



CITY OF BOAZ  
Planning Commission Minutes  
October 01, 2024

Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Chairman Bates called the meeting to order at 6:00 P.M.

PRESENT

David Wallace  
Harrold Johnson  
Nick Borden  
Steven Bates  
Darby Pruitt  
Matt Brannon

ABSENT

Chris Alexander  
Paul Hale

II. Invocation

Nick Borden gave the Invocation.

III. Pledge of Allegiance

David Wallace led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Borden, Seconded by Wallace.

V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting

1. Adopt the minutes of the Planning Commission Meeting dated August 6, 2024

Motion made by Wallace, Seconded by Borden.

VI. Public Hearings

1. A public hearing concerning the Planning Commission's recommendation to the Boaz City Council concerning an amendment of the Boaz Zoning Ordinance and Zoning Map of the City of Boaz. The Planning Commission will discuss and vote on the rezoning of the properties along Sunview Place from R-6 Manufactured Housing District to R-2 Medium Density Detached Residential District due to the current zoning designation of R-6 limiting the use of the properties as these properties are non-conforming as manufactured home parks which restricts the properties of future construction of homes and replacement rendering the

property unusable. Rezoning the properties R-2 will allow the property owners the ability to construct homes on their properties.

Motion made by Wallace to open the Public Hearing at 6:03 P.M., Seconded by Pruitt. The motion passed by unanimous voice vote.

Chairman Bates asked if anyone would like to speak in favor of the rezoning.

Sabino Mejia of 78 Sunview Place Lot 2 asked the Planning Commission members what exactly this means. Building Inspector Nick Borden explained the property as a whole is not owned by one individual so it does not meet the requirements of a mobile home park. This limits property owners to not be able to put a mobile home back or to build a house due to zoning issues. Rezoning this property to R-2 will give property owners the opportunity to build a house on their property.

Gary Taylor of 156 Sunview Place asked if this would help put a mobile home back on the property. Mr. Borden answered no. Mr. Taylor asked if they could be annexed out of the City. City Attorney Christie Knowles explained this is not a question for the Planning Commission and you are not able to de-annex from the City like that.

Jimmy Kindred of 62 Sunview Place said he didn't think it was right to buy your land and not be able to put a mobile home back on your own land.

Trina Sell of 62 Sunview Place expressed her concerns to not be able to afford the supplies to build a house. She explained they are having to live however they can live and are told they can't put another mobile home there. City Attorney Christie Knowles explained that it is the way the property is zoned. Once the use ends, you have to rebuild in ways to comply with zoning. Ms. Knowles discussed how the land is deeded in tracts to each individual and not to one owner who rents slips out to everyone. When it came in to the City it was in a nonconforming use but you were grandfathered in. When the mobile home burned the use ended and you have to go back to the correct zoning. This zoning change will allow you to build a home there.

Mr. Mejia expressed how he felt this was unfair.

Council Member Brannon explained if we don't do this then you can't do anything. This gives the property owner an option. Council Member Brannon said he understands what Mr. Mejia is saying and knows that it is frustrating. This will give someone an opportunity to put something there. We are trying to help.

Building Inspector Nick Borden said it hit him when he had to tell people they could not put anything back on their land. Mr. Borden wanted to be able to give property owners the opportunity to have some kind of use on their property.

Trina Sell asked if you owned your property would you have to get a contractor. Mr. Borden answered that you can build your own house, wire your own house, but you cannot run your own gas. It would have to be permitted and inspected. If you are able to build to code, you have the right to build on your own.

Chairman Bates asked if anyone would like to speak in opposition of the rezoning.

Sabino Mejia said most people aren't here and wanted to know if this would effect how this goes. Nick Borden answered probably not. City Attorney Christie Knowles explained the notice and the meeting just gives everyone that wants to come the opportunity.

Motion made by Borden to close the Public Hearing at 6:21 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

2. A public hearing to amend the Subdivision Regulations by correcting the numerical layout as well as adding additional language pertaining to subdivisions as follows:

#### **AMENDMENTS TO THE BOAZ SUBDIVISION REGULATIONS**

1. *Article 2 - Definitions is amended to include the definition of Mobile Home Park as follows:*

**2.02.45. Mobile Home Park.** *Land used or designed for use for the siting of manufactured homes, recreational or tiny homes for dwelling purposes.*

2. *Article 2 - Definitions is amended to change the definition of Subdivision to read as follows:*

**2.02.74. Subdivision.** *The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or building development. It includes resurveys and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. A Subdivision includes a Mobile Home Park.*

**1. Major subdivision.** *Any subdivision not classified as a minor subdivision including but not limited to subdivisions of more than six lots, or any size requiring any new streets or extension of public facilities, or the construction of any public improvements.*

**2. Minor subdivision.** *Any subdivision containing no more than six lots fronting on an existing street, not involving any new street, extension of public facilities, or construction of public improvements, and not adversely affecting the remainder of the parcel or adjoining property including lot splits and resurveys; and subdivisions creating plots of ten or more acres for the purpose of selling or conveying, such as to family members, said lots but not for development of the same.*

3. *Article 7-02 Penalties is amended as follows:*

**7.02.01.** *In addition to other remedies set forth herein, and as authorized by Code of Ala. 1975, § 11-24-3(a), the fine for noncompliance of any provisions of these Regulations shall be \$1,000 per lot that has been sold, offered for sale, transferred, or leased. A separate citation shall be issued for each violation. All fines shall be paid to the office of Boaz City Clerk within thirty (30) days of the issuance of a citation by the subdivision official, and all fines shall be doubled upon the failure to remit the fine within thirty (30) days of the issuance of the citation.*

**7.02.02.** *The city retains the right to seek an injunction against any person who fails to comply with these Regulations as provided in Code of Ala. 1975, § 11-24-3(b), and may bring action against any person to compel compliance with these Regulations in the event that work on the subdivision has been completed in violation of these Regulations and the requirements of Code of Ala. 1975, § 11-24-1 et seq.*

**4. Appendix C is hereby added as follows:**

**APPENDIX C: SPECIAL REQUIREMENTS FOR MOBILE HOME PARKS**

***Any Mobile Home Park, and each individual site, parcel or lot within a Mobile Home Park, must proceed through the standard subdivision review process and shall comply with all applicable subdivision regulations. The following standards are applicable to Mobile Home Parks:***

- (a) Density/Number of Units. Mobile Home Parks located in the city of Boaz or within its planning authority shall meet the following requirements in regard to the number of sites/units:***
  - 1. The maximum number of sites/units for Mobile Home Parks shall be 1 unit per five (5) acres in order to allow for adequate site/unit size and spacing.***
  - 2. The applicant shall provide proof that electricity, water, sewer, and fire protection, if available, are provided either with onsite facilities or from a public provider and are sufficient for the proposed development.***
- (b) Access. Mobile Home Parks shall have direct access to a paved County, City, State, or Federal highway or roadway. A traffic study shall be performed upon planning commission request or as required by the building official.***
- (c) Internal Roadways. The internal roadways for Mobile Home Parks shall be built by the developer and, at a minimum, shall provide for safe travel for the residents and emergency responders. The internal roadways shall meet the requirements of the City of Boaz Subdivision Regulations. The internal roadways shall be maintained by the developer/owner and will not be maintained by the City of Boaz. The following note shall be placed on the Final Site Plan:***

***The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the developer/owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by the City of Boaz. If individual lots, sites, units, etc. are to be sold, transferred, or leased, the developer/owner shall be required to meet the current City of Boaz Subdivision Regulations in effect at that time, and the property shall be brought into compliance with those Regulations prior to such sale, transfer, or lease or attempted sale, transfer, or lease.***

- (d) Stormwater Management. Mobile Home Parks shall meet the stormwater requirements of the City of Boaz Subdivision Regulations.***
- (e) Utilities. Utilities shall be provided for the proposed development and shall be adequate for the number of sites/units. The applicant shall provide proof from the appropriate utility companies and/or Health Department that the proposed utilities are adequate for the development.***
- (f) Setbacks. Mobile Home Parks located in the City of Boaz shall meet the following setbacks:***
  - 1. Mobile home sites/units shall be located a minimum of thirty (30) feet from any exterior property line or jurisdictional wetland.***
  - 2. Structures constructed or located on mobile home sites/units must be separated from each other by at least ten (10) feet.***
- (g) Minimum Lot Size. The minimum lot size for a mobile home park shall be five (5) acres.***

Motion made to open the Public Hearing at 6:22 P.M. by Wallace, Seconded by Borden. The motion passed by unanimous voice vote.

Chairman Bates asked if anyone would like to speak in favor of the amendments to the Boaz Subdivision Regulations. There was no response.

Chairman Bates asked if anyone would like to speak against the amendments to the Boaz Subdivision Regulations. There was no response.

Motion made to close the Public Hearing at 6:24 P.M. by Wallace, Seconded by Borden. The motion passed by unanimous voice vote.

## VII. New Business

1. Motion to send recommendation to the Boaz City Council concerning an amendment of the Boaz Zoning Ordinance and Zoning Map of the City of Boaz to rezone the properties along Sunview Place from R-6 Manufactured Housing District to R-2 Medium Density Detached Residential District.

Motion to approve made by Brannon, Seconded by Borden. The motion passed by unanimous voice vote.

2. Motion to amend the Subdivision Regulations by correcting the numerical layout as well as adding additional language pertaining to subdivisions as follows:

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**7.02.02. The city retains the right to seek an injunction against any person who fails to comply with these Regulations as provided in Code of Ala. 1975, § 11-24-3(b), and may bring action against any person to compel compliance with these Regulations in the event that work on the subdivision has been completed in violation of these Regulations and the requirements of Code of Ala. 1975, § 11-24-1 et seq.**

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**(b) Access. Mobile Home Parks shall have direct access to a paved County, City, State, or Federal highway or roadway. A traffic study shall be performed upon planning commission request or as required by the building official.**

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***property shall be brought into compliance with those Regulations prior to such sale, transfer, or lease or attempted sale, transfer, or lease.***

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***Minimum Lot Size. The minimum lot size for a mobile home park shall be five (5) acres***

Motion to approve made by Borden, Seconded by Wallace. The motion passed by unanimous voice vote.

#### VIII. Public Comments

Mr. Mejia asked if they would receive another notice and where the next public hearing would be. City Attorney Christie Knowles explained the Planning Commission would send a recommendation to the Boaz City Council. The Boaz City Council will consider the recommendation at the October 28th Council Meeting at the Boaz Senior Center.

#### IX. Adjourn

The meeting adjourned at 6:27 P.M.

Motion made by Wallace, Seconded by Borden. The motion passed by unanimous voice vote.

**Minutes prepared by City Clerk/Treasurer Beth Stephens.**