

ORDINANCE 2022-28

An ordinance to modify Appendix A, Zoning related to Automobile Dealerships 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, 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.

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. Definitions of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add Section 2:06A. – Automobile Dealerships as follows:

Section 2:06A. – Automobile Dealership

A business that operates a dealership or dealerships for the retail sales of new and/or used automobiles or trucks and businesses ancillary to the operation of such dealerships, including service and parts operations, body shops, the sale of finance, extended warranty and insurance products, the financing of the purchase of new and/or used vehicles and the purchase, sale, and servicing of finance contracts for new and/or used vehicles.

Section 2. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:14 – (C-1) BUSINESS ZONE REGAULTIONS. Appendix A, Article IV, Section 4:14-1(q) is hereby deleted in its entirety without replacement.

Section 3. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:14 – (C-1) BUSINESS ZONE REGULATIONS. Appendix A, Article IV, Section 4:14 (C-1) *Business Zone Regulations* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:14-9 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4:14. – (C-1) Business zone regulations.

Section 4:14-9 – Conditional uses.

(a) Automobile Dealership

Section 4. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:15 – (C-2) COMMERCIAL ZONE REGULATIONS.

Appendix A, Article IV, Section 4:15-1(t) is hereby deleted in its entirety without replacement.

Section 5. 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.

(b) Automobile Dealership

Section 6. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:17 – (I-1) INDUSTRIAL ZONE REGULATIONS.

Appendix A, Article IV, Section 4:17-1(o) is hereby deleted in its entirety without replacement.

Section 7. 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 4:17-6 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

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

Section 4:17-6 – Conditional uses.

(b) Automobile Dealership

Section 8. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:21 – (C-PB) COMMERCIAL PREFERRED BUSINESS ZONE REGULATIONS. Appendix A, Article IV, Section 4:21-1(h) is hereby deleted in its entirety without replacement.

Section 9. MODIFICATION OF APPENDIX A, ARTICLE IV. – ZONE REGULATIONS, SECTION 4:21 – (C-PB) COMMERCIAL PREFERRED BUSINESS ZONE REGULATIONS. Appendix A, Article IV, Section 4:21 (C-PB) *Commercial preferred business zone regulations* of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following subsection as Section 4:21-8 – *Conditional uses* thereto:

Appendix A – Zoning

Article IV – Zone Regulations

Section 4:21. – (C-PB) Commercial preferred business zone regulations.

Section 4:21-8 – Conditional uses.

(a) Automobile Dealership

Section 10. 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 5:27. – *Automobile Dealerships* as follows:

Appendix A – Zoning

Article V – Special Use Regulations

Section 5:27. – Automobile Dealership

(1) Location.

An Automobile Dealership may be erected in a C-1, C-2, I-1, or C-PB zone with conditional use approval as provided herein.

(2) New Car Dealership Requirements

New car dealerships shall provide an overall plan detailing the use, location and type of structures to be constructed upon the proposed site. The plan shall include the proposed parking lot(s) for display of new vehicles and used vehicle areas detailing the size of spaces and aisle ways. A detailed signage plan will be required for all signage within the proposed area.

(3) Used Car Dealership Requirements

- (a) The facility shall be adequate in size for the display and sale of not fewer than twelve (12) used motor vehicles; all display spaces shall measure not less than nine (9) feet by twenty (20) feet, exclusive of unusable space and drives or aisles which give access to the space; aisle ways that adjoin display spaces shall comply with the dimensional standards for width as specified in governmental and building codes.
- (b) All used motor vehicles for sale shall be in operable condition.
- (c) All outdoor areas shall be either landscaped or paved in accordance with the provisions of the granted conditional use.
- (d) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6 or residential PD.
- (e) The premises shall have proper curb cuts for entrances and exits.
- (f) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across an alley from, land zones E-1, R1, R2, R3, R4, R5, R6 and R-7 Residential Districts, in accordance with the provisions of current zoning code buffer requirements.
- (g) A suitable building of permanent nature shall be erected that has at least two hundred (200) square feet of gross floor area, is constructed of wood, masonry, or other approved building material, and sits on a proper foundation, except that frame

and all metal buildings less than two hundred (200) square feet of gross floor area may be erected as outlined in the current building code. However, in the event of cessation of used motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.

- (h) Vehicle preparation shall be permitted as an accessory use at the time of establishment of the used motor vehicle salesroom or sales lot. However, major motor vehicle services or minor motor vehicle services on the premises of the used motor vehicle salesroom or sales lot shall only be permitted upon issuance of a permit for the service facilities as a principal land use in conjunction with the salesroom or sales lot, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists for said service facilities.
- (i) All used motor vehicle salesrooms or sales lots shall be licensed in accordance with all Governmental Requirement Codes.
- (j) In the C-2 Commercial District, used motor vehicle sales are prohibited except where incidental and accessory to a new car dealership.
- (k) Where used motor vehicles are sold on the same zoning lot upon which used tire sales are conducted, a separate principal land use is permit is required for used tire sales; the outdoor storage of used tires is prohibited.
- (l) All used motor vehicle salesrooms or ales lots shall be established and located a major thoroughfare only.
- (m) It is unlawful for any used motor vehicle salesroom or sales lot to display motor vehicles on the berm, sidewalk, or elsewhere in the public right-of-way.

- (n) It is unlawful for any used motor vehicle salesroom or sales lot to display an A-frame or other portable sign in the public right-of-way.
- (o) No new and/or newly established used motor vehicle salesroom or sales lot shall be located within one thousand (1,000) radial feet of any existing used motor vehicle salesroom or sales lot located within or outside the City of Irondale's boundaries.

Section 11. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. 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 13. 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 14. 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 15. 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 16. 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 18th day of October, 2022.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Leigh Ann 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 18th day of October, 2022, as the same appears in the minutes of record of said meeting.

Leigh Ann Allison, City Clerk