



*A Grand City on a* CHARMING SCALE

Planning Department

MEMORANDUM

DATE: December 6, 2012  
TO: Stacy Gilley, City Clerk *S*  
Cc: Herman Marks, City Attorney  
FROM: Karen J. Smith, City Planner *KJS*  
SUBJECT: Agenda Items for City Council

Please place the following items on the agenda for the City Council meeting, scheduled for January 07, 2013.

Let us know if you have any questions.

Thank You

1. Rezoning 1265-12  
(Phillip Trivitt)

(Recommend Approval)



*A Grand City* on a **CHARMING SCALE**

**Planning Department**

December 6, 2012

Honorable Mayor and City Council  
City of Decatur  
P.O. Box 488  
Decatur, AL 35602

RE: Rezoning Request 1265-12

Gentlemen:

At the November 20, 2012 meeting of the Decatur City Planning Commission, action was taken recommending to the City Council that they **approve** the attached ordinance pertaining to rezoning request 1265-12 as an amendment to the Zoning Ordinance of the City of Decatur, Alabama. The request is to rezone a parcel of land from an R-5, Single Family Patio Home Residential District, to a R-1E, Residential Estate District. The property is located south of Chapel Hill Rd. SW and east of South Chapel Hill Rd. SW.

If you have any questions concerning this request, please contact the City Planning Department.

Very truly yours,

DECATUR CITY PLANNING COMMISSION

Karen J. Smith, Planner  
For Gil Aldrich, Chairman

Cc: Herman Marks, City Attorney

ORDINANCE NO. 13-4136

BE IT ORDAINED by the City Council of the City of Decatur, in the State of Alabama, as follows:

Section 1. That the district boundaries of the City of Decatur Official Zoning Map, heretofore adopted by Section 27-1, Code of Decatur, Alabama, 1956, now Section 25-1, Code of Decatur, Alabama, as thereafter amended, are further amended, changed and modified as follows:

**Rezoning Request No. 1265-12**

The property being considered for rezoning is located south of Chapel Hill Rd. SW and east of South Chapel Hill Rd. SW.

Beginning at the N.W. corner of Section 14, T-6-S, R-5-W which is the true point of beginning; thence N 88° 42' E along the North boundary of said Section 14 a distance of 1341.2 feet to an iron pin at the NE corner of the NW ¼ of NW ¼ of said Section 14; thence S 1°29' E along the East boundary of the NW ¼ of NW ¼ of Section 14 a distance of 429.2 feet to an iron pin; thence S 88° 42' W a distance of 1309.3 feet to an iron pin which is on the East R.O.W. line of a road and also being 30 feet East of the West boundary of said Section 14; thence N 1° 44' 30" W along the East R.O.W. line of the road a distance of 38.7 feet to an iron pin, which is also 30 feet East of the West boundary of said Section 14; thence along the Eastern R.O.W. line of the road which terminate in a cul-de-sac with a radius of 50 feet – N 20° 10' 30" W a long cord distance of 94.87 feet to a point on the West boundary of said Section 14; thence N 1° 44' 30" W along the West boundary of Section 14 a distance of 300.5 feet to the true point of beginning; All of the above described Tract "A" lying in the NW ¼ of NW ¼, Section 14, T-6-S, R-5-W, Morgan County, Alabama, and containing 13.094 acres, more or less, which area is now shown and classified on said map as being in an R-5, Single-Family Patio Home Residential District, and shall be shown and classified on said map as being in an R-1E, Residential Estate District, subject to all rules, regulations and requirements therefore set forth in Section 25-11, Code of Decatur Alabama, and other provisions applicable therefore.

Section 2. This Ordinance shall take effect and be in force from and after the date of its adoption and publication as required by law.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Gary Hammon, President  
Decatur City Council

Authenticated:

Stacy Gilley

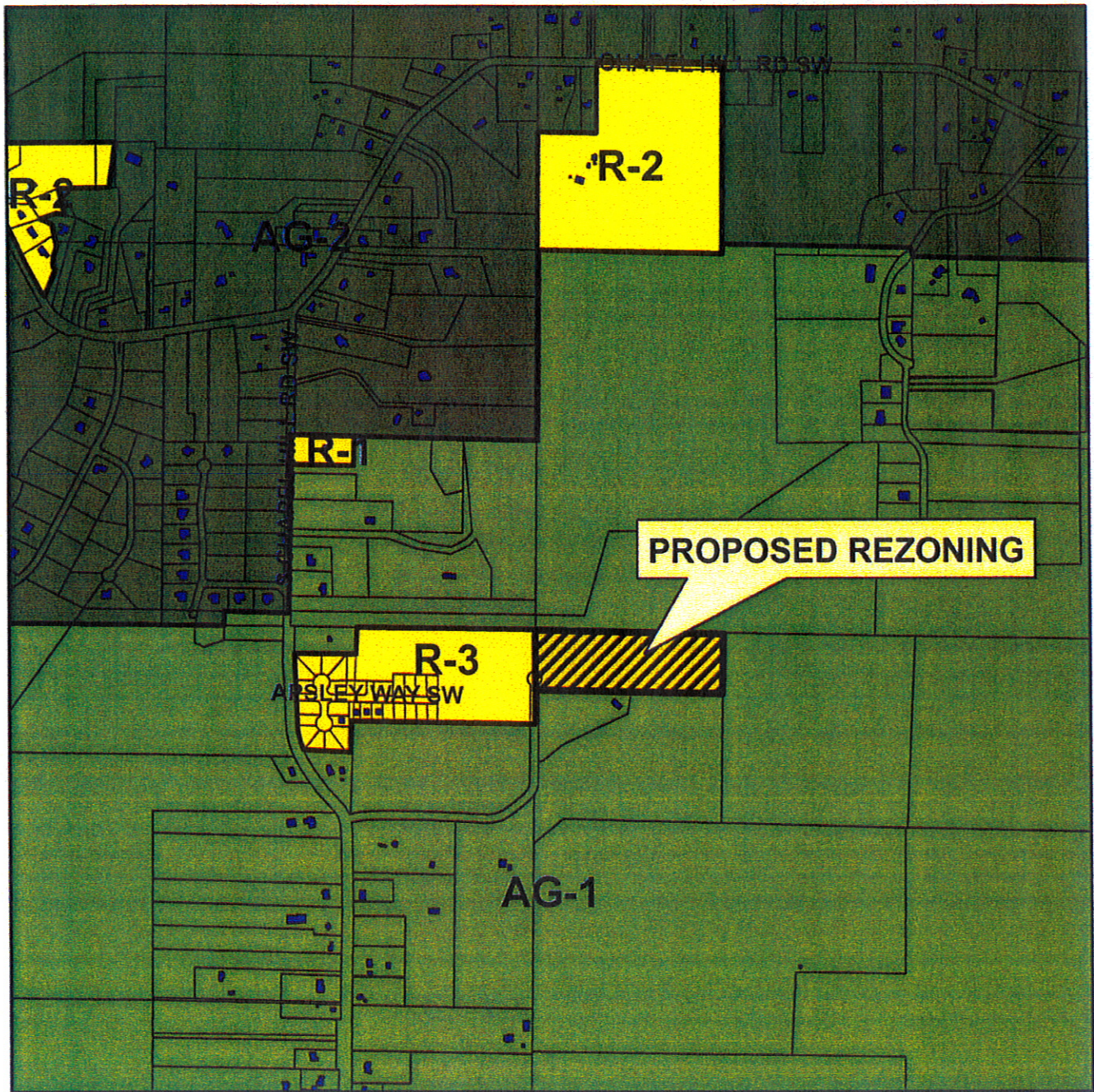
APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Don Kyle, Mayor



# REZONING REQUEST NO. 1265-12 FROM R-5 TO R-1E 13.09 ACRES



## Legend

-  bldg
-  Ownership



SUBJECT PROPERTY

## LOCATION MAP

PREPARED BY THE CITY OF DECATUR  
PLANNING DEPARTMENT

APPLICANT : P AND C REAL ESTATE DEVELOPMENT , LLC



DRAWING NOT TO SCALE

**PROPERTY ZONED R-5**

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. This map is provided without warranty of any kind, either expressed or implied.



