

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HELENA,
ALABAMA, TO PROVIDE SPECIAL DISTRICT PLANNED MIXED USE DEVELOPMENT
Ordinance 895-2022**

Section One. The intent of Special District Planned Mixed Use District is designed to provide building sites and buildings with a goal of:

1. Enhance the pedestrian atmosphere of a village by specifying how buildings can accommodate a mixture of general use types in a single structure, how they must address the public streetscape, and additional design elements of buildings that are required in order to preserve the existing character of the area.
2. For use only in specified areas of the villages where the benefits that can result from multiple uses in a single structure have been identified in the broader context of a village master plan or to other commercial areas whose design would emulate the village approach to development in terms of scale and design under the city master plan.

Section Two. The Zoning Ordinance of the City of Helena, Alabama, is hereby amended to shift existing Section 4 – Section 8 of Article XXIV down one number to allow the below mentioned addition.

Section Three. The Zoning and Ordinance of the City of Helena, Alabama, is hereby amended to add the Definition to Article IV:

1. VILLAGE – Real property on which will exist, after completion of residential construction work and commercial construction work; a building or structure used for both residential and commercial purpose.

Section Four. The Zoning Ordinance of the City of Helena, Alabama, is hereby amended to add the following as Article XXIV Special District Section 4:

“ARTICLE XXIV Section 4 – SPECIAL DISTRICT PLANNED MIXED USE DISTRICT

Section 1. Purpose

The Special District Planned Mixed Use District is designed to provide building sites and buildings that enhance the pedestrian atmosphere of the village by specifying how buildings can accommodate a mixture of general use types in a single structure, how they must address the public streetscape, and additional design elements of buildings that are required in order to preserve the existing character of the area. This district is intended for use only in specified areas of the villages where the benefits that can result from multiple uses in a single structure have been identified in the broader context of a village master plan or to other commercial areas whose design would emulate the village approach to development in terms of scale and design under the city master plan.

Section 2. Applicability

In determining whether the zoning classification of a parcel of land should be changed to a Special District Planned Mixed Use District, the Helena Planning and Zoning Commission and/or City Council may take into consideration such factors as it deems appropriate with respect to such parcel of land and the land adjacent to or near such parcel of land, which factors shall include, but are not limited to:

- 2.1. The city comprehensive plan, a village master plan where applicable, or any special area plan and any applicable overlay standards for the area, and the recommendation of the planning and zoning commission regarding these plans and standards;
- 2.2. The design guidelines of a village master plans and any recommendation of the planning and zoning commission regarding these guidelines from date of approval of said ordinance;
- 2.3. The present use of the land and the improvements located thereon, the condition of such improvements;
- 2.4. The present use of the adjacent and nearby land and the improvements located thereon and the condition of such improvements;
- 2.5. The proposed use of the parcel of land, whether new improvements will be constructed, whether existing improvements will be renovated, razed or left in their then present condition;
- 2.6. The compatibility of the use of the land and its improvements with the use of the adjacent and nearby land and the improvements thereon;
- 2.7. The compatibility of the proposed use of the land and its improvements with the use of such adjacent and nearby land and improvements; and
- 2.8. The benefits or detriments to the parcel of land, the adjacent and nearby land and the city which would result from the development of the land in accordance with the proposed development plan, unless approved as a base zoning district of a Special District pursuant to article XXIV of this ordinance.

Section 3. Permitted Uses

3. Permitted uses. The uses permitted in the Special District Planned Mixed Use District shall be as follows:
 - 3.1. The first story may contain any use permitted in the B-1 Neighborhood Business District with exception of Article XX Section 4.4 at the discretion of Building Official, but the uses shall be further specified and limited by a proposed development plan to ensure the long-term compatibility of initial uses and any future uses on the first story, with upper story residential uses.

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3.2. Any permitted upper stories shall contain residential uses.

Section 4. Building Type Allowed

The building types permitted in the Special District Planned Mixed Use District shall be as specified according to the building and development plan of the village master plan, or a similar plan for other commercial areas whose design would emulate the village approach to development.

Section 5. Area and Dimensional Regulations

5.1. Minimum area required to set-up a Special District Planned Mixed Use District shall be five (5) acres.

5.2. The maximum allowable density for residential uses in the Special District Planned Mixed Use District shall be twelve (12) units per floor per gross acre.

5.3. Maximum height of structure shall be no more than three (3) stories at forty-five (45) feet structure total height.

5.4. Minimum Yard width:

5.4.1. Front shall be no less than distance of associated sidewalk.

5.4.2. Rear shall be no less than distance of associated sidewalk.

5.4.3. Sides shall be no less than distance of associated sidewalk.

Section 6. Greenbelt Regulations

When any permitted or conditional use is wholly or partially adjacent to a residential, office and institutional or agricultural zone, said use shall provide a minimum wooded buffer or a six foot (6) high wood fence. Additionally, see Greenbelt Regulations, Article XXVIII, Section 8.

Section 7. Off Street Parking and Loading

Off street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article XXVII. All parking spaces and such attendant driveways and other areas as may be necessary for the maneuvering of motor vehicles shall be arranged so as to provide convenient access to and from a paved street or alley. All parking spaces, driveways and maneuvering areas shall be paved with asphalt, concrete, cobblestone, brick, brick pavers, or reinforced turf parking. All such areas shall have adequate storm drainage facilities and shall comply with other applicable city ordinances governing drainage, detention, and permeability. A parking structure can be no more than two (2) stories tall visible above ground.

Section 8. On Street Parking

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On street parking shall be provided in accordance with the requirements set forth in City of Helena Ordinance 894-2022.

Section 9. Additional Provisions and Requirements

- 9.1. *Refuse and garbage service yards.* Each residential building erected in a Special District Planned Mixed Use District shall be provided with a separate service yard for the storage of garbage and trash. Each commercial building erected in a Special District Planned Mixed Use District shall be provided with a separate service yard; provided, that a service yard may serve more than one commercial building if such arrangement is part of the development plan approved by the city council. For buildings occupied by both residential and commercial, service yards need to be separate from one another. Each service yard shall be located so as to be conveniently accessible, by a street or an alley or a driveway connected to a street, to vehicles collecting such refuse and to occupants of the building or buildings served by such yard. Each service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction, at least six (6) feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material, which gate must be at least six (6) feet, but not more than eight (8) feet, in height.
- 9.2. *Parking spaces for residential dwelling units.* There must be at least two (2) paved or enclosed parking spaces reserved for the exclusive use of each residential dwelling unit unless unit is single bedroom or senior living unit to be one (1) space per unit in a Special District Planned Mixed Use District.
- 9.3. *Sidewalks.* Sidewalks of not less than five (5) feet in width shall be provided between any parking area the building or buildings which they serve, and there shall be a curb between all parking areas and any adjacent sidewalk. Sidewalks not less than eight (8) feet in width shall be provided between any parking area and the buildings or buildings which they serve, and there shall be a curb between all parking areas and any adjacent sidewalk when fronting a road within the village. The sidewalks shall be paved with concrete, brick or such other material as may be approved by the Building Official.
- 9.4. *Exterior lighting.* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel of land. Each lighting fixture shall be designed and installed so as to direct its beam of light below the

horizontal plane of such lighting fixture and to otherwise eliminate or minimize offensive glare within and outside the development. All exterior lighting pole shall be black fluted decorative with all poles within the village being the same.

