

**ORDINANCE NO. 2019-001**

**AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2015-002 AND THE ZONING MAP OF INDIAN SPRINGS VILLAGE HERETOFORE ADOPTED ON JULY 21, 2015, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING TO B-2 GENERAL BUSINESS DISTRICT.**

**BE IT ORDAINED** by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

**Section 1.** That the Town Council finds as follows:

a. That the requested change in zoning classification is compatible with the Town of Indian Springs Village's comprehensive plan in that i.) the Subject Property (as defined below) has been consistently used for commercial uses for many years, ii.) this rezoning will help resolve disagreements regarding the application or interpretation of purported judicial zoning and legislative zoning as it relates to the Subject Property, iii.) the Subject Property currently has a gas station with a convenience store located on the front of the parcel while the rear of the parcel has been used for other commercial purposes for a number of years, iv.) the owner of the Subject Property desires to build a mini warehouse on the back of the parcel, which is only allowed in a B-2 General Business District as a special exception, v.) this appears to be a low impact use that will be a substantial improvement for the adjoining property owners, and vi.) the Subject Property is unique in its history, uses, and regulations;

b. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there is available and adequate public infrastructure and services, including water, sewer, roads, police and fire protection, etc., to support the proposed rezoning classification, and to the extent that improvements are required, the owner has agreed to make such improvements; and

c. That, based upon the plans for the property to be rezoned submitted by the owner of the property, there will be no significant impact of the requested change in zoning classification on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

**Section 2.** That Zoning Ordinance No. 2015-002, adopted July 21, 2015, and the Zoning Map of Indian Springs Village be amended so that the area described below be rezoned from its present zoning to B-2 General Business District:

**Parcel Number:**  
10-8-28-0-001-012.009

**Property Address:**  
3125/3127 Cahaba Valley Road  
Indian Springs Village, Alabama

(“the Subject Property”);

**Section 3.** That this ordinance shall be effective only when all of the following conditions have occurred:

a. This ordinance has been published by posting the same as required by law following its adoption;

b. Cape Group, LLC has paid all fees required of it in connection with making its petition related to this ordinance;

c. The Board of Zoning Adjustment of Indian Springs Village, Alabama (the “Board”), upon the application of Cape Group, LLC, has approved a special exception for the Subject Property to permit its use for a mini warehouse upon such conditions as the Board deems necessary;

d. The Board, upon the application of Cape Group, LLC, has approved variances for the Subject Property to make necessary accommodations to the rear and side setbacks on such conditions as the Board deems necessary; and

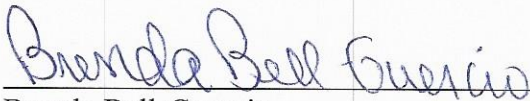
e. The Town Council recongizes by resolution that the Subject Property is, for purposes of its subdivision regulations, “grandfathered” as currently occupied by two separate uses, so long as the two uses contemplated (gas station and mini warehouse facility) are continued.

**ADOPTED: This 5<sup>th</sup> day of November, 2019.**



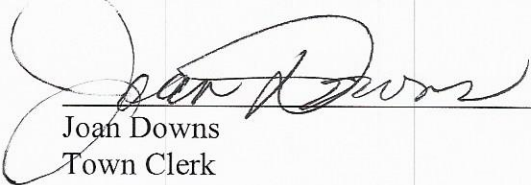
\_\_\_\_\_  
Herb Robins  
Council Chairman Pro Tem

**ADOPTED: This 5<sup>th</sup> day of November, 2019.**



\_\_\_\_\_  
Brenda Bell-Guercio  
Mayor

**ATTESTED: This 5<sup>th</sup> day of November, 2019.**



\_\_\_\_\_  
Joan Downs  
Town Clerk



**CERTIFICATION OF TOWN CLERK**

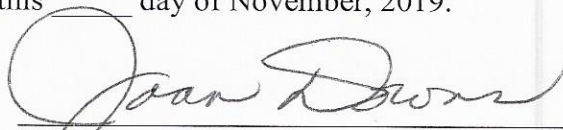
STATE OF ALABAMA     )  
SHELBY COUNTY        )

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 5<sup>th</sup> day of November, 2019.

The above and foregoing ordinance was published on the 16<sup>th</sup> day of November, 2019, by posting copies thereof in four public places within the Town:

1. Indian Springs Village Town Hall,
2. Marathon Gas Station,
3. Shelby County Fire Station No. 1, and
4. Shelby County Fire Station No. 2.

Witness my hand and seal of office this            day of November, 2019.

  
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Joan Downs, Town Clerk