

ORDINANCE 2023-09-05-01



20230929000291330 1/5 \$34.00
Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:19 AM FILED/CERT

An Ordinance of the Town of Harpersville, providing that the code of Ordinances, Town of Harpersville, Alabama, Be amended by adding a section to be numbered 2023-09-05-01 providing the following amendment to the zoning ordinance:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HARPERSVILLE, ALABAMA AS FOLLOWS:

1. **Section 1.** The rezoning of property whose parcel is identified as 07 9 30 0 000 017.00 changing the present zoning A-1 (Agricultural District) to RG (Garden Home Residential District) and Parcel Identified as 07 9 29 3 000 003.000 changing the present zoning A-1 (Agricultural District) to RG (Garden Home Residential District) **and** B2 (General Business District)

Applicant: Portrait Homes

Legal Description attached as Exhibit A.

- Section 2.** Any ordinance or resolution in conflict herewith is repealed as of the effective date of this Ordinance.
- Section 3.** This Ordinance shall become effective upon its passage and publication or posting as required by law.
- Section 4.** The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid by a valid judgement of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase of this Ordinance. The town council declares it is its intent it would not have enacted this Ordinance with such invalid or unconstitutional provisions.

WHEREAS, the Harpersville Town Council heretofore on, to-wit, September 05, 2023, Approved the rezoning application of Portrait Homes, of their 100 acres, located along Rock School Road and Highway 280; and

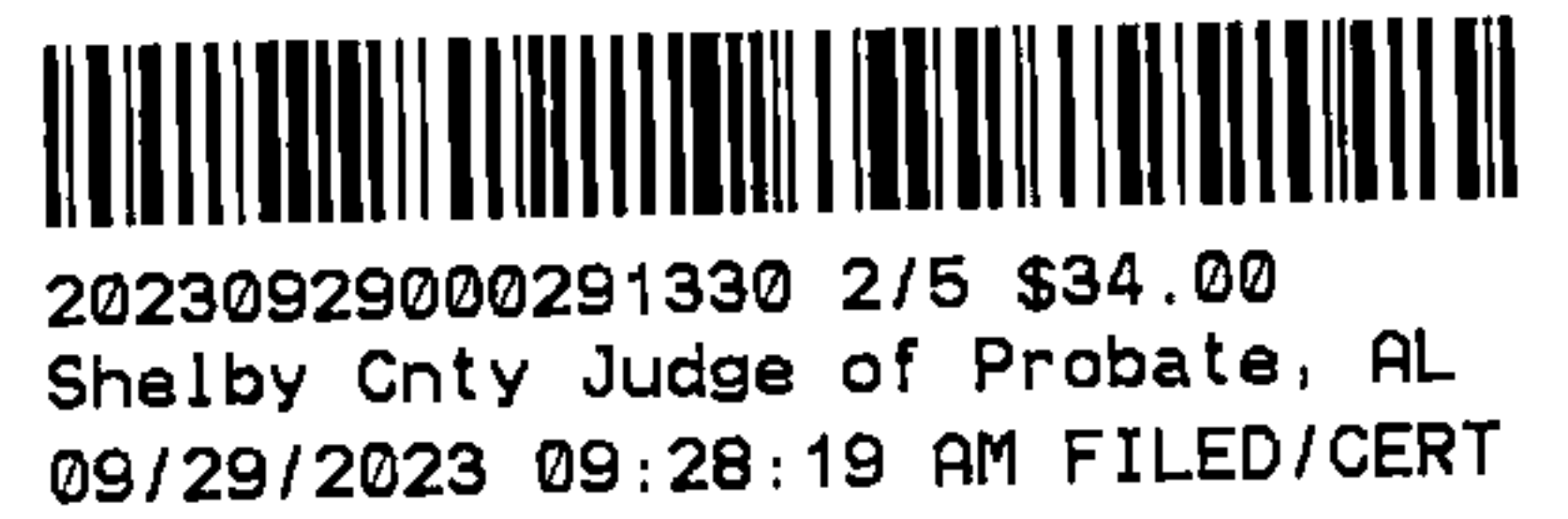
WHEREAS, notice was given by law and a public hearing was held by the Planning and Zoning board at their regular scheduled meeting on the 21st day of August 2023, for consideration to approve the re-zoning application provided by Portrait Homes. At which time all persons who desired had an opportunity to be heard in opposition of in favor of the re-zoning; and

WHEREAS, it is the policy of the said Planning & Zoning Board to send its decision/ recommendation to the Town Council for a final decision.

