

PUBLIC NOTICE

Priceville Planning Commission Meeting

Notice is hereby given to all citizens, press and any interested parties that the Priceville Planning Commission will hold a regular meeting at the following place and time to consider adopting a resolution of amendment to the:

Priceville Zoning Ordinance

Monday, April 18, 2022

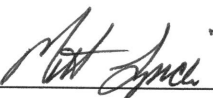
at Priceville City Hall

242 Marco Drive, Priceville, Alabama

Meeting begins at 7 p.m.

Following Commission resolution action, the City Council will hold a public hearing at a later date to consider adopting an ordinance to amend the Zoning Ordinance.

Date of Notice: April 11, 2022



Matt Spicer, Secretary

Notice posted at the following five locations within the City of Priceville:

Priceville Municipal Building, 242 Marco Drive

Priceville Public Library, 1612 S Bethel Rd

Priceville Foodland Grocery Store

Marathon Station

www.cityofpriceville.com/news

PLANNING COMMISSION OF THE CITY OF PRICEVILLE, ALABAMA

RESOLUTION NO. 2022-__

A RESOLUTION RECOMMENDING THAT THE CITY
COUNCIL CONSIDER AND APPROVE
CERTAIN AMENDMENTS TO THE
CITY OF PRICEVILLE ZONING ORDINANCE

WHEREAS, the Planning Commission of the City of Priceville finds that as a means of providing for the future orderly social, economic and physical development of the City of Priceville, it is in the interest of the City of Priceville to make certain amendments to its current zoning ordinance relating to residential accessory uses, modular homes, and application submittals in zoning districts other than the Planned Development District

WHEREAS, the Priceville Planning Commission has determined that a need exists to amend said zoning code as provided for in Section 11-52-70 of the 1975 Code of Alabama after holding a public hearing on such proposed amendments, and

WHEREAS, the Planning Commission held a Public Hearing on the 18th day of April, 2022 for the purpose of hearing any and all persons interested in speaking for or against said proposed zoning amendment.

NOW, THEREFORE, BE IT RESOLVED by the Priceville Planning Commission that it recommends to the Priceville City Council that Sections 2.02.01, 3.04.04, 4.01.02, Table 4-1, 4.09, Table 6-1, 7.01.03, 13.04.02, of the City of Priceville, Alabama Zoning Ordinance, No. 2021-11, as last amended, should be further amended to read as follows:

1. **Section 2.02.01 Accessory Structure** is amended to read as follows:

§ 2.02.01 ACCESSORY STRUCTURE. A detached subordinate structure located on the same lot or parcel with the principal structure, the use of which is incidental to that of the principal structure. This definition shall not include small portable, pre-built storage structures, provided, however such structures shall be required to meet set back requirements applicable to Accessory Structures.

2. **Section 3.04.04 Accessory Structures** is amended to read as follows:

§ 3.04.04 Accessory Structures. All accessory structures must conform to the minimum yard setbacks established in Articles 4, 5 and 6 except as permitted herein below.

1. Accessory structures may not include living quarters, except for approved Accessory Dwellings. Storm shelters or similar shelters used for temporary emergency protection, and swimming pool buildings that contain no indoor sleeping or cooking facilities are not considered living quarters.
2. Accessory structures ~~Structures accessory~~ to dwellings must also comply with the following:

- (a) Accessory structures ~~installed on a permanent foundation to dwellings must be installed on a permanent foundation must be and when placed in residential districts must be consistent in color and construction materials consistent with the colors and exterior materials of with~~ the principal dwelling structure, ~~except that matching exterior materials shall not be required for accessory structures in R-1, R-2, A1 and A1-R Districts if the accessory structure, in the judgment of the Administrative Official, is not detrimental to the surrounding established neighborhood and either (i) is placed on a lot outside of a platted development, (ii) is placed on a lot or tract not less than two acres in size, or (iii) is reasonably consistent with the exterior materials of existing accessory structures in the neighborhood.~~
- (b) No accessory structure may extend forward of the front building line except shelters for temporary emergency protection.
- ~~(e) Accessory structures may not cover more than 50% of the required rear yard nor more than 30% of the established rear yard. This does not apply in the A-1 and A-1-R Districts.~~
- (c) Accessory structures may not exceed the height of the principal dwelling.
- (d) Accessory structures must be set back at least seven feet from side and rear lot lines and from the principal building. Accessory structures taller than 15 feet must be set back from rear and side lot lines one additional foot for each foot in height above 15 feet.
- 3. Accessory structures used for nurseries or greenhouses are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes.
- 4. A single private outdoor swimming pool per dwelling is permitted as an accessory use to a dwelling provided that it is for the private use of the residents of the dwelling and their guests. Pools may not be located closer than ten feet to any property line may not occupy more than ten percent of the lot area and must be separated from adjoining properties by a fence at least five-foot high ~~fence~~.

