

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, APPROVING OF AN AGREEMENT WITH THE BALDWIN COUNTY COMMISSION CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS BY THE MAGNOLIA SPRINGS PLANNING COMMISSION WITHIN THE PLANNING JURISDICTION OF MAGNOLIA SPRINGS AND AUTHORIZING THE MAYOR'S EXECUTION OF THE AGREEMENT

WHEREAS, by Ordinance No. 2021-02, the Magnolia Springs Town Council approved of an Agreement for the regulation and enforcement of subdivisions in certain areas outside of the Town's corporate limits but within the Town's Planning Jurisdiction by the Magnolia Springs Planning Commission until July 25, 2023; and

WHEREAS, the Magnolia Springs Town Council approves of the execution of a long-term agreement for the regulation and enforcement of subdivisions by the Magnolia Springs Planning Commission inside the corporate limits and in certain areas outside of the Town's corporate limits but within the Planning Jurisdiction of the Town of Magnolia Springs as shown in the map identified as Exhibit A attached to the Agreement; and

WHEREAS, pursuant to Section 11-52-30 of the Code of Alabama (1975), Baldwin County, the Magnolia Springs Planning Commission, and the Town of Magnolia Springs desire to enter into a Municipal Planning Jurisdiction agreement for the regulation and enforcement of the development of subdivisions within the planning jurisdiction by the Magnolia Springs Planning Commission.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Magnolia Springs, Alabama as follows:

Section 1: The Planning Jurisdiction Agreement attached hereto as Exhibit "1" is approved by the Town Council of the Town of Magnolia Springs.

Section 2: The Town Council hereby authorizes the Mayor to enter into the Planning Jurisdiction Agreement attached hereto as Exhibit "1".

Severability Clause: If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Effective Date: This ordinance shall take effect upon its due adoption and publication as required by law.

Approved and Adopted this the 27th day of June, 2023.



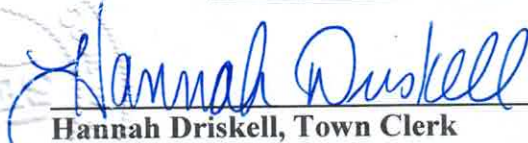
Kim Koniar, Mayor

ATTEST:



Hannah Driskell, Town Clerk

TOWN OF MAGNOLIA SPRINGS, ALABAMA Certificate of Publication.
This is to certify that Ordinance Number 2023-02, Town of Magnolia Springs,
Alabama, was published by posting on at least three (3) Bulletin Boards in the
Town from June 28, 2023, through July 28, 2023.



Hannah Driskell, Town Clerk

**AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION,
THE TOWN OF MAGNOLIA SPRINGS
AND THE PLANNING COMMISSION OF THE TOWN OF MAGNOLIA SPRINGS
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS
WITHIN THE PLANNING JURISDICTION OF THE
MUNICIPAL PLANNING COMMISSION AND THE REGULATION OF BUILDING
CONSTRUCTION WITHIN THE MUNICIPAL POLICE JURISDICTION**

WHEREAS, the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as the "COMMISSION"), the TOWN OF MAGNOLIA SPRINGS, an Alabama municipal corporation (hereinafter referred to as the "MUNICIPALITY"), and the PLANNING COMMISSION OF THE TOWN OF MAGNOLIA SPRINGS (hereinafter referred to as the "MUNICIPAL PLANNING COMMISSION"), hereby enter into an agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the MUNICIPALITY's corporate limits but within the MUNICIPAL PLANNING COMMISSION's planning jurisdiction and the regulation of building construction outside the MUNICIPALITY's corporate limits but within the MUNICIPALITY'S police jurisdiction;

WHEREAS, the COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION desire to enter into an agreement concerning the regulation of subdivisions pursuant to Code of Alabama §11-52-30 et seq.;

WHEREAS, the COMMISSION and MUNICIPALITY desire to acknowledge in an agreement the MUNICIPALITY'S role in the issuance of building permits, inspection of construction, and enforcement of building laws and codes (collectively referred to herein as "regulation of building construction") pursuant to Code of Alabama §11-40-10 et seq. and §34-14A-12 et seq.

NOW, THEREFORE, the COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

Section A – Subdivision Regulation within the Municipal Planning Jurisdiction

1. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the Subdivision Regulation Area of the MUNICIPALITY and MUNICIPAL PLANNING COMMISSION shall include all land displayed on the Subdivision Regulation Area Map attached hereto as Exhibit A. The Subdivision Regulation Area includes those areas located in the corporate limits of the MUNICIPALITY and all or a portion of the land lying within the one-and-a-half-mile MUNICIPAL PLANNING JURISDICTION as displayed on the Subdivision Regulation Area Map.

2. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the MUNICIPAL PLANNING COMMISSION shall regulate, review, approve, and enforce subdivision regulations for condominium developments, commercial and/or residential multiple occupancy developments, mixed-use developments, recreational vehicle parks, and manufactured home parks in the Subdivision Regulation Area.
3. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the MUNICIPAL PLANNING COMMISSION shall have exclusive responsibility for the regulation, review, approval, and enforcement of the development of subdivisions within the Subdivision Regulation Area subject to applicable state law and the requirements of Code of Alabama § 11-52-30 et seq. requiring review and certification by the County Engineer and compliance with all applicable Baldwin County Zoning regulations.
4. Unless otherwise provided or allowed by applicable State law, where the MUNICIPAL PLANNING COMMISSION is responsible for the regulation and enforcement of a subdivision development within the Subdivision Regulation Area, no map or plat of any subdivision, within the scope of authority granted by this Agreement, shall be recorded, and no property shall be sold referenced to the map or plat, until and unless it has been first submitted to, and approved by, the MUNICIPAL PLANNING COMMISSION, pursuant to Code of Alabama § 11-52-30 et seq.
5. Notwithstanding Paragraph 3 above, any map or plat of a subdivision approved by the MUNICIPAL PLANNING COMMISSION within the scope of authority granted by this Agreement shall be subject to the following approvals from the County Engineer, the Planning Director, or their designees:
 - a) Approved roadway access permit if the subdivision will access a road maintained by the COMMISSION;
 - b) Approved traffic study, if the subdivision exceeds 50 lots or units, and would otherwise trigger a traffic study under the Baldwin County Subdivision Regulations;
 - c) Approved drainage study, for any subdivision that would require the installation of a stormwater detention or retention facility under the Baldwin County Subdivision Regulations;
 - d) Approved compliance with underlying zoning for subdivision developments located on parcels within the planning and zoning jurisdiction of the COMMISSION, including obtaining an administrative Site Plan Approval from the Baldwin County Planning and Zoning Department, prior to preliminary plat approval, for subdivision developments that meet the definition of a major project;
 - e) Approved Subdivision (Infrastructure) Construction Permit if the subdivision development proposes new roadway infrastructure; and

- f) A Final Plat containing the note below and applicable signature blocks for the Baldwin County Engineer and the Planning and Zoning Director as displayed in Exhibit B.

THIS DIVISION LIES WITHIN AN AREA WHERE THE MUNICIPAL PLANNING COMMISSION EXERCISES EXCLUSIVE JURISDICTION OVER THE REVIEW AND APPROVAL OF SUBDIVISIONS. THIS SUBDIVISION HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH THE BALDWIN COUNTY SUBDIVISION REGULATIONS. THE PROVISIONS OF ALABAMA CODE SECTION 45-2-261.17 SHALL NOT APPLY TO THIS SUBDIVISION.

The MUNICIPALITY and MUNICIPAL PLANNING COMMISSION agree that it will not accept an application as complete for preliminary plat approval or final site plan approval without either 1) evidence that the documents required in subparagraphs a) through d) above have either been submitted to the County Engineer, the Planning Director, or their designees, or 2) correspondence from the County Engineer, the Planning Director, or their designees indicating that the specific document will not be required for the proposed development.

6. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that in case of a conflict between the requirements of the COMMISSION under paragraph 5 above and the subdivision regulations of the MUNICIPALITY and MUNICIPAL PLANNING COMMISSION within the scope of authority granted by this Agreement, the most stringent of the two conflicting requirements shall apply, except that the COMMISSION shall not be responsible to inspect or enforce any requirements of the MUNICIPALITY or MUNICIPAL PLANNING COMMISSION during site development. Notwithstanding the requirements of this paragraph 6, when a conflict between standards exists, relating to proposed road right-of-way that will be accepted for maintenance by either the COMMISSION or the MUNICIPALITY, the party who will be accepting the maintenance responsibility will have the authority to determine which of the conflicting standards will apply to the proposed development.
7. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that if any portion of a proposed subdivision, within the scope of authority granted by this Agreement, is located within the MUNICIPAL PLANNING COMMISSION'S Subdivision Regulation Area, the subdivision regulations of the MUNICIPALITY shall apply as set forth herein.
8. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that in the case of any subdivision, within the scope of authority granted by this Agreement, located outside the corporate limits of the MUNICIPALITY which has received preliminary plat approval or final site plan approval from the COMMISSION or MUNICIPAL PLANNING COMMISSION prior to

the effective date of this Agreement, the same shall continue to be solely under the jurisdiction of the respective COMMISSION or MUNICIPAL PLANNING COMMISSION as long as the approval remains effective.

9. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any application for subdivision, within the scope of authority granted by this Agreement, located outside of the corporate limits and inside the Subdivision Regulation Area of the MUNICIPALITY properly submitted and accepted into the COMMISSION'S or MUNICIPAL PLANNING COMMISSION'S subdivision review process prior to the effective date of this Agreement shall remain under the review authority of the entity to whom it was properly submitted.

Section B – Regulation of Building Construction within the Municipal Police Jurisdiction

1. The COMMISSION and MUNICIPALITY hereby acknowledge that the MUNICIPALITY is not regulating building construction outside the corporate limits of the MUNICIPALITY.
2. The COMMISSION and MUNICIPALITY hereby acknowledge that it may enter into a separate agreement regarding the administration of building permits within the corporate limits and that such arrangements and/or relationships are not governed by this Agreement.

Section C – General Provisions

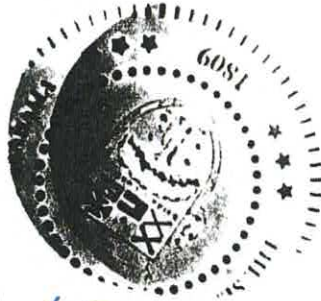
1. It is expressly understood that this Agreement can be modified or amended only by mutual action of the COMMISSION, the MUNICIPALITY, and the MUNICIPAL PLANNING COMMISSION, whenever such modification is needed.
2. If any part, section, or subdivision of this Agreement is held to be illegal, invalid, or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Agreement which shall continue in full force.
3. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any previous Agreement entered into between the COMMISSION, MUNICIPALITY, and/or MUNICIPAL PLANNING COMMISSION regarding the regulation of subdivisions or the regulation of building construction outside the MUNICIPALITY'S corporate limits but within the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction or police jurisdiction, is hereby terminated and replaced by this Agreement.
4. This Agreement shall become effective pursuant to applicable law and when the last of the following have been completed: a resolution adopted by the COMMISSION approving this Agreement, an ordinance adopted by the MUNICIPALITY approving

this Agreement, and a resolution adopted by the MUNICIPAL PLANNING COMMISSION approving this Agreement. Furthermore, pursuant to Code of Alabama § 11-24-6, the MUNICIPALITY agrees to publish this Agreement once a week for two consecutive weeks in a newspaper of general circulation in both the County and the MUNICIPALITY, and this agreement shall not have the force of law until said publication is complete and proof of such successful advertisement is delivered to the Commission.

5. This Agreement shall continue in force and effect for four years from the effective date, after which it may be unilaterally abolished by any party hereto that has provided the notice required, if any, by Alabama law.

IN WITNESS WHEREOF, the parties have set their hands and seals, by and through their duly authorized representatives, on the dates indicated below with the full intent and authority to bind the parties hereto.

[SIGNATURES ON THE FOLLOWING PAGE]



ATTEST:

Roger H. Rendleman
By: Roger H. Rendleman
County Administrator

COMMISSION:

BALDWIN COUNTY COMMISSION

Charles F. Gruber
By: Charles F. Gruber
Its: Chairman

MUNICIPALITY:

TOWN OF MAGNOLIA SPRINGS,
ALABAMA

ATTEST:

Hannah Driskell
By: Hannah Driskell
Its: Town Clerk

Kim Koniar
By: Kim Koniar
Its: Mayor

MUNICIPAL PLANNING COMMISSION:

PLANNING COMMISSION OF THE
TOWN OF MAGNOLIA SPRINGS,
ALABAMA

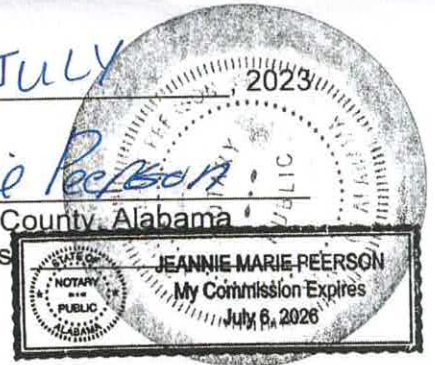
Mark Mattox
By: Mark Mattox
Its: Chairman

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jeannie Marie Pearson, a Notary Public in and for said County in said State, hereby certify that CHARLES F. GRUBER, whose name as Chairman of the BALDWIN COUNTY COMMISSION, and ROGER H. RENDLEMAN, whose name as County Administrator of the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama, a political subdivision of the State of Alabama, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said commission on the day the same bears date.

Given under my hand and seal this the 11 day of JULY, 2023

Jeannie Marie Pearson
Notary Public, Baldwin County, Alabama
My Commission Expires

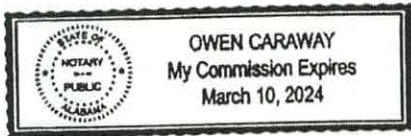


STATE OF ALABAMA
COUNTY OF BALDWIN

I, Owen Caraway, a Notary Public in and for said County in said State, hereby certify that Kim Koniar, whose name as Mayor of the TOWN OF MAGNOLIA SPRINGS, ALABAMA, and Hannah Driskell, whose name as clerk of the TOWN OF MAGNOLIA SPRINGS, ALABAMA, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipality on the day the same bears date.

Given under my hand and seal this 28th day of June, 2023.

Owen Caraway
Notary Public, Baldwin County, Alabama
My Commission Expires: 3/10/2024



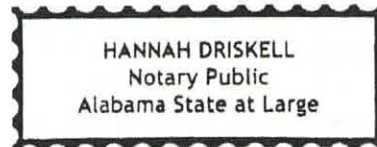
STATE OF ALABAMA
COUNTY OF BALDWIN

I, Hannah Driskell, a Notary Public in and for said County in said State, hereby certify that Mark Mattox, whose name as Chairman of the PLANNING COMMISSION OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Planning Commission on the day the same bears date.

Given under my hand and seal this 28th day of June, 2023.

Hannah Driskell
Notary Public, Baldwin County, Alabama

My Commission Expires: My Commission Expires
September 28, 2024



TOWN OF
MAGNOLIA SPRINGS
PLANNING COMMISSION

RESOLUTION NO. 2023-01

AUTHORIZING AN AGREEMENT WITH BALDWIN COUNTY CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS IN THE PLANNING JURISDICTION BY THE MAGNOLIA SPRINGS PLANNING COMMISSION

WHEREAS, by Resolution 2021-02, the Magnolia Springs Planning Commission approved of an Agreement for the regulation and enforcement of subdivisions in certain areas outside of the Town's corporate limits but within the Town's Planning Jurisdiction by the Magnolia Springs Planning Commission until July 25, 2023; and