NOW, THEREFORE, BE IT RESOLVED by the Harpersville Town Council that said Council hereby approves the rezoning application of Portrait Homes, of his 100 acres, located along Rock School Road and Highway 280.

THEREUPON, William Carter, a Councilmember, moved and Martin Dates, a Councilmember, seconded the motion that adoption of said Ordinance 2023-09-05-01 be given vote. The roll call vote on said motion was recorded as follows:

Mayor Theoangelo Perkins - YES
Councilmember Janet Gill - NO
Councilmember Martin Dates - YES
Councilmember William Carter - YES
Councilmember Shelia Rich - NO
Councilmember Beverly Johnson - YES



Ordinance 2023-09-05-01 passed by majority roll call vote of those members of the council present and the mayor declared the same passed.

ADOPTED this 5th day of September 2023.



ATTEST:

Amber Gardner, Town Clerk/Treasurer

Theoangelo Perkins, Mayor

Janet Gill, Councilmember

Martin Dates, Councilmember

William Carter, Councilmember

Shelia k. Rich, Councilmember

Beverly O. Johnson, Councilmember

APPROVED:

Theoangelo Perkins, Mayor

POSTING AFFIDAVIT



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I, the undersigned, Clerk of the Town Council of the Town of Harpersville, Alabama, do hereby certify that the above and foregoing ORDINANCE 2023-09-05-01 was duly ordained, adopted, and passed by the Town Council of the Town of Harpersville, Alabama at its regular meeting on the 5th day of September 2023. I further certify that said Ordinance is on file in the Office of the Town Clerk/Treasurer and a copy of the full Ordinance may be obtained from the Office of the Town Clerk/Treasurer during normal business hours.

Amber Gardner, Town Clerk/Treasurer



Exhibit A

PARCEL A:

Commence at the Southeast corner of Section 30, Township 19 South, Range 2 East; thence run North 00 degrees 00 minutes 25 seconds West along the East line of said Section for a distance of 1292.38 feet to the point of beginning; thence run North 00 degrees 00 minutes 25 seconds West along the East line of Section 30 for a distance of 53.40 feet; thence run South 88 degrees 51 minutes 11 seconds East along the South line of the Northwest one-quarter of the Southwest one-quarter of Section 29, Township 19 South, Range 2 East as located by existing iron pins for a distance of 286.61 feet to a point on the right of way of the Old Harpersville – Westover Road, said right of way being situated on a curve to the right, having a central angle of 16 degrees 04 minutes 12 seconds, a radius of 865.27 feet and a chord of 241.89 feet and a chord bearing of North 84 degrees 31 minutes 03 seconds East; thence run along the arc of said curve for a distance of 242.69 feet; thence run South 87 degrees 26 minutes 51 seconds East along the North right of way line of the Old Harpersville – Westover Road for a distance of 172.44 feet; thence run South 89 degrees 27 minutes 27 seconds East along the North right of way line of the Old Harpersville – Westover Road for a distance of 240.39 feet; thence run North 88 degrees 59 minutes 15 seconds East along the North right of way line of the Old Harpersville – Westover Road for a distance of 233.39 feet to the point of commencement of a curve to the left, said curve having a central angle of 79 degrees 56 minutes 59 seconds and a radius of 81.58 feet, said chord measured 104.82 feet with a chord bearing of North 49 degrees 00 minutes 45 seconds East; thence run along the arc of said curve and the Northwesterly right of way of the Old Harpersville Road for a distance of 113.84 feet to the end of said curve and the point of commencement of a curve to the left, said curve having a central angle of 8 degrees 58 minutes 38 seconds and radius of 1714.72 feet, said curve having a chord of 268.39 feet and a chord bearing of North 4 degrees 32 minutes 56 seconds East; thence run along the arc of said curve and the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 268.67 feet to the end of said curve; thence run North 00 degrees 05 minutes 32 seconds East along the West right of way line of the Old Harpersville – Westover Road for a distance of 553.46 feet; thence run South 89 degrees 32 minutes 38 seconds West along the right of way line of U. S. Highway No. 280 for a distance of 21.33 feet; thence run North 34 degrees 46 minutes 36 seconds West along the Southwesterly right of way line of U. S. Highway No. 280 for a distance of 101.14 feet; thence run North 74 degrees 41 minutes 21 seconds West along the South right of way line of U. S. Highway No. 280 for a distance of 453.25 feet to the point of commencement of a curve to the left said curve having a central angle of 2 degrees 21 minutes 58 seconds and a radius of 22,738.31 feet, a chord of 938.99 feet and a chord bearing of North 76 degrees 06 minutes 04 seconds West; thence run along the arc of said curve and the Southwesterly right of way line of U. S. Highway No. 280 for a distance of 939.06 feet; thence run North 66 degrees 04 minutes 55 seconds West along the Southwesterly right of way line of U. S. Highway No. 280 for a distance of 151.91 feet to the point of commencement of a curve to the left, said curve having a central