3. **Section 4.01.02 Area and Dimensional Requirements** is amended to read as follows:

§ 4.01.02 Area and Dimensional Requirements

- 1. All permitted uses must comply with the minimum yard setbacks in Table 4-2, except that permitted nonresidential uses are subject to a maximum height of 50 feet and 2 ½ stories.
- 2. Structures of nonresidential uses must be set back from side and rear lot lines in accordance with the buffer requirements in §10.01 Buffers.
- 3. A porch or structure or part thereof that is attached to the principal building is considered part of the principal building and is subject to the yard requirements of the applicable district.
- 4. Accessory buildings may not exceed the following:

- a. R-1, R-2 Districts: 50% of the floor area of the dwelling unit, unless, in the judgment of the Administrative Official the accessory building is not detrimental to the surrounding established neighborhood and, either (a) the lot, tract, or parcel is a minimum of 2 acres in size, (b) the property is located outside of a platted subdivision, or (c) the size is reasonably consistent with the size of accessory structures in the neighborhood.
- b. R-3, R-5 and R-6 Districts: 25% of the floor area of the dwelling unit.

4. **Table 4-1 is amended to read as follows:**

TABLE 4-1: USES PERMITTED IN RESIDENTIAL DISTRICTS						
	R-1	R-2	R-3	R-4	R-5	R-6
Residential Uses						
Accessory Dwellings, subject to §7.01	C	C	C			
Accessory Uses, Residential	P	P	P	P	P	P
Caretaker Dwelling, for Institutional Use				P		
Duplex			P			
Multifamily Dwellings (3+ units per building), subject to §7.14				C		
Single-family, attached, subject to §7.05					P	
Single-family, conservation subdivision, subject to §7.08	P	P	P			P
Single-family, cottage development, subject to §7.09						P
Single-family, detached	P	P	P			P
Modular Homes	SE	SE	SE¹			
Day Care Facilities						
Child or Adult Day Care Center				C	C	C
Child Day Care Home, subject to §4.01.01	P	P	P			SE
Group Child Day Care Home, subject to §4.01.01		SE	SE			
Residential Care Facilities						
Assisted Living Facility				P		
Emergency Care Homes				P		
Family Care Home		SE	SE	P		
Independent Living Facility				P		
Nursing Care Facility				P		
Other Nonresidential Uses						
Amateur Radio Tower, as an accessory use, subject to §7.04	P	P	P	SE		
Bed and Breakfast, subject to §7.06	SE	SE	SE	P		
Boarding House, subject to §7.07				P		
Cemetery	C	C	C	C	C	C
Country Club	C	C	C	C		
Essential Services	P	P	P	P	P	P
Golf Course	C	C	C	C		
Home occupation, subject to §7.10	P	P	P	SE	SE	P

Institutional Use, Low intensity	P	P	P	P	P	P
Institutional Use, Medium intensity	C	C	C	C	C	C
Parks, Playgrounds and Nature Preserves	P	P	P	P	P	P
Public Buildings	C	C	C	C	C	C
Public Utility Facility	C	C	C	C	C	C
Recreation Facility, Public	C	C	C	C	C	C
Short-term rental, subject to §7.17	P	P	P			
P – The use is permitted by right SE – Special Exception Use, requires approval by the ZBA per §14.05 C – Conditional use, requires approval by the Planning Commission per §13.05 A blank cell indicates the use is prohibited. ¹ Single-family detached only, duplex modulars prohibited.						

5. **Section 4.09 Modular Homes, is added as follows:**

§4.09 MODULAR HOMES

Not more than one (1) modular home may be located on each lot

§4.09.01

1. All modular homes must comply with all of the dimensional requirements of the Zoning Code, including setbacks and landscaping requirements, and must be built in conformity with the building code of the city of Princeville in effect at the time of application.
2. All modular homes must be placed on a permanent foundation.
3. All modular homes must meet all requirements of the applicable zoning district.
4. All modular homes must be connected to City utilities, if available to the lot, or to a well or septic tank approved by the Health Department if City utilities are not available to the lot.
5. All modular homes must be maintained in such a way to comply with the general character of the surrounding neighborhood, so as to not create a nuisance.

§4.09.02 Procedures

1. All applicants for placement of a modular home must provide a survey showing that the proposed structure meets all setbacks of the applicable zoning district.
2. Applicants, if approved, must pay the same fee for a building permit as for a standard site-built home.
3. The City shall inspect the following parts of the home.
 - a. Foundation
 - b. Electrical Service

c. Sewer, if the home will be connected to the Priceville sewer system (if so, a sewer permit must be obtained).

d. Natural Gas, if the home will have natural gas connections (if so, a natural gas permit must be obtained).

4. The City Building Inspector must perform a final inspection of the modular home before a Certificate of Occupancy may be issued. No modular home may be occupied until a Certificate of Occupancy has been issued.

Prior to issuance of a Certificate of Occupancy, the applicant and occupant must provide a waiver agreeing to indemnify and hold the City harmless for any damages to or caused by part of the modular home that the City is unable to inspect, such as: plumbing, electrical wiring, or other systems that are located within covered walls at the time the structure arrives on site.

6. **Table 6-1 is amended to read as follows:**

TABLE 6-1: USES PERMITTED IN A-1 AND A-1-R DISTRICTS		
	A-1	A-1-R
Accessory Dwellings, subject to §7.01	P	
Accessory Uses, Residential	P	P
Amateur Radio Tower, as an accessory use, subject to §7.04	P	P
Bed and Breakfast, subject to §7.06	P	
Cemetery	C	
Child or Adult Day Care Center	C	
Child Day Care Group Home	P	P
Child Day Care Home	P	P
Country Club	C	
Dwelling, Single-family Detached	P	P
Dwelling, Manufactured Home, on its own lot		C
<u>Modular Homes</u>	<u>P</u>	<u>P</u>
Essential Services	P	
Farm Support Business	C	
Garden center, nurseries, greenhouses	P	
Golf Course	C	
Home occupation, subject to §7.10	P	P
Institutional Use, Low intensity	C	
Institutional Use, Medium intensity	C	
Keeping and raising of livestock for agricultural use	P	P
Kennel	P	
Outdoor recreation	C	
Parks, Playgrounds and Nature Preserves	P	
Public Buildings, Public Recreation Facilities	C	
Public Utility Facility	C	
Recreational Vehicle Park or Campground, subject to §7.16	C	
Short-term rental, subject to §7.17	P	
Telecommunication Tower, subject to City Ordinance 2015-04	C	
Timber Production	P	
P – The use is permitted by right SE – Special Exception Use, requires approval by the ZBA per §14.05 C – Conditional use, requires approval by the Planning Commission per §13.05 A blank cell indicates the use is not permitted.		

7. **Section 7.01.03 is amended to read as follows:**

§7.01.03 Area and Dimensional Requirements. Accessory dwellings are permitted on lots of at least 10,000 sf. or the minimum lot size of the district, if greater. If the principal dwelling is not connected to the sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each of the dwellings.

1. Accessory dwellings are subject to the requirements in §3.04.04 Accessory

Structures and §4.01.02 Area and Dimensional Requirements (Residential Districts). If detached from the principal dwelling, the accessory dwelling must be set back at least ten feet from the principal dwelling.

2. The habitable floor area of an accessory dwelling must be at least 200 feet s.f. but not more than 50% of the gross floor area of the principal dwelling or 1,000 s.f., whichever is more restrictive, subject, however to the exception set out in §4.01.02 (4).
3. Detached accessory dwellings may not be located closer to any front lot line than the principal dwelling.

8. Section 13.04.02 is amended to read as follows:

§ 13.043.02

Application. An application for any amendment must be filed with the Building Official on forms provided by the City and must be accompanied by:

1. A non-refundable application fee as established by the City Council to cover the costs of advertising and other administrative expenses involved.
2. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
3. A legal description of the property to be zoned.
4. A letter from the appropriate utilities stating that said utilities are available to serve the proposed use.
5. For Planned Development Districts only, a conceptual site plan, drawn to scale, showing: the dimensions of the property, access to a public street, existing buildings and proposed buildings if applicable.
6. Any supplemental information which will assist the Commission in reviewing the zoning amendment.

Applications and all accompanying documents must be in both paper and electronic PDF format and must be filed with the Building Official at least 21 days prior to the commission meeting at which the application is to be considered. The Building Official must first determine that the application is complete before the amendment may be placed on the agenda for consideration by the Commission – *amended via Ord. 2021-07*.

READ, PASSED, AND ADOPTED on this the 18th day of April, 2022.

ATTEST:

Matt Spicer, Secretary
Priceville Planning Commission

Kelly Butler, Chairwoman
Priceville Planning Commission
City of Priceville, Alabama