

## ORDINANCE 2022-11

*An ordinance to modify Appendix A, Zoning related to Mini-Warehouse or Self-Service Storage Facilities and to repeal all ordinances and parts of the ordinances of the City of Irondale in conflict therewith.*

**WHEREAS**, it is the responsibility of the governing body of the City of Irondale, Alabama (“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 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 Facility 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 of 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 City Council instituted a moratorium through July 5, 2022 to completed its analysis and evaluation of land use/zoning matters related to Mini-Warehouses and Self-Service Storage businesses through its City Attorney.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRONDALE, ALABAMA** in regular meeting duly assembled, a quorum being present, as follows:

**Section 1. MODIFICATION OF APPENDIX A, ARTICLE II. - DEFINITIONS.** Appendix A, Article II, Section 2:57A. – The definition of “Mini-warehouse” set forth in the *Municipal Code of the City of Irondale, Alabama* is hereby deleted in its entirety and replaced with the following:

Section 2:57A. – Mini-Warehouse or Self-Service Storage Facility

A business facility, other than a storage warehouse, with a building or 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.

**Section 2. MODIFICATION OF APPENDIX A, ARTICLE VI. - ADMINISTRATION.** Appendix A, Article VI. *Administration* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add Section 6:09. – *Conditional Uses* as follows:

Appendix A – Zoning

Article VI. – Administration

Section 6:09. – Conditional Uses

Requests for conditional uses as stipulated within the zone district regulations are permitted only after review by the Planning and Zoning Commission and approval of the City Council.

- A. Review Procedure. The following review procedure shall be adhered to:
1. The applicant shall submit a complete conditional use application to the City Clerk, at least twenty-eight (28) days prior to the Planning and Zoning Commission meeting at which the conditional use is to be considered, containing as a minimum, the following information.
    - I. A \$100.00 fee to defray the cost of processing the application.
    - II. Five (5) copies of a site development plan, each of which shall be folded to a dimension of 8-1/2 by 11 inches which shall show the following:
      - a. Existing and proposed topography;
      - b. Property lines;
      - c. Scale;
      - d. Storm drainage facilities and other utility easements;
      - e. Existing and proposed structures and their uses;
      - f. Exterior lighting;
      - g. General landscaping and fences;
      - h. Outside storage areas;
      - i. Parking and loading areas;
      - j. Points of ingress and egress;
      - k. Signs; and
      - l. The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property.
  2. A minimum of fourteen (14) days prior to the Planning and Zoning Commission meeting at which the conditional use request is to be considered, the City Clerk shall mail notifications to all adjacent property owners. The notice shall state:
    - I. The location of the conditional use request;
    - II. The nature of the request, indicating the current zoning of the site and the proposed conditional use; and

- III. The time, date and location of the Planning and Zoning Commission meeting at which the request will be considered.
3. The Planning and Zoning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. An application shall not be continued more than three times at the request of the applicant.
4. Upon receipt of a favorable recommendation from the Planning and Zoning Commission, the City Clerk shall schedule and advertise the proposed conditional use request for a public hearing before the City Council. A proposed conditional use request shall not be continued more than three times at the request of the applicant.
5. Upon receipt of a negative recommendation from the Planning and Zoning Commission, the City council review process will be initiated at the request of the applicant.
6. When the City Council denies a conditional use request, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months. Each time the City considers a conditional request, the \$100.00 administrative fee must be paid.

**Section 3. MODIFICATION OF APPENDIX A, ARTICLE IV. - ZONE REGULATIONS, SECTION 4:15 - (C-2) COMMERCIAL ZONE REGULATIONS.** Appendix A, Article IV, Section 4:15 (C-2) *Commercial Zone Regulations* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:15-7 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4:15. – (C-2) Commercial zone regulations.

Section 4:15-7 – Conditional uses.

- (a) Mini-Warehouse or Self-Service Storage Facility

**Section 4. MODIFICATION OF APPENDIX A, ARTICLE IV. - ZONE REGULATIONS, SECTION 4:17 - (I-1) INDUSTRIAL ZONE REGULATIONS.** Appendix A, Article IV, Section 4:17 (I-1) *Industrial zone regulations* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:176 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4-17. – (I-1) Industrial zone regulations

Section 4:17-6 – Conditional uses.

- (a) Mini-Warehouse or Self-Service Storage Facility

**Section 5. MODIFICATION OF APPENDIX A, ARTICLE IV. - ZONE REGULATIONS, SECTION 4:18 - (I-2) PRIMARY INDUSTRIAL ZONE REGULATIONS.** Appendix A, Article IV, Section 4:18 (I-2) *Primary Industrial Zone*

Regulations of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:18-7 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4:18. – (I-2) Primary industrial zone regulations.

Section 4:18-7 – Conditional uses.

- (a) Mini-Warehouse or Self-Service Storage Facility

**Section 6. MODIFICATION OF APPENDIX A, ARTICLE IV. - ZONE REGULATIONS, SECTION 4:19 - (I-3) PLANNED INDUSTRIAL DISTRICT.** Appendix A, Article IV, Section 4:19 (I-3) *Planned Industrial District* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:19-8 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4:19. – (I-3) Planned industrial district.

Section 4:19-8 – Conditional uses.

- (a) Mini-Warehouse or Self-Service Storage Facility

**Section 7. MODIFICATION OF APPENDIX A, ARTICLE V. - SPECIAL USE REGULATIONS.** Appendix A, Article V *Special Use Regulations* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add Section 5:26. – *Mini-warehouse or Self-Service Storage Facility* as follows:

Appendix A – Zoning

Article V – Special Use Regulations

Section 5:26. – Mini-Warehouse or Self-Service Storage Facility

- (1) Location.

A Mini-Warehouse and Self-Service Storage Facility may be erected in a C-2, I-1, I-2, or I-3 zone with conditional use approval as provided herein.

- (2) Requirements.

- (a) Submission of a site development plan.

- (b) The maximum gross floor area of an individual storage unit shall be 500 square feet.

- (c) Exterior light fixtures shall be designed and installed so that the light is focused down upon the premises and so that a minimum amount of light shines on adjacent property or the public right-of-way.

- (d) All storage shall be wholly within a building or shall be screened from view from the surrounding properties. There shall be no storage in any required front yard or flanking street yard.

- (e) A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
- (f) Additional conditions are as follows:
  - 1. No hazardous or flammable materials shall be stored on site.
  - 2. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use shall be conducted on the premises.
  - 3. No separate dedicated utility connections, namely, electricity, water, telephone, cable television, or gas will be provided to the individual units.
  - 4. No unit within a self-storage facility shall be utilized as a place of business.

**Section 8. REPEALER; TERMINATION OF MORATORIUM.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall terminate the moratorium placed on “Mini-Warehouses and/or Self-Service Storage businesses within Irondale City limits” enacted by the City as of the Effective Date of this Ordinance.

**Section 9. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 10. LEGAL RIGHTS NOT IMPAIRED.** That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 11. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 12. PUBLICATION OF ORDINANCE.** That the City Clerk of the City of Irondale is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

**Section 13. EFFECTIVE DATE OF ORDINANCE.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**THEREFORE, BE IT ORDAINED**, that the City Council of the City of Irondale does hereby ordain and enact the foregoing Ordinance for the City of Irondale.

**ADOPTED & APPROVED:** This 22nd day of June, 2022.

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David Spivey, City Council President

**APPROVED:**

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James D. Stewart, Jr., Mayor

**ATTESTED:**

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Leigh Allison, City Clerk

**CERTIFICATION**

I, Leigh Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 22nd day of June, 2022, as the same appears in the minutes of record of said meeting.

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Leigh Allison, City Clerk