## COMPARE R2 TO R1E

SECTION	R5	R1E
USES PERMITTED	<p><b>District Requirement</b></p> <p>R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p> <p><b>From R5 Section</b></p> <p>There is hereby created an R-5 Residential District (single-family patio home) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-5 Districts shall allow single-family patio home residences subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, and further subject to the following requirements and conditions:</p> <p>(1) General Requirements:</p> <p>(a) Each dwelling unit shall be constructed on its own lot.</p> <p>(b) No dwelling or lot within a R-5 District shall have vehicle access to an existing major thoroughfare (e.g., "collector street" or higher classified street) as defined by the zoning ordinance or comprehensive plan, or a major thoroughfare as defined by future plans adopted by the planning commission of the City of Decatur.</p> <p>(c) There shall be a minimum separation of thirteen (13) feet between structures on separate lots.</p> <p>(d) All building setback lines shall be indicated on the preliminary and final plats.</p> <p>(e) Perimeter setbacks:</p> <p>1. Reserved.</p> <p>2. Where R-5 lots adjoin (in any manner or configuration) a major thoroughfare (e.g. collector street or higher classification), then an additional twenty-foot setback shall be added to those setback requirements set forth herein below in subsections (2)(d) through (2)(f), of this section and shall be measured from the lot line.</p>	<p>There is hereby created an R-1E Residential Estate District (large lot open space district) for those areas so designated by this chapter and the zoning map of the city, which R-1E districts shall allow single-family large lot or estate residences subject to use regulations common to all "R" zoning districts as set forth in section 25-10, and further subject to the following requirements and conditions.</p> <p>(1) Purpose. The R-1E district is intended to provide areas for single-family development in an open space setting or where topography, utility capacities and/or natural amenities limit the use of the land. Provisions are made for those uses necessary and incidental to single-family living.</p> <p>(2) Permitted uses. In addition to those uses permitted in section 25-10 the following uses shall be permitted:</p> <p>a. Church and parsonage.</p> <p>b. Horses shall be permitted on lots of five (5) acres or more at a rate of two for the first five (5) acres, and one (1) for each additional acre thereafter.</p> <p>c. Accessory buildings and uses including stables, corrals, barns, private garages, tack rooms, hay barns, a guest house with no kitchen facilities, and other buildings and uses customarily appurtenant to a permitted use.</p>

## COMPARE R2 TO R1E

SECTION	R5	R1E
USES PERMITTED ON APPEAL	<p><b>Residential District Requirements</b></p> <p>These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.</p>	<p><b>From R1E Section</b></p> <p>(3) Uses permitted on appeal. In addition to those uses permitted on appeal in section 25-10 a barn shall be permitted on appeal on tracts of five (5) acres or more where a residential structure is planned.</p> <p><b>Residential District Requirements</b></p> <p>These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.</p>
USES PROHIBITED	<p><b>From R5 Section</b></p> <p>Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited</p> <p><b>From Residential District Requirements</b></p> <p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted</p>	<p><b>From R1E Section</b></p> <p>(5) Uses prohibited. Any use not permitted or permitted on appeal, is prohibited.</p> <p><b>Residential District Requirements</b></p> <p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted</p>

## COMPARE R2 TO R1E

SECTION	R5	R1E
MINIMUM LOT SIZE	<b>From R5 Section</b>  (2) Specific requirements: (a) Minimum lot area: Five thousand (5,000) square feet.	<b>From R1E Section</b>  (4) Area, yard and bulk requirements. a. Minimum lot area--One (1) acre, or five (5) acres if horses are to be kept.
MINIMUM YARD SIZE	<b>From R5 Section</b>  c) Minimum lot width at building line: Forty (40) feet. (d) Minimum front yard setback (also see perimeter setbacks) (1)(e): Twenty (20) feet. (e) Minimum rear yard setback (also see perimeter setbacks) (1)(e): Twenty (20) feet. (f) Minimum side yard setbacks (also see perimeter setbacks) (1)(e): Five (5) feet one side, eight (8) feet the other. (i) Maximum density: Seven (7) dwelling units per gross acre. prohibited Off-street parking spaces per unit:	<b>From R1E Section</b>  b. Minimum width front building line--One hundred fifty (150) feet. c. Minimum front yard setback--Fifty (50) feet. d. Minimum rear yard setback--Sixty (60) feet. e. Minimum side yard setback--Twenty-five (25) feet.  j. Barns or other buildings to house horses or the feed for horses shall be setback seventy-five (75) feet from any property line.
MAXIMUM BUILDING AREA	(b) Maximum building area: None Specified.	<b>From R1E Section</b>
MAXIMUM HEIGHT	<b>From R5 Section</b>  (g) Maximum building height: Thirty-five (35) feet.	<b>From R1E Section</b>  f. Maximum height--Fifty (50) feet. g. Maximum stories--Two and a half (2 1/2). h. Maximum coverage--None specified.
OFF STREET PARKING	<b>From R5 Section</b>  (h) Off-street parking: Two (2) spaces per dwelling unit.	<b>From R1E Section</b>  i. Off-street parking--Two (2) spaces per dwelling unit.
OFF STREET LOADING AND UNLOADING	<b>From R5 Section</b>  <i>Off-Street Loading:</i> Shall provide space for loading and unloading on the property site.	<b>From R1E Section</b>