

## ORDINANCE NO. 14-4177

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA

#### Amendment to the Zoning Ordinance

The effect of the proposed amendment will be to amend the Code of Decatur, Alabama to add Section 25-11.3 which establishes a Redevelopment District (RD-2) on the east side of 6<sup>th</sup> Avenue and add subsection (f) to Section 25-77 regarding Permitted Signs by Districts.

#### **Section 1. That the Code of Decatur, Alabama is hereby amended by adding a section to be numbered Section 25-11.3, which section reads as follows:**

##### **"Sec. 25-11.3. Redevelopment District - 2 (RD-2).**

Upon the adoption of this ordinance, the area within the district boundaries shall be designated on the "City of Decatur, Official Zoning Map" as a "RD-2" District, and an application for specific redevelopment may be made as hereinafter set forth. This zoning district is applicable only to the east side of 6<sup>th</sup> Avenue SE and the west side of 7<sup>th</sup> Avenue SE beginning at a point where the centerline of 7<sup>th</sup> Ave SE intersects the centerline of 5<sup>th</sup> Street SE, said point being the true point of beginning of the proposed RD-2 zoning district; thence, from the true point of beginning south along the centerline of 7<sup>th</sup> Avenue SE to the centerline of 11<sup>th</sup> St SE; thence east along the said centerline of 11<sup>th</sup> Street SE a distance of 520 feet more or less to a point; thence south along an existing alley east of the Decatur Shopping Center property a distance of 1,280 feet more or less to a point; thence west along the south property line of Tax Parcel No. 03 09 29 3 002 003.000 to the centerline of 6<sup>th</sup> Avenue SE; thence north along the centerline of 6<sup>th</sup> Avenue SE to the intersection with 5<sup>th</sup> Street SE (if extended); thence east along the centerline of 5<sup>th</sup> Street SE to the intersection with 7<sup>th</sup> Avenue SE and the true point of beginning.

##### **Purpose:**

This RD-2 (Redevelopment) District recognizes the need to redevelop the property that fronts the Sixth Ave corridor on the east side. A majority of the area is directly across from an existing redevelopment district on the west side of 6<sup>th</sup> Avenue that has already been through this process. This district will be a mixed-use zone designed to allow property owners to maximize the use of their property through flexible development standards (e.g. amended parking, lot line setbacks and lot coverage requirements) and without having to seek a zoning change from the Planning Commission and the City Council.

##### **Action Taken:**

There is hereby created an RD-2 Redevelopment District (mixed use district) for those areas designated by this chapter and the Zoning Map of the City of Decatur, Alabama. This RD-2 District shall allow mixed land uses (residential, commercial, and retail) subject to use regulations set forth in this chapter and subject to the following requirements and conditions:

##### **1. Permitted Uses:**

**Residential Dwellings**, with the exception of mobile homes, condominiums, and apartments, those uses permitted in all "R" Districts.

**Retail and Commercial Trade** including the following types: food, bakery, delicatessen, general merchandise, apparel, furniture, household and hardware, electronic sales, drug and sundries, jewelry and gifts, florists, sporting goods, antiques, appliances, hobby supply, home medical equipment, office supply, bookstore, camera and photographic supplies, fabric store, music store and other uses of similar types.

**Service Oriented Facilities** including the following types: federally insured banks, credit unions, savings and loans; financial institutions licensed under Mini Code or the Small Loans Act; hair salons,

professional clinics (dental or medical), computer stores, interior decorating shops, neighborhood retail, professional offices, opticians, photographic studio, picture framing, restaurants, fast food restaurants, shoe repair, dry cleaning and laundry pickup stations, and other uses of similar types.

**On and off premise sale of alcoholic beverages;** Off premises sale of beer and table wine; 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,

**2. Uses Permitted on Appeal:** Churches, public buildings including libraries, public utilities; semi-public buildings including governmental offices, municipal, county, State and federal buildings; music, dance, art and martial art studios, public/private schools, parks and playgrounds, police and fire stations.

**3. Uses Prohibited:**

Lumber yards or mills, Mobile Home Sales, Mobile Home Parks, Stockyard (live animal or poultry sales), Junkyards, Sexually Oriented Businesses; hotels, motels, light manufacturing operations, Mini Storage and Warehouse buildings, billboards, businesses licensed under the Deferred Presentment Services Act, Pawn Shops Act, Dealers in Gold or Precious Items Act and other uses found to be of an objectionable nature by reason of dust, smoke, vibration, noise, odor, extended operating hours, or inconsistent with the general welfare of the district as determined by the Chief Building official.

**4. Minimum Lot Size:** It is the intent of this ordinance that lots of sufficient size be used for any development to provide adequate parking and loading and unloading space in addition to the spaces required for normal operation and to meet the landscaping requirements of this Section.

