

## ORDINANCE No. 135-235

20210819000404040 1/5 \$36.00  
Shelby Cnty Judge of Probate, AL  
08/19/2021 08:03:21 AM FILED/CERT

AN ORDINANCE OF THE CITY OF PELHAM, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF PELHAM, ALABAMA, BE AMENDED BY ADDING A SECTION TO BE NUMBERED 135-235 PROVIDING THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELHAM, ALABAMA AS FOLLOWS:**

**SECTION ONE:** The rezoning of property located at the corner of Shelby County Highway 52 and Shelby County Highway 11 changing the present zoning B-2 (General Business District) to M-1 (Light Industrial District).

Applicant(s): Mike Sasser, 3051 Morgan Road, Bessemer, Alabama 35022 and Dr. David T. Fuller, III, 750 West Ashby Road, Brierfield, AL 35035 of Hope Animal Clinic

Name of Legal Owner(s): Dr. David T. Fuller, III / Elpis Holdings, LLC, 750 West Ashby Road, Brierfield, AL 35035

Legal Description is attached as Exhibit A.

This rezoning is subject to the following conditions:

- A. No outside storage and/or display is allowed.
- B. Should the business approved for this rezoning cease to operate, then the rezoning shall be null and void, and the property shall revert to its prior zoning classification of B-2 (General Business).

**SECTION TWO:** The conditional rezoning prohibits the following:

1. Industrial parks in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 7.
2. Contractor's or construction dealer's yard.
3. Garden center or nursery.
4. Grain and feed storage.
5. Heating fuel or building material storage or wholesaling, provided that the materials shall not be extracted or processed on the premises.
6. Lumber yard, not to include the processing of raw materials.
7. Radio or television broadcasting studio or station. However, broadcasting towers or wireless communications facilities, shall only be allowed as a special exception use as provided in section 3 of this article, and shall also be in accordance with the requirements for specific uses set forth in Ordinance No. 374-2, or the most current revision thereof.
8. Mobile home sales, provided all parking areas and all maneuvering areas shall be properly prepared using bituminous or concrete paving, in accordance with the requirements set forth in Article XXIV, section 14, each business to be located in permanent building.
9. Motor Home Sales, in accordance with the requirements set forth in Article XXV, section 11, motor vehicle sales lots.
10. Truck and bus terminal, provided all parking areas and all maneuvering areas shall be properly prepared using bituminous or concrete paving.
11. Heavy truck sales and rental, provided all parking areas and all maneuvering areas shall be properly prepared using bituminous or concrete paving.
12. Heavy equipment sales and rental, provided all parking areas and all maneuvering areas shall be properly prepared using bituminous or concrete paving.
13. Major vehicle, farm implement, or trailer repair or servicing, with damaged or inoperable items to be screened in a separate paved lot with a bituminous or concrete surface, all in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 13.



14. Assembly of parts for production of finished equipment.


15. Railroad installation.

16. Warehouse.

17. Bottling plant or dairy.

18. Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding area, and which do not create any objectionable noise, vibrations, smoke, dust, odor, heat, glare, or pollutants, such as the following:

- a. Boats (less than five tons).
- b. Bolts, nuts, screws, washers, rivets, nails, brads, spikes, staples, tacks and similar items.
- c. Clothing.
- d. Food.
- e. Pharmaceutical.
- f. Furniture and wood products.
- g. Glass products, but not including glass manufacture.
- h. Hand tool and hardware products.
- i. Ice.
- j. Musical instruments, games or toys.
- k. Office machines.
- l. Plastic products, not including processing of raw materials.
- m. Plating or silverware or utensils.
- n. Signs.
- o. Sporting goods.
- p. Other similar uses.

  
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**SECTION THREE:** All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

**SECTION FOUR:** This ordinance shall become effective upon its passage and publication or posting as required by law.

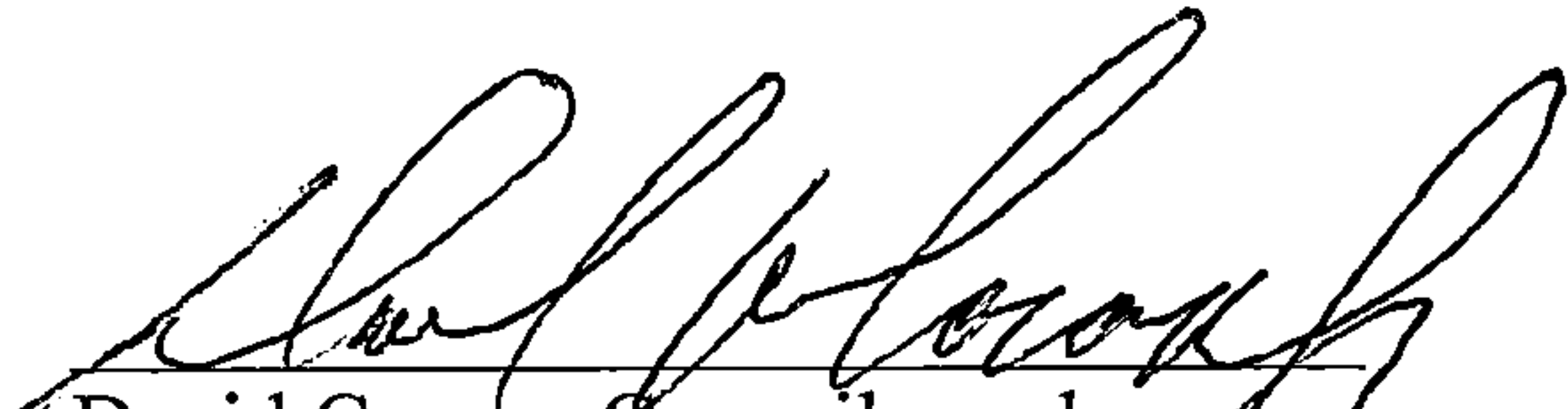
**THEREUPON** David Coram, a councilmember moved and Larry Palmer, a councilmember seconded the motion that Ordinance No. 135-235 be given vote. The roll call vote on said motion was as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Councilmember	<u>Yes</u>
Larry Palmer, Councilmember	<u>Yes</u>
Rick Wash, Councilmember	<u>Yes</u>
Mildred Lanier, Councilmember	<u>Yes</u>

Ordinance No. 135-235 passed by majority vote of the Council and the Council President declared the same passed and adopted.


**ADOPTED** this 6th day of July 2021.

  
Maurice Mercer, Council President

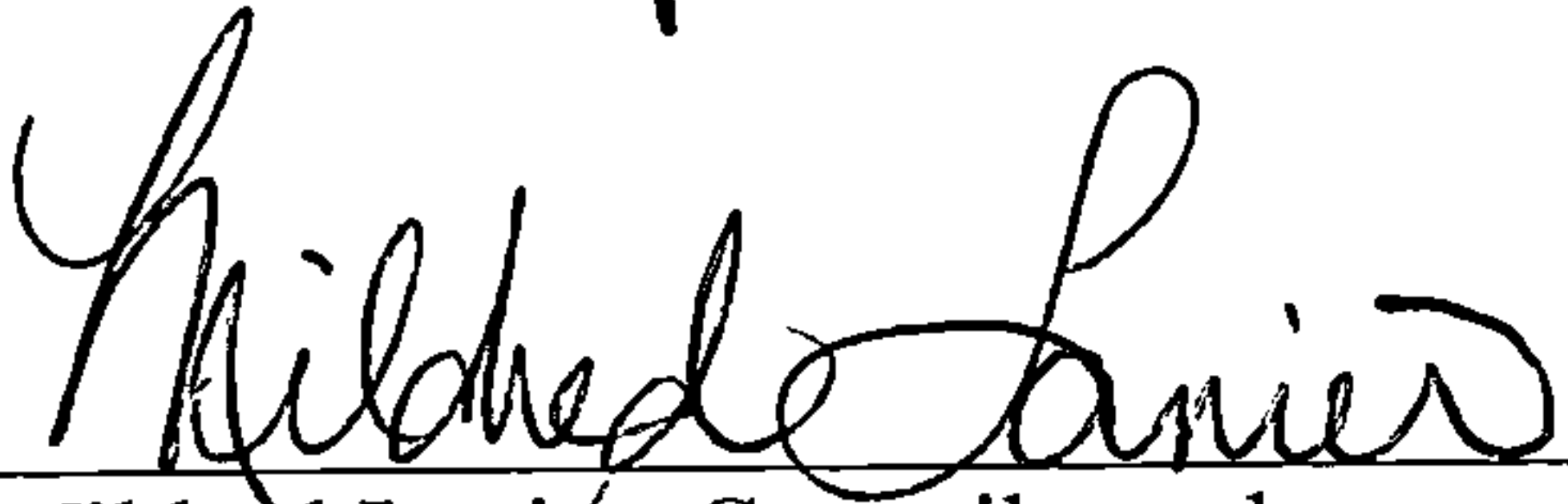
  
David Coram, Councilmember

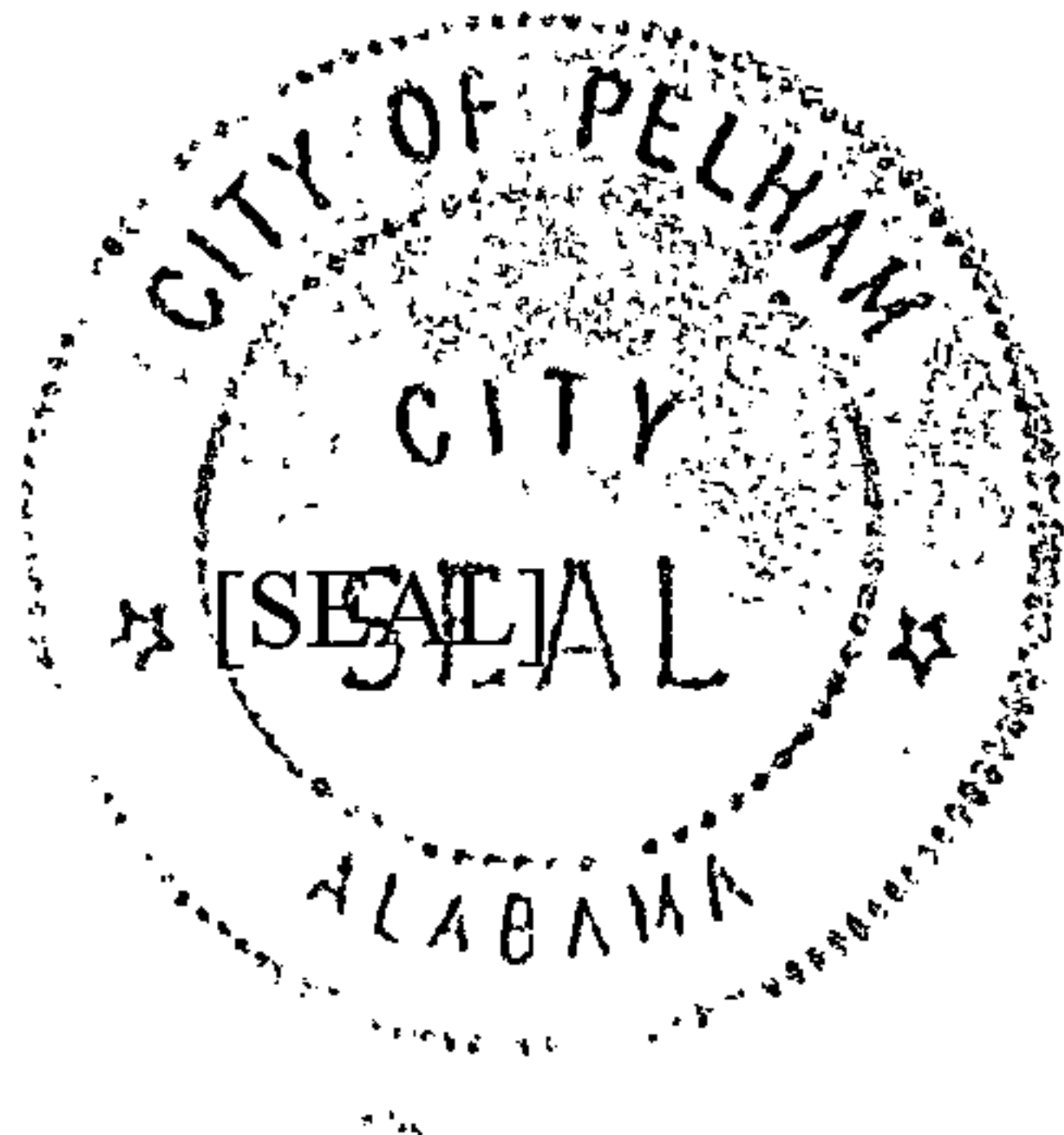


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Larry Palmer, Councilmember

  
Rick Wash, Councilmember

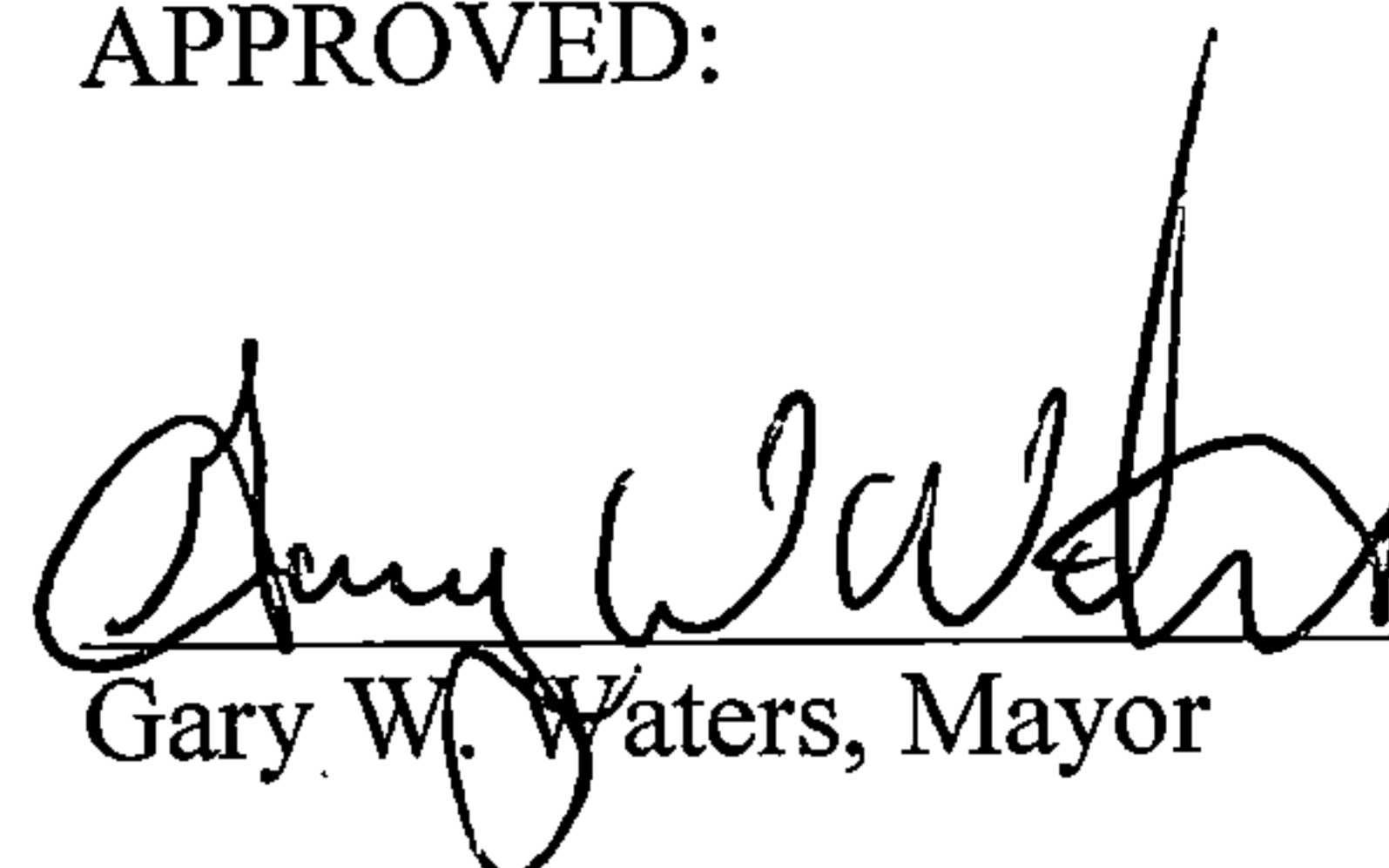
  
Mildred Lanier, Councilmember



ATTEST

  
Tom Seale, MMC, City Clerk/Treasurer

APPROVED:

