

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 8/11/2016

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendment.

Exact Wording for the Agenda:

Resolution to set a public hearing of an ordinance to amend Article 92 – BOARD OF ADJUSTMENT, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, by amending subsection 92.5.3 (12) to update language concerning private schools and other child care facilities.

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: September 22, 2016

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____

Date: 7/27/2016

RESOLUTION NO. 16-

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) Amend Article 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions, by amending subsection 92.5.3 (12) to update language concerning private schools and other child care facilities.
- (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 _____, 2016, and the second publication shall be one week thereafter on the _____ day of _____, 2016, 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 judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to the Zoning Ordinance of the City of Huntsville, Alabama, in accordance with said request;

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

1. That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the _____ day of _____, 2016, 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.

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

ORDINANCE NO. 16-

AN 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 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3(12) - Permitted Uses as Special Exceptions, by amending:

- (12) Private schools, nurseries, kindergartens and child care centers in any residential district when operated as an accessory use to any permitted use other a family dwelling, provided that the Department of Transportation concurs and that all property owners within 500 (five hundred)feet have been notified of the public hearing.

Group child care homes in all residential districts, except Residence 2-B districts, provided that the restrictions listed in Section 73.1.1 (4) have been met, that all property owners within five hundred (500) feet have been notified of the public hearing, and that such special exception shall be granted only to the applicant, shall not be transferable to any other person, firm or corporation, and shall terminate at such time as the group child care home ceases operation.

to read as follows:

- (12) Private schools, nurseries, kindergartens and child care centers in any residential district when operated in an existing non-residential structure that once housed a use allowed by right and not by variance, or when operated as an accessory use to any permitted use other a family dwelling, provided that the Department of Transportation concurs and that all property owners within 500 (five hundred)feet have been notified of the

public hearing.

Group child care homes in all residential districts, except Residence 2-B districts, provided that the restrictions listed in Section 73.1.1 (4) have been met, that all property owners within five hundred (500) feet have been notified of the public hearing, and that such special exception shall be granted only to the applicant, shall not be transferable to any other person, firm or corporation, and shall terminate at such time as the group child care home ceases operation.

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

ADOPTED this the _____ day of _____, 2016.

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

APPROVED this the _____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 16-

ADOPTED this the ____ day of _____, 2016.

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

APPROVED this the ____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama