

ORDINANCE Z06-14

**AN ORDINANCE AMENDING
THE CITY OF MILLBROOK ZONING ORDINANCE 80-12**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILLBROOK,
ALABAMA, as follows:**

SECTION 1. The following changes apply to the City of Millbrook Zoning Ordinance 80-12.

- a. Article Two is deleted; insert the words “Not Used”. If approved, delete this entry from the Table of Contents and insert the words “Not Used”.
- b. Replace Sec 3.15 change FAR, Forestry Agricultural and Recreation to Agr-1, Residential Agriculture.
- c. Sec 5.10 is deleted; insert the words “Not Used”. If approved, delete this entry from the Table of Contents and insert the words “Not Used”.
- d. Change Sec 5.16a. to read

Sec 5.16a. No building permit will be issued for townhouses (all references to townhouses in this section includes condominiums and apartments) and the Board of Zoning Adjustments shall not issue a special exception involving townhouses except upon a favorable report from the City Council. Prior to issuing a favorable report the City Council shall determine that the proposed townhouses are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the City Council, they shall be included as part of the building permit. If special exception is involved, the Board of Adjustment shall not grant such exception except with the conditions attached by the City Council, but the Board may add conditions in granting approval. All references to “townhouses” in the remainder of this section include “townhouses, condominiums, and apartments”.

- e. Delete permitted use code “J”, Individually owned manufactured homes, from Residential District Classifications R65d, R65m, R60d, and R60m.
- f. Business Classification B-1-a and B-1-b add
“Prior approval by the City Council of the site plan is required.” See classification B-4 for the proper format.
- g. In all other Business, Industrial, and Office District Classifications change the last item to read

Prior approval by the City Council, Required of the Site plan.

- h. Change **TABLE OF CONTENTS**, Article 5 to read

Article 5	Classification and Schedule of District Requirements	Page
5.1	Classification of Districts	5-1

5.2	District Boundaries	5-2
5.3	Interpretation of District Boundaries	5-2
5.4	Uses	5-2
5.5	Building Lots, Yards, and Open Spaces	5-3
5.6	Height	5-4
5.7	Off-Street Automobile Storage	5-4
5.8	Off-Street Loading or Unloading	5-4
5.9	Structures	5-5
5.10	Development Plan	5-5
5.11	Residence Lots that may be Used for Off-Street Parking	5-5
5.12	Abatement of Uses Creating Hazards or Nuisances	5-5
5.13	Group Housing Projects	5-6
5.14	Manufactured Home Parks and Subdivisions	5-6
5.15	Recreational Vehicle Parks	5-9
5.16	Townhouses	5-10
5.17	Patio-Garden Homes	5-12
5.18	Non-residential Planned Unit Development	5-13
5.19	Temporary Structures	5-14
	District Requirements	5-15

i. Replace Section 6.51 Statement of Intent is changed to read:

6.51 Statement of Intent

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, by this Ordinance, the Council may request site plan review by the Planning Commission for certain buildings and structures that may be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

j. Section 6.52 Building Structures and Uses Requiring Site Plan is changed to read:

6.52 Building, Structures, and Uses Requiring Site Plan:

The development of all property subject to this ordinance requires a site plan. The Zoning Administrator/Building Official shall not issue a building permit for the construction of any buildings and structures unless a detailed site plan has been approved.

k. Delete Section 6.54 Planning Commission Review of Site Plan and insert the words "Not Used". If approved, delete this entry from the Table of Contents and insert the words "Not Used".

l. Section 6.55 Required Data for Detailed Site Plan: Change all references to Planning Commission to Approving Authority

m. Section 6.56 Standards for Site Plan Review: Change all references to Planning Commission to Approving Authority.

n. 6.57 Approval of Site Plan is changed to read:

6.57 Approval of Site Plan:

All site plans for proposed non-residential construction, as well as all residential development types that permit more than two families per structure, shall be subject to approval by the City Council (Approving Authority). The Planning and Zoning Administrator is designated the Approving Authority for all site plans for residential development types that contain two or less families per structure. The Planning and Zoning Administrator will certify the site plans for all residential development types that contain two or less families per structure by affixing his signature to the site plan with "Approved on (date)". The Mayor, or the presiding official at the city council meeting, and the city clerk will certify the site plans for all non-residential construction, as well as all residential development types that permit more than two families per structure, by affixing their signature to the site plan with "Approved on (date)" and attach an approved copy of the city council minutes at which the site plan was approved. The Planning and Zoning Administrator will maintain the approved copy of each site plan and supporting documentation as appropriate. The Building Official will not issue a building permit until the site plan has been approved.

o. Sec 9.2 is changed to read

Section 9.2 Planning Commission Review

9.21 Amendments shall be submitted to the Planning Commission for review. The Planning Commission will comply with the Code of Alabama and this ordinance regarding advertising, conducting public hearings, and reporting to the City Council. The Planning Commission will report their recommendations to the City Council within thirty days of the public hearing or their recommendation shall be deemed favorable.

9.22 The Planning Commission, upon its own initiative, may hold public hearings, public notice of such shall be given, for the consideration of any proposed amendment to the provisions of the Zoning Ordinance or to the Official Zoning Map and report its recommendation for approval, disapproval, or alteration of the amendment to the City Council.

p. Change Section 9.5 Filing Fee to read

9.51 Every applicant or petitioner seeking an amendment to the Zoning Ordinance or Official Zoning Map of the City of Millbrook other than amendments initiated by the City Council, Zoning Administrator, or Planning Commission shall pay the City as required by the Code of Ordinances, City of Millbrook, Alabama Chapter 74, Article III at the time of filing such petition or application. No such petition or application shall be deemed filed for consideration until such fee has been paid. The City Council may waive this fee if it determines such waiver is reasonable and prudent to do so.

SECTION 2. Should any section or provision of this Ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof which is not of itself invalid.

SECTION 3. This Ordinance shall become effective upon its adoption and publication as required by law.