



A Grand City on a CHARMING SCALE

Revenue Department

MEMORANDUM

DATE: July 25, 2012
TO: Stacy Gilley
Cc: Herman Marks, City Attorney
FROM: Karen Smith *K9d*
SUBJECT: Agenda Items for City Council

Please place the following items on the agenda for the City Council meeting, scheduled for August 6, 2012.

Let us know if you have any questions.

Thank You

1. ZTA 216-12
(City of Decatur)

(Recommend Approval)



A Grand City on a CHARMING SCALE

Planning Department

July 25, 2012

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

RE: Zoning Text Amendment 216-12 – Proposed Changes to B5

Gentlemen:

At the July 24, 2012 Decatur City Planning Commission meeting, action was taken recommending to the City Council that they approve the attached ordinance pertaining to ZTA 216-12 as an amendment to the Zoning Ordinance of the City of Decatur, Alabama.

This is an amendment to the residential requirements in the B 5 zoning district. It eliminates the reference to R4 which was causing confusion in the Building Department.

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

Attachments

PROPOSED CHANGES TO B5

Uses permitted: Off premises sale of alcoholic beverages; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty or more rooms for rent to the public; Residential Dwelling (multiple family or single family); provided that such dwellings conform to all requirements set forth in the Residential Zoning Requirements (Section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels post offices, banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks.

Uses permitted on appeal clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a uses permitted on appeal for a residential use; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.

ZONING TEXT AMENDMENT

Amendment to B-5 District (Residential uses)

CURRENT LANGUAGE	PROPOSED LANGUAGE
<i>District B-5 (Central Business District)</i> Uses permitted: Off premises sale of alcoholic beverages; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty or more rooms for rent to the public; multiple family dwellings; provided that such multiple family dwellings conform to all requirements set forth in an R-4, residential district, other than the maximum height provision set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels post offices, banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks. Uses permitted on appeal: Restaurants; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; dry cleaners and laundries;	<i>District B-5 (Central Business District)</i> Uses permitted: Off premises sale of alcoholic beverages; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty or more rooms for rent to the public; multiple family dwellings; provided that such multiple family dwellings conform to all requirements set forth in the Residential Zoning District Requirements (Section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types, food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels post offices, banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks. Uses permitted on appeal: Restaurants; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of

manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.

Uses prohibited: Major auto repair, except as may be a part of a new car sales. Any use not permitted or permitted on appeal.

Minimum lot size: 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 spaces required for the other normal operations of the business or service.

Minimum yard size: None specified

Maximum height: None specified

Off-street parking: None specified

Off-street loading and unloading: Shall provide space for loading and unloading for structures hereafter erected or altered.

meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a uses permitted on appeal for a residential uses; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.

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Minimum yard size: None specified

Maximum height: None specified

Off-street parking: None specified

Off-street loading and unloading: Shall provide space for loading and unloading for structures hereafter erected or altered.

LEGAL NOTICE

Notice of a proposed amendment to the zoning ordinance of the City of Decatur Official Zoning Map, heretofore adopted by Section 25, Zoning, of the 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, NE, at 6:00PM, on September 4th, 2012.

This proposed amendment will be to amend 25-11; B-5 Central Business district.

AMENDMENT TO THE ZONING ORDINANCE

The effect of the proposed amendment will be to amend section 25-11; B-5 Central Business District

Section 1. That the paragraph entitled Uses Permitted of the Subdivision entitled B-5 (Central Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:

Off premises sale of alcoholic beverages; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty or more rooms for rent to the public; Residential Dwelling (multiple family or single family); provided that such dwellings conform to all requirements set forth in the Residential Zoning Requirements (Section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels post offices, banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks.

Section 2. That the paragraph entitled Uses Permitted on Appeal of the Subdivision entitled B-5 (Central Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:

Uses permitted on appeal clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a uses permitted on appeal for a residential use; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.

LEGAL NOTICE

The City Council of the City of Decatur, Alabama, will consider at their regular meeting of September 4th, 2012 at 6:00 PM, 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. 12-4123, as published in The Decatur Daily on _____.

The effect of the proposed amendment will be to amend Section 25-11; B-5 Central Business District, Uses Permitted and Section 25-11; B-5 Central Business District, Uses Permitted on Appeal.

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

**ZONING TEXT AMENDMENT
ZTA 216-12
REGARDING RESIDENTIAL USES IN A B-5 ZONING DISTRICT**

ORDINANCE NO. 12-4123

BE IT ORDAINED by the City Council of the City of Decatur in the State of Alabama, that the Code of Decatur, Alabama is hereby amended as follows:

AMENDMENT TO THE ZONING ORDINANCE

The effect of the proposed amendment will be to amend section 25-11; B-5 Central Business District

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structures may be permitted as a uses permitted on appeal for a residential use; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.

Section 2: This Ordinance shall take effect _____.

ADOPTED this _____ day of _____ 2012

Gary Hammon, President
Decatur City Council

Authenticated:

Stacy Gilley, City Clerk

Approved this _____ day of _____ 2012

Don Stanford, Mayor

**ZONING TEXT AMENDMENT
ZTA 216-12
REGARDING RESIDENTIAL USES IN A B-5 ZONING DISTRICT**

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