

ORDINANCE 2022-005

AN ORDINANCE TO AMEND ORDINANCE 219-R1, THE ZONING CODE OF THE TOWN OF GURLEY, AS AMENDED TO AMEND PROVISIONS OF THE ZONING CODE RELATING TO NOTICE AND PUBLIC HEARINGS TO BE HELD BEFORE THE PLANNING COMMISSION AND TOWN COUNCIL AND A PROVISION OF ORDINANCE 219-R1 PERTAINING TO SWIMMING POOLS

WHEREAS, the Mayor caused a notice to be properly posted in accordance with Alabama law of a public hearing to be held by the Town Council on July 19, 2022 at which persons for and against the certain amendments to Section 9-2-2, Section 9-3-1 and Section 9-4-1 of Ordinance 219-R1, the Zoning Code of the Town of Gurley; and

WHEREAS, prior to posting the statutory notice the Mayor notified the Chairperson of the Planning Commission regarding the nature and substance of the proposed amendments and asked that the Planning Commission consider the proposed amendments at its meeting on July 12, 2022 and report to the Town Council regarding its views on said amendments; and

WHEREAS, the Planning Commission considered the proposed amendments at its July 12, 2022 meeting and has reported its views on the amendments to the Town Council; and

WHEREAS, after considering the view of the Planning Commission with respect to the proposed amendments and conducting the duly noticed public hearing regarding those amendments, the Town Council of the Town of Gurley finds that it is in the public interest that the amendments be adopted by the Town Council; and

WHEREAS, the Town Council has given its unanimous consent to consideration of the following proposed amendments to the Zoning Code immediately following said public hearing.

THEREFORE BE IT ORDAINED by the Town Council of the Town of Gurley, on this the 19th day of July 2022, that Ordinance 219-R1, the Zoning Code of the Town of Gurley, as previously amended, is further amended such that the following referenced sections therein shall read as follows:

1. Section 9-2-2 Fees. Is amended to read as follows:

9-2-2 Fees and Information Required. The Mayor, with the consent of the Town Council, shall establish a reasonable application fee to be paid to the Town Clerk of the Town of Gurley, Alabama with respect to each request for amendment of the applicable zoning classification of any parcel of land (“subject property”) lying within the Town or for pre-zoning property proposed to be annexed into the Town. The established application fee should be calculated to reasonably recover postage and other administrative costs related to processing such applications under the Town’s Zoning Ordinance and may be adjusted from time to time upon the recommendation of the Mayor, with consent of the Council. In addition, to being subject to payment of the application fee, each such application must be signed by

all current owners of the subject property and shall include with the application: (a) the current address of the subject property, (b) a recorded copy of the owner's deed evidencing ownership of the subject property, (c) a map or drawing depicting the subject property's relation to surrounding property and the current classification of both the subject property and of all property adjacent to the subject property, (d) information indicating the zoning classification to which the owner desires the subject property to be changed, and (e) a list of the names and addresses of all current record owners of property adjacent to the subject property, as those owners are recorded in the Office of the Madison County Tax Assessor, which list shall indicate whether each listed property lies within the corporate limits of the Town of Gurley.

2, Section 9-3-1 Planning Commission Public Hearing is amended to read as follows:

9-3-1 Planning Commission Public Hearing. The Planning Commission may, at its discretion, hold a public hearing on any proposed zoning amendment. If a public hearing is deemed necessary by the Chairperson of the Planning Commission or by a majority vote of its members, notice of said hearing shall be posted together with a copy of the proposed ordinance to adopt the proposed zoning amendments. Any such notice shall be posted at least seven (7) days before the date of the proposed public hearing in four (4) conspicuous places within the Town, shall state the time and place of the hearing, and shall state that at such time and place all persons who wish to speak for or against the proposed amendment shall have an opportunity to do so. If the amendment proposes to amend the zoning classification of property lying within the Town or to pre-zone property proposed for annexation into the Town ("subject property") by amendment of the Town's Official Zoning Map, then in addition to the posting of the referenced notice, the Town Clerk, not later than seven (7) days before the date on which the public hearing is to be held, will issue a notice of the public hearing to all current owners of property lying within the Town of Gurley adjacent to the subject property, together with a map or drawing depicting the subject property in relation to other adjacent property and a copy of the proposed ordinance to amend the Official Zoning Map. The Town Clerk shall be deemed to have met the requirements of this section upon issuance of such notice by registered, certified, or other express mail to each such owner listed on the certified list of adjacent property owners supplied with the application for change in the zoning classification of the subject property, if such notice is issued not less than seven (7) days before the date scheduled for the public hearing before the Commission.

3. Section 9-4-1 Public Hearing Notice is amended to read as follows:

9-4-1 Public Hearing Notice. No request for amendment of the Zoning Code or amendment to the Official Zoning Map of the Town of Gurley may be considered by the Town Council until such time as notice of a public hearing on the proposed amendment has been given to the public in accordance with Ala. Code §11-52-77. Notice of proposed amendments to the Zoning Code shall be given by posting the proposed ordinance in four conspicuous places within the Town at least fifteen (15) days in advance of the public hearing and final passage of the ordinance, together

with a notice stating the time and place that the ordinance is to be considered by the Town Council and stating further that at such time and place all persons who desire shall have an opportunity to be heard for or against the proposed ordinance. For proposed ordinances to amend the Official Zoning Map initiated by application from a property owner submitted in compliance with Section 9-2, regarding which the Planning Commission, in its discretion has not conducted a public hearing, the Town Clerk, shall issue a notice of the public hearing to all current owners of property lying within the Town of Gurley adjacent to the subject property, together with a map or drawing depicting the subject property in relation to other adjacent property and a copy of the proposed ordinance to amend the Official Zoning Map. The Town Clerk shall be deemed to have met the requirements of this section upon issuance of said notice in the same manner as provided in Section 9-3-1, excepting, however, that for notice of the hearing before the Town Council, the notice shall be issued no later than fifteen (15) days before the date on which the public hearing is to be held.

4. Section 5-1-13 Swimming pools is amended to read as follows:

5-1-13 Swimming Pools and Aquatic facilities. The following regulations shall apply.

1. Noncommercial pools, spas, hot tubs, etc., with a water height of 18” or higher, must have a minimum 48” high fence around the facility equipped with safety latches on all fence gates.
2. The Alabama code shall be followed regarding all swimming pools and aquatic facilities, including local ordinance additions.
3. Pools, hot tubs, spas, etc. established in any permitted zoning district shall not be located closer to any lot line than ten (10) feet.
4. No part of the facility shall extend into any front or side yard.
5. Private pools, spas, hot tubs, etc. may be established in residential zoning districts provided they are to be used solely by the occupants of the property and their guests.

This ordinance shall be effective upon its adoption and publication as required by law.

READ, APPROVED, AND ADOPTED AT A REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL OF THE TOWN OF GURLEY, ALABAMA, ON THIS 19th DAY OF JULY 2022.

Stan Simpson
Mayor and Presiding Officer of the
Town Council, Town of Gurley, Alabama

ATTEST:

Ginger Patterson
Town Clerk