

Resolution 2021-R-63

Authorizing Moratorium on Mini-Warehouses and/or Self-Service Storage businesses within Irondale City limits

WHEREAS, it is the responsibility of the governing body of the City of Irondale (“City”) to set policies and enact regulations which improve the quality of life for everyone who lives, works or does business in the city and to attract new residents and new and diverse businesses and industry to become a part of the community; and

WHEREAS, it is an inherent function of the City to facilitate growth and diversification of the City’s economic platform through business recruitment, retention and expansion; and

WHEREAS, cities in close proximity to the City have experienced a proliferation of businesses that are licensed and authorized to operate among other things under the Alabama Self-Service Storage Act, Ala. Code (1975) §§ 8-15-30 through 38; and

WHEREAS, the Council finds that the over development of Mini-Warehouses and/or Self-Service Storage businesses within the territorial confines of the Irondale City limits would be detrimental to the City’s development and effectively limit the ability of the City to attract diverse types of business and that it is in the best interest of the overall economic development to provide for orderly growth and balance the development of these businesses in order to have a diverse and stable economy; and

WHEREAS, the City actively seeks positive change through the implementation of new zoning regulations that will ensure sustainable growth and development of City businesses and neighborhoods and deflect negative change, rather than simply react to change after it has occurred; and

WHEREAS, the Council finds that it is in the best interest of the City that the issue of concentration or saturation of Mini-Warehouse and Self-Service Storage establishments be analyzed by the zoning staff, the regulating community and the citizens of the City for the purpose of determining the best possible approach for such regulation under the Constitution of the United States and the State of Alabama; and

WHEREAS, a period of repose is necessary in order to establish zoning regulations made with reasonable consideration of, among other things, the character of the district and its particular suitability for particular uses, and with a view to conserving the value of land usage and encouraging the most appropriate use of land throughout the city; and

WHEREAS, the Council of the City of Irondale finds that it is in the public interest to provide for the zoning regulations of Mini-Warehouse and Self-Service Storage businesses to guide the City’s development; and

WHEREAS, the City Council finds it necessary, proper and in the public interest to reassess its present zoning ordinance, policies and procedures concerning the location of Mini-Warehouse and Self-Service Storage businesses; and

WHEREAS, a temporary moratorium on the issuance of businesses licenses and other approvals for such Mini-Warehouse and Self-Service Storage companies will create a stable environment so that revisions to the City’s zoning ordinances can be considered and adopted in an orderly and thorough process; and

WHEREAS, the proposed moratorium will allow the City to protect its communities while preserving the status quo; thereby allowing the City the opportunity to perform a comprehensive analysis to determine the appropriate means to prevent the saturation of those Mini-Warehouse and Self-Service Storage businesses and to enact appropriate licensing requirements and other appropriate regulations of such zones; and

WHEREAS, the City Council finds that it is necessary and proper for the promotion of the prosperity and welfare of the citizens and in the best interest of the City, to declare a moratorium on the issuance of business licenses for new Mini-Warehouse and Self-Service Storage businesses while the City researches, studies and develops and appropriate zoning plan; and

WHEREAS, the City Council in the prior administration previously implemented a moratorium for Mini-Warehouses and Self-Service Storage businesses within the City on the 5th day of November, 2019, but did not complete the work concerning such land uses before the expiration of the moratorium; and

WHEREAS, the current City Council instituted a moratorium on the 3rd day of March, 2021 and has been currently evaluating land use/zoning matters related to Mini-Warehouses and Self-Service Storage businesses through its City Attorney since this date; and

WHEREAS, the moratorium enacted by the City Council in March 2021 expired on the 3rd day of June, 2021; however, the City Council's work related to land use and Mini-Warehouses and Self-Service Storage businesses is not yet completed; and

WHEREAS, the City Council desires to complete the work begun by its City Attorney and requests that the Economic Development Committee work further in conjunction with the Planning and Zoning Board of the City of Irondale to continue and lead the effort to develop a plan which will examine lawful alternatives with respect to preventing and discouraging the proliferation, saturation and clustering of many types of businesses within the City, including Mini-Warehouse and Self-Service Storage businesses, using the resources available to municipalities under Alabama law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Irondale that there is hereby declared a moratorium on the issuance of business licenses under the City of Irondale's Business License Code adopted by Ordinance No. 2007-47, as amended, for any enterprise whose primary business activity is or related to a Mini-Warehouse and Self-Service Storage business as of the date of this ordinance, for a period of nine (9) months in order to allow the City of Irondale to study and develop a permanent zoning solution. During the period of the moratorium, applications, other than for renewal of licenses for the aforementioned businesses, shall not be accepted and no new licenses for such businesses shall be issued.

This moratorium is not intended to impact those businesses currently operating within the City, unless such businesses cease operation and thereafter seek a renewed business license.

This moratorium shall in no way prohibit a business currently holding a license from obtaining a renewal of that license or obtaining a new license if the business relocates to an existing business of the same entity or takes some other action that would otherwise require a new license; furthermore, the moratorium shall in no way prohibit a company from obtaining a new license if it purchases or merges with an existing licensed business and as a result is required to obtain a new license.

For the purpose of this moratorium, the following definitions are applicable:

Mini-Warehouse or Self-Service Storage Facility – a business facility, other than a storage warehouse, with buildings divided into separate compartments for lease that may include climate-controlled units, exclusively used for the storage of non-explosive and non-volatile materials and used to meet the temporary storage needs of households and small businesses, with no commercial transactions permitted other than the rental of the storage units. This does not include the rental of trucks or equipment as an accessory use.

ADOPTED & APPROVED: This 7th day of July, 2021.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Lu Jackson, City Clerk

CERTIFICATION

I, Lu Jackson, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of a resolution adopted by the City Council of the City of Irondale at its regular meeting held on July 7, 2021, as same appears in the minutes of record of said meeting.

Lu Jackson, City Clerk