

Bond Case Briefs

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ZONING - ALABAMA

City of Alabaster v. Shelby Land Partners, LLC

Supreme Court of Alabama - January 24, 2014 - So.3d - 2014 WL 272334

Property owners brought action seeking relief from city's denial of request to rezone property to allow for development of apartment complex. The Circuit Court granted owners summary judgment. City appealed.

The Supreme Court of Alabama held that:

- Zoning ordinance, which placed property within a community business district that permitted only commercial uses, was reasonable and substantially related to the general welfare of the community, and
- City's decision to deny the property owner's application to rezone a portion of the city's largest commercial area for multifamily residential use was not arbitrary or capricious.

Zoning ordinance, which was adopted as part of redevelopment plan and placed property within a community business district that permitted only commercial uses, was reasonable and substantially related to the general welfare of the community. Plan approved by city provided that a purpose of the redevelopment project was to increase employment opportunities, promote a diversified economy and expand the city's tax base, and as such, it was determined that the entire project area was best suited for general business district development.