WHEREAS, the Magnolia Springs Planning Commission approves of the execution of a long-term agreement for the regulation and enforcement of subdivisions by the Magnolia Springs Planning Commission inside the corporate limits and in certain areas outside of the Town's corporate limits but within the Planning Jurisdiction of the Town of Magnolia Springs as shown in the map identified as Exhibit A attached to the Agreement; and

WHEREAS, pursuant to Section 11-52-30 of the Code of Alabama (1975), Baldwin County, the Magnolia Springs Planning Commission, and the Town of Magnolia Springs desire to enter into a Municipal Planning Jurisdiction agreement for the regulation and enforcement of the development of subdivisions within the planning jurisdiction by the Magnolia Springs Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Magnolia Springs, Alabama as follows:


Section 1: The Planning Jurisdiction Agreement attached hereto as Exhibit "1" is approved by the Town of Magnolia Springs Planning Commission and the Chairman is authorized to execute such Agreement.

Section 2: The Town of Magnolia Springs Planning Commission hereby recommends the Town Council to enter into the Planning Jurisdiction Agreement attached hereto as Exhibit "1".

Section 3: This Resolution shall become effective immediately upon its adoption as required by law.

Approved and Adopted this the 6th day of June, 2023.

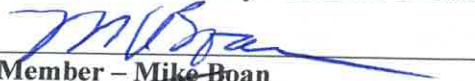

Chairman – Mark Mattox


Vice Chairman – Joe Babington


Member – Ross Houser


Member – Secretary – Hannah Driskell


Member – Lauren Mote


Member – Mike Boan


Member – Steve Mobley


Member – Rodney Hubble


Member – Nick Klarman



TOWN OF
MAGNOLIA SPRINGS
PLANNING COMMISSION

RESOLUTION NO. 2023-02

**AUTHORIZING EXECUTION OF THE REVISED AGREEMENT WITH
BALDWIN COUNTY CONCERNING THE EXERCISE OF SUBDIVISION
REGULATIONS IN THE PLANNING JURISDICTION BY THE MAGNOLIA
SPRINGS PLANNING COMMISSION**

WHEREAS, by Resolution 2021-02, the Magnolia Springs Planning Commission approved of an Agreement for the regulation and enforcement of subdivisions by the Magnolia Springs Planning Commission in certain areas outside of the Town's corporate limits but within the Town's Planning Jurisdiction until July 25, 2023; and

WHEREAS, by Resolution 2023-01, the Magnolia Springs Planning Commission approved of an Agreement for the regulation and enforcement of subdivisions in certain areas outside of the Town's corporate limits but within the Town's Planning Jurisdiction; however, that Agreement has been modified by Baldwin County; and

WHEREAS, the Magnolia Springs Planning Commission approves of the execution of the amended long-term agreement modified by Baldwin County for the regulation and enforcement of subdivisions by the Magnolia Springs Planning Commission inside the corporate limits and in certain areas outside of the Town's corporate limits but within the Planning Jurisdiction of the Town of Magnolia Springs as shown in the map identified as Exhibit A attached to the Agreement and described as the "Subdivision Regulation Area"; and

WHEREAS, pursuant to Section 11-52-30 of the Code of Alabama (1975), Baldwin County, the Magnolia Springs Planning Commission, and the Town of Magnolia Springs desire to enter into a Municipal Planning Jurisdiction agreement for the regulation and enforcement of the development of subdivisions within the planning jurisdiction by the Magnolia Springs Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Magnolia Springs, Alabama as follows:

Section 1: The Planning Jurisdiction Agreement attached hereto as Exhibit "1" is approved by the Town of Magnolia Springs Planning Commission and the Chairman is authorized to execute such Agreement and confirm approval and support to the Town Council. Resolution 2023-01 and the Agreement attached thereto is hereby rescinded, revoked, and no longer in effect.

Section 2: This Resolution shall become effective immediately upon its adoption as required by law.

Approved and Adopted this the 11th day of July, 2023.


Chairman – Mark Mattox



Member – Ross Houser



Member – Lauren Mote



Member – Steve Mobley



Member – Nick Klarman



Vice Chairman – Joe Babington



Member – Secretary – Hannah Driskell



Member – Mike Boan



Member – Rodney Hubble

