

RESOLUTION NO. 25-431

WHEREAS, on May 27, 2025, the Planning Commission of the City of Huntsville, Alabama, adopted Resolution No. 01-25 approving and recommending to the City Council of the City of Huntsville, Alabama, the amendment of certain plat restrictions established pursuant to Code of Ala. 1975 § 11-52-32(c), and the City Council of the City of Huntsville, Alabama, will give its consideration to the adoption of an ordinance amending said restrictions, a synopsis of which is as follows:

- (1) Amend the Plat Restrictions established on the **Boundary/Minor Plat of “Sawan”, as Recorded as Plat 2020-00016767 of the Probate Records of Madison County, Alabama** (“Plat”) pursuant to Code of Ala. 1975 §11-52-32(c), including, the removal of a portion of the established natural landscape buffer area along the eastern boundary of Lot 1 and leave unaffected and in full force and effect the remainder of the 100 Foot Natural Landscape Buffer, the current zoning classification of the property, that is, Residence 2-B District and all other plat restrictions.
- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the *Speakin’ Out News* on the 25th day of June, 2025, and the second publication shall be one week thereafter on the 2nd day of July, 2025, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an ordinance amending the Restrictions established on the **Boundary/Minor Plat of “Sawan”, as Recorded as Plat 2020-00016767 of the Probate Records of Madison County, Alabama** (“Plat”) pursuant to Code of Ala. 1975 §11-52-32(c).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama, shall meet at 5:30 p.m. on the 24th day of July, 2025, in the Council Chambers of the City of Huntsville Administration Building at 305 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said Ordinance No. 25-432, which is introduced by the City Council of the City of Huntsville on the 12th day of June, 2025, amending the Zoning Ordinance of the City of Huntsville, Alabama.

2. That the proposed ordinance amending the Restrictions is substantially in words and figures as follows:

ORDINANCE NO. 25-432

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA,
TO AMEND RESTRICTIONS SET FORTH ON THE FOLLOWING PLAT:

**Boundary/Minor Plat of “Sawan”, as Recorded as Plat 2020-00016767 of the Probate
Records of Madison County, Alabama.**

WHEREAS, upon the petition of the property owner(s) the Planning Commission of the City of Huntsville, Alabama, on May 27, 2025, adopted Resolution No. 01-25 to recommend and approve an amendment to eliminate from the following plat restrictions, which were established on the *Boundary/Minor Plat of “Sawan”, as recorded as Plat 2020-00016767 of the Probate Records of Madison County, Alabama* (“Sawan Plat”) pursuant to Code of Ala. 1975 §11-52-32(c) (“Restrictions”), a portion of the restriction that established the 100 Foot Natural Landscape Buffer (“Buffer Restriction”):

RESTRICTIONS FOR THIS SUBDIVISION

1. Pursuant to the Code of Alabama of 1975, Section 11-52-32(c) by approval of this plat the Planning Commission for the City of Huntsville hereby agrees with the application upon certain use, height, area or bulk requirements or restrictions governing buildings and premises within this zoning plat, providing such requirements or restrictions shall be state in the recorded plat, and premises shall not be used in violation thereof as follows:
 - 100 Foot Natural Landscape Buffer is required along a portion of the Northern Boundary and the entirety of the eastern boundary of Lot 1 as shown Hereon.
 - Hotel and Motels are not permitted.
2. In accordance with Section 11-52-32(c) the above requirement governing buildings and premises within the Zoning Plat shall have the same force of law and be enforced in the same manner with the same sanctions and penalties and subject to the same power of amendment or repeal as thought sat out as a part of the Zoning Ordinance or Zoning Map of the City of Huntsville.

WHEREAS, a public hearing has been held on the matter, and the City Council of the City of Huntsville, Alabama, has determined the public welfare requiring it, and under the authority granted by Section 11-52-78 and Section 11-52-32(c) of the Code of Ala. 1975 that the foregoing Restrictions should be amended to eliminate therefrom a portion of the Buffer Restriction.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. That the Restrictions shall be and hereby are amended to eliminate a portion of the Buffer Restriction along the eastern boundary described as follows and depicted in Exhibit “A” attached hereto and incorporated herein by reference:

A parcel of land situated in the Southeast Quarter of Section 34, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama {Bearings and distances are referenced to the Alabama State Plane Coordinate System, East Zone, NAD '83 (2011)} and being a portion of a 100-foot wide "Natural Landscape Buffer" lying within Lot 1 of the Zoning Plat of "Sawan", plat Document No. 2020-00016767 in the Office of the Judge of Probate, Madison County, Alabama, and being more particularly described as follows:

Beginning at the southeast corner of said Lot 1, said point being further described as lying on the north right-of-way of Holmes Avenue (right-of-way width varies) and having Alabama State Plane Coordinates of North: 1539275.96, East: 421080.42; thence run South 78 degrees 24 minutes 22 seconds West, 100.74 feet along the north right-of-way of said Holmes Avenue to a point; thence, leaving the north right-of-way of said Holmes Avenue, run North 04 degrees 39 minutes 41 seconds West, 89.54 feet to a point; thence run North 04 degrees 52 minutes 55 seconds West, 150.10 feet to a point; thence run North 85 degrees 07 minutes 05 seconds East, 100.00 feet to a point lying on the east boundary of said Lot 1; thence run South 04 degrees 52 minutes 55 seconds East, 150.29 feet along the east boundary of said Lot 1 to a point; thence, continuing along the east boundary of said Lot 1, run South 04 degrees 39 minutes 41 seconds East, 77.57 feet back to the Point of Beginning;

Said parcel contains 0.537 acres (23,375 square feet) more or less.

But reserving in favor of the City of Huntsville, the existing 10-foot wide Public Utility and Drainage Easements, established by the said Zoning Plat of Sawan, along the east and south sides of the above-described property.

Section 2. That the result of the amendment of the Restrictions shall be to remove only that portion of the established natural landscape buffer area along the eastern boundary of Lot 1 as described hereinabove and leave unaffected and in full force and effect the remainder of the 100 Foot Natural Landscape Buffer, the current zoning classification of the property, that is, Residence 2-B District and all other plat restrictions, as such may be amended from time to time, until such time, if ever, as said property is rezoned or until such time, if ever, as such property is subjected to different or additional restrictions pursuant to Code of Ala. 1975 § 11-52-32(c).

Section 4. That the remainder of the matters contained on the Sawan Plat, including, but not necessarily limited to, the dedications of public right-of-way and/or public easement(s) thereon, shall otherwise remain in full force and effect.

Section 5. That the Planning Department of the City of Huntsville, Alabama, is hereby authorized and directed to record this Ordinance, along with the Resolution No. 01-25 of the

Planning Commission of the City of Huntsville, Alabama, in the Probate Records of Madison County, Alabama, at the cost of the owners of the lands embraced by the Sawan Plat.

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

ADOPTED this the ____ day of _____, 2025.

President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the ____ day of _____, 2025.

Mayor of the City of Huntsville, Alabama

RESOLUTION NO. 25-431 (Cont'd)

ADOPTED this the 12th day of June, 2025.

/s/ John Meredith
President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 12th day of June, 2025.

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