

ORDINANCE No. 135-239

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 135-239 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 intersection of Shelby County Highways 52E and 35 changing the present zoning to B-2 (General Business District) to M-1 (Light Industrial District)

Applicant(s): BT Pelham Associates, LLC, 943 Oak Valley Lane, Nashville, Tennessee 37220

Name of Legal Owner(s): Susan Schein, 1406 Sutherland Place, Homewood, Alabama 35209

Legal Description: Exhibit A

This rezoning is subject to the following conditions:

1. Exhibit B showing the site layout and elevations.
2. 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 District).

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.
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.



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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.

SECTION THREE: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

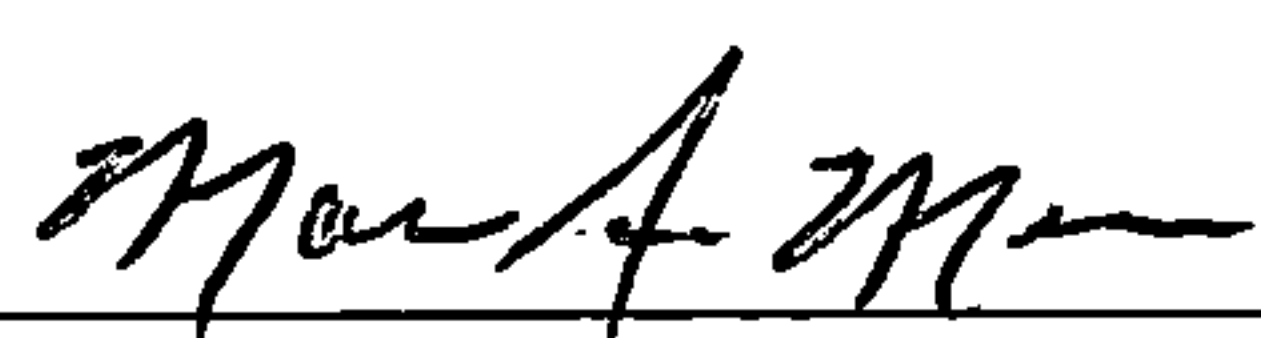
SECTION FOUR: This ordinance shall become effective upon its passage and publication or posting as required by law.

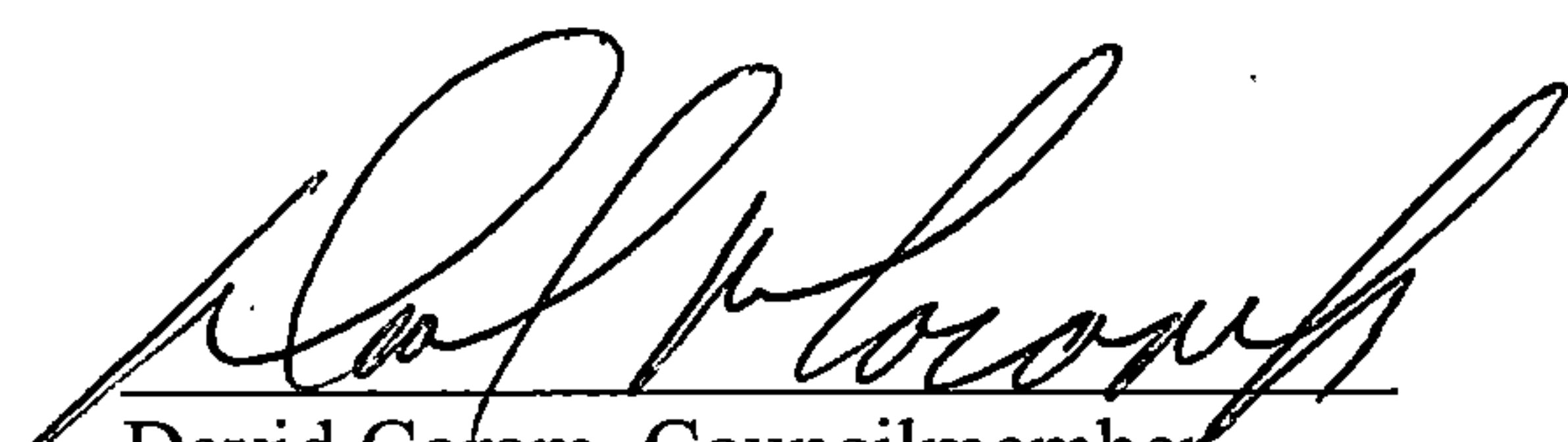
THEREUPON Rick Wash, a councilmember moved and David Coram, a councilmember seconded the motion that Ordinance No. 135-239 be given vote. The roll call vote on said motion was as follows:

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>Not Present</u>

Ordinance No. 135-239 passed by majority vote of the Council and the Council President declared the same passed and adopted.

ADOPTED this 4th day of October 2021.

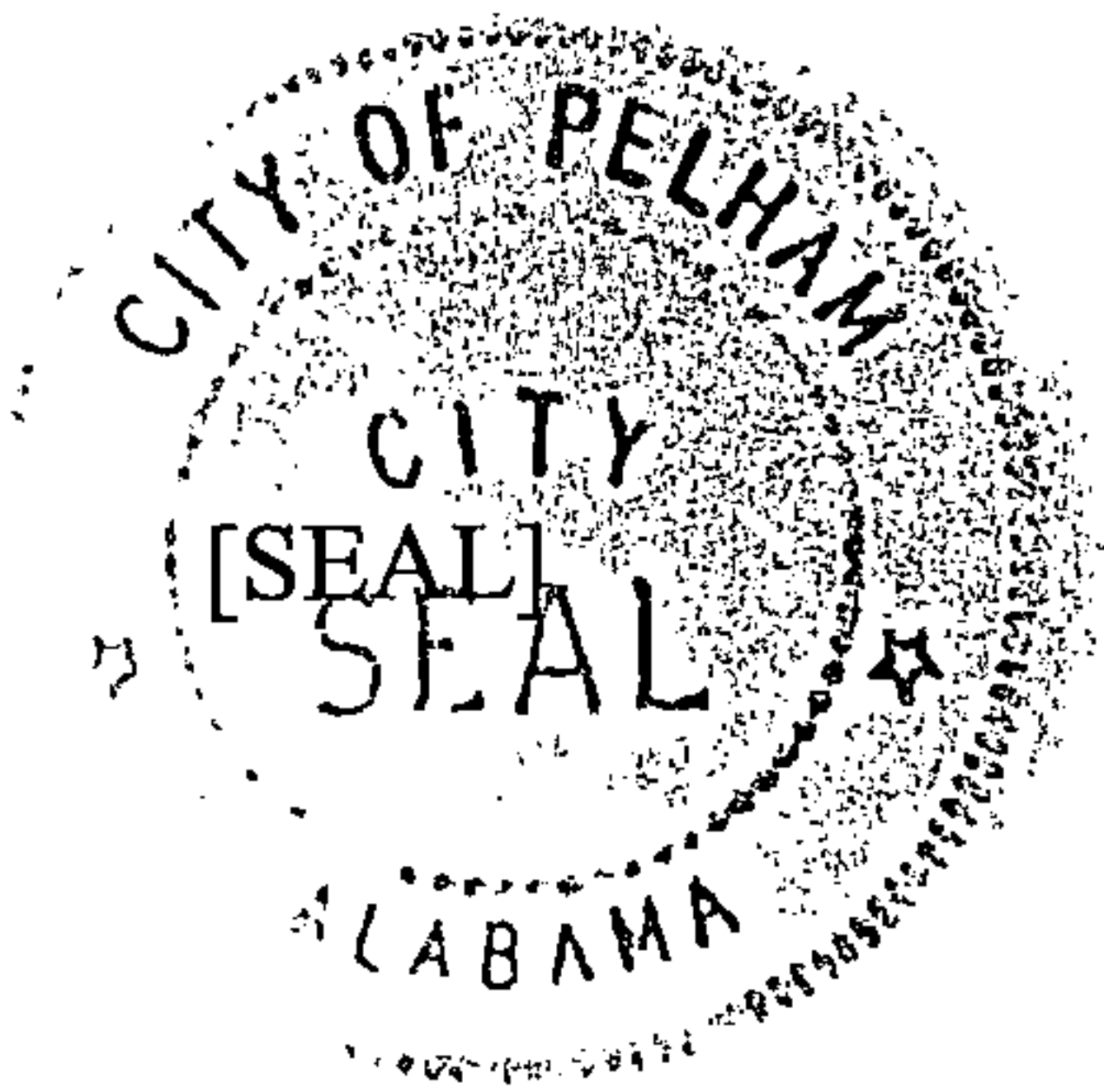

Maurice Mercer, Council President


David Coram, Councilmember

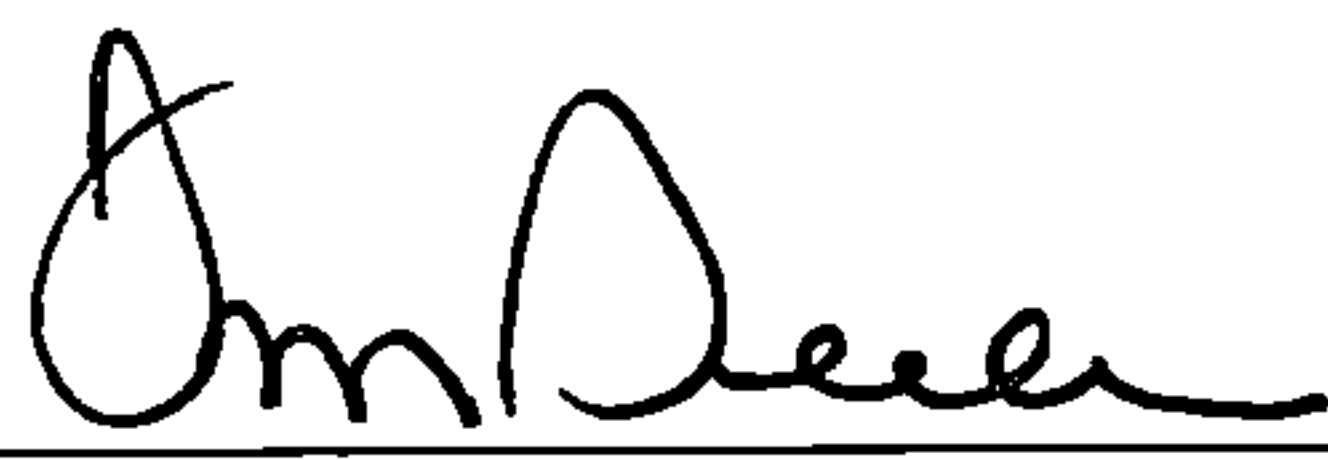

Larry Palmer, Councilmember


Rick Wash, Councilmember

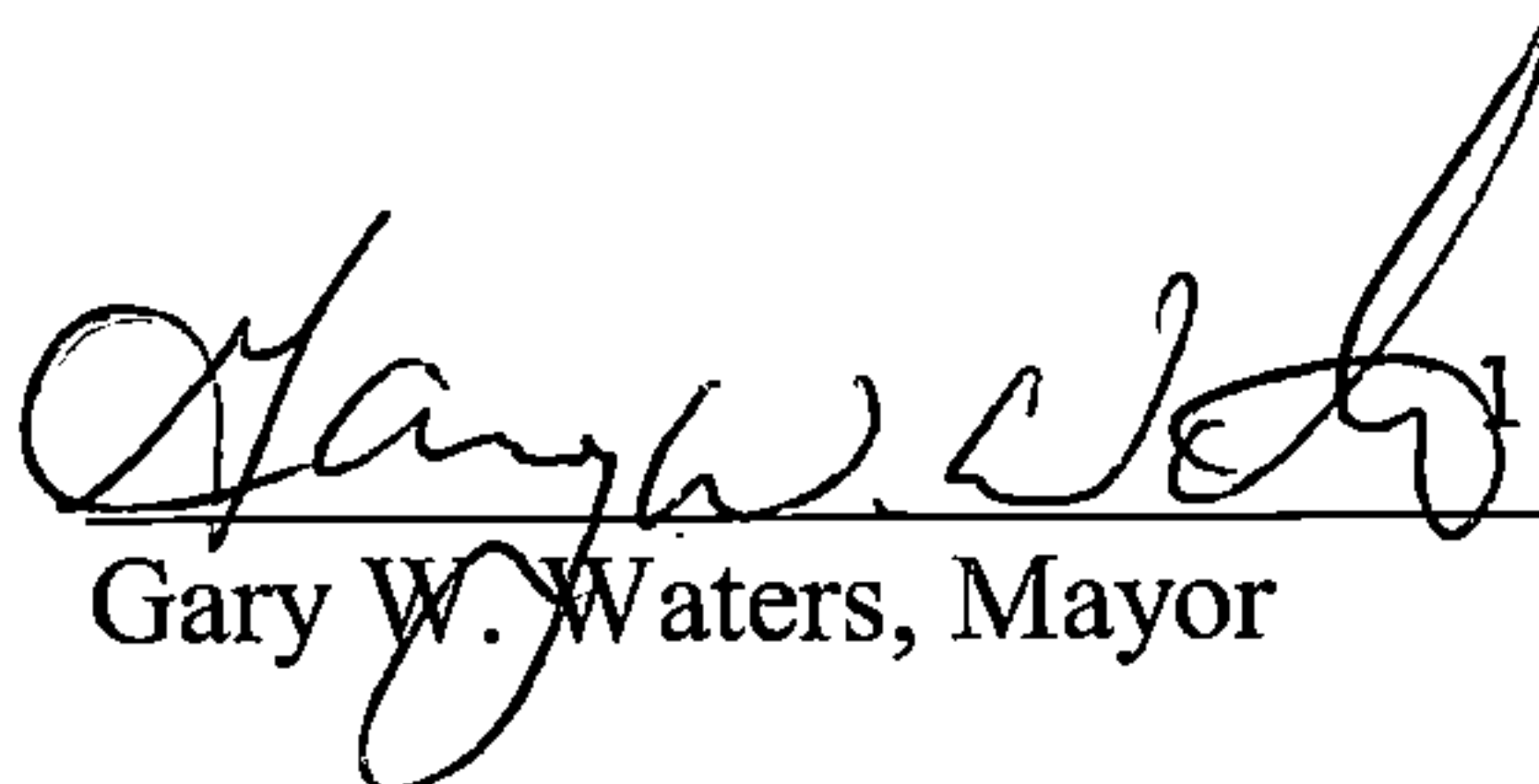
