

ARTICLE XIV. - B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 1. - Intent.

To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the B-1 neighborhood business district.

(Ord. No. 135-182, 7-16-07)

Sec. 2. - Permitted uses.

1. Any use permitted in the O-I zoning [district], however, the requirements set forth in O-I office and institutional district, Article XIII, shall apply to this permitted use.
2. Churches.
3. Public schools.
4. Private schools, where the type of school is compatible with nearby residential areas.
5. Barber or beauty shops.
6. Reserved.
7. Drug stores.
8. Dry cleaning outlets.
9. Grocery stores.
10. Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
11. Restaurant or coffee shop; with no drive-up or walk-up window service or service to customers in their vehicles.
12. Retail establishment, limited in character and size to that which is of service to the City of Pelham only.
13. Shoe repair.
14. Business, dancing, and/or music school.
15. Utility service building.

(Ord. No. 135-182, 7-16-07; Ord. No. 135-214, 5-23-17, eff. 5-28-17)

Sec. 3. - Special exception use.

A use which is permitted in a particular zoning district only by special application and approval by the board of adjustment on such special exception as they are