- 9.5. *Fire protection.* No portion of any structure shall be located no more than 500 foot from a fire hydrant.
- 9.6. *Streets and common areas.* The development plan shall clearly describe and identify which streets and roadways within the development are to be privately owned and maintained, if any, and which are to be dedicated as public thoroughfares, if any. In any case, all roads and streets within the development, whether public or private, shall be of sufficient width, design and construction to accommodate fire engines and other emergency vehicles and shall comply with such design, engineering, and construction standards as may be established for public and private roads by applicable subdivision regulations or other municipal ordinance or regulation.
- 9.7. *Electric Vehicle Charging Station (EVCS).* Shall be installed as outlined below at the cost of the developer.
- 9.7.1. Infrastructure and installation of Level 2 or greater EVCS shall be installed at all Special District Planned Mixed Use developments at a minimum of percent of total parking spaces:
- 9.7.1.1. Multi-family Residential – 10%
 - 9.7.1.2. Lodging – 5%
 - 9.7.1.3. General Office, Medical – 3%
 - 9.7.1.4. Industrial – 1%
 - 9.7.1.5. Institutional, Municipal – 3%
 - 9.7.1.6. Commercial to include but not limited to retail, dining, recreational, entertainment, cultural, etc. – 1%
 - 9.7.1.7. These requirements may be revised up or down by the Planning and Zoning Commission as a conditional use permit.
- 9.7.2. All EVCS will be turned over to the City of Helena once installed to operate, maintain, and pay power fees associated with the city collecting payment from user any fees associate with charging and use of service.

Section 10. Development Plan

- 10.1. A preliminary development plan, containing the following information about the proposed development of a parcel, and the following additional items and information, shall be filed with each application for the change of the

zoning classification of a parcel to a Special District Planned Mixed Use District. The following requirements are in addition to, and not in lieu of, any other requirements of the city with respect to an application for the rezoning of a parcel.

10.2. A preliminary development plan shall be presented to the Planning and Zoning Commission for approval at anytime a modification is made other than a minor modification that can be approved by the Building Official.

10.3. Information on preliminary development plan.

10.3.1. Size, boundary lines, dimensions and street frontage of the parcel.

10.3.2. The part of the parcel which is to be devoted to each use.

10.3.3. Parking areas and facilities, including specific information about the size, location, and design of parking area facilities, the number of parking spaces proposed, and means of addressing any special parking concerns or problems that may be presented by the proposed development.

10.3.4. Means of access to and from the parcel.

10.3.5. The location and size of any common open space which may be used by some or all of the occupants of the development.

10.3.6. Location and dimensions of service yards.

10.3.7. Location, height, other dimensions and floor area of the buildings.

10.3.8. Location and width of sidewalks.

10.3.9. Landscaping plan.

10.3.10. Location and information of exterior lighting.

10.3.11. Location and information of storm water detention facilities.

10.3.12. Placement and information of fire hydrants.

10.3.13. Outside appearance of buildings.

10.3.14. Location and information of signs.

10.3.15. Materials of which buildings are to be constructed.

10.3.16. The distance between each building, whether existing or to be constructed, which is to be a part of the development and the front, rear and side boundary lines of the parcel; and the distances between each of such buildings, whether existing or to be constructed.

10.3.17. The percentage of the building(s) which will be improved with residential uses, whether then existing or to be constructed pursuant to the development plan, and the percentage of the building(s) to be improved with commercial uses, whether then existing or to be constructed pursuant to the development plan.

10.3.18. The height of each building.

10.3.19. The number of floors in each building.

10.3.20. The above information shall be shown on a site plan, except that, where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material.

10.4. Additional items and information.

10.4.1. A survey of the parcel, prepared by a surveyor licensed as a surveyor by the State of Alabama, showing the location, size and legal description of the parcel and the public streets and alleys which abut the parcel or are located upon the parcel, which survey must have been prepared, or certified to the city by the surveyor as being current and accurate.

10.4.2. The density of land use of the parcel, with tabulations by acreage and the percentage of the parcel to be occupied by each proposed use.

10.4.3. A copy of any covenants or restrictions to which the parcel is subject.

10.4.4. A copy of any proposed covenants or restrictions which will be imposed upon the parcel or any improvements thereon.

10.4.5. A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases.

10.4.6. A computerized or physical three-dimensional scale model of the proposed site and building showing the scale, massing, and relationship of the building to the site and topography, to public streetscapes, to open spaces, and to adjacent properties from all relevant perspectives and showing all relevant dimensions. The application shall provide perspectives from all relevant angles and at least one for each side of the building. Where applications include multiple similar buildings, one scale model for each similar building type may be submitted, provided all occurrences of the building type have a similar relationship to the site and topography, public streetscapes, open spaces, and adjacent sites as depicted in the model.

10.5. Twelve (12) copies of the preliminary development plan and any materials supplemental thereto shall be delivered to the City Clerk at least twenty-one (21) days before the date of the hearing at which the planning commission will consider the re-zoning application or modification of master plan. Revised plans for cases which are heard by the planning commission and then carried over to the next regular meeting of the planning commission, whether at the request of the planning commission or the applicant, must be submitted at least fifteen (15) days before the date of the hearing at which the planning commission will hear the revised case.

10.6. In addition to such other matters which are considered by the city council with respect to any other rezoning application, the city council may consider the development plan and any supplemental materials in making its decision to approve or deny an application for the rezoning of a parcel to the Special District Planned Mixed Use District. The city council may consider the appropriateness of the proposed development plan in relation to the physical

characteristics of the parcel and to the physical characteristics and uses of properties adjacent to or near the subject parcel, and the city council may require such additions, deletions and changes to the development plan and such agreements and covenants with respect to the proposed development, as the city council deems appropriate. The city council may:

10.6.1. Approve the development plan as evidenced by the final established procedures by governing body.

10.6.2. Disapprove the development plan.

10.6.3. Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council.

10.6.4. Approve the development plan subject to the applicant making certain specified minor revisions to it, which revisions would be subject to the approval of the zoning officer, and if such revisions are approved by the zoning officer the approval of the development plan would be final upon it being signed by the president of the city council.

10.7. An application for rezoning to the Special District Planned Mixed Use District may be denied by the city council based upon any one or more of the items of information included in the development plan or any supplemental materials.

10.8. An approved preliminary development plan shall be effective for up to 365 days from the date of the city council approval, after which time it shall be considered lapsed if building permit applications have not been made. The city council may grant one extension up to an additional 365 days, if prior to the lapse the applicant presents reasonable justifications for not achieving initiation of building permit application. A lapsed preliminary development plan shall be resubmitted or a new preliminary development plan shall be required prior to any building permit is issued. The city council shall consider any lapsed preliminary development plan or a new preliminary development plan according to all other provisions of this Article, and shall consider the plan based upon the current circumstances at the time of the new submittal.

Section 11. Prehearing Conference

Prior to the submission of the preliminary development plan to the planning and zoning commission for its consideration, at the option of the Building Official or the applicant, there shall be a conference at which the preliminary development plan, and the other information referred to in the foregoing subsection, shall be reviewed and discussed by the applicant and the zoning officer. The party who elects to have the conference shall give the other party notice thereof at least twenty-one (21) days before the public hearing to be held by the planning commission, and the conference shall be held at the city hall of the city at a time which is convenient to all parties.

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Section 12. Authority to Waive

The Helena Planning Commission and Helena City Council retains the authority to waive any provisions in this article or to impose greater requirements than herein stated.

Section 13. Application Fee

When an application is filed requesting that the zoning classification of a parcel be changed to a Special District Planned Mixed Use District, a fee (as set forth in the Zoning Ordinance of the City of Helena, Alabama), to help defray the city's expense of processing the application, shall be payable to the city by the applicant.

Section 14. Reserved for Future Use

Section Five. Severability: Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section Six. This Ordinance shall become effective five days upon its enactment and publication as required by law.

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Ordinance Number 895-2022

APPROVED AND ADOPTED THIS 22nd DAY OF AUGUST, 2022.

[SEAL]

J. Brian Puckett, Mayor

Leigh Hulsey, Council Member

ATTEST:

Chris VanCleave, Council Member

Alice Lobell, Council President

Amanda C. Traywick, City Clerk

Laura Joseph, Council Member

Harold Woodman, Council Member

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**STATE OF ALABAMA
SHELBY COUNTY**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 895-2022 duly adopted by the Council of the City of Helena at its meeting held 22nd day of August, 2022, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 22nd day of August, 2022.

Given under my hand and corporate seal of the City of Helena, this the 22nd day of August, 2022.

[SEAL]

Amanda C. Traywick, City Clerk

[CONFIDENTIAL]

CERTIFICATION

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 895-2022 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website www.cityofhelena.org, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 22nd day of August, 2022, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 22nd day of August, 2022.

[SEAL]

Amanda C. Traywick, City Clerk

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