

ORDINANCE NO. 2023 – 05

AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the petitioner, the following describe the tract or parcel of land, to-wit: Property Owner: Apel Enterprises, LLLP. PPIN: 1040. Parcel No.: 17-02-09-1-017-002.000. Property Address: 1106 2nd Ave NW. Legal Description: Beginning at a 1 inch square pipe found on the West Right-of-Way of Moore Avenue, said pipe being the purported Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 9, Township 10 South, Range 3 West of the Huntsville Meridian, Madison County, Alabama; thence from the Point of Beginning, South 89 degrees 01 minutes 10 seconds East a distance of 295.09 feet to an iron pin set along the East Right-of-Way of U. S. Highway 31, said point also being the True Point of Beginning; thence from the True Point of Beginning, and leaving said Right-of-Way, South 89 degrees 01 minutes 10 seconds East a distance of 267.48 feet to an iron pin set along the West side of a 100 foot Railroad Right-of-Way; thence along said Railroad Right-of-Way, South 25 degrees 27 minutes 11 seconds East a distance of 549.53 feet to an iron pin set; thence leaving said Railroad Right-of-Way, North 88 degrees 54 minutes 18 seconds West a distance of 266.96 feet to a railroad spike found along the East Right-of-Way of U. S. Highway 31; thence along said Right-of-Way, North 25 degrees 31 minutes 36 seconds West a distance of 549.28 feet to the True Point of Beginning, and containing 3.02 Acres, more or less. Within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M-1 Manufacturing District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from M-1 Manufacturing District to B-2 Business District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsised, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 12th day of December, 2022 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 12th day of December, 2022.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR, this the 12th day of December, 2022.

Mayor