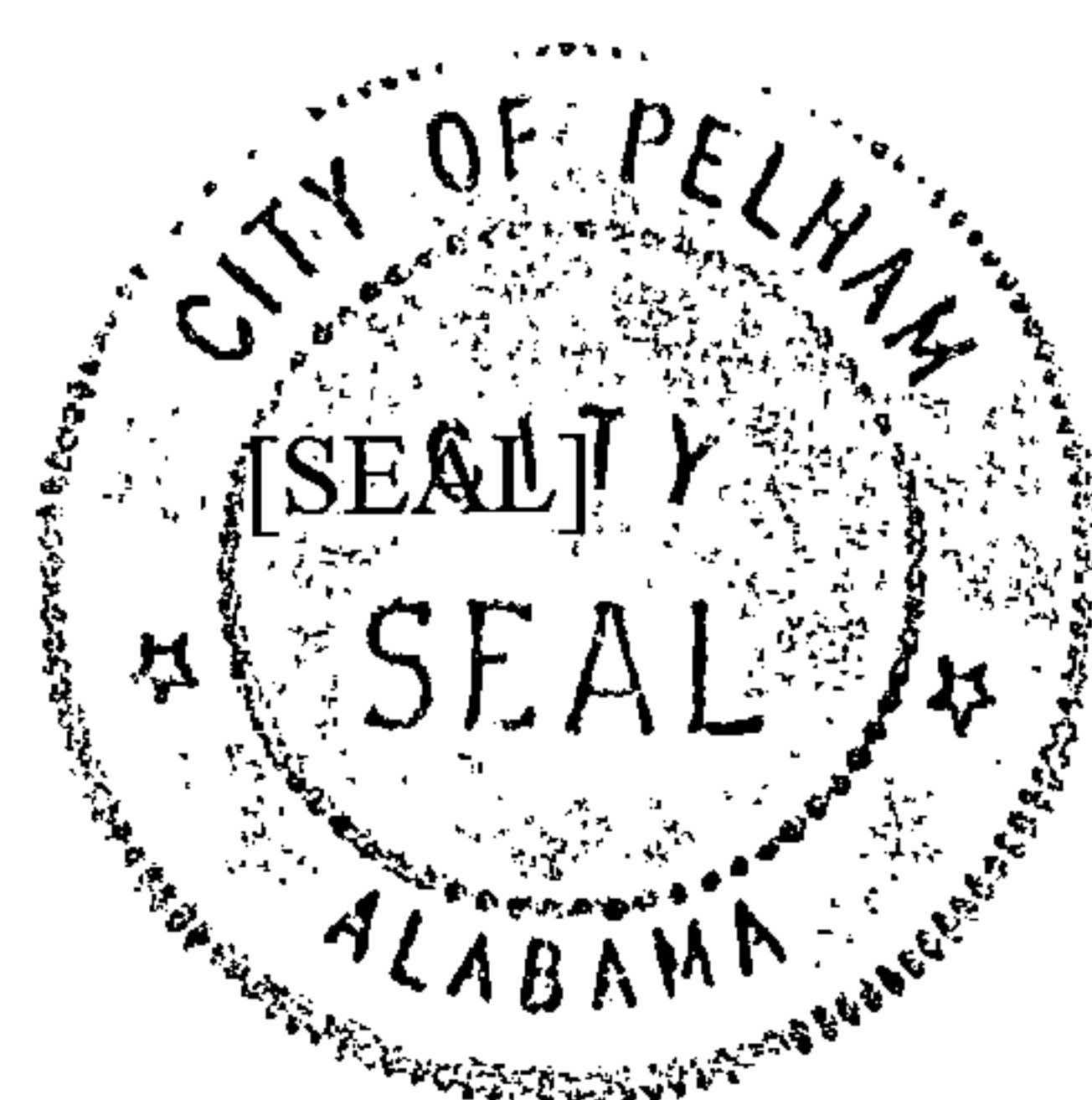
  
Gary W. Waters, Mayor

7/6/2021  
Date

#### POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 135-235 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular meeting of such Council held on the 6th day of July 2021 and duly published by posting an exact copy thereof on the 7th day of July 2021 at four public places within the city, including the Mayor's Office at City Hall, City Park, Water Works and Library, and at [www.pelhamalabama.gov](http://www.pelhamalabama.gov). I further certify that said ordinance is on file in the Office of the City Clerk/Treasurer and a copy of the full ordinance may be obtained from the Office of the City Clerk/Treasurer during normal business hours.

  
Tom Seale, MMC, City Clerk/Treasurer





# EXHIBIT A



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## LEGAL DESCRIPTION OF SUBJECT PROPERTY

### PARCEL I

A tract of land situated in the East 1/2 of the SE 1/4 of Section 19, Township 20 South, Range 2 West, and being more particularly described as follows:

Commence at the SW corner of the NE 1/4 of the SE 1/4 of Section 19, Township 20 South, Range 2 West, being the point of beginning; thence North 00 deg. 04 min. 54 sec. West along the West line of said 1/4-1/4 Section for a distance of 125.77 feet to the Southerly right of way of Shelby County Highway 52; thence South 63 deg. 59 min. 10 sec. East along said right of way for a distance of 125.32 feet to a point on a curve to the right having a central angle of 3 deg. 16 min. 00 sec. and a radius of 1787.73 feet, said curve subtended by a chord bearing South 62 deg. 21 min. 10 sec. East a chord distance of 101.91 feet; thence along the arc of said curve and along said right of way for a distance of 101.93 feet; thence South 14 deg. 20 min. 47 sec. East along said right of way for a distance of 132.75 feet to the point of Intersection of the right of way of Shelby County Highway 52 and the Northwestern right of way of Shelby County Highway 11; thence South 37 deg. 40 min. 46 sec. West along said Highway 11 right of way and leaving said Highway 52 right of way for a distance of 383.15 feet; thence North 00 deg. 11 min. 54 sec. West and leaving said right of way for a distance of 408.33 feet to the point of beginning.