Mildred Lanier, Councilmember



ATTEST

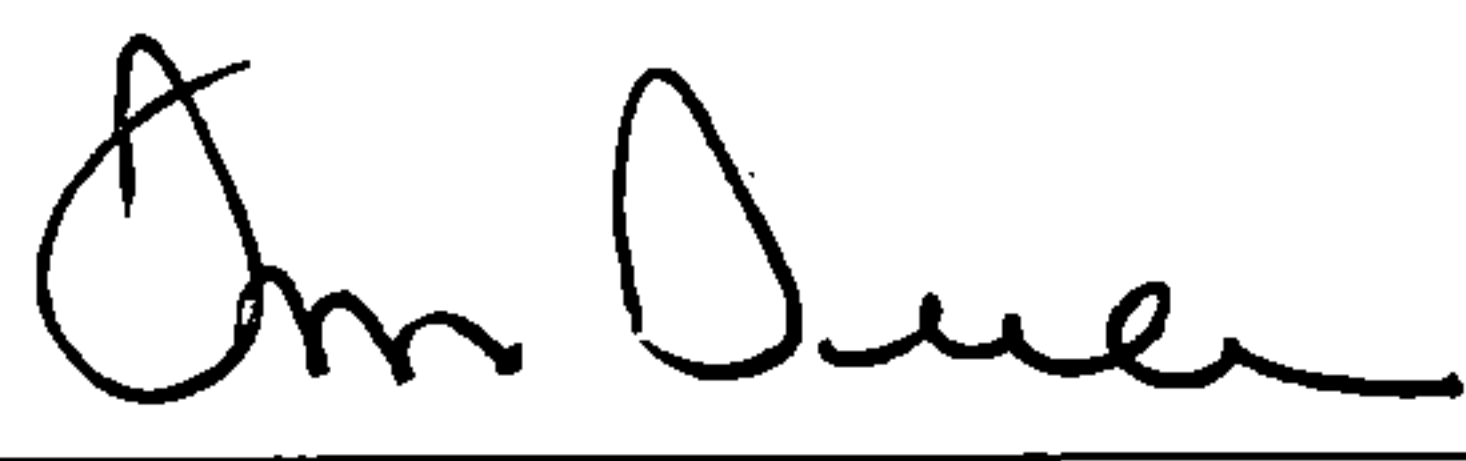

Tom Seale, MMC, City Clerk/Treasurer

APPROVED:


