

Having previously been introduced at the **December 13, 2021**, council meeting, Council Member ELLIS moved the adoption of the following Ordinance, which was seconded by Council Member FARRELL:



ORDINANCE 22-149

SUMMARY: A ZONING ORDINANCE CREATING SECTION 111-93 OF THE ALABASTER CODE OF ORDINANCES TO BE KNOWN AS "ARIA AT SILURIA ACTIVE ADULT COMMUNITY MXD DISTRICT"

WHEREAS, Cynthia J. Wehrman, as Owner of land being known as Parcel 13 7 35 2 001 001.000 and Nicholas C. Cairns, as Owner of land being known as Parcel 13 7 35 2 001 001.002, by and through their authorized Petitioner, Ross Tortorigi, petitioned the City to rezone said property to MXD, Mixed Use District; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this matter on November 16, 2021 and did recommend to the Council that said property be zoned to MXD, Mixed Use District, with the following conditions:

- Age restriction of residency units shall be limited to 62 years of age and older,
- No unit shall contain more than 2 bedrooms,
- The second access along 9th St. NW (County Road 95) shall be 'Right-in/Right-out',
- A landscape plan meeting all applicable requirements of Article VIII-Landscaping and Buffers and meeting the intent of Sec. 111-87(g)(5),
- The final development plan shall locate all elements stipulated in Sec. 111-87(g),
- The residential area and the memory care center shown on the final development plan shall be gated as allowed by the adopted International Fire Code.; and

WHEREAS, the Notice of Public Hearing and this proposed Ordinance were published on December 19, 2021 in the Shelby County Reporter, and a synopsis thereof on December 26, 2021 a newspaper of general circulation within the City Limits of the City of Alabaster, and that the City Council of the City of Alabaster, at its Public Hearing on January 10, 2022 at 7:00 p.m., considered said proposed Ordinance and that at such time and place all persons who desired had an opportunity to be heard in favor of or in opposition to such Ordinance.; and

NOW, THEREFORE, THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

Section 1 – SEC. 111-93 – ARIA AT SILURIA ACTIVE ADULT COMMUNITY MXD DISTRICT

- a. **District Boundaries** – The following description shall create the boundaries of the district:

DESCRIPTION BEGIN AT A NAIL IN A WOODEN FENCE, LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 660.35 FEET TO A CRIMPED PIPE; THENCE DEFLECT 00°06'04" LEFT AND RUN 609.58 FEET TO A RIGHT OF WAY MONUMENT ON THE EAST MARGIN OF SHELBY COUNTY HIGHWAY 95, ALSO KNOWN AS 9th STREET SW; THENCE DEFLECT 93°44'08" RIGHT AND RUN NORTH ALONG SAID RIGHT OF WAY A DISTANCE OF 351.81 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°20'21" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR

A DISTANCE OF 184.12 FEET TO A RIGHT OF WAY MARKER ON THE CORNER OF SHELBY COUNTY HIGHWAY 95 AND INDUSTRIAL ROAD; THENCE DEFLECT 90°11'57" RIGHT AND RUN EAST ALONG THE SOUTH MARGIN OF INDUSTRIAL ROAD FOR A DISTANCE OF 180.64 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°06'46" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 253.51 FEET TO A RIGHT OF WAY MONUMENT; THENCE DEFLECT 10°14'51" RIGHT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 816.20 FEET TO A 5/8" REBAR; THENCE DEFLECT 89°10'48" RIGHT LEAVING SAID RIGHT OF WAY AND RUN SOUTH FOR A DISTANCE OF 545.29 FEET TO A 1" CRIMPED PIPE; THENCE DEFLECT 01°36'58" LEFT FOR A DISTANCE OF 51.69 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 16.68 ACRES, MORE OR LESS.