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PARCEL A, (Continued):

angle of 2 degrees 41 minutes 08 seconds, a radius of 22,768.31 feet, a chord of 1067.10 feet and a chord bearing of North 79 degrees 00 minutes 07 seconds West; thence run along the arc of said curve and the Southwesterly right of way line of U. S. Highway No. 280 for a distance of 1067.20 feet; thence run South 00 degrees 08 minutes 44 seconds East along the West line of the East one-half of the East one-half of Section 30, Township 19 South, Range 2 East for a distance of 2240.01 feet; thence run South 86 degrees 49 minutes 26 seconds East along the North right of way line of the Old Harpersville – Westover Road for a distance of 551.52 feet to the point of commencement of a curve to the left, said curve having a central angle of 13 degrees 33 minutes and a radius of 975.00 feet; said chord measures 230.04 feet and chord bearing of North 86 degrees 24 minutes 04 seconds East; thence run along the arc of said curve and the Northerly right of way line of the Old Harpersville – Westover Road for a distance of 230.58 feet to the end of said curve; thence run North 79 degrees 37 minutes 34 seconds East for a distance of 209.92 feet to the point of commencement of a curve to the left, said curve having a central angle of 39 degrees 37 minutes 30 seconds and a radius of 155.00 feet, said chord measures 105.07 feet with a chord bearing of North 59 degrees 48 minutes 49 seconds East; thence run along the arc of said curve and the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 107.20 feet to the end of said curve; thence run North 40 degrees 00 minutes 04 seconds East along the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 118.60 feet to the point of commencement of a curve to the left, said curve having a central angle of 11 degrees 30 minutes 28 seconds and a radius of 865.00 feet, said chord measures 173.44 feet and a chord bearing of North 34 degrees 14 minutes 50 seconds East; thence run along the arc of said curve and the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 173.74 feet to the end of said curve; thence run North 28 degrees 29 minutes 35 seconds East along the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 29.47 feet to the point of commencement of a curve to the left, said curve having a central angle of 25 degrees 50 minutes 45 seconds and a radius of 215.41 feet, said chord measure 96.35 feet with a chord bearing of North 15 degrees 34 minutes 13 seconds East; thence run along the arc of said curve and the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 97.17 feet to the end of said curve; thence run North 2 degrees 38 minutes 50 seconds East along the Westerly right of way line of the Old Harpersville – Westover Road for a distance of 77.58 feet to the point of commencement of a curve to the right, said curve having a central angle of 42 degrees 45 minutes 12 seconds and a radius of 130.73 feet, said chord measures 95.30 feet with a chord bearing of North 24 degrees 01 minutes 26 seconds East; thence run along the arc of said curve and the Northwesterly right of way line of the Old Harpersville – Westover Road for a distance of 97.55 feet to the end of said curve and the point of beginning.