Gary W. Waters, Mayor 10/4/2021
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. 135-239 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 4th day of October 2021 and duly published by posting an exact copy thereof on the 5th day of October 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. 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

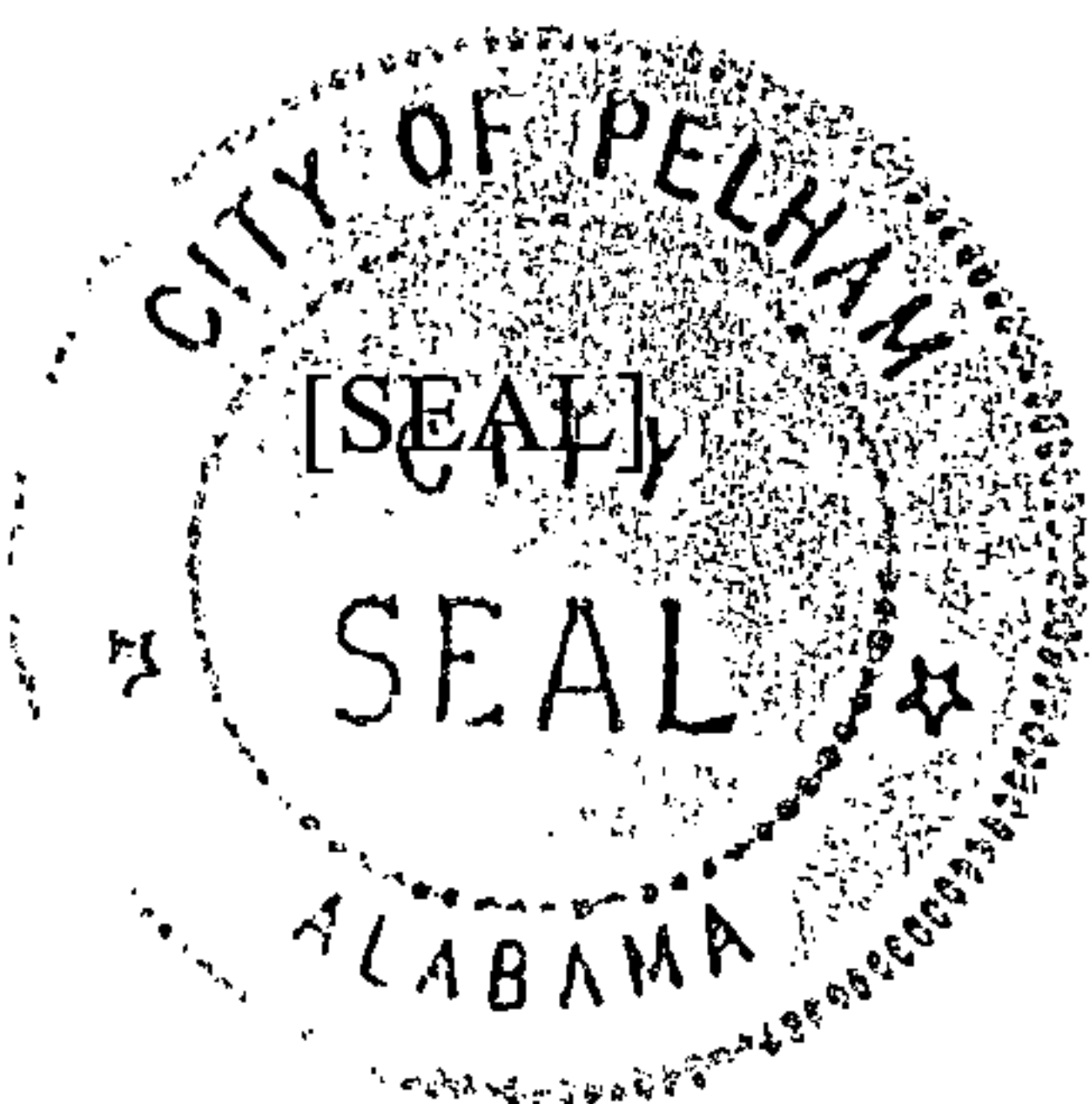


EXHIBIT A

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LEGAL DESCRIPTION

STATE OF ALABAMA SHELBY COUNTY

Commence at the Southeast corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence proceed North 00° 02' 21" West along the East boundary of said Section 24 for a distance of 3092.90 feet to a ½" capped rebar in place being located on the Westerly right-of-way of Shelby County Highway #35, said point also being the point of beginning. From this beginning point proceed North 00° 00' 34" East for a distance of 122.0 feet to a ½" capped rebar in place (Bailey); thence proceed North 88° 58' 20" East for a distance of 16.78 feet to a ½" capped rebar in place (Farmer) being located on the Westerly right-of-way of said Shelby County Highway #35; thence proceed Northeasterly along the Westerly right-of-way of said road and along the curvature of a concave curve left having a delta angle of 05° 04' 07" and a radius of 1183.24 feet for a chord bearing and distance of North 02° 24' 59" East, 104.64 feet to a ½" capped rebar in place which is the Southeast corner of Lot No. 1 of the Oak Mountain Commons as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 41 at Page 2; thence proceed North 89° 39' 26" West along the South boundaries of Lots No. 1, 2, 3, and 4 of said subdivision for a distance of 728.73 feet; thence proceed South 84° 59' 51" West along the South boundaries of Lots No. 4 and 14 of said subdivision for a distance of 171.49 feet; thence proceed South 77° 23' 01" West along the South boundary of said Lot No. 14 of said subdivision for a distance of 67.57 feet to a ½" rebar in place (RCF PLS), said point being located on the Easterly right-of-way of U. S. Interstate 65 Highway; thence proceed South 30° 26' 28" East along the Easterly right-of-way of said Interstate 65 for a distance of 416.40 feet to a