	RS	Date
1	9/25/2023	RAD			9/17/2023

File: 20-05-056 Northcreek August 2023 Revision.dwg

20-05-056 The Terrace at Northcreek
Northport, Alabama

REVISIONS

1 OF 1



City of Northport Planning & Zoning Commission

Master Plan Revision

Zoning

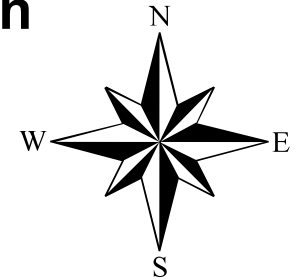
 Agriculture

 General Commercial

 Residential Single-Family - 1

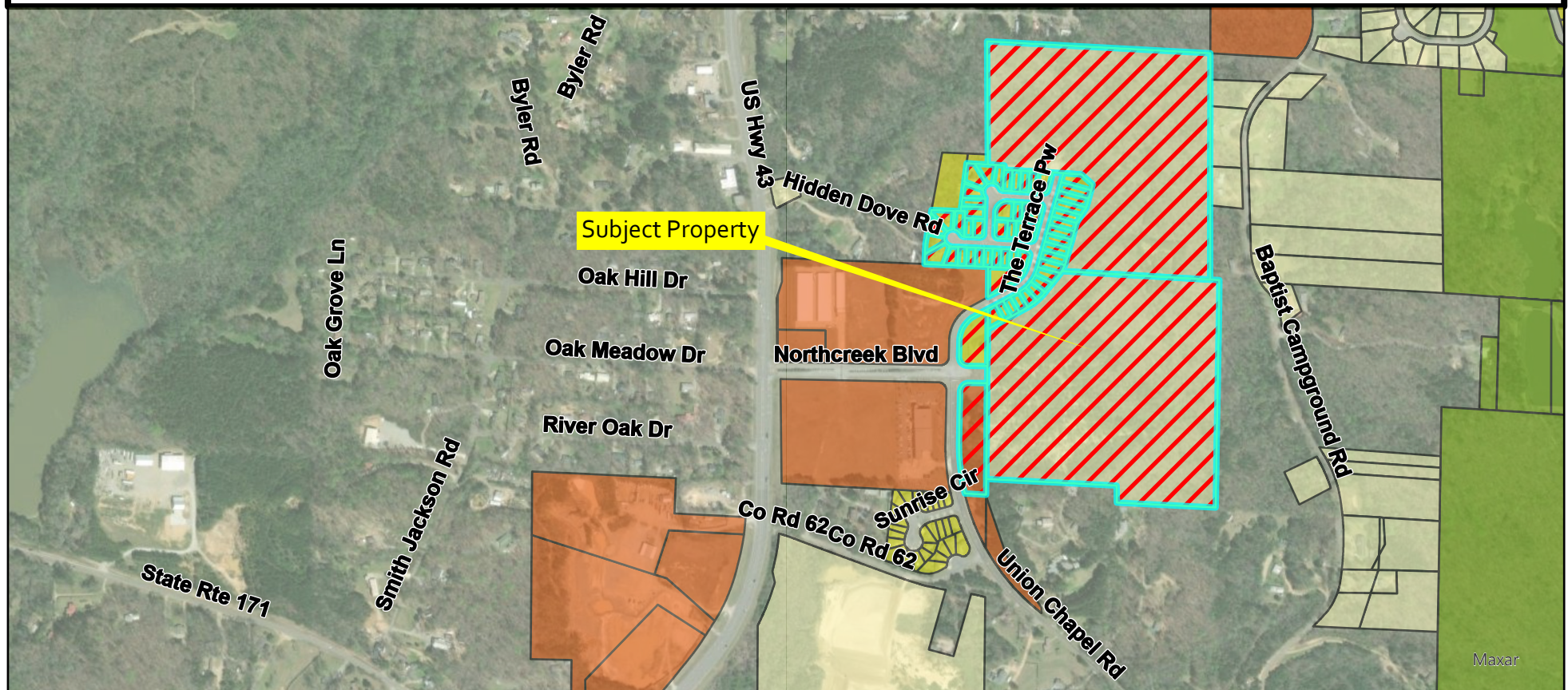
 Residential Single-Family - 4

 Subject Property



While the City of Northport, Alabama makes every effort to maintain and distribute accurate information, No Warranties and/or Representations of Any Kind are made regarding information, data or services provided. In no event, shall the City of Northport, Alabama be liable in any way to the users of this data. Users of this data shall hold the City of Northport, Alabama harmless in all matters and accounts arising from the use and/or accuracy of this data.

0 500 1,000 2,000
Feet





**CITY OF NORTHPORT
PLANNING AND ZONING COMMISSION
RULES FOR THE TRANSACTION OF BUSINESS (BYLAWS)**

ARTICLE I – POWERS, DUTIES, AND COMPOSITION

The powers, duties, and composition of the City of Northport Planning and Zoning Commission (hereafter referred to as “the Commission”) shall be as specified in Title 11 Chapter 52 of the Code of Alabama 1975, as amended, and those powers and duties delegated to the Commission by the City Council of the City of Northport.

ARTICLE II – OFFICERS AND THEIR DUTIES

- a. The officers of the Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.