- b. **General Intent:** The District shall be primarily a residential Cottage district for senior adult persons over the age of 62 years compliant with the federal Housing Older People Act, a qualified and certificated Memory Care facility for those with Alzheimer's, dementia, and other memory related diseases and traumas regardless of age, and a neighborhood boutique retail center.
- c. **Definitions.** The following definitions shall be used herein:
 - i. *"Boutique Retail Center"* shall mean retail space the totality of which shall not exceed 20,000 square feet in the District Boundaries.
 - ii. *"Cottage(s)"* shall mean any single-family residential unit intended for senior adults aged 62 and over.
 - iii. *"Dual Unit Senior Adult Cottages"* shall mean single story residential buildings intended to house no more than two family units per building.
 - iv. *"Memory Care Facility"* shall mean any building, hospital, or health care facility intended for short- and long-term care of Alzheimer's, dementia, and other memory related diseases and trauma and issued a certificate of need from the Alabama State Health Planning & Development Agency.
 - v. *"Occupant(s)"* shall mean any person residing in any unit of the cottages or memory care facility for more than 14 days in a calendar year.
- d. **Zoning Classification.** – The District shall be governed by Sec. 111-87 of the Alabaster Code of Ordinances (MXD) except as modified as follows:
 - i. **Cottages:**
 - 1. No more than 32 Dual Unit Senior Adult Cottages (for a total of 64 units) shall be built for lease and tenancy on the property.
 - 2. No individual cottage shall contain more than two bedrooms nor more than one bathroom.
 - 3. No Occupant of any cottage shall be below the age of 62 years of age except for 1) a live-in aides, nurses or other healthcare providers who might need to live with a tenant as a "reasonable accommodation" based on the disability of a tenant, and certified as necessary by a medical professional; 2) an employee under 62 whose duties require that the person must live on the property; and 3) occupants who because of mental or physical disability are under legal guardianship of an eligible tenant.
 - 4. The owner of the Cottages shall maintain and update at least every two years written verification of the age of each occupant that shall be available for inspection by City zoning officials upon reasonable notice and request. A summary of the most current Occupancy survey shall be available to any citizen.
 - 5. The owner of the Cottages shall publish on its website and adhere to rules of occupancy of the Cottages.
 - 6. Access to the Cottages by vehicle shall be gated to extent practical and allowed by the Alabaster Fire Department.
 - ii. **Memory Care Facility:**
 - 1. The Memory Care Facility shall be one building with no more than 32 residential units for Memory Care patients and occupants, and care-givers, together with all necessary and attendant features for staff, adult daycare facilities, recreation and exercise, crafts and dining.

2. The facility may house other day activities for senior adults from the surrounding community and act as a community center for the development.
- iii. **Boutique Retail Center**
 1. No individual retail space shall exceed 4,000 square feet.
 2. The center shall be located in such a way that it may be accessed by the general public without creating traffic through the Cottage areas.
 3. The stores shall be unique style stores or supportive of area residents such as pharmacies, specialty restaurants, health care supply stores, medical providers, clothing, hardware, and gifts stores.
- iv. **General Design Principles**
 1. Access to CR95, if at all, shall be limited to right-in/right-out only.
 2. The placement of lighting, refuse collection, and garbage collection shall be done in such a way as to have minimal impact upon the neighboring existing residential area.
 3. Minimum buffer size shall be no less than 30 feet from existing residential areas.
 4. No building permits shall be issued until the final design plan, including architectural review, has been approved by the Planning and Zoning Commission, which shall comply with all other building code, zoning, and landscaping requirements of the City of Alabaster.
- e. **Violations.** Any person found to Occupy a unit in violation of this Ordinance, and any person found to have permitted such violation, or fails to maintain records of compliance herewith, shall be charged and punished as set forth in Section 1-12. Each day shall be a new violation.

Section 2. EFFECTIVE DATE

This Ordinance shall be effective upon its passage and publication as required by law.

ADOPTED AND APPROVED THIS 10th DAY OF JANUARY 2022.

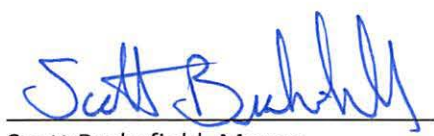
ATTEST:

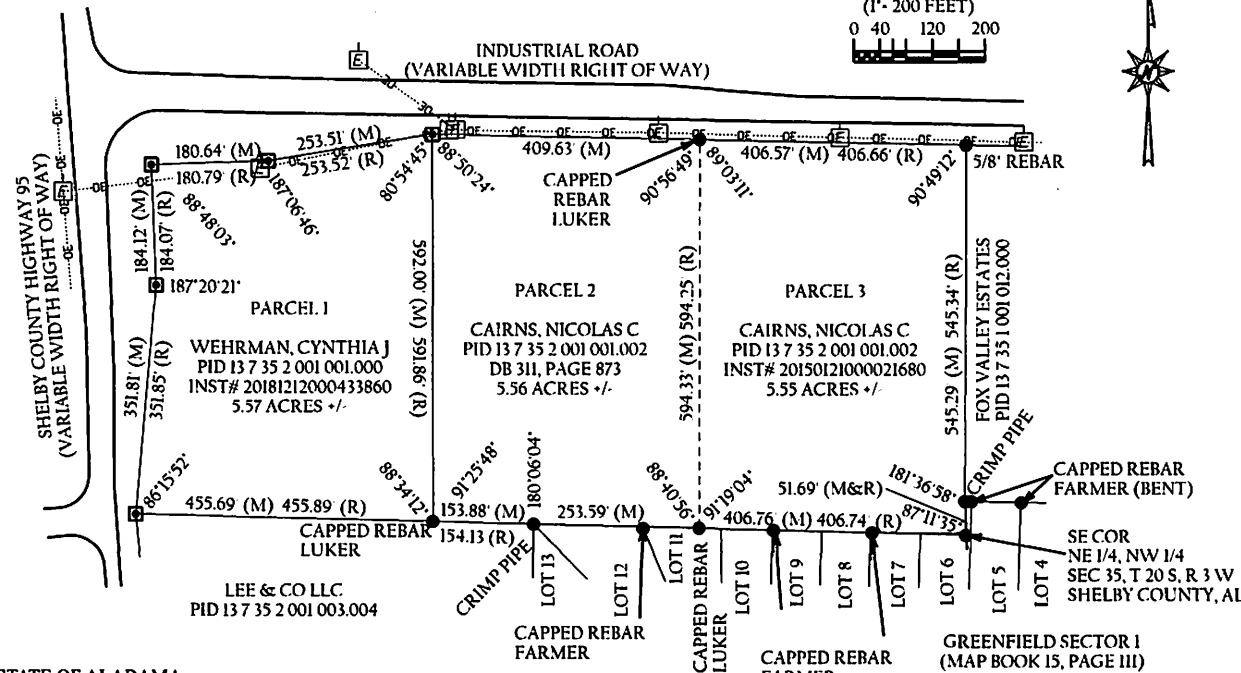
CITY OF ALABASTER


J. Mark Frey, City Clerk


Sophie Martin, Council President

APPROVED:


Scott Brakefield, Mayor



STATE OF ALABAMA
COUNTY OF SHELBY

I, ROBERT F. WEIMORTS, JR., A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY (OR STATE) THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

The subject property is located in Zone X, an area outside the 0.2% annual chance floodplain, according to the Flood Insurance Rate Map (FIRM) Community Panel No. 01117C0214E with a revised date of February 20, 2013. Additional inquiries concerning the flood zone(s) for the subject site should be addressed to the Federal Emergency Management Agency.

Robert F. Weimorts, Jr.
Robert F. Weimorts, Jr., PLS
AL Reg # 23008



ENGINEERING DESIGN TECHNOLOGIES, INC.
215 19TH STREET NORTH
BIRMINGHAM, AL 35203
(205) 942-8630 (205) 942-8631 (F)
<http://www.edtinc.net>

SURVEYOR'S NOTES

1. DESCRIPTION AS FURNISHED BY CLIENT.
2. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY DEEDS, EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
4. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUB-SURFACE FEATURES EXCEPT AS SHOWN ABOVE.
6. NO IMPROVEMENTS LOCATED OTHER THAN SHOWN.

- ◻ RIGHT OF WAY MONUMENT
- FOUND PROPERTY CORNER
- ◻ POWER POLE
- OE----- OVER HEAD ELECTRIC
- FENCE

DESCRIPTIONS PER THIS SURVEY:

PARCEL 1

COMMENCE AT A NAIL IN A WOODEN FENCE, LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 660.35 FEET TO A 1" CRIMPED PIPE; THENCE DEFLECT 00°06'04" LEFT FOR A DISTANCE OF 153.88 FEET TO A CAPPED REBAR MARKED 'LUKER' AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE FOR A DISTANCE OF 455.69 FEET TO A RIGHT OF WAY MARKER ON THE EAST MARGIN OF SHELBY COUNTY HIGHWAY 95, ALSO KNOWN AS 9TH STREET SW; THENCE DEFLECT 93°44'08" RIGHT AND RUN NORTH ALONG SAID RIGHT OF WAY A DISTANCE OF 351.81 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°20'21" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 184.12 FEET TO A RIGHT OF WAY MARKER ON THE CORNER OF SHELBY COUNTY HIGHWAY 95 AND INDUSTRIAL ROAD; THENCE DEFLECT 90°11'57" RIGHT AND RUN EAST ALONG THE SOUTH MARGIN OF INDUSTRIAL ROAD FOR A DISTANCE OF 180.64 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°06'46" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 253.51 FEET TO A RIGHT OF WAY MARKER; THENCE LEAVING SAID RIGHT OF WAY DEFLECT 99°05'15" RIGHT AND RUN SOUTH FOR A DISTANCE OF 592.00 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 5.57 ACRES, MORE OR LESS.

PARCEL 2

COMMENCE AT A NAIL IN A WOODEN FENCE, LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 406.76 FEET TO A CAPPED REBAR MARKED 'LUKER' AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE FOR A DISTANCE OF 253.59 FEET TO A 1" CRIMPED PIPE; THENCE DEFLECT 00°06'04" LEFT AND RUN WEST FOR A DISTANCE OF 153.88 FEET TO A CAPPED REBAR MARKED 'LUKER'; THENCE DEFLECT 88°34'12" RIGHT AND RUN NORTH FOR A DISTANCE OF 592.00 FEET TO A RIGHT OF WAY MARKER ON THE SOUTH MARGIN OF INDUSTRIAL ROAD; THENCE DEFLECT 91°09'36" RIGHT AND RUN EAST ALONG THE SOUTH MARGIN OF INDUSTRIAL ROAD FOR A DISTANCE OF 409.63 FEET TO A CAPPED REBAR MARKED 'LUKER'; THENCE LEAVING SAID RIGHT OF WAY DEFLECT 89°03'11" RIGHT AND RUN SOUTH FOR A DISTANCE OF 594.33 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 5.56 ACRES, MORE OR LESS.

PARCEL 3

BEGIN AT A NAIL IN A WOODEN FENCE, LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 406.76 FEET TO A CAPPED REBAR MARKED 'LUKER'; THENCE DEFLECT 88°40'56" RIGHT AND RUN NORTH FOR A DISTANCE OF 594.33 FEET TO A CAPPED REBAR MARKED 'LUKER' ON THE SOUTH MARGIN OF INDUSTRIAL ROAD; THENCE DEFLECT 90°56'49" RIGHT AND RUN EAST ALONG THE SOUTH MARGIN OF INDUSTRIAL ROAD FOR A DISTANCE OF 406.57 FEET TO A 5/8" REBAR; THENCE LEAVING SAID RIGHT OF WAY DEFLECT 89°10'48" RIGHT AND RUN SOUTH FOR A DISTANCE OF 545.29 FEET TO A 1" CRIMPED PIPE; THENCE DEFLECT 01°36'58" LEFT AND RUN SOUTH FOR A DISTANCE OF 51.69 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 5.55 ACRES, MORE OR LESS.

COMBINED PARCEL 1, 2 & 3 DESCRIPTION

BEGIN AT A NAIL IN A WOODEN FENCE, LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION FOR A DISTANCE OF 660.35 FEET TO A CRIMPED PIPE; THENCE DEFLECT 00°06'04" LEFT AND RUN 609.58 FEET TO A RIGHT OF WAY MONUMENT ON THE EAST MARGIN OF SHELBY COUNTY HIGHWAY 95, ALSO KNOWN AS 9TH STREET SW; THENCE DEFLECT 93°44'08" RIGHT AND RUN NORTH ALONG SAID RIGHT OF WAY A DISTANCE OF 351.81 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°20'21" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 184.12 FEET TO A RIGHT OF WAY MARKER ON THE CORNER OF SHELBY COUNTY HIGHWAY 95 AND INDUSTRIAL ROAD; THENCE DEFLECT 90°11'57" RIGHT AND RUN EAST ALONG THE SOUTH MARGIN OF INDUSTRIAL ROAD FOR A DISTANCE OF 180.64 FEET TO A RIGHT OF WAY MARKER; THENCE DEFLECT 07°06'46" LEFT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 253.51 FEET TO A RIGHT OF WAY MONUMENT; THENCE DEFLECT 10°14'51" RIGHT AND CONTINUE ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 816.20 FEET TO A 5/8" REBAR; THENCE DEFLECT 89°10'48" RIGHT LEAVING SAID RIGHT OF WAY AND RUN SOUTH FOR A DISTANCE OF 545.29 FEET TO A 1" CRIMPED PIPE; THENCE DEFLECT 01°36'58" LEFT FOR A DISTANCE OF 51.69 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 16.68 ACRES, MORE OR LESS.