

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 10/13/2016

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 (22) to update language concerning indoor facilities for BB guns.

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: November 17, 2016

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head:

Micereese B. Jordan

Date: 9/27/2016

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 (22) to update language concerning indoor facilities for BB guns.
- (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(22) - Permitted Uses as Special Exceptions, by amending:

- (22) Indoor facilities for the discharge of BB guns in Light Industry, Heavy Industry, Disposal Storage, and Commercial Recreation C-5 districts subject to prior approval of the application by the Chief of Police and compliance with the provisions of Ordinance No. 97-171 as the same may be amended. Special exception approval by the Board of Adjustment shall be granted only on a specific event basis and approval shall specify the time period during which the special exception is valid. In addition, the following conditions shall apply:
- (a) All building code requirements and all standards promulgated by the Building Inspector of the City of Huntsville with regard to the construction and performance of indoor firing ranges for BB guns shall be met;
 - (b) The structure housing such use shall not be situated nearer than fifty feet to residentially zoned property; and
 - (c) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited.
- (97-336)

to read as follows:

- (22) Indoor facilities for the discharge of BB guns in Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, and Disposal Storage subject to prior approval of the application by the Chief of Police and compliance with the provisions of Ordinance No. 97-171 as the same may be amended. Special exception approval by the Board of Adjustment shall be

granted only on a specific event basis and approval shall specify the time period during which the special exception is valid. In addition, the following conditions shall apply:

- (a) All building code requirements and all standards promulgated by the Building Inspector of the City of Huntsville with regard to the construction and performance of indoor firing ranges for BB guns shall be met;
 - (b) The structure housing such use shall not be situated nearer than fifty feet to residentially zoned property; and
 - (c) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited.
- (97-336, 16-)

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