

APPENDIX A - ZONING<sup>[1]</sup>

## ARTICLE I. - PURPOSE AND ENACTMENT

## 1.1 - PURPOSE.

The City of Robertsdale, Alabama, pursuant to the authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama, 1975 and 1986 Cumulative Supplement, in order to promote the health, safety, convenience, order, prosperity and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, and parks, to facilitate initiation of the comprehensive plan, and other public requirements, hereby ordains and enacts into law an official land use and development ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this ordinance shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

## 1.2 - ENACTMENT.

An ordinance of the City of Robertsdale, Alabama, establishing rules and regulations for zoning, platting, and subdividing land which rules and regulations define the legal authority; classify land; establish zoning districts and district requirements; prescribe procedures for plat approval; set standards and specifications for streets, utilities, and other public improvements in subdivisions; and, prescribe methods for enforcement, exceptions and amendments.

## 1.3 - TITLE.

This ordinance shall be known and may be cited as the "Land Use and Development Ordinance" for the City of Robertsdale, Alabama.

## ARTICLE II. - LEGAL STATUS

## 2.1 - AUTHORITY.

The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.

- A. *Zoning*. Zoning authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1 and 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.
- B. *Subdivisions*. Subdivision authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1, 2 and 3 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.

## 2.2 - JURISDICTION.

- A. *Zoning*. This ordinance shall be in force and effect for zoning purposes within the corporate limits of the City of Robertsdale as presently or hereinafter established.
- B. *Subdivision*. This ordinance shall be in force and effect for the subdivision of all land which is situated inside the corporate limits of the City of Robertsdale as presently or hereinafter established, as well as of all land lying within the planning jurisdiction of the City of Robertsdale as presently or hereinafter established.

## 2.3 - CONFLICT WITH OTHER LAWS.

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

## 2.4 - VALIDITY.

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

## 2.5 - REPEAL OF REGULATIONS AND ORDINANCES.

This is a comprehensive enactment of a zoning ordinances and subdivision regulations for the City of Robertsdale and all prior-zoning ordinances and subdivision regulations are hereby superceded and repealed.

## 2.6 - DISCLAIMER OF LIABILITY.

These regulations shall not create liability on the part of the City of Robertsdale, the Robertsdale Planning Commission or any officer or employee thereof for any damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## 2.7 - EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after the date of its adoption by the Robertsdale City Council.

## ARTICLE III. - OFFICIAL PLANS AND MAPS

### 3.1 - [IMPLEMENTATION].

This ordinance shall be implemented in support of the Robertsdale Comprehensive Plan. Copies of this plan are filed in the office of the city clerk.

### 3.2 - [FUTURE LAND USE MAP].

The future land use map contained in the comprehensive plan shall serve as a guide for the future development of Robertsdale. To the extent practical, it shall be followed in the administration of this ordinance.

### 3.3 - [OFFICIAL ZONING DISTRICT MAP].

The official zoning district map shall be signed by the mayor and attested by the city clerk, it shall be filed in the office of the city clerk.

### 3.4 - [AMENDMENTS TO OFFICIAL ZONING MAP].

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed on the official zoning map, changes shall be made on the map promptly after the amendment has been approved by the city council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance, and subject to penalties as prescribed under Article 13.6 [sic].

### 3.5 - [REGISTRY].

The zoning enforcement officer shall maintain a file or registry of properties rezoned, variances granted and subdivisions approved under the authority of this ordinance together with all pertinent requirements and/or conditions thereto.

#### ARTICLE IV. - ADOPTION

##### 4.1 - [ADOPTION DATE; SIGNATURES].

This ordinance was adopted by the City of Robertsdale, Alabama, on the 23<sup>rd</sup> day of September, 2002.

/s/ Charles H. Murphy  
MAYOR

/s/ Jackie K. Lipscomb  
CITY CLERK

##### 4.2 - [CERTIFICATION].

I, Jackie K. Lipscomb, city clerk of the City of Robertsdale, Alabama, certify that the document described herein, identified as the "Land Use and Development Ordinance" for the City of Robertsdale, Alabama, is a true and correct copy of the ordinance number 02-10, adopted by the City of Robertsdale, this 23<sup>rd</sup> day of September, 2002.

##### 4.3 - [CITY SEAL].

Seal of the City of Robertsdale.

#### ARTICLE V. - PROCEDURES FOR THE TRANSACTION OF BUSINESS

##### 5.1 - IMPLEMENTING AUTHORITY.

The Robertsdale Planning Commission shall be the implementing authority for this ordinance, except that, where required by law, action of the Robertsdale City Council or the zoning board of adjustment is necessary. Such deliberative action of the council or the zoning board of adjustment shall take place after due consideration of recommendations made to it by the planning commission.

##### 5.2 - PUBLIC HEARINGS.

When the planning commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. When the city council or the zoning board of adjustment must hold a public hearing on any matter recommended by the planning commission, the planning commission may dispense with a separate hearing and submit its recommendation to the appropriate body. The public notice of such hearing by the city council or the board of adjustment may be published or posted, as required by law, by the city clerk immediately upon receipt of the recommendation from the planning commission and consultation with the mayor or chairman of the board of adjustment regarding the date and time of said hearing.

### 5.3 - RULES.

"Robert's Rules of Order" shall generally govern the order of business and conduct of meetings of the planning commission or any committee of said commission.

### 5.4 - MEETINGS.

- A. The planning commission shall hold at least one regular scheduled meeting per month. The planning commission shall determine the date, time, and place of such meeting.
- B. Special meetings of the planning commission and/or the zoning board of adjustment may be called by the chairman upon the giving notice of such meetings as required by law.

### 5.5 - AGENDA.

The commission secretary for each regular and/or special meeting of the planning commission or the zoning board of adjustment shall prepare an agenda for each meeting.