

ORDINANCE NO. 1659

AN ORDINANCE AMENDING THE CITY OF PRICHARD ZONING ORDINANCE, NO. 981, AS AMENDED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

WHEREAS, the City Council of the City of Prichard, Alabama, has determined that the health, welfare, and safety of the residents of the City could be adversely affected by certain specified uses of land, the Council by this Ordinance does amend the City Zoning Ordinance to add Article XII, as follows:

ARTICLE XII - SPECIAL EXCEPTIONS

1. The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case. Those uses are designated as Special Exceptions, none of which shall be allowed until approval is obtained in accordance with the provisions of this Article, and in no event shall any such use be allowed in a district other than zoned M-1.

2. Special Exceptions. The following uses are designated as Special Exceptions:

- a. Acid or Acetylene Gas Manufacturing or Storage;
- b. Automobile Wrecking, Dismantling or Salvage;
- c. Explosives, Fireworks, or Gunpowder Manufacturing, Storage or Sales;
- d. Cement, Lime, Gypsum and Plaster Manufacturing;
- e. Clay and Clay Products Manufacturing;
- f. Correctional, Detention or Penal Institutions;
- g. Disinfectant, Insecticide or Poison Manufacturing;
- h. Animal Shelters;
- i. Fertilizers Manufacturing or Processing;
- j. Grain Milling, Storage and Elevators;
- k. Hazardous Materials or Substances Manufacturing, Processing or Storage;

- 1. Meat Slaughtering or Packing;
- m. Matches Manufacturing;
- n. Petroleum and Petroleum Products Manufacturing, Processing or Storage;
- o. Tannery, Including Curing of Hides;
- p. Tar Manufacture or Distillation;
- q. Alcohol Distillation;
- r. Drug and Alcohol Rehabilitation Facilities;
- s. Mental Institutions and Sanitoriums .

3. Approval. All Special Exception uses are subject to the same requirements as uses requiring planning approval, as well as all other requirements related to the administration and enforcement of this Ordinance. In addition, all Special Exception uses shall be approved by the Planning Commission or by the City Council acting on behalf of the Planning Commission, only after a consideration of the following conditions to the degree that the public health, safety or welfare, or the City of Prichard master zoning plan are not substantially adversely affected:

- a. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the immediate vicinity;
- b. That the exception will not alter the essential character of the immediate vicinity or the neighborhood in which is located the property for which the exception is sought;
- c. That the exception will not weaken the general purposes of this ordinance;
- d. That the exception will be in harmony with the spirit and purpose of this ordinance;
- e. That the exception will not adversely affect the future development of the immediate vicinity;
- f. That the exception will not adversely affect immediately adjoining residential districts;
- g. That the exception will not adversely affect the public health, safety, or welfare.

4. Special Exceptions shall be subject to such terms and conditions as specified by the Planning Commission, the Board of Adjustment, in an appropriate situation, or the City Council acting on behalf of the Planning Commission.

5. All provisions of this Ordinance inconsistent with this amendment are hereby repealed. All other provisions of Ordinance No. 981, as amended, shall remain in full force and effect.

6. The provisions of this Ordinance, and the provisions of all amendments thereto, are separable, and the invalidity or unenforceability of any provision shall not effect the validity or enforceability of the remaining provisions.

This Ordinance shall take effect on its adoption and publication as required by law.

Adopted this 5th day of December, 1986.

APPROVED:

MAYOR JOHN H. SMITH

ATTEST:

EVA C. GREENE, CITY CLERK/TREASURER

CLERK'S CERTIFICATE: This Ordinance having been passed by the City Council on December 5, 1986, and not having been returned to me, as City Clerk, by the Mayor with his approval or veto within the ten days after its passage by the Council, in compliance with Title II, Section 45-4, Code of Alabama, 1940, recompiled in 1975, the same has been published as herein provided.

Eva C. Greene
EVA C. GREENE, CITY CLERK-TREASURER

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