**5. Minimum Yard Size:**

**Front Yard:** Lots facing Sixth Avenue (U.S. Hwy 31), shall be required to have a minimum 25 foot setback.

**Rear Yard:** None - except a landscaping buffer, 20' in width, required for all properties contiguous with 7<sup>th</sup> Avenue SE

**Side Yard:** Lots adjoining residential along its side lot line shall be required to have a side yard of not less than eight (8) feet. Lots contiguous with side streets shall provide frontage landscaping as defined in Section 25-16 (9) (f) of the Zoning Ordinance of the City of Decatur

**6. Maximum Building Area:** The maximum building site coverage by all structures shall be 50%

**7. Maximum Height:** Buildings heights close to 7<sup>th</sup> Avenue SE should be 1 to 1-1/2 stories up to a maximum of 2 stories along 6<sup>th</sup> Avenue SE.

**8. Off-Street Parking:** Not specified, but all parking must be contained on the property site, or on adjacent property (may be separated by an alley), or with a shared parking agreement with an adjoining property owner

**9. Off-Street Loading:** Shall provide space for loading and unloading on the property site.

**10. 7<sup>th</sup> Avenue SE Access.** There shall be no ingress from, or egress to, 7<sup>th</sup> Avenue SE for any new development. All development shall be designed to front 6<sup>th</sup> Avenue SE. Access for development to 6<sup>th</sup> Avenue SE and adjoining side streets shall be limited based on ALDOT Access Management Guidelines and approved by the City of Decatur and ALDOT (the only exception will be for those properties on the west side of 7<sup>th</sup> Avenue between 10<sup>th</sup> and 11<sup>th</sup> Streets SE. They shall be allowed access to 7<sup>th</sup> Avenue for development if they do not include any property west of the existing alleyway or property contiguous to 6<sup>th</sup> Avenue).

**11. Landscaping and Lighting**

Landscaping and lighting criteria are hereby established to protect and preserve the appearance and value of surrounding properties.

A. All development, with the exception of single family residential, will be required to provide

frontage landscaping (as defined in Section 25-16(9) (f) of the City of Decatur Zoning Ordinance), foundation landscaping and perimeter landscaping (as defined in Section 25-16(9)(g) and (h) of the City of Decatur Zoning Ordinance). All development landscaping shall be irrigated with an irrigation system.

- B. All development adjacent to residential property shall provide perimeter landscaping within the property lines between the off-street parking area and adjoining properties of not less than 5' in depth, or
- C. All development adjacent to residential property shall provide a solid fence or wall. The fence shall be a minimum of 6 (six) feet high. Chain link or other wire fencing material is prohibited.
- D. All development that has a property line contiguous with 7<sup>th</sup> Avenue SE shall provide a rear landscaping buffer berm of not less than 20' in width and 3'6" in height as measured from the adjacent paved surface for the full length of the property along 7<sup>th</sup> Avenue. The purpose of the buffer is to create a continuous opaque screen along 7<sup>th</sup> Avenue so that no parking lot, dumpster or loading area is visible from the adjoining residential district.

If the lot is on a corner, the strip shall continue around the street corner 20' west on the side street. Planting shall not interfere with the sight triangle at intersections. The buffer shall consist of a 3'6" tall berm with a minimum of one tree per 10' and one evergreen shrub per 2 feet. Staggered spacing, double rows, or alternating spacing may be adjusted to conform to the growth characteristics of a plant species, but spacing and selection shall result in a 100% opaque screen at 8' in height within 2 years of planting. A quarter of the trees may be deciduous shade trees and the remainder shall be evergreen and reach a minimum height of 15' at maturity. Minimum size at time of planting of shrubs shall be 24" in height. Minimum evergreen tree size shall be 6' in height. Minimum deciduous tree size shall be 2-1/2" caliper. Existing plants that are within the buffer area may act as credit toward buffer planting if they are in good health and meet minimum plant size requirements. The preservation of mature trees is encouraged; however, the resulting planting plan shall create an opaque screen. The berm requirement is waived under the drip line of existing trees but must be continued beyond the drip line for the full length of the property.

- E. All development that has property contiguous with side streets shall provide frontage landscaping as defined in the City of Decatur Zoning Ordinance Section 25-16 (9) (f).

## **12. Lighting**

Shall be in compliance with Section 25-16(9) (o) of the City of Decatur Zoning Ordinance or as deemed necessary for the welfare and safety of the citizens of Decatur. Lighting on 7<sup>th</sup> Avenue frontage shall be limited in height to 20' to reflect a more residential scale. Lighting shall be directed toward the building development in a way that does not adversely impact adjacent residential properties. Lighting should be consistent with building design.

## **13. Signage**

All signage shall comply with Section 25-77 (f) of the Code of Decatur and shall be subject to review and approval by the City Building Department.

