

**ARTICLE 13
LEGAL STATUS AND OTHER PROVISIONS**

- 13.01 INTERPRETATION**
 - 13.02 EFFECT UPON OUTSTANDING BUILDING PERMIT**
 - 13.03 TRANSITION FORMAT**
 - 13.04 SEVARABILITY AND VALIDITY**
 - 13.05 REPEALED RESOLUTIONS AND ORDINANCE**
 - 13.06 EFFECTIVE DATE**
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13.01 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Ordinance shall control. If because of error or omission in the zoning maps, any property in the Municipality is not shown as being in a zoning district, the classification of such property shall be RS-1 unless changed by amendment to the zoning map or by subsequent Zoning Ordinances.

13.02 EFFECT UPON OUTSTANDING BUILDING PERMIT

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit had been granted by the Municipality before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days the permit issued will expire unless such permit expires otherwise by its terms.

13.03 TRANSITION FORMAT

All applications and appeals pending before the Board of Adjustment, Planning Commission or Municipal Council at the time of the enactment of this Ordinance shall be processed in accord with the substantive zoning regulations in effect prior to the adoption of this Ordinance, but shall be subject to the procedural requirements of this Ordinance where appropriate in the discretion of the Board of Adjustment, the Planning Commission or the Municipal Council.

13.04 SEVARABILITY AND VALIDITY

Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, section or provision of this Ordinance. Should any phrase, sentence, paragraph, section or other 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.

13.05 REPEALED RESOLUTIONS AND ORDINANCES

This is a comprehensive Zoning Ordinance and all prior Zoning Ordinances are hereby superseded and repealed. However, variances or exceptions legally granted under prior Zoning Ordinances remain in force and effect.

13.0501 Conflict with Subdivision Regulations

If any item in the "Subdivision Regulations of the Municipality of Orange Beach, Alabama", are in conflict with this Zoning Ordinance of the Municipality of Orange Beach, Alabama, the requirements of this Zoning Ordinance supersede the "Subdivision Regulations".

13.06 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption.

ADOPTED on the 22nd day of April, 1991.

ATTEST:

L. Scott Johnson
Municipal Clerk