



*A Grand City on a* CHARMING SCALE

Community Planning & Development

MEMORANDUM

DATE: December 19, 2012  
TO: Stacy Gilley  
Cc: Herman Marks, City Attorney  
FROM: Karen Smith *H. Pearson for*  
SUBJECT: Agenda Items for City Council

Please place the following items on the agenda for the City Council meeting, scheduled for January 7, 2013.

Let us know if you have any questions.

Thank You

1. **Rezoning Request 1266-12**  
(Berval and Sandra Bennett)

(Recommend Denial)

2. **Rezoning Request 1267-12**
  - a. (Vulcan Holding)

(Recommended Approval)



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

**Planning Department**

December 19, 2012

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

RE: Rezoning Request 1267-12

Gentlemen:

At the December 18, 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 1267-12 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-2, Single-Family Residential District, to a B-1, Business District. The property is located at the northwest corner of Danville Rd. SW and 8<sup>th</sup> St. SW in an R-2, Single Family Residential District.

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. 13-4138

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. 1267-12**

The property being considered for rezoning is located at the northwest corner of Danville Rd. SW and 8<sup>th</sup> St. SW in an R-2 Single Family Residential District.

A Portion Of Lot 18, Block "A" According To The Map Of Survey Of Garth Heights Subdivision Near Decatur, Alabama As Recorded In The Office Of The Judge Of Probate, Morgan County, Alabama, More Particularly Described As Beginning At The Northeast Corner Of Lot 18, Block A, Garth Heights Subdivision Decatur, Alabama As Shown By Map Or Plat On File In The Office Of The Judge Of Probate Of Morgan County, Alabama, And Running North 88 Degrees 10'39" West Along The North Lot Line Of Lot 18 A Distance Of 10.00 Feet To A Capped Iron Pin (Stamped "PWM AI/Ca0021/Ls") On The Westerly Right-Of-Way Margin Of Danville Road Being The True Point Of Beginning; Thence From The True Point Of Beginning South 03 Degrees 55'23" West Along The Western Margin Of The Right Of Way For Danville Road A Distance Of 110.04 Feet To A Pk Nail & Washer; Thence Along A Curve To The Right With A Radius Of 25 Feet And A Chord Bearing South 48 Degrees 04'02" West A Chord Distance Of 34.58 Feet To A Pk Nail & Washer On The North Margin Of The Right Of Way Of 8th Street; Thence Along The North Margin Of The Right Of Way Of 8th Street North 88 Degrees 20'39" West A Distance Of 110.99 Feet To A Capped Iron Pin (Stamped "PWM AI/Ca0021/Ls"); Thence North 01 Degrees 39'21" East A Distance Of 134.84 Feet To A Capped Iron Pin (Stamped "PWM AI/Ca0021/Ls") On The North Boundary Line Of Lot 18; Thence Along The North Boundary Line Of Lot 18 South 87 Degrees 58'39" East A Distance Of 150.46 Feet To The True Point Of Beginning, Containing 0.42 Acres More Or Less, which area is now shown and classified on said map as being in an R-2, Single-Family Residential District, and shall be shown and classified on said map as being in a B-1, Business 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:

