

ORDINANCE NO. 608
Amending Ordinance No. 555 to allow
business and residential mixed occupancies
(Loft Apartments) in B1 and B2 zones

WHEREAS, Ordinance No. 510 is the City of Hanceville Zoning Ordinance; and

WHEREAS, Ordinance No. 510 was Amended by Ordinance No. 555 on July 9, 2009 to allow loft apartments in B1 and B2 Zones under certain conditions; and

WHEREAS, the restrictions on loft apartments are burdensome and it is in the best interest of the City to amend the Ordinances again.,

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

Ordinance No. 555 dated July 9, 2009, is vacated, deleted and held for nought.

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

Section 1. Under the authority of Chapter 52, Articles I through 4, Section 11-52-1 through 11-52-84, Code of Alabama, 1975, as amended, Zoning Ordinance No. 510, is hereby amended as follows:

Section 2. In Table of Uses, add to Item 117, as follows:

In all B-1 and B-2 zoning districts dwelling units above the first floor of a business establishment being apartments, loft apartments, efficiency apartments and similar residential occupancies may be constructed in new and existing business occupancies as a secondary use. All such uses must be approved by the City Planning Commission. All construction/reconstruction will

be in strict compliance with the International Builders' Code. These occupancies shall also strictly comply with the City of Hanceville building and fire protection related codes. The primary use of all commercial buildings located in the above mentioned zoning districts shall be those uses listed as permitted uses and conditional uses in the zoning district in which the property is located. Primary use as defined in this ordinance shall mean "the first floor of the development shall be for use or available for use for business or commercial purposes."

Section 3. Balconies shall be permitted at approved loft apartments only.

Section 4. Balconies must meet requirements of the Fire Chief or designee to be used as a rescue area or place of refuge for evacuation purposes.

Section 5. Balconies may not extend more than seventy percent (70%) over public sidewalk.

Section 6. Neither balconies nor supports shall encroach into ADA required sidewalk areas.

Section 7. Balconies must clear sidewalks by a minimum of nine feet above sidewalk elevation or ground elevation, whichever is greater.

Section 8. All balcony support posts must be set back a minimum of 24 inches from the back of the curb of the street and placed on concrete pedestals at least 18 inches above the sidewalk.

Section 9. All balconies must be constructed of non-combustible material acceptable to the City Fire Chief or designee.

Section 10. All balconies constructed/reconstructed must be in strict compliance with the International Builders' Code as determined by the Building Official for the City of Hanceville.

Section 11. Owners of the property must provide a Hold Harmless Agreement to the City relieving the City of Hanceville from any liability related to the structure.

Section 12. All balconies must be designed by an Alabama registered engineer or architect and drawings submitted to the Building Official with stamp. Drawings must not be older than 180 days.

Section 13. Balconies may be open or covered but no balcony shall be allowed to be enclosed either permanently or temporarily.

Section 14. It shall not be permitted for any balcony to have a satellite dish or antenna mounted to it or any portion of the structure supporting or covering the balcony.

Section 15. No objects shall be placed, hung, draped or attached to any portion of balcony except store name and address may be placed so long as they are above 9 feet clearance and approved by the Planning Commission and Building Official.

Section 16. All balconies must be submitted and approved by the Planning Commission and Building Official before a permit to construct shall be issued.

Section 17. This ordinance will be posted at Hanceville City Hall, Hanceville Library and Hanceville Post Office, for at least 15 days prior to the date set for public hearing on and consideration of said ordinance.

That a public hearing be held relative to the passage of this ordinance on the 11th day of February, 2016, at 6:30 p.m., in the Hanceville City Hall, at which time interested parties and citizens will have an opportunity to be heard concerning said ordinance and any changes related thereto.

Section 19. That all notices as required by law be given by the City Clerk concerning the

public hearing.

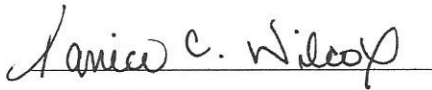
Section 20. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this ordinance.

Section 21. This ordinance shall take effect and be in force from and after its passage and adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, etseq., Code of Alabama 1975, as amended.

ADOPTED this the 11th day of February, 2016.

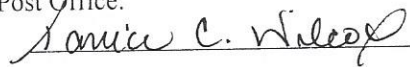

Kenneth Nail, Mayor

Attest:


Tania C. Wilcox

Certificate of Publication

I, Tania C. Wilcox, certify that this ordinance has been posted in the following public places: Hanceville City Hall, Hanceville Public Library, Hanceville Post Office.

2/15/2016 
Date