### LESS AND EXCEPT:

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of said Southeast 1/4 of the Southeast 1/4 and run South 00 deg. 41 min. 13 sec. East and run along the East line of said 1/4-1/4 section for a distance of 344.25 feet to the proposed Northwestern-most right of way line of Shelby County Road 11, said point also being the Point of Beginning; thence run North 37 deg. 08 min. 46 sec. East along said proposed Northwestern - most right of way line of Shelby County Road 11 for a distance of 363.36 feet to the South right of way line of Shelby County Road 52; thence run South 14 deg. 43 min. 59 sec. East along said South right of way line of Shelby County Road 52 for a distance of 27.63 feet to the current Northwestern - most right of way line of Shelby County Road 11, thence leaving said South right of way line of Shelby County Road 52 run South 38 deg. 52 min. 48 sec. West along said current right of way line for a distance of 248.51 feet, thence run South 38 deg. 44 min. 54 sec. West along said current right of way line for a distance of 112.22 feet to said East line of said 1/4-1/4 section; thence run North 00 deg. 41 min. 13 sec. West along said East line for a distance of 18.06 feet to the Point of Beginning.


### LESS AND EXCEPT:

A part of the SE 1/4 of the SE 1/4, Section 19, Township 20 South, Range 2 West, identified as Tract No. 9 on Project No. STPBH-7280(600), Shelby County, Alabama, and being more fully described as follows:

Commencing at the Northwest Corner of said SE 1/4 of the SE 1/4; thence South along the West line of said SE 1/4 of the SE 1/4 for a distance of 363.77 feet to the point of intersection with the required right of way line 88.24 feet left of the CR 11 centerline of Project No. STPBH-7280(600) station 14+86.07 being the point of beginning of the property herein to be conveyed; thence North 38 deg. 46 min. 62 sec. East along the required right of way line for a distance of 113.35 feet to a point 65.00 feet left of said centerline station 16+00.00; thence North 38 deg. 51 min. 29 sec. East for a distance of 248.51 feet to the point of intersection of the present right of way line 57.57 feet left of said centerline station 18+48.40; thence South 13 deg. 20 min. 39 sec. East along the present right of way line for a distance of 21.53 feet; thence South 37 deg. 05 min. 05 sec. West for a distance of 383.55 feet to the point of intersection with the grantor's (grantor of right of way being Interstate Restaurant Investors, LLP and Ellis Investments, LLC) western property line 40.56 feet left of said centerline station 14+51.15; thence North along said property line for a distance of 45.05 feet to the point of beginning.



PARCEL II

  
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A parcel of land situated in the Northeast 1/4 of the Southeast 1/4 of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southwest corner of the said Northeast 1/4 of the Southeast 1/4 and run North 00 deg. 38 min. 36 sec. West along the West line of said 1/4-1/4 section for a distance of 123.36 feet to the Point of Beginning, said point also being on the existing Southernmost right of way line of Shelby County Road 52 (R.O.W. Varies); thence leaving said right of way line continue to run North 00 deg. 38 min. 36 sec. West for a distance of 57.39 feet to a point on the proposed Southernmost right of way line of said Shelby County Road 52, said point also being on a curve turning to the right, said curve having a radius of 1133.00 feet, a central angle of 10 deg. 56 min. 19 sec. a chord bearing of South 60 deg. 47 min. 01 sec. East, and a chord distance of 215.98 feet, thence run along said proposed Southernmost right of way line and along the arc of said curve for a distance of 216.31 feet; thence run South 55 deg. 18 min. 56 sec. East along said proposed right of way line for a distance of 52.93 feet; thence run South 03 deg. 42 min. 10 sec. West along proposed right of way line for a distance of 100.00 feet to a point on the said existing Southernmost right of way line, thence leaving said proposed right of way line run North 14 deg. 43 min. 59 sec. West along said existing right of way line for a distance of 82.76 feet; thence run North 62 deg. 56 min. 28 sec. West along said existing right of way line for a distance of 101.79 feet to a point on a curve turning to the left, said curve having a radius of 1392.39 feet, a central angle of 5 deg. 07 min. 19 sec., a chord bearing of North 65 deg. 30 min. 07 sec. West, and a chord distance of 124.43 feet; thence run along said existing right of way line and along the arc of said curve for a distance of 124.47 feet to the Point of Beginning.

All being situated in Shelby County, Alabama.

The above property being more accurately described in total as follows:

A parcel of land situated in the East 1/2 of the S.E. 1/4 of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at an open top pipe being the Southwest corner of the N.E. 1/4 of the S.E. 1/4 of Section 19, Township 20 South, Range 3 West; thence North 0°40'06" West along the West line of said 1/4-1/4 section a distance of 180.95 feet to a capped rebar (illegible) lying on the Southwesterly right-of-way of Shelby County Highway 52, said point lying on a curve to the right having a radius of 1133.00 feet, a central angle of 10°56'19", and a chord bearing of South 60°48'24" East; thence in a Southeasterly direction along the arc of said curve and along the Southwesterly right-of-way line of Shelby County Highway 52 a distance of 216.31 feet to a Schoel Engineering capped rebar (CA#003) being the P.T. (point of tangent) of said curve; thence tangent to said curve South 55°20'14" East along the Southwesterly right-of-way line of Shelby County Highway 52 a distance of 52.93 feet to a Schoel Engineering capped rebar (CA#003); thence South 3°40'52" West along the right-of-way line of Shelby County Highway 52 a distance of 100.36 feet to a capped rebar (CA#560) lying on the Northwesterly right-of-way line of Shelby County Highway 11; thence South 37°09'53" West along the Northwesterly right-of-way line of Shelby County Highway 11 a distance of 363.36 feet to a capped rebar (CA#560) lying on the West line of the S.E. 1/4 of the S.E. 1/4 of Section 19, Township 20 South, Range 2 West; thence North 0°40'06" West along the West line of said 1/4-1/4 section a distance of 344.25 feet to the Point of Beginning.

Containing 71,872 square feet or 1.650 acres.

**END OF LEGAL DESCRIPTIONS**