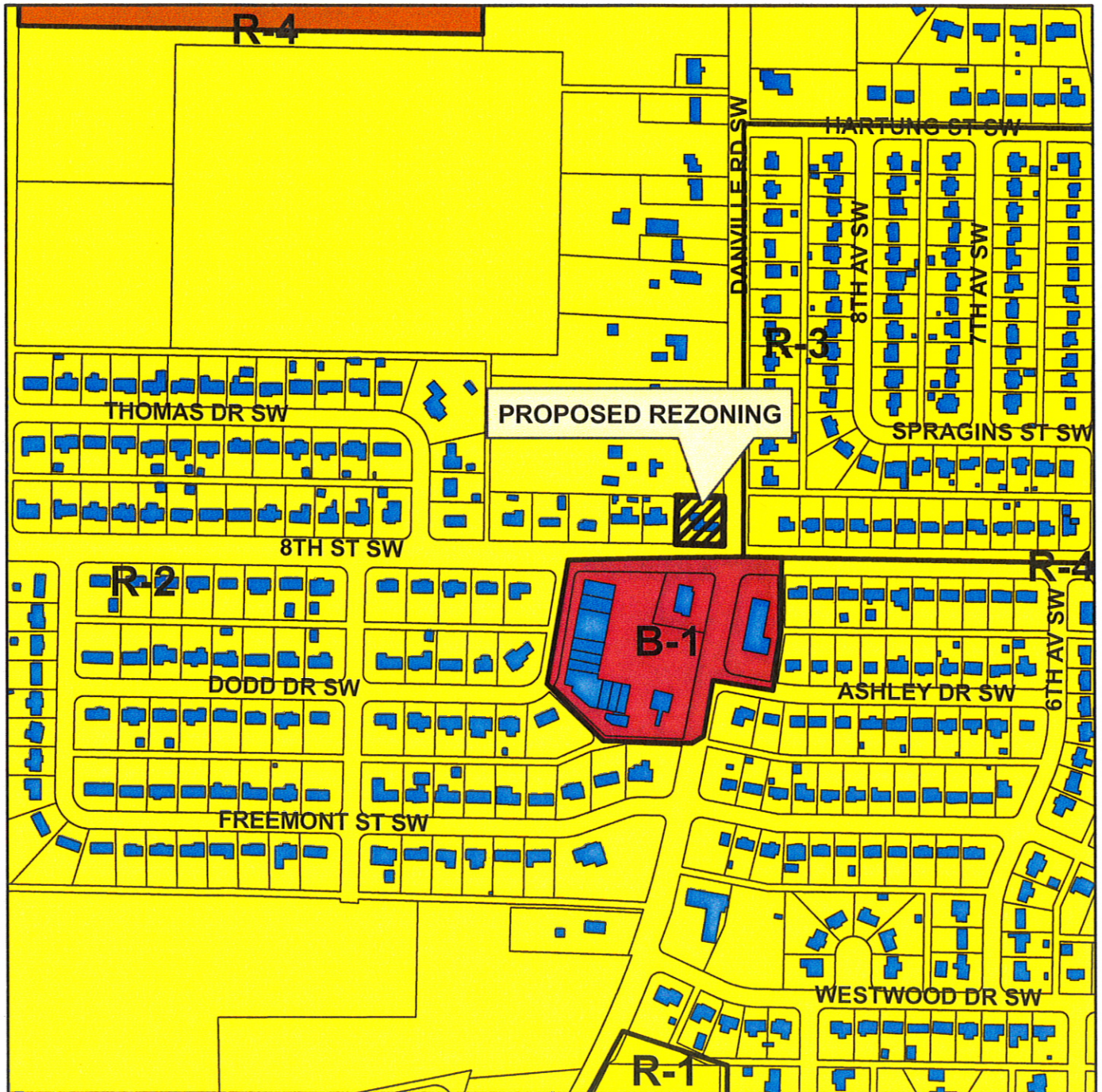
Stacy Gilley

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

\_\_\_\_\_  
Don Kyle, Mayor



# REZONING REQUEST NO. 1267-12 FROM R-2 TO B-1 .42 ACRES



## LOCATION MAP

### Legend



PREPARED BY THE CITY OF DECATUR  
PLANNING DEPARTMENT

APPLICANT : TODD SITTON FOR VULCAN HOLDING LLC



DRAWING NOT TO SCALE

**PROPERTY ZONED R-2**

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 B1

SECTION	R2	B1
USES PERMITTED	<p><b>From R2 Section</b></p> <p>There is hereby created an R-2 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-2 Districts shall allow: Single-family dwellings (see also regulations common to all "R" Districts, listed in section 25-10).</p> <p><b>District Requirement</b> R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p>	<p><i>Uses permitted:</i> Off-premises sale of beer and table wine; neighborhood retail stores and markets, including the following types: food, general merchandise, apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; pet shops, photograph studios and photo retail sales. Neighborhood services including the following types: Dry cleaning and laundry pickup stations; customer operated laundrettes and customer operated dry cleaning establishments; filling stations, provided, however, that gasoline storage above ground in excess of five hundred(500) gallons is prohibited; barber and beauty shops; shoe repair; offices, banks; post offices; playgrounds; parks; public building (i.e., municipal, county, state or federal, including public schools and libraries); public utilities; churches and similar places of worship; dancing and music academies; nurseries, kindergartens, or day care for children; parking lots.</p>
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><i>Uses permitted on appeal:</i> Restaurants; any uses permitted or permitted on appeal in an R-4, Residential District as subject to all district requirements of said district as specified in section 25-10 of this Code.</p>
USES PROHIBITED	<p><b>From R2 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</p>	<p>Uses prohibited: Any use not permitted or permitted on appeal.</p>

## COMPARE R2 TO B1

SECTION	R2	B1
	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	
MINIMUM LOT SIZE	<b>From R2 Section</b> a. Minimum lot area: Ten thousand (10,000) square feet. b. Maximum building area: None specified.	<i>Minimum lot size:</i> It is the intent of this section that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or services.
MINIMUM YARD SIZE	<b>From R2 Section</b> c. Minimum front yard setback: Thirty-five (35) feet. d. Minimum rear yard setback: Forty (40) feet. e. Minimum side yard setbacks: Eight (8) feet. f. Minimum feet at building line: Seventy (70) feet.	<i>Minimum yard size:</i> Front 25 feet; rear 20 feet; side, not specified, except on a lot adjoining along its side lot line which is in a residential district, there shall be a side yard not less than eight (8) feet wide.
MAXIMUM BUILDING AREA	Maximum coverage - None specified	Maximum coverage - None specified
MAXIMUM HEIGHT	<b>From R2 Section</b> g. Maximum building height: Thirty-five (35) feet. h. Maximum height in stories: Two and one-half (2 1/2).	<i>Maximum height:</i> 45 feet or 3 stories
OFF STREET PARKING	<b>From R2 Section</b> (1) General requirements. a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.	<i>Off-street parking:</i> See § 25-16



## COMPARE R2 TO B1

SECTION	R2	B1
OFF STREET LOADING AND UNLOADING	<p><b>From R2 Section</b></p> <p>b. A carport, porte-cochere, porch or structure part thereto, attached to or situated within five (5) feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.</p>	<p><i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading.</p>