

## ORDINANCE NO. 2023-1176

### AN ORDINANCE AMENDING SECTION 11.02.03 PROCEDURE OF THE ZONING ORDINANCE OF THE CITY OF BOAZ, ALABAMA.

Be it ordained by the City Council of the City of Boaz, in the State of Alabama, as follows:

**SECTION ONE.** Unless the context clearly indicates a different meaning, the words, terms and phrases used in this amended ordinance shall have the same meaning as ascribed to them in Ordinance Number 2021-1154.

**SECTION TWO.** That after the adoption and posting of this ordinance, The City Council of the City of Boaz, Alabama hereby expressly amends Ordinance Number 2021-1154 Section 11.02.03 Procedure to add section (3) which provides as follows:

3. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

**SECTION THREE.** The provisions of this Ordinance are severable so that if any provision hereof is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions hereof shall not be affected by such declaration and shall remain in full force and effect as though the unconstitutional, void, or invalid provision had not been included in the ordinance as originally adopted.

**SECTION FOUR.** This Ordinance shall be effective on the same date following adoption of the same by the City Council of the City of Boaz, Alabama and publication and/or posting pursuant to Alabama law.

**SECTION FIVE.** Any part of any ordinance in conflict herewith is expressly repealed.

**SECTION SIX.** This amendment shall not change any other terms and conditions of Ordinance Number 2021-1154 (the zoning ordinance) of the City of Boaz, Alabama.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF BOAZ, ALABAMA, THIS THE  
26TH DAY OF JUNE 2023.**

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David Dyar  
Mayor

ATTESTED:

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Beth Stephens  
City Clerk/Treasurer