



REZONING F.A.Q.S

Frequently Asked Questions Regarding Zoning

How can I submit my application?

Please submit the request in writing to our office at:

Department of Community Development

Regular Mail:	Hand-delivery or Express Mail
P.O. Box 400	1705 Main Street
Daphne, AL 36526	Daphne, AL 36526

Do I need to provide a transmittal letter and if I do, what should be included?

A transmittal letter should be provided. The letter needs to include the property address, the current zoning of the property, what you want to rezone the property to and the proposed use.

Am I required to submit all supplemental material?

The application should be complete and ALL supplemental information should be provided.

How long does the process take?

Rezoning process takes approximately four (4) months. See page 2 more info

What happens to my application after the Planning Commission makes a decision on the matter?

There will be a public hearing before the Planning Commission. Once a recommendation is made, it will be scheduled for a public hearing before the City Council. Council has the final authority to approve or deny a rezoning request.

What is a reversionary clause and how does it work?

Some rezoning applications are subject to the reversionary clause of Article 22 of the Land Use & Development Ordinance. Intended use must be established or construction initiated for such use within a prescribed time frame or zoning will revert back to initial zoning designation. An acknowledgement page is provided with the rezoning application and must be signed and submitted with the application for rezoning.

Who can help me with this process?

If you have any questions regarding the process, please call and talk with someone in our office at (251) 621-3184.

Should I use this form to pre-zone property?

Yes, this form should be used if the property is subject to annexation wherein the preferred zoning for the site is a district other than R-1 (Low Density Single Family Residential).

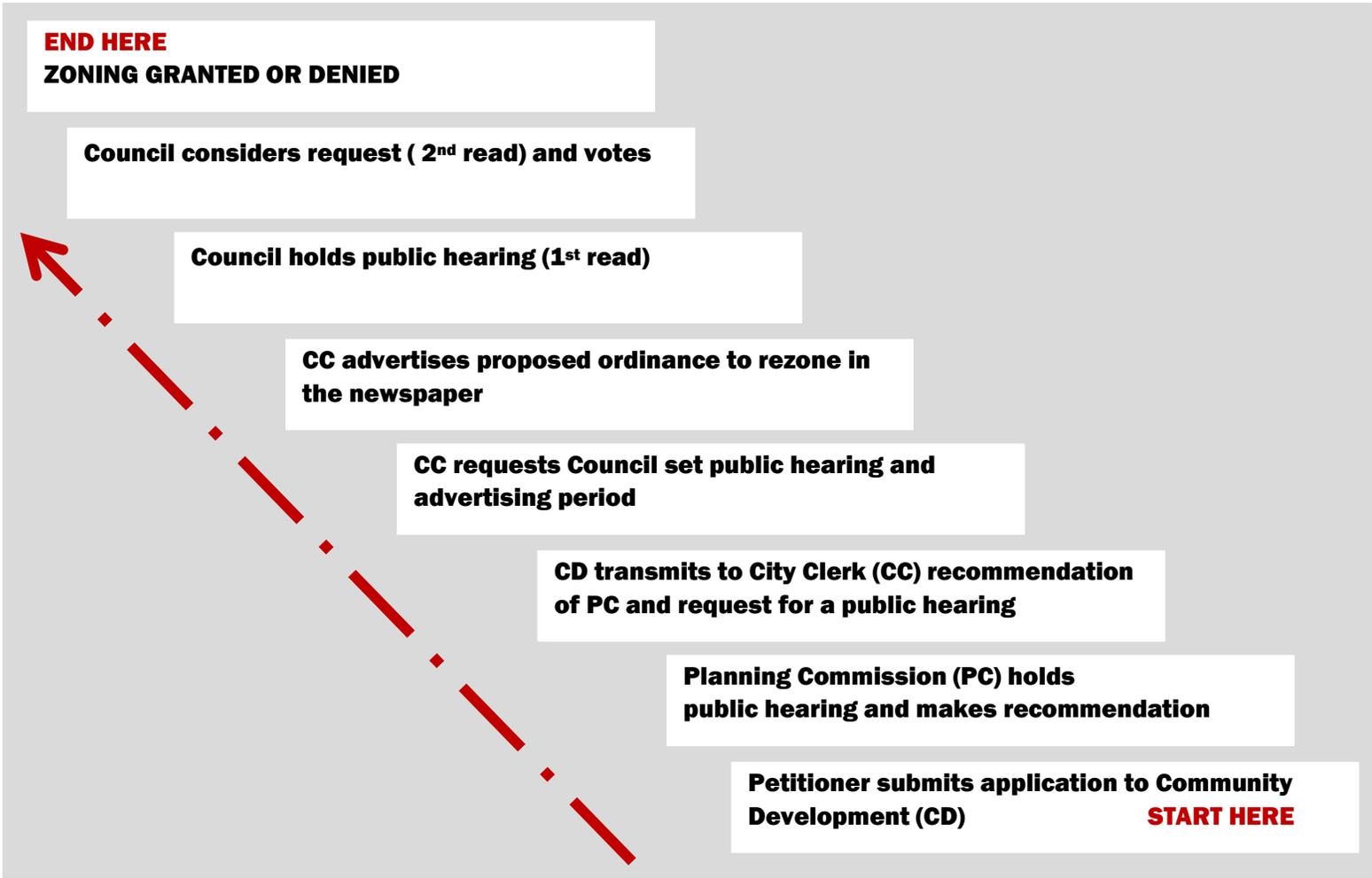
If my request is not approved, can I get a refund?

