

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE TOWN OF ELBERTA, ALABAMA, TO PROTECT THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PEOPLE RELATING TO ZONING REGULATIONS, AND DECLARING A MORATORIUM ON THE FILING OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS AND APPLICATIONS FOR ANNEXATION

WHEREAS the Town of Elberta has adopted Subdivision Regulations and a Zoning Ordinance that regulates the subdivision of land; the development of commercial and multiple occupancy projects, and the zoning of properties within the Town limits, as set forth in Alabama Code § 11-52-30, *et seq.*;

WHEREAS there has been rapid and substantial growth in and around the Town of Elberta;

WHEREAS the Town Council desires that the Town and the Planning Commission address certain challenges created by the growth with a strategic and deliberate focus on orderly land development;

WHEREAS the Town is in the process of taking steps to address the rapid and substantial growth, including consideration of amendments to the existing PUD Zoning regulations;

WHEREAS the Town Council believes a moratorium on PUD applications and annexations with pre-zoning for PUD designation will allow the Town staff and Planning Commission to evaluate and focus on these specific steps to address the identified challenges;

WHEREAS, there are no pending applications for PUD designation and no pending annexation requests for pre-zoning for PUD designation;

WHEREAS the Town Council has determined that the adoption of an immediate moratorium is appropriate to prevent conditions that may threaten the community's health, safety, and welfare; and

WHEREAS placing a moratorium of limited duration and limited scope would be in the public interest and promote orderly land development.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNSEL OF THE TOWN OF ELBERTA, ALABAMA, AS FOLLOWS:

Section 1. Moratorium Established. Except as hereafter set forth, a moratorium is imposed upon the acceptance and consideration of all PUD application requests and all applications for annexation where pre-zoning for a PUD is requested.


Section 2. No Pending Applications. There are no pending applications for PUD designation, and therefore no application will be affected by this Ordinance.

Section 3. Other Applications Not Affected. This Ordinance is limited to applications for PUD designations or applications for annexation where PUD designation is requested in connection with the annexation. No other applications for zoning requests or subdivision requests shall be affected by this Ordinance.

Section 4. Effective Period. This Ordinance is temporary in nature, and shall be effective from its date of passage by the Town Council and for a period of six (6) months thereafter. Following the expiration of six (6) months from its passage, this Ordinance shall expire without further action of the Town Council, unless it is extended by express action of the Town Council.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**ADOPTED BY THE TOWN COUNCIL AT A REGULAR
MEETING ON AUGUST 15, 2023.**



JIM HAMBY, MAYOR

ATTEST:



CARYN WOERNER, TOWN CLERK