

ORDINANCE NO. 24-387

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF HUNTSVILLE, ALABAMA

WHEREAS, an application for a Planned Development amendment to the Zoning Ordinance of the City of Huntsville, Alabama (“the Zoning Ordinance”), has been submitted for the Greenbrier Preserve South development pursuant to Article 30 of the Zoning Ordinance; and

WHEREAS, pursuant to Section 30.5.5 of the Zoning Ordinance, the Planning Division has prepared a report containing findings and making recommendations; and

WHEREAS, the Planning Commission has considered said application and report and recommended that the proposed Planned Development amendment be approved as proposed; and

WHEREAS, said report has been provided to and considered by the City Council, which includes such findings and recommendations of the Planning Division and Planning Commission; and

WHEREAS, based on the report, recommendations, and documentation in support of the same, the City Council is of the opinion that that the proposed Planned Development amendment should be granted in accord with PD and other regulations applicable including certain modifications of PD and other applicable regulations as set out in the report and provided for in 30.5.5(5) of the Zoning Ordinance.

NOW, THEREFORE, the foregoing premises considered, the public welfare requiring it, and under authority granted by Section 11-52-78 of the Code of Ala. 1975, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, as follows:

1. That the findings of the Report on Greenbrier Preserve South Planned Development-Housing Zoning and documentation in support of the same, to the extent not inconsistent with such report, are adopted as the findings of the City Council as if set forth fully herein and a copy of such report is attached hereto as Exhibit “A” and incorporated herein by reference as if set out herein fully.

2. That the preliminary concept plan as it may have been change during earlier procedures, a copy which is attached hereto as Exhibit “B” and incorporated herein by reference as if set out herein fully, is approved, and by such approval shall be binding in determinations concerning final development plans in accordance with Section 30.5.6 of the Zoning Ordinance. Consistent with such section, the development shall be required to be in accord with final development plans meeting the requirements of the Planned Development and other regulations, as supplemented or modified by the report approved by this amendment to the Zoning Ordinance and the development shall further conform to any time or priority limitations established by the report on beginning and completion of the development as a whole, or in specified stages.

3. That the findings, contents, conditions, waivers, and/or modifications as set out in the Report on Greenbrier Preserve South Planned Development-Housing Zoning and documentation submitted in support of such report, including application for Planned Development amendment; the Greenbrier Preserve South Planned Development Rezoning Submittal including the General Development Plan; Open Space Plan; the Typical Lot Block Patterns; the Illustrations of Typical Building Designs; Landscaping Plan; the Boundary and Topographic Survey, support this amendatory action, including the grant of the Planned Development amendment in accord with PD and other regulations applicable including those certain modifications of PD and other applicable regulations as set out in the report and provided for in 30.5.5(5) of the Zoning Ordinance, and the determination that the same are necessary or justified in each particular case by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by the proposals of the applicant.

4. That the following area, lying on the south side of Swancott Road and west of Rabbit Lane, which area is now shown and classified on the Official Zoning Maps of the City of Huntsville, Alabama, Residence 2 and Residence 2-B Districts, shall be shown and classified on the Official Zoning Maps of the City of Huntsville, Alabama, as Planned Development - Housing District, LUI 45 and 56, in the Zoning Ordinances of the City of Huntsville, Alabama, said property being particularly described as follows:

All that part of Section 15, Township 05 South, Range 03 West of the Huntsville Meridian, Limestone County, Alabama more particularly described as beginning at a point located at the Southeast Corner of said Section 15; thence North 88 Degrees 18 Minutes 11 Seconds West 1,006.37 feet to a point; said point is further described as the Point of True Beginning; thence from the Point of True Beginning, North 88 Degrees 33 Minutes 12 Seconds West, 218.21 feet to a point; thence North 88 Degrees 34 Minutes 36 Seconds West, 113.21 feet to a point; thence North 88 Degrees 30 Minutes 20 Seconds West, 295.85 feet to a point; thence North 88 Degrees 35 Minutes 34 Seconds West, 528.86 feet to a point; thence North 01 Degree 24 Minutes 22 Seconds East, 249.84 feet to a point; thence North 88 Degrees 32 Minutes 23 Seconds West, 236.97 feet to a point; thence North 01 Degree 24 Minutes 22 Seconds East, 250.03 feet to a point; thence North 88 Degrees 32 Minutes 33 Seconds West, 697.04 feet to a point; thence North 88 Degrees 32 Minutes 23 Seconds West, 348.56 feet to a point; thence North 01 Degree 23 Minutes 48 Seconds East, 374.86 feet to a point; thence North 01 Degree 17 Minutes 25 Seconds East, 205.81 feet to a point; thence South 89 Degrees 13 Minutes 34 Seconds East, 196.14 feet to a point; thence North 01 Degree 25 Minutes 39 Seconds East, 444.27 feet to a point; thence North 89 Degrees 04 Minutes 18 Seconds West, 113.83 feet to a point; thence North 01 Degree 42 Minutes 53 Seconds East, 305.51 feet to a point; thence North 89 Degrees 23 Minutes 10 Seconds West, 61.69 feet to a point; thence North 01 Degree 42 Minutes 43 Seconds East, 344.52 feet to a point; thence South 88 Degrees 41 Minutes 27 Seconds East, 638.8 feet to a point; thence North 07 Degrees 45 Minutes 38 Seconds East, 502.58 feet to a point; thence South 88 Degrees 07 Minutes 10 Seconds East, 454.70 feet to a point; thence South 07 Degrees 35 Minutes 08 Seconds West, 286.25 feet to a point; thence South 06 Degrees 21 Minutes 36

Seconds West, 141.51 feet to a point; thence South 00 Degrees 58 Minutes 14 Seconds West, 144.25 feet to a point; thence South 13 Degrees 01 Minute 38 Seconds East, 10.96 feet to a point; thence South 07 Degrees 53 Minutes 30 Seconds West, 773.17 feet to a point; thence South 88 Degrees 34 Minutes 39 Seconds East, 1,061.52 feet to a point; thence North 01 Degree 19 Minutes 31 Seconds East, 1339.83 feet to a point; thence South 88 Degrees 34 Minutes 28 Seconds East, 113.10 feet to a point; thence South 88 Degrees 34 Minutes 28 Seconds East, 218.21 feet to a point; thence South 01 Degree 22 Minutes 34 Seconds West, 2,664.60 feet back to the Point of True Beginning and containing 95.07 acres, more or less.

5. The boundaries of the above district as described and defined above are hereby established and shall be shown on the Official Zoning Maps of the City of Huntsville, Alabama, on file in the Planning Division of the Urban Development Department, in accordance with the various classifications herein enumerated and hereafter the regulations governing said district under the Zoning Ordinance of the City of Huntsville, Alabama, shall apply to the area so described.

6. This ordinance shall take effect from and after the date of publication.

ADOPTED this the 25th day of July, 2024.

/s/ David Little
President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 25th day of July, 2024.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama