



A Grand City and GHEORGIENE SCULPTURE

Planning Department

April 18, 2012

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

RE: Rezoning Request 1263-12

Gentlemen:

At the March 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 1263-12 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-1, Residential District, to a B-2, General Business District. The property is located south of Point Mallard Parkway and east of Highway 31 South.

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

LEGAL NOTICE

Notice of a proposed amendment to 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.

Pursuant to instructions given by the City Council of the City of Decatur, Alabama, notice is hereby given that the proposed amendment hereinbelow set forth to the Code of Decatur, Alabama, will be considered by the City Council of the City of Decatur, Alabama, at a meeting of said City Council in the Council Chambers in the City Hall of Decatur, Alabama, at 402 Lee Street, N.E. at _____, on _____, 20_____.

This proposed amendment will be to rezone approximately 13.38 acres from an R-1, Single-Family Residential District, to a B-1, General Business District. The property being considered for rezoning is located south of Point Mallard Parkway and east of Highway 31 South.

At the said time and place, all persons will have the right and are invited to be present and to be heard either for or against the adoption of said amendment.

An ordinance containing the proposed zoning ordinance changes may be reviewed in the office of the Planning Department.

This is the _____ day of _____, 20_____.

Stacy Gilley
CITY CLERK

LEGAL NOTICE

The City Council of the City of Decatur, Alabama, will consider at their regular meeting of _____, at _____ in the Council Chambers of the City Hall at 402 Lee Street, N.E., the proposed amendment to the Zoning Ordinance of the City of Decatur set forth in Ordinance No. _____, as published in The Decatur Daily on _____.

This proposed amendment will be to rezone approximately 13.38 acres from an R-1, Single-Family Residential District, to a B-1, General Business District. The property being considered for rezoning is located south of Point Mallard Parkway and east of Highway 31 South.

At said hearing all persons will have the right and are invited to be present and to be heard either for or against the adoption of said amendment.

Stacy Gilley
City Clerk

ORDINANCE NO. _____

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. 1263-12

The property being considered for rezoning is located south of Point Mallard Parkway and east of Highway 31 South.

TRACT ONE

BEGIN AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND RUN THENCE N 89°14'32" W (ALABAMA STATE COORDINATE GRID-WEST ZONE [NAD1983]) A DISTANCE OF 97.61 FEET TO A CAPPED IRON PIN ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF ALABAMA HIGHWAY 67 (POINT MALLARD PARKWAY)(RIGHT-OF-WAY VARIES), SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE TRUE POINT OF BEGINNING N 89°14'32" W A DISTANCE OF 892.39 FEET TO A CAPPED IRON PIN SET (STAMPED PWM AL/CA0021/LS); THENCE N 00°35'48" E A DISTANCE OF 322.73 FEET TO A POINT; THENCE CONTINUE N 00°35'48" E A DISTANCE OF 120.21 FEET TO A CONCRETE MONUMENT ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SAID ALABAMA HIGHWAY 67 (POINT MALLARD PARKWAY)(RIGHT-OF-WAY VARIES); THENCE S 62°52'37" E ALONG THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SAID ALABAMA HIGHWAY 67 (POINT MALLARD PARKWAY) A DISTANCE OF 997.38 FEET TO THE TRUE POINT OF BEGINNING, LYING AND BEING WITHIN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND CONTAINING 4.54 ACRES, MORE OR LESS. **SUBJECT TO A 150' WIDE TVA TRANSMISSION LINE EASEMENT AS SHOWN ON PLAT**

TRACT TWO

BEGIN AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND RUN THENCE N 89°14'32" W (ALABAMA STATE COORDINATE GRID-WEST ZONE [NAD1983]) A DISTANCE OF 97.61 FEET TO AN IRON PIN ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF ALABAMA HIGHWAY 67 (POINT MALLARD PARKWAY)(RIGHT-OF-WAY VARIES); THENCE N 89°14'32" W A DISTANCE OF 892.39 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE TRUE POINT OF BEGINNING CONTINUE N 89°14'32" W A DISTANCE OF 170.11 FEET TO AN IRON PIN; THENCE N 00°48'46" E A DISTANCE OF 322.16 FEET TO AN IRON PIN; THENCE S 89°26'01" E A DISTANCE OF 168.89 FEET TO A POINT; THENCE S 00°35'48" W A DISTANCE OF 322.73 FEET TO THE TRUE POINT OF BEGINNING, LYING AND BEING WITHIN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND CONTAINING 1.26 ACRES, MORE OR LESS. **SUBJECT TO A 150' WIDE TVA TRANSMISSION LINE EASEMENT AS SHOWN ON PLAT.**

TRACT THREE

BEGIN AT THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND RUN THENCE N 89°14'32" W (ALABAMA STATE COORDINATE GRID-WEST ZONE [NAD1983]) A DISTANCE OF 97.61 FEET TO AN IRON PIN ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF ALABAMA HIGHWAY 67 (POINT MALLARD PARKWAY)(RIGHT-OF-WAY VARIES); THENCE N 89°14'32" W A DISTANCE OF 562.39 FEET TO AN IRON PIN, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE TRUE POINT OF BEGINNING S 01°19'09" W A DISTANCE OF 662.24 FEET TO AN IRON PIN; THENCE N 89°04'54" W A DISTANCE OF 500.02 FEET TO AN IRON PIN; THENCE N 01°18'45" E A DISTANCE OF 660.84 FEET TO AN IRON PIN; THENCE S 89°14'32" E A DISTANCE OF 500.11 FEET TO THE TRUE POINT OF BEGINNING, LYING AND BEING WITHIN SECTION 5, TOWNSHIP 6 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND CONTAINING 7.59 ACRES, MORE OR LESS, which area is now shown and classified on said map as being in an R-1, Single-Family Residential District, and shall be shown and classified on said map as being in a B-2, General 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 Stanford, Mayor

ORDINANCE NO. _____

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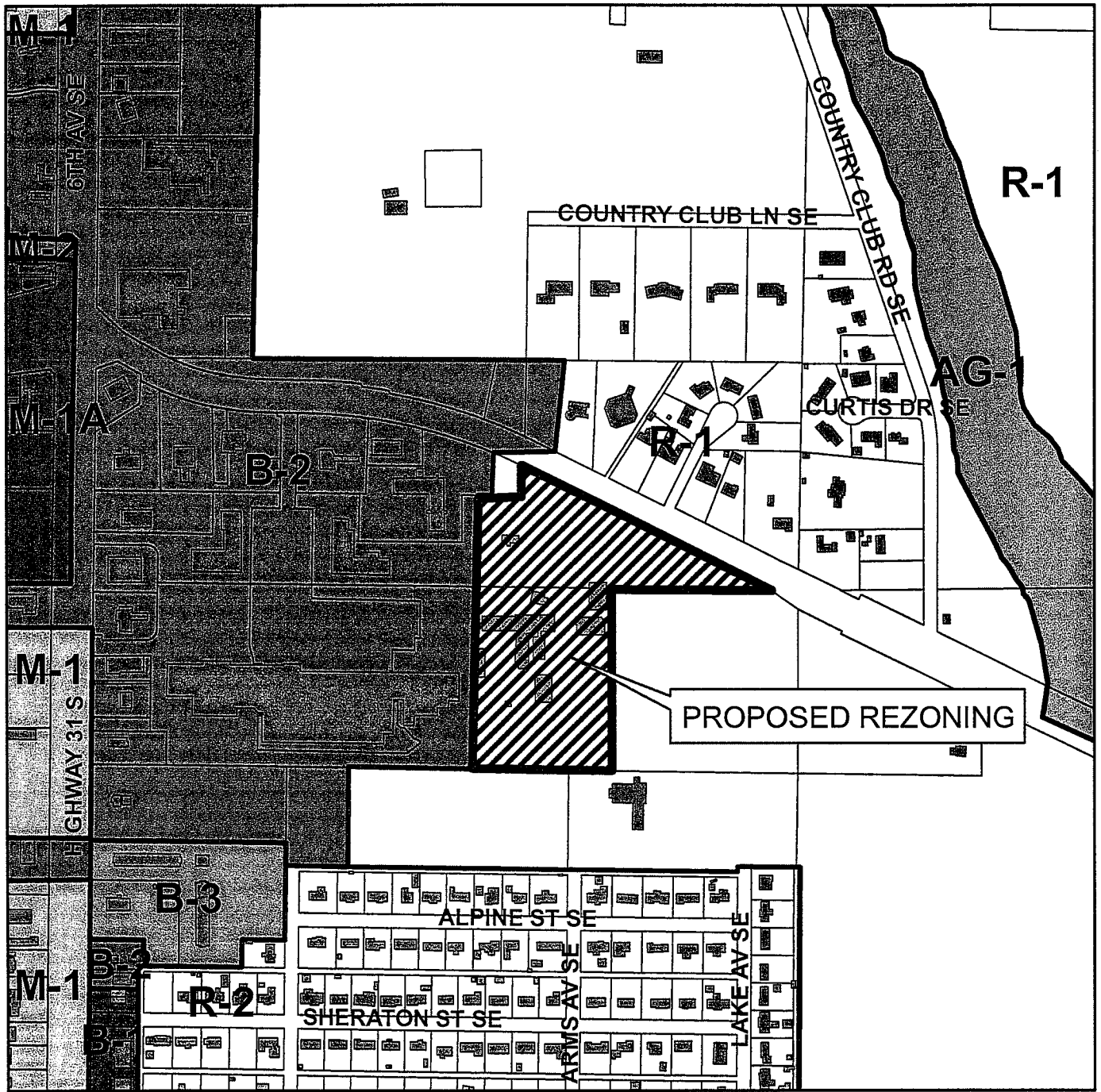
COMPARE R1 TO B2

SECTION	R1	B2
USES PERMITTED	<p>From R1 Section</p> <p>There is hereby created an R-1 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-1 Districts shall allow: Single-family dwellings (See also regulations common to all "R" Districts, listed in section 25-10).</p> <p>District Requirement R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p>	<p>Uses permitted: Clubs; on premises and off premises sale of alcoholic beverages; any retail or wholesale business or service not specifically restricted or prohibited; and places of amusement and assembly.</p>
USES PERMITTED ON APPEAL	<p>Residential District Requirements</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> Dry cleaners and laundries; and manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; major automobile repairs.</p> <p>Any use permitted or permitted on appeal in the R-4, Residential District, and subject to all district requirements of an R-4 District as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.</p>
USES PROHIBITED	<p>From R1 Section</p> <p>Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited</p> <p>From Residential District Requirements</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</p>	<p><i>Uses prohibited:</i> Stockyard; live animal or poultry sales; coal yards; lumber yards or mills; auto wrecking; gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons, grist or flour mills; ice plants; junk, scrap paper, rag, storage or bailing, stone or monument works.</p>

COMPARE R1 TO B2

SECTION	R1	B2
	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	<p>From R1 Section</p> <p>(2) Specific requirements.</p> <p>a. Minimum lot area: Fourteen thousand (14,000) square feet.</p>	<i>Minimum lot size:</i> Same as for B-1 Business District
MINIMUM YARD SIZE	<p>From R1 Section</p> <p>c. Minimum front yard setback: Forty (40) feet.</p> <p>d. Minimum rear yard setback: Forty-five (45) feet.</p> <p>e. Minimum side yard setbacks: Fifteen (15) feet.</p> <p>f. Minimum feet at building line: One-hundred (100) feet.</p>	<i>Minimum yard size:</i> Same as for B-1, Local Shopping District
MAXIMUM BUILDING AREA	Maximum coverage - None specified	Maximum coverage - None specified
MAXIMUM HEIGHT	<p>From R1 Section</p> <p>g. Maximum building height: Thirty-five (35) feet.</p> <p>h. Maximum height in stories: Two and one-half (2 1/2).</p>	<i>Maximum height:</i> 45 feet or 3 stories
OFF STREET PARKING	<p>From R1 Section</p> <p>(1) General requirements.</p> <p>a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.</p>	<i>Off-street parking:</i> See § 25-16.
OFF STREET LOADING AND UNLOADING	<p>From R1 Section</p> <p>b. <i>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.</i></p>	<i>Off-street loading and unloading:</i> Shall provide space for loading and unloading for structures hereafter erected or altered when same is not on lot adjoining a public or private alley.

REZONING REQUEST NO. 1263-12 FROM R-1 TO B-2 13.38 ACRES



LOCATION MAP

Legend



bldg

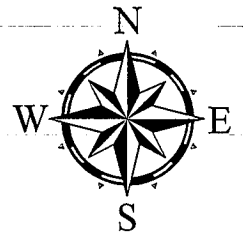


SUBJECT PROPERTY

PROPERTY ZONED R-1

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT : MORGAN COUNTY BOARD OF EDUCATION



DRAWING NOT TO SCALE

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.