

HOW TO ADOPT AMENDMENTS TO THE ZONING ORDINANCE OR ZONING MAP

Changes in zoning are either requested or required from time to time. Changes to the zoning regulations can take place in the form of zoning text amendments or zoning map changes. Text amendments allow the zoning regulations to change without necessitating a complete overhaul of the full Zoning Ordinance. On the other hand, property owners, others with a proprietary interest in land, or the City Council can request changes to the zoning designation of a particular parcel or parcels of land. This requires an amendment to the Zoning Map.

The Code of Alabama is clear on the procedure to be followed by a municipality in adopting its zoning ordinance. This same procedure is also followed for amendments to the zoning ordinance. The Alabama Code of Law sections governing amendments to zoning ordinances are Sections 11-52-77 and 11-52-78, yet they do not specify the type or the amount of public notice required for the Planning Commission hearing. The hearing would be subject to the Open Meetings Act, so the notice must comply with the requirements in that act.

Planning and Zoning Commission key actions regarding zoning text amendments:

- Review the proposed text amendment to the Zoning Ordinance. Schedule a public hearing at a regularly scheduled Planning and Zoning Commission meeting date.
- Post a notice of public hearing before the Planning and Zoning Commission. Post the public hearing date/time/location along with a copy of the proposed text amendment to the Zoning Ordinance. Post in four conspicuous places within the City limits at least 15 days prior to the public hearing date.
- Hold the public hearing and make a recommendation to the City Council. The recommendation of the Commission shall be advisory only and shall not be binding on the City Council. The Commission may recommend approval or denial, and shall be provided in writing to the Council.

City Council key actions regarding zoning text amendments:

- Preparation of ordinance. An ordinance shall be prepared with the proposed text amendments to the Zoning Ordinance.
- Post a notice of public hearing before the City Council. Post the public hearing date/time/location along with a copy of the entire proposed ordinance. Post in four conspicuous places within the City limits at least fifteen (15) days prior to the public hearing date. The public notice should state the time and place that the ordinance is to be considered by the City Council and should further state that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.
- Hold the public hearing on the proposed ordinance and take a vote to adopt the ordinance or not. Adoption shall be upon the majority vote of the Council members, and the ordinance will take place five days after a “notice of adoption” has been published by the City Clerk.

Important public notice requirement regarding property rezoning petitions:

- Note that pursuant to the requirements of Act Number 1123 of the Regular Session of the 1973 Alabama Legislature, any municipality in Jefferson County, Alabama shall give written notice a minimum of 15 days prior to the proposed date of the rezoning hearing before the Planning and Zoning Commission AND before the City Council public hearing, to all property owners located in whole or in part within 500 feet from the boundaries of the property considered for rezoning (as shown by the records of the office of the tax assessor of Jefferson County, Alabama). In addition, an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public of the property considered for rezoning.