

1 SB475
2 151046-1
3 By Senators Figures, Glover and Hightower (N & P)
4 RFD: Local Legislation No. 3
5 First Read: 25-APR-13

SYNOPSIS: Under existing law, a municipality may establish a zoning board of adjustment to hear appeals relating to zoning. Under existing law, a board of adjustment is composed of five members. Also under existing law, four of the five members are required to concur on certain zoning appeals or decisions.

This bill would provide that in any Class 2 municipality, the zoning board of adjustment would be composed of the same number of members as the city council. In the Class 2 municipality in this state, the city council is composed of seven members. This bill would provide that the concurring vote of five members would be required for certain zoning appeals or decisions.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to Class 2 municipalities; to provide that
2 the number of members on a board of adjustment organized under
3 state law whose members are appointed by the governing body
4 shall be the same as the number of members of the governing
5 body of the Class 2 municipality; and to conform the
6 applicable number of concurring votes on the board.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) In any Class 2 municipality, any law
9 to the contrary notwithstanding, the number of members on a
10 board of adjustment provided for in Section 11-52-80, Code of
11 Alabama 1975, whose members are appointed by the governing
12 body of the Class 2 municipality shall be the same as the
13 number of members of the governing body of the Class 2
14 municipality.

15 (b) In exercising the powers in subsection (d) of
16 Section 11-52-80, Code of Alabama 1975, the board may reverse,
17 affirm, or modify the order, requirement, decision, or
18 determination appealed from and may enter the appropriate
19 order, requirement, decision, or determination and, to that
20 end, shall have all the powers of the officer from whom the
21 appeal is taken. The concurring vote of five members of the
22 board shall be necessary to reverse any order, requirement,
23 decision, or determination of an administrative official or to
24 decide in favor of the applicant on a matter upon which the
25 board is required to pass under any ordinance or to effect any
26 variation in the ordinance.

1 Section 2. All laws or parts of laws which conflict
2 with this act are repealed.

3 Section 3. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.