Fees are non-refundable except when the request is withdrawn prior to the Planning Commission's public hearing.

Do I have to attend any meetings?

Yes, you or your authorized agent must attend a Site Preview meeting and each public hearing.

THE REZONING PROCESS



The typical process is shown here but deviations may occur on a case-by-case basis.

THE REZONING PROCESS

FROM LAND USE & DEVELOPMENT ORDINANCE 2011-54, ARTICLE XXII ZONING AMENDMENT

22-1 PROCEDURE

The City Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established, proposals for zoning amendments, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation, shall be treated in accordance with the following procedure:

- (a) An **application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) calendar days prior to the regularly scheduled meeting** and must be accompanied by a complete site plan of the proposed use, an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property. Such site plan shall include the existing land use and zoning of the adjacent and surrounding properties.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting and said **Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council**. If the Commission fails to submit a recommendation to the City Council within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.
- (c) Before the enactment of any amendment to this Ordinance, **a public hearing thereon shall be held by the City Council with proper notice as required by law**.
- (d) Said notice shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) calendar days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) calendar days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time and place of said hearing.
- (e) Said public hearing shall be held at the earliest possible time to consider the proposed zoning amendment, and the **City Council shall take action on said proposed zoning amendment within forty-five (45) calendar days from the date of the public hearing, except in the case where the action of the City Council is not in accordance with the Planning Commission's certified recommendation**.

THE REZONING PROCESS

- (f) In such case, **the City Council shall not make any change or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure is first resubmitted to the Commission for an additional review and further recommendation. The Planning Commission shall have thirty (30) calendar days to resubmit its recommendation to the City Council.**
- (g) Any **petition for zoning amendment may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner**, authorized representative, firm, or corporation **initiating such a request upon written notice** to the Department of Community Development or the City Clerk, whichever is applicable.
- (h) **A property owner, or his authorized representative, shall not initiate action for the same zoning designation affecting the same parcel of land more often than once every twelve (12) months from the date of the action taken by the City Council.** The initiation date shall be at such time consideration is given by the Planning Commission.

22-2 REVERSIONARY CLAUSE

(a) General:

- (1) Any parcel or parcels of land zoned or rezoned under the amendment authority of this Ordinance shall revert back to the prior zoning classification after the prescribed time period provided in *Section (b) Time Limits* from the date of City Council approval if one of the following has not occurred on site:
 - a. installation of water mains and connections as shown on approved subdivision or site development plans approved by the Planning Commission; or
 - b. installation of sanitary sewers and laterals as shown on approved subdivision or site development plans approved by the Planning Commission; or
 - c. installation of storm sewers, drainage facilities, and drainage structures as shown on approved subdivision or site development plans approved by the Planning Commission.
- (2) If the development is to be constructed in stages, one of the above-listed installations shall occur in the first phase of development to preclude reversion of the entire property to the previous zoning classification.

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(3) The Planning Commission, upon recommendation of the Director of Community Development, shall recommend to the City Council the reversion period as prescribed below.

(b) Time Limits:

Any recommendation other than as provided below shall be accompanied by a justification thereof. The justification shall be clearly stated in the public hearing and shall be made part of the motion to approve the property's zoning.

TIME LIMITS

ZONING DISTRICT	2 years	3 years
Single family residential districts	Up to five (5) acres	Over five (5) acres
Multi-family residential-apartment, town house or condominium	Up to one hundred-fifty (150) units	Over one hundred fifty-one (150) units
B-1, B-2, B-3, MU or C/I district	Up to three (3) acres	Over three (3) acres

(c) Administration:

(1) Inspection:

The Director of Community Development shall inspect the site to determine whether development has occurred sixty (60) calendar days prior to the reversion of any property. The Department of Community Development shall notify the property owner as listed in the Baldwin County Tax record (if different from original owner) of an upcoming public hearing regarding reversion of the zoning. Notice shall be provided via certified mail.

(2) Fees:

Extension of reversionary period	\$500.00
Advertisement fee	\$25.00
Notice to the Public	United States Postal Cost for Certified Mail

THE REZONING PROCESS

(3) Enforcement and Records:

The Department of Community Development shall maintain files and records to monitor reversion periods.

(4) Penalty:

Failure to request an extension of the reversion period shall result in the re-establishment of the previous zoning of the property.

(5) Zoning Map Disclaimer:

All rezoning or zoning amendment approved after the date of this Ordinance shall be subject to a reversionary period. Please contact the Department of Community Development to verify zoning.

(6) For City Council Ordinance:

A note shall be added to all zoning ordinances:

“This zoning classification is subject to a (fill in the blank) year reversionary clause. (Fill in the blank) years from the date this ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Land Use and Development Ordinance.”

(7) Repeal of Ordinance by which Zoning was Established:

Upon expiration of the reversionary period and upon recommendation of the Director of Community Development, the Planning Commission shall forward a recommendation to City Council to repeal the applicable ordinance by which said rezoning was established and to revert said property back to its original zoning classification. Zoning shall remain in place until such time as City Council repeals applicable ordinance. Established procedures for public notice and public hearing for zoning and rezoning shall apply as established in *Article 22, Section 22-1, entitled Procedures subsection (c, d, e)* provided herein.

22-3 FEES

An application to the Planning Commission for rezoning shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.