## **14. Application and Approval Process**

### **A. Approval Required.**

Planning Commission site plan approval is required for all new development or new construction and prior to the issuance of any related building permits in the Redevelopment District.

**B. Content of Application.**

Each application for development located in the Redevelopment District shall be drawn and stamped by a registered Civil Engineer of the State of Alabama and include the following information:

1. The name, address & phone number of the property owner and applicant.
2. The legal and general description of the tracts or lots on which review is sought.
3. A statement of proposed use.
4. A complete site development plan drawn to a scale of no less than 1" = 50' indicating:
  - a) Dimension and footprint of all existing or proposed buildings, existing utilities and easements, access drives, parking areas, loading and unloading areas, if applicable.
  - b) Dumpster location. All dumpsters shall be enclosed, covered, positioned and shown on the site plan for Planning Commission approval.
  - c) Landscaping, fencing, lighting and irrigation plans, drawn and stamped by a registered Landscape Architect of the State of Alabama.
  - d) Signage plans

**NOTE:** When construction or demolition of a structure, excavation work, underground storage tank removal or other similar activities is planned in the RD-2 District, a permit from the City of Decatur Building Department will be required. In addition, the submission of a written plan addressing public safety and construction documents showing compliance with the current adopted Building Code will be required."

**Section 2. That the Code of Decatur, Alabama is hereby amended by adding a subsection to be numbered subsection (f) of Section 25-77 Permitted signs by district, which subsection reads as follows:**

**"(f) Redevelopment District- 2 (RD-2)**

- (1). On lots or tracts of land having only one (1) occupant, tenant, or commercial or business enterprise, any number of attached on-premise signs, provided that the total area of all such signs shall not exceed one hundred (100) square feet, none of which shall extend above the building. All attached signs shall be placed on the building front or side elevation and shall not be located on the rear elevation of the building. In addition, those businesses or establishments which have building frontage in excess of one hundred (100) feet, may display an additional two (2) square feet of attached signage for each additional foot of building frontage in excess of one hundred (100) feet, to a maximum area of two hundred (200) square feet.
- (2). On lots or tracts of land having two (2) or more occupants, tenants, or

commercial or business enterprises, any number of attached on-premise signs, provided that the square feet, none of which shall extend above the building.

All attached signs shall be placed on the building front or side elevation and shall not be located on the rear elevation of the building.

In addition, those businesses or establishments which are utilized or operated as a separate business or establishment and which have store or establishment frontage in excess of one hundred (100) feet, may display an additional two (2) square feet of attached signage for each additional foot of store or establishment frontage in excess of one hundred (100) feet, to a maximum area of two hundred (200) square feet.

- (3). On lots or tracts of land having only one (1) occupant, tenant, or commercial or business enterprise, one (1) detached on-premise sign per two hundred fifty (250) feet of street frontage or fraction thereof, subject to the following requirements which must be in accordance with one (1) of the following conditions:

<b>Setback from Street ROW</b>	<b>Height</b>	<b>Area Per Side of Sign</b>
5 feet to less than 10 feet	3-1/2 feet	25 square feet
10 feet to less than 15 feet	8 feet	80 square feet
15 feet to less than 20 feet	15 feet	100 square feet
20 feet or more	20 feet	120 square feet

The setback, height, and area of sign requirements set forth above shall apply to each additional on-premise detached sign permitted by virtue of street frontage of the lot on which the sign is to be erected being in excess of two hundred fifty (250) feet in which case any such signs shall be erected at a distance of no less than one hundred (100) feet measured between such signs along a straight line. Signs shall be located on lots so that they are directly in front of the buildings. No detached on-premise signs shall be permitted on the side streets.

- (4). On lots or tracts of land having two (2) or more occupants, tenants, or Commercial or business enterprises, one (1) detached Business Center sign having a maximum area of one hundred fifty (150) square feet on a side per two hundred fifty (250) feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of two hundred fifty (250) feet, such signs shall not be placed closer to another detached sign on the same property than one hundred (100) feet. Signs shall be a maximum of twenty (20) feet in height. Signs shall have a minimum of a twenty-five (25) foot setback from all street right-of-ways. Signs shall be located on lots so that they are directly in front of the buildings. No detached on-premise signs shall be permitted on the side streets.
- (5). No signage will be permitted on 7<sup>th</sup> Avenue SE.
- (6). Monument signage will be permitted on the side streets for entrance and exit signs only.
- (7). Temporary signs as permitted under Section 25-74 of the Code of Decatur."

**Section 2. This Ordinance shall take effect and be in force from and after the date of its adoption and publication as required by law.**

ADOPTED this the 12<sup>th</sup> day of May, 2014.

Authenticated:

Stacy Gilley  
City Clerk

APPROVED this the 13<sup>th</sup> day of May, 2014.

Don Kyle, Mayor