

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/11/2014

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendment

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance to amend ARTICLE 74 - NON-CONFORMING LOTS: NON-CONFORMING USES OF LAND; NON-CONFORMING STRUCTURES; AND NON-CONFORMING USES OF STRUCTURES AND PREMISES, by deleting the existing Section 74.1 - Non-Conforming Lots of Record and by adding a new Section 74.1 - Non-Conforming Lots of Record and Unified Lots.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.
Public hearing date: October 23, 2014

This is an amendment to the existing Ordinance No. 14-318.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: 9/2/2014

RESOLUTION NO. 14-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to the Zoning Ordinance, a synopsis of said amendment being as follows:

- (1) Amends ARTICLE 74 - NON-CONFORMING LOTS: NON-CONFORMING USES OF LAND; NON-CONFORMING STRUCTURES; AND NON-CONFORMING USES OF STRUCTURES AND PREMISES, by deleting the existing Section 74.1 - Non-Conforming Lots of Record and by adding a new Section 74.1 - Non-Conforming Lots of Record and Unified Lots.
- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the _____ day of _____, 2014, and the second publication shall be one week thereafter on the _____ day of _____, 2014, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgment and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of said amendment to the Zoning Ordinance of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, as follows:

That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the _____ day of _____, 2014, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing, at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending the Zoning Ordinance of the City of Huntsville, Alabama.

That the proposed amendment to the Zoning Ordinance of the City of Huntsville, Alabama, is substantially in words and figures as follows:

ORDINANCE NO. 14-318AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 Code of Alabama, BE IT ORDAINED by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 74 - NON-CONFORMING LOTS: NON-CONFORMING USES OF LAND; NON-CONFORMING STRUCTURES; AND NON-CONFORMING USES OF STRUCTURES AND PREMISES, by deleting the existing Section 74.1 - Non-Conforming Lots of Record and by adding a new Section 74.1 to read as follows:

74.1 - Non-Conforming Lots of Record and Unified Lots74.1.1 Definitions

For the purposes of this Section the following words, terms, or phrases shall have the following meanings:

Affiliate means a person who controls, is controlled by, or is under common control with another person. An affiliate of an individual may include, but is not necessarily limited to, that person's spouse or relative, or an individual having the same home as the individual; or an entity of which the individual is a person serving as part of the governing or controlling authority of the entity.

Common ownership means owned by the same person or his affiliate.

Contiguous lot means one or more lots which share a common boundary line.

Lot shall have the same meaning ascribed to it in Section 3.1 of this ordinance.

Non-conforming lot of record means a full platted lot that was platted and recorded prior to March 21, 1963, in the real estate records of the office of the probate judge in the county in which the lot is situated, and which lot does not conform to the minimum lot area or lot width requirements for the district in which it is located.

Unified lot means two or more contiguous lots that are so integrated, through common or dependent structures or reliance on the other to meet setback requirements,

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as to form a unified whole.

74.1.2 Non-Conforming Lots of Record

Subject to subsection 74.1.3, a non-conforming lot of record may be used for a permitted use, except apartments and duplexes, nonetheless provided:

- (1) The lot has a minimum width of forty (40) feet and a minimum area of four thousand (4000) square feet, except as permitted in a Residence 2-C District;
- (2) The lot abuts an all-weather street and has not less than twenty (20) feet frontage;
- (3) The proposed building conforms to all yard requirements for the district; and
- (4) The water supply and sewage disposal meet all health requirements.

Where two or more contiguous lots under common ownership are sufficient to create one lot of dimensions conforming to the requirements for the district in which the lots are located but the lots are not sufficient for the creation of two or more fully conforming lots, then all of the said lots shall be deemed merged into one lot.

74.1.3 Unified Lots

Unified lots under common ownership are deemed to be merged.

Section 2. This ordinance shall take effect from and after the date of its publication.

ORDINANCE NO. 14-318

ADOPTED this the _____ day of _____, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 14-

ADOPTED this the _____ day of _____, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama