

## ORDINANCE NO. 14-4173

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA AS FOLLOWS:**

#### **Amendment to the Zoning Ordinance**

The effect of the proposed amendment will be to amend Section 25-11 Business District Requirements, Section 25-11.2 Redevelopment District (RD) Requirements, Section 25-12 Industrial District Requirements and Section 25-12.1 Agricultural District Requirements as outlined below:

##### **Section 1**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled B-1 (Local Shopping Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any use not permitted or permitted on appeal.”

##### **Section 2**

**The Paragraph entitled “Uses permitted” of the sub-section entitled B-2 (General Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses permitted:* Clubs; on premises and off premises sale of alcoholic beverages; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1500 foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the Subdivision Regulations as amended. Any retail or wholesale business or service not specifically restricted or prohibited; and places of amusement and assembly.”

##### **Section 3**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled B-4 (Regional Shopping Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any type use not permitted or permitted on appeal.”

##### **Section 4**

**The Paragraph entitled “Uses permitted” of the sub-section 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:* Off premises sale of alcoholic beverages; On premises sale of table wine; 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 dwellings (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 5**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled B-5 (Central Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* Major auto repair, except as may be a part of a new car sales, and Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act. Any use not permitted or permitted on appeal.”

## **Section 6**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled B-6 Uses (Business Office District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act and any use not permitted or permitted on appeal.”

## **Section 7**

**Paragraph (2) entitled “Uses prohibited” of sub-section (c) entitled “Action Taken” of Section 25-11.2 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited.* Lumber yards or mills, mobile home sales, mobile home parks, stockyard (live animal or poultry sales), junkyards, and sexually oriented businesses; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and other uses found to be of an objectionable nature or inconsistent with the general welfare of the district as determined by the chief building official.”

## **Section 8**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled M-1 (Light Industrial District) of Section 25-12 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* Slaughterhouse; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster and painting materials; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, cement blocks, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, including storage of same, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act.”

## **Section 9**

**The Paragraph entitled “Uses permitted” of the sub-section entitled M-1A (Expressway Commercial District) of Section 25-12 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses permitted:* On premises sale and off premises sale of alcoholic beverages; public and semi-public uses, including governmental buildings, hospitals, clinics, churches, schools, academies, and clubs; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1500 foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the Subdivision Regulations as amended. Any retail or wholesale business of service not specifically restricted or prohibited; provided that special consideration is given for the development of all uses and their relationship to the adjoining service roads providing direct access, or adjoining "expressways" or other major arterial as designated by the major thoroughfare plan which may provide direct, or indirect access via a service road. The plat and plan of the proposed use and any subsequent addition thereto shall be submitted and have the approval of the planning commission before any structures or uses are authorized in these districts and before a building permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.”

## **Section 10**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled M-2 (General Industrial District) of Section 25-12 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses Prohibited:* Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any uses not permitted or permitted on appeal.”

## **Section 11**

**The Paragraph entitled “Uses prohibited” of the sub-section entitled AG-1 (Agricultural District) of Section 25-12.1 of the Code of Decatur, Alabama is hereby amended to read as follows:**

*“Uses prohibited:* On premises and off premises sale of alcoholic beverages, except as herein otherwise allowed; residential, commercial and industrial uses, not specifically permitted or permitted on appeal.”

**Section 12: This Ordinance shall take effect immediately upon its approval and publication as provided by law.**

ADOPTED this 7<sup>TH</sup> day of APRIL 2014

Authenticated:

Stacy Gilley, City Clerk

Approved this 7<sup>TH</sup> day of APRIL, 2014

Don Kyle, Mayor