

## ORDINANCE NO. 2024 - 11

### AN ORDINANCE TO DELETE AND REPLACE ORDINANCE NO. 2011 - 23 RELATING TO THE DOWNTOWN DESIGN REVIEW BOARD OF THE CITY OF CULLMAN

#### SECTION I. Purpose.

The purpose of this Ordinance is to hereby delete and replace Ordinance No. 2011-23, *An Ordinance to Amend the Zoning Ordinance of the City of Cullman CBD District*.

WHEREAS, Ordinance 2011-23 was established for the creation of a Downtown Design Review Board within the Central Business District (“CBD”) within the City of Cullman, Alabama, in order to advance the economic development and preserve and enhance the historical and architectural integrity of the CBD; and

WHEREAS, the City Council finds it is in the best interest of the general public to abolish and re-create a five (5) person Downtown Design Review Board that shall serve in an appellate capacity under past and new standards to review Building Official decisions as they relate to façade plans of any structure within the CBD to ensure the protection and preservation of all existing and future structures within the CBD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS IT FOLLOWS:

#### SECTION II. Appellate Downtown Design Board Created.

- A. The City of Cullman hereby abolishes its seven (7) member Downtown Design Board creates a new board of Downtown Design Review made up of five (5) members to be appointed by the Mayor and Council. The Cullman City Council will appoint four (4) members and the Mayor shall appoint one (1) member. All members shall reside in the City of Cullman. The first term of members will serve as follows:
1. Place #1 and #2 shall serve for two (2) years.
  2. Place #3 and #4 shall serve for three (3) years.
  3. Place #5 shall serve for four (4) years.

#### SECTION III. Appeals Process.

- A. The Members of the Downtown Design Board shall serve in an appellate capacity to address and any all appeals from an aggrieved party in regard to final decisions made by the Building Official(s) of the City of Cullman Building Department of and concerning design standards within the districts (“Exhibit A”).
1. Upon a final decision from the City of Cullman Building Department Building Official(s), the official designated by the City Council to administer and enforce these regulations, or his/her designee, if the aggrieved party disagrees with decision from the Building Official(s), he or she shall have fourteen (14) days after denial to appeal to the Downtown Design Board.
  2. The aggrieved party shall send notice in writing to the City Clerk of the City of Cullman and the Building Department of its intent to appeal to the Downtown Design Board any denial made by the Building Official(s).
  3. Upon any and all appeals, the Downtown Design Board (“Board”) shall determine whether or not the aggrieved party’s proposal within the district fits the character, historical, cultural and architectural integrity of the district as it pertains to the *Design Guidelines* of the City of Cullman.
  4. If the Board finds that the plans do in fact meet the requirements of Section II(B)(3), it shall then issue a Certificate of Appropriateness (“COA”) to the aggrieved party.
  5. Should the Board find that the design proposal from the aggrieved party fails to meet said Guidelines or any part of this Ordinance, the Board shall not issue a COA.
  6. The aggrieved party denied a COA by the Board may, within ten (10) days after the decision of the Board, appeal to the Circuit Court of Cullman County from any decision of the Board by filing such appeal with the Court and causing a copy of such notice to be served on the other affected parties or officials. The City Clerk shall furnish the court with a certified transcript of proceedings which it had before with respect to the appeal and its decision in the matter. No bond shall be required for such an appeal and the cost of such appeal shall be taxed against the unsuccessful party or as the judge may direct. Review by the Court shall be without jury and be confined to the record and to a determination of the questions of law present. The Board’s findings of fact shall be final and conclusive. Appeal may be taken from the judgment of the Circuit Court as provided by law.

**SECTION IV. Severability Clause.**

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

**SECTION V. Effective Date.**

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 4<sup>th</sup> day of January, 2024.

ATTEST:

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President of the City Council

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City Clerk

APPROVED BY THE MAYOR this the 4<sup>th</sup> day of January, 2024.

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Mayor