concrete right-of-way monument; thence proceed South 11° 46' 48" East along the Easterly right-of-way of said Interstate 65 for a distance of 229.87 feet to a ½" rebar in place (RCF PLS), said point being located on the Northerly right-of-way of Shelby County Highway #52; thence proceed South 64° 52' 26" East along the Northerly right-of-way of said Highway #52 for a distance of 357.18 feet (set ½" rebar CA-0114-LS); thence proceed North 04° 56' 29" East for a distance of 192.67 feet to a ½" rebar in place (RCF PLS); thence proceed Northeasterly along the curvature of a concave curve left having a delta angle of 14° 51' 21" and a radius of 200.0 feet for a chord bearing and distance of North 85° 47' 42" East, 51.71 feet to the P. T. of said curve; thence proceed North 81° 50' 38" East for a distance of 31.02 feet to the P. C. of a concave curve right having a delta angle of 36° 45' 42" and a radius of 150.0 feet; thence proceed along the curvature of said curve for a chord bearing and distance of South 81° 48' 44" East, 94.60 feet to the P. T. of said curve being a ½" rebar in place (RCF PLS); thence proceed South 63° 39' 51" East for a distance of 59.81 feet to a ½" rebar in place (RCF PLS), said point being located on the aforementioned Westerly right-of-way of Shelby County Highway #35; thence proceed North 26° 30' 30" East along the Westerly right-of-way of said Highway #35 for a distance of 41.93 feet; thence proceed North 17° 53' 16" East along the Westerly right-of-way of said Highway #35 for a distance of 206.98 feet (set ½" rebar CA-0114-LS), being the P. C. of a concave curve left having a delta angle of 06° 58' 51" and a radius of 1183.24 feet; thence proceed Northeasterly along the Westerly right-of-way of said Highway #35 and along the curvature of said curve for a chord bearing and distance of North 13° 56' 53" East, 144.07 feet to the point of beginning.

The above described land is located in the Northeast one-fourth of the Southeast one-fourth and the Southeast one-fourth of the Northeast one-fourth of Section 24, Township 20 South, Range 3 West and the Southwest one-fourth of the Northwest one-fourth of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama and contains 11.08 acres.

END OF LEGAL DESCRIPTION