

ORDINANCE NUMBER 2021 - 2167

AN ORDINANCE AMENDING THE ATHENS ZONING ORDINANCE

WHEREAS, the Resolution contained a proposal to amend Paragraph 6.1.10.B of the Zoning Ordinance concerning lot sizes;

WHEREAS, the proposal would amend Section 6.1.10.B to allow for three options specified below under certain conditions;

WHEREAS, at its regular meetings on February 16, 2021 and April 20, 2021, and after public hearings, the Planning Commission issued its final report and recommended that the Athens City Council amend Ordinance No. 2017-2016, the Zoning Ordinance of the City of Athens, Alabama (the "Zoning Ordinance"), as set forth herein;

WHEREAS, after having received and considered the information from a public hearing on the matters set forth herein, and having fully deliberated such matters, the City Council desires to amend the Zoning Ordinance as set forth herein; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS,

ALABAMA, while in regular session on April 26, 2021, at 5:30 p.m., amend the Zoning Ordinance by amending by replacement:

§6.1.10.B

B. Lot Size (when a residential lot is part of the same development, this Section shall not apply).

1) Except where modified through the planned unit development process (See Subsection 2.5.2) and for lots meeting the criteria listed in Item 6.1.10.B(2) below, lots intended for new detached residential dwellings adjacent to property ~~existing lots zoned~~ intended for detached residential dwellings shall be no less than 75 percent of the ~~average~~ minimum lot size requirements for the ~~of~~ existing adjacent property ~~contiguous~~ lot(s). (Where the adjacent property is composed of multiple lots zoned for detached residential lots which have differing lot size requirements, then the minimum lot size requirements used for this calculation shall be the average of the minimum lot size requirements for those adjacent lots.)

2) If potable water and public sanitary sewer are available, lots intended for new detached residential dwellings adjacent to existing lots in the EST zoning district must meet the minimum quantitative development criteria of the R-1 (1) district. The term available is defined as existing public utility infrastructure located within 500 feet of the subject property.

3) Buffer Planting Requirements. The required landscape buffer shall be installed before a Certificate of Occupancy may be approved. The minimum width of the required buffer

shall be defined by Table 6-1(A). Except as herein provided, plantings installed toward buffer requirements shall be in accord with the general requirements and minimum planting specifications set forth in §6.2 Landscape, Buffers and Screening.

- a) Existing natural vegetation, which meets, in whole or in part, buffer planting requirements, may be applied toward the requirements of this Section.
- b) Trees shall be evergreen.
- c) Shrubs shall be evergreen and be thirty (30) inches tall at planting. However, up to twenty-five (25) percent of the required shrubs: 1) may be deciduous, b) may be two (2) feet tall when planted, provided an average height of three (3) to four (4) feet within four (4) years; and c) when planted on a berm, may be of a lesser height, provided that the combined height of the Berms and planting is at least six (6) feet after four (4) years.
- d) The buffer area shall be designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally, unless otherwise specified in the appropriate district regulations.
- e) Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than twelve (12) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Planning Commission. Eighty-percent opacity must be maintained year-round.
- f) The buffer area must be placed in a common area tract that is to be owned and maintained by a property owner's association. The buffer area must be installed before the final plat can be signed and recorded.
- g) All landscape material must be healthy and in place prior to the recording of the final plat. A final plat may be recorded upon written commitment by the owner, developer, or subsequent agents to complete the planting in instances where adverse weather precludes planting. In this event, either a performance bond or an irrevocable letter of credit for the price of landscape material and installation must be provided by the owner, developer, or subsequent agents.
- h) Landscape areas must be irrigated as necessary to maintain required plant materials in a healthy condition.

Table 6-1(A) Alternative Minimum Residential Landscape Buffer Width Requirements								
Developing Uses	Adjoining Residential Zoning							
		EST	R-1 (1)	R-1 (2)	R-1 (3)	R-1 (4)	R-1 (5)	C-PUD
Proposed Residential Zoning	Minimum Lot Area Per Zoning District	Minimum Type of Buffer Required						
EST	3 acres	none	none	none	none	none	none	none
R-1 (1)	15,000 sf	10'	none	none	none	none	none	*

R-1 (2)	9,600 sf	15'	10'	none	none	none	none	*
R-1 (3)	6,000 sf	25'	15'	10'	none	none	none	*
R-1 (4)	SFR – 7,200sf Duplex – 9,000 sf	25'	25'	15'	10'	none	none	*
R-1 (5)	2,000 sf	50'	25'	25'	15'	10'	none	*
C-PUD	**	*	*	*	*	*	*	*
Buffer Width		Required trees per 100 lf				Required Shrubs per 100 lf		
Without fence/wall	With fence/wall	Evergreen Trees				Evergreen Shrubs		
10'	No change	8 trees in alternating or double rows				15 shrubs in single row		
15'	10'	9 trees in alternating or double rows				20 shrubs in single row		
25'	20'	10 trees in alternating or double rows				25 shrubs in alternating or double rows		
50'	45'	12 trees in alternating or double rows				40 shrubs in alternating or double rows		

* Minimum Lot Size Transitioning or Type of Buffer shall be specified on required development plan and consistent with this chart based on proposed lot size.

**Lot size, setbacks, height, and maximum area of impervious surface shall be specified on the required development plan.

ADOPTED and APPROVED this, the 26th day of April, 2021.

WAYNE HARPER, CITY COUNCIL PRESIDENT

WILLIAM R. MARKS, MAYOR

ATTEST:

ANNETTE BARNES, CITY CLERK

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, Alabama on the 26th day of April, 2021.

Witness my hand and seal of office this the _____ day of _____, 2021.

Annette Barnes, City Clerk