

**NOTICE OF PUBLIC
HEARING CULLMAN CITY COUNCIL**

Pursuant to instructions of the Cullman City Council, notice is hereby given that the proposed ordinance set forth below will be considered by the Council at a meeting to be held at 7:00 p.m. Monday, February 7th, 2011 in the Cullman City Hall Auditorium.

The purpose of the ordinance is to amend Ordinance No. 2004-03 and the Zoning map of the City of Cullman adopted on January 26, 2004.

All interested citizens will have the opportunity, to be heard concerning the amendment during the February 7th, 2011 council meeting prior to further consideration of the ordinance.

**City of Cullman
Ruth W. Rose
City Clerk**

ORDINANCE NO. 2011-07

**AN ORDINANCE AMENDING ORDINANCE NO. 2004-03, AS AMENDED,
OF THE CITY OF CULLMAN, ALABAMA,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS IT FOLLOWS:

1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama, 1975, as amended, Zoning Ordinance No. 2004-3, as amended, is hereby amended by adding the following Section 70.12.
2. Section 70.12 establishing an Entertainment District is hereby Established E-1.

Section 70.12. E-1. Entertainment District

This district is designed for business that by nature requires more parking, loading, and unloading space, lighting and walkways than is required by other districts.

1. **Use Regulations.**

- A. **Minimum District Size:** An E-1 District shall not be created of less than five acres in size.
- B. **Uses Permitted:** Residential structures, along with accessory buildings existing at the time of adoption of this Ordinance or Amendments thereto; retail business or service (provided not over 40% of the floor space is used for warehousing), such as but not limited to the following: grocery; general merchandise; apparel; furniture; drug stores; jewelry and gift; florists; sporting goods; barber and beauty shops; restaurants; movie theaters; hotels; public utility structures such as electrical substations; natural gas metering stations; sewage pumping stations and other similar structures; cabarets; concert halls; amphitheaters; lounge II; club II; specialty wine and beer stores; loft apartments and similar residential occupancies to comply with Section 50.1 of this Ordinance. Any use designated by the Planning Commission which comes within the spirit or intent of the Zoning District.
- C. **Conditional Use:** Fire stations; banks; planned shopping centers; public buildings; public transportation; manufacturing incidental to retail business where articles are sold at retail on the premises; places of amusement and assembly; and uses approved by the Planning Commission which comes within the intent of the Zoning District.

No Building Permit or Certificate of Occupancy shall be issued by any of the items listed under Conditional Use except upon the written approval of the Planning Commission and subject to the approval of the site and development plan by the Planning Commission in accordance with Section 81.0 and 103.3 of this Ordinance.

- D. **Uses Permitted on Appeal.** None

- E. **Uses Prohibited:** New residential houses, rental apartment buildings with four or less units, all non-permitted manufacturing, industrial and warehousing facilities, parking lots, parking area, loading and unloading areas used in conjunction with non-permitted manufacturing, industrial, warehousing or commercial facilities; mobile homes; mobile home parks; trailer courts or camps; curb side selling of any type; open lot sales; drive-in restaurants; motels; bowling alleys; and similar items which by the decision of the Planning Commission does not come within the spirit or intent of the Zoning District.

The front of the building shall be interpreted to mean the side facing the main access street.

The front yard shall be interpreted to mean that area bounded by a line running from one side property line to the other side property line across the front of the building to the front property line at the main access street.

- F. **Minimum Front Setback:** All building shall have a minimum setback of 20 feet or 10 feet back from the inside edge of an easement, whichever is greater. A 100 foot setback is required when abutting a residential property with buffer to comply with Section 57.0 of this Ordinance.
- G. **Minimum Side Setback:** None required as long as the provisions of the building and fire codes as adopted by the City of Cullman are met for the type of construction. A 100 foot setback is required when abutting a residential property with buffer to comply with Section 57.0 of this Ordinance.
- H. **Minimum Rear Setback:** All buildings shall have a minimum setback of 10 feet, or 10 feet back from the inside edge of an easement, whichever is greater. A 100 foot setback is required

when abutting a residential property with buffer to comply with Section 57.0 of this Ordinance.

- I. **Minimum Lot Size:** It is the intent of this Ordinance that lots of sufficient size shall be used and shall provide adequate space as required by the Planning Commission for parking, loading, unloading, and all the requirements for normal operations of the business or operation.
- J. **Maximum Height:** The maximum height of any building shall comply with the provisions of the Building and Fire Code adopted by the City of Cullman.
- K. **Off-Street Parking:** All building sites shall provide adequate space for automobile parking. Each business shall provide one space per 30 square feet of building and one space per employee based on the maximum number of employees of any shift for the business or commercial space. The parking area must be curbed with side-walks of not less than six feet against the building line and shall be lighted from dark until dawn seven days per week. No additional parking shall be required for loft apartments.
- L. **Off-Street Loading and Unloading:** All buildings shall provide adequate space for loading and unloading all vehicles or trucks incidental to the operation of the business or service, in accordance with Section 63.0 of this Ordinance.
- M. **Outside Storage:** In all uses, existing outside storage of permitted materials shall be located in an enclosure approved by the Planning Commission and stored in such a manner as not to create a public nuisance.

Any outside storage of permitted materials creating a public nuisance may be abated by the Zoning Board of Adjustment in accordance with Section 104.0 of this Ordinance.

Approved dumpsters which are scheduled for regular collection shall contain only approved refuse and the dumpster shall be placed upon an isolated concrete pad measuring a minimum of twelve feet wide, twelve feet long and six inches thick. The dumpster pad does not require fencing. If fencing is installed a minimum opening width of twelve feet is required.

N. **Storage Prohibited:** Any storage considered to be a health hazard or public nuisance may be abated by the Zoning Board of Adjustments in accordance with Section 104.0 of this Ordinance. No storage of any type shall be permitted in the front yard of any building.

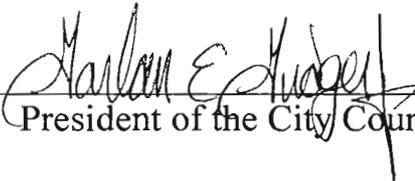
O. **Required Buffers:** Where this district abuts a lot in a residential district or as required by the Planning Commission, there shall be provided and maintained along said property line a continuous buffer in accordance with Section 57.0 of this Ordinance.

3. That a public hearing be held relative to the passage of this ordinance on the 7th day of February, 2011 at 7 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said Ordinance and any changes relating thereto.
4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman.
5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans, or any other documents of the City of Cullman, Alabama, in conflict with this Ordinance be and are hereby changed and amended to reflect the changes and amendments herein.
6. Should any part or portion of this Ordinance be held invalid, unenforceable, or unconstitutional, for whatever reason, by a court of competent

jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

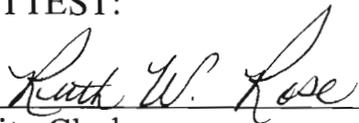
7. This Ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama, 1975, as amended.

ADOPTED this the 7th of February, 2011.



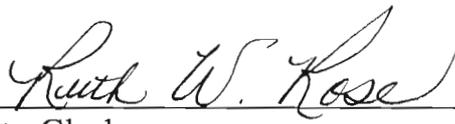
President of the City Council

ATTEST:



City Clerk

Transmitted to the Mayor this the 7th day of February, 2011.



City Clerk

APPROVED by the Mayor this the 7th day of February, 2011.



Mayor