

ORDINANCE NO. 2002-14

AN ORDINANCE FORTHER AMENDING ORDINANCES NO. 435 AND 848
OF THE CITY OF CULLMAN, ALABAMA, AS AMENDED, TO REZONE
CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

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 11-52-58, in order to promote the health, order, safety or general welfare of the community, and at the request of property owner Wal-Mart Stores East, L..P., formerly known as Wal-Mart Stores East, Inc., the following described tracts or parcels of land, to-wit:

Described in Attached Exhibit A incorporated in and made
a part of this ordinance as if fully set out herein.

situated within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, heretofore designated as an R-1 Zone on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 435 and 848, as amended, and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and it is hereby changed from an R-1 Residential District to a B-2 Business District.

2. That as a consideration for the rezoning of the above described property from an R-1 Residential District to a B-2 Business District, the following conditions must be met by the property owner, its successors and assigns, to-wit:

- A. There shall be a permanent prohibition of vehicular ingress and egress from the property to and from Swafford Road.
- B. The property shall be developed consistent with the site plan previously presented to and approved by the City.
- C. There shall be erected a six to eight foot high berm with trees thereon along the southern boundary of the property.
- D. A detention pond shall be constructed along the southern boundary of the property to prevent any adverse surface water impact on the nearby residential property; and
- E. There shall be directional exterior lighting on the property so that such lighting is directed away from the nearby residential neighborhoods.

3. 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 synopsisized, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

4. That a public hearing be held relative to the passage of this ordinance on the 15th day of April, 2002, 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.

5. 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

6. 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 be and are hereby changed and amended to reflect the changes and amendments herein.

7. 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.

8. 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 this the 15th day of April, 2002.

Woody Jacobs
President of the City Council

Attest:

Lucille N Galin
City Clerk

Transmitted to the Mayor this the 18th day of April, 2002.

Lucille N Galin
City Clerk

APPROVED this the 18th day of April, 2002.

Donald E Green
Mayor