

Chapter 64 Unified Development Code

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DRAFT – FOR DISCUSSION ONLY (1/11/19)

Article XI Legal Provisions



Purpose: *This Article establishes basic requirements for the legal application of this Chapter.*

Sec. 64-180 Minimum Requirements

This chapter shall be interpreted and applied to be the minimum requirements to promote the public health, safety and general welfare.

Sec. 64-181 Relationship to Other Provisions of Municipal Code

A. Stricter Standards in this Chapter

If this chapter requires a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, chapter or regulation, the provisions of this chapter govern. This section does not apply to the extent that an Alabama or federal statute preempts local regulation.

B. Stricter Standards in Other Statutes, Ordinances or Regulations

If another applicable statute, ordinance, or regulation requires a higher standard than a provision of this chapter, the other applicable statute, chapter or regulation governs.

Sec. 64-182 Private Restrictions

A. Stricter Provisions Apply

This Chapter does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls. Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions.

B. Enforcement

The City does not enforce private restrictions.

Sec. 64-183 Severability

The requirements and provisions of this chapter are severable. If any section or part of this Chapter is declared by any court of competent jurisdiction to be unconstitutional or invalid, the court's decision does not affect the validity of the chapter as a whole or any section or part of this Chapter other than the section or part declared unconstitutional or invalid.

Sec. 64-184 Repeal of Existing Ordinance

The zoning ordinance of the City of Mobile adopted by Ordinance No. 80-030 on the 4-2-68 the second day of April, 1968, and all amendments thereto are hereby repealed, effective the ____ day of _____, 2019.

Sec. 64-185 Effective Date

This Chapter shall take effect on the ____ day of _____, 2019.

Article XI Legal Provisions |Sec. 64-186 To

Sec. 64-186 To

Sec. 64-190 Reserved.