- b. The Commission shall elect its Chairman and Vice-Chairman from among the appointed members. The term of offices of the Chairman and Vice-Chairman shall be one year, with eligibility for reelection. Officer elections shall be held during the regularly scheduled December meeting of each year, and the new officers will begin their term of office at the next scheduled meeting after their election. If elections are unable to be held during the regularly scheduled December meeting, then they shall be held at the next available meeting.
- c. In the event the Chairman resigns, or the position is otherwise vacated, then the Vice-Chairman shall fill the unexpired term of the office of Chairman and the Commission shall elect a new Vice-Chairman for the remainder of the unexpired term of the Vice-Chairman.
- d. The Chairman shall preside at all meetings and hearings of the Commission and shall decide all points of order or procedure and perform any duties required by law, ordinance, these rules, or the Commission. The Vice-Chairman shall preside in the absence of the Chairman. In the event that neither the Chairman nor Vice-Chairman is present or unable to act, an Acting Chairman shall be chosen from among the members present for that meeting.
- e. The Chairman shall have the authority to appoint any committees as deemed necessary to assist the Commission in the execution of its responsibilities. Such committees shall be advisory only and shall report back to the Commission such information as requested.
- f. The Secretary of the Commission shall be the Director of Planning and Inspections, or a staff member as designated by the Director. The Secretary shall keep the minutes and records of the Commission, prepare the agenda of meetings with the Chairman, provide and arrange notice of meetings, attend to correspondence of the Commission, and other duties as may be assigned by the Commission.

ARTICLE III – MEETINGS

- a. Regular meetings shall be held on the second Tuesday of each month at 6:00 p.m. at Northport City Hall in the Council Chambers. In the event of conflict with holidays or other events, a majority vote of the Commission may change the date of a meeting. Special called meetings may be called by the Chairman as needed.
- b. Not fewer than five (5) members shall be a quorum for the conduct of official business. The adoption of the master plan for the physical development of the City or any such part or amendment or extension or addition to said plan, including approval of any subdivision plat, shall be by the affirmative votes of not less than six (6) members.
- c. In cases involving annexation, rezoning, conditional use or change in the text of the Zoning Ordinance of the City of Northport, the affirmative vote of a majority of the Commission present is necessary to provide a favorable recommendation to the Northport City Council.
- d. The Commission shall follow the rules contained in the latest edition of *Robert's Rules of Order* in cases they are applicable and not inconsistent with these rules, or other applicable rules, regulations, or laws.
- e. The order of business at regular meetings should generally follow the order stated below, but may be changed at the discretion of the Chairman:
 - i. Call to order (including invocation)
 - ii. Roll call and establishment of a quorum
 - iii. Introductions and meeting procedures
 - iv. Approval of minutes of previous meeting(s)
 - v. Verification of no conflict of interest
 - vi. Verification of proper notification
 - vii. Disclosure of ex parte communication
 - viii. Old business
 - ix. New business, including any public hearing required with each agenda item.
 - x. Committee reports
 - xi. Other and miscellaneous business
 - xii. Adjournment
- f. Presentation of items should generally follow the order stated below, but may be changed at the discretion of the Chairman:
 - i. The Chairman calls for the next agenda item.
 - ii. Staff provides a summary of the case and answers any questions from the Commission.
 - iii. The applicant or petitioner presents his or her request and provides information in support of the application and answers any questions from the Commission.
 - iv. If a public hearing is needed, the Chairman will ask for anyone present who would like to provide input regarding the request.
 - v. The Commission members may discuss details and issues raised, and may ask questions of the applicant, city staff, or other parties.
 - vi. The Chairman will call for a motion to be read and a second, and the Chairman may ask if further discussion by the Commission is needed.

- Motions for a vote and second will be made for each item in a positive fashion. The purpose of which is to allow the Commission to vote on a motion. Members making the motion or second are not obligated to vote in the affirmative for said motion.
 - Waivers may be added to the motion for approval of a preliminary plat if listed verbally in the motion. If it is requested by any member of the Commission, the waivers shall be voted on individually or in a group prior to the vote on the preliminary plat.
- vii. The Chairman will call for a roll call vote.

g. Meeting Decorum

- i. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, and good taste. All comments, questions, or remarks shall be addressed to the Chairman or the Commission as a body and not to members of the audience, petitioner, or city staff. Interested parties or their representatives may address the Commission by written communications, a copy of which shall be provided to the Secretary either before or during the meeting.
- ii. Those wishing to speak for or against the petition may address the Commission for no longer than three (3) minutes. However, the Chairman has the discretion to grant additional time to a speaker who is presenting pertinent material or whose presentation is incomplete after the expiration of time. Speakers may be interrupted by any member of the Commission for clarification or additional information, but those interruptions will not count against the speaker's time. At the discretion of the Chairman, a speaker may address the Commission a second time, but only after all others have been given an opportunity to speak. The Chairman may also grant additional time to an individual representing a homeowners' association or other large group.
- iii. The Chairman reserves the right to require an individual wishing to speak on behalf of another person, group, or entity to provide written authorization to the Commission from the person, group, or entity being represented.
- iv. Speakers and other members of the public shall not approach the Commission dais or any Commission member during the meeting without express permission from the Chairman.

h. All meetings of the Commission shall be open to the public.

- i. Notice of meetings and public hearings shall be performed as specified in Title 11, Chapter 52 of the Code of Alabama 1975, as amended, and/or as required by the Alabama Open Meetings Act. The Secretary may employ supplemental notification procedures (yard signs, electronic notification, etc.) to ensure that the interested parties are aware of pending cases, but the failure of any such supplemental notification procedures shall not invalidate any lawful action or decision of the Commission.

ARTICLE IV – CONTINUING, WITHDRAWING, AND RECONSIDERATION OF CASES

- a. The Commission may, on its own motion, continue the hearing on any petition other than a subdivision plat to such future dates as it may determine, and it may give consideration to written requests from petitioners for such continuation. A petitioner may request to have a scheduled hearing on any petition continued to the following month with the following stipulations:
 - i. Prior to the mailing of notice of the Commission meeting, a petitioner may notify the Secretary in writing to request a continuance of the petition or subdivision plat to the following month. The Secretary will note on the legal notice that the case has been continued to the following month.

- ii. After the mailing of notice of the Commission meeting, a petitioner may notify the Secretary in writing to request a continuance of the petition or subdivision plat, though the petitioner must be present at the meeting to formally request such continuance. The Commission shall have the sole discretion to grant or deny a continuance. The petitioner will be responsible for any additional mailing fees and expenses.
 - iii. If during the course of the Commission meeting, the petitioner requests that the petition be continued, the Commission shall vote to grant or deny such request.
 - iv. The continuation of a case by the petitioner for more than two (2) consecutive months shall be deemed the withdrawal of such petition, and the Secretary shall not add the petition to a Commission meeting agenda until a new application has been submitted and any/all associated fees paid.
- b. A petitioner may request to have a scheduled hearing on any petition withdrawn with the following stipulations:
 - i. Prior to the mailing of notice of the Commission meeting, a petitioner may notify the Secretary in writing to request the withdrawal of the petition or subdivision plat. The Secretary will note on the legal notice that the case or plat has been withdrawn.
 - ii. After the mailing of notice of the Commission meeting, a petitioner may notify the Secretary in writing to request a withdrawal of the petition or subdivision plat, though the petitioner must be present at the meeting to formally request such withdrawal. The Commission shall have the sole discretion to grant or deny a withdrawal.
 - iii. If during the Commission meeting, the petitioner requests that the petition be withdrawn, the Commission shall vote to grant or deny such request.
 - iv. A new application fee and any other associated fees shall be required to resubmit a petition that has been withdrawn.
- c. No petition which has been denied by the Commission or City Council or not favorably recommended by the Commission to the City Council shall be placed on the agenda for consideration by the Commission within a period of twelve (12) months from the date of the prior decision, except under the following stipulations:
 - i. Prior to the publication of the legal notice, a petitioner must notify the Secretary in writing to request that a reconsideration of a previously denied/unfavorably recommended case be placed on the agenda. The petitioner shall submit a new application and pay any/all associated fees.
 - ii. The petitioner shall be responsible for producing any supplemental documentation to be included with their reconsideration request and shall be responsible for presenting their request to the Commission.
 - iii. The Commission will hear the request and determine if there has been a substantial change in the facts (including new relevant or different information) of the case, evidence or circumstances of the case that early reconsideration is necessary to prevent undue hardship to the petitioner, and the early consideration will not result in an undue hardship on the Commission or other affected parties. An affirmative vote of five (5) members of the Commission is needed to grant the reconsideration request.

ARTICLE V – CONFLICTS OF INTEREST AND MEMBER CONDUCT

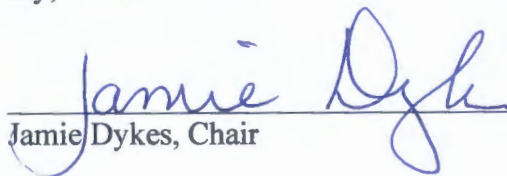
- a. If a Commission member has a direct personal interest, pecuniary interest, or other conflict with an agenda item, the member shall note the conflict, recuse himself or herself, and leave the room during discussion and voting on the item.

- b. Commission members are advised to not discuss pending cases with members of the public outside of the public meeting, and if attempted ex parte contact persists, the member should disclose such contact at the Commission meeting. Members may gather relevant information regarding an agenda item, including making site visits as allowed in Title 11, Chapter 52 of the Code of Alabama 1975, if such information will aid in making an informed, objective decision. Any written material received by members shall be given to the Secretary for incorporation into the files.
- c. Commission members shall avoid all improper conduct and the appearance of impropriety before, during, and after a public hearing including showing bias for or against a petitioner, individual, or group, and criticizing the vote or comments of any member of the Commission or ultimately the City Council.

ARTICLE VI – AMENDING AND REVIEW OF RULES

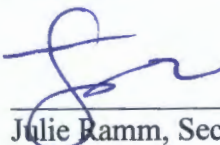
- a. Amendments to these rules shall require the affirmative vote of six (6) members of the Commission.
- b. The Commission shall review these rules annually at the same meeting as officer elections.

AMENDED, this the 10th day of January, 2023



Jamie Dykes, Chair

ATTEST:



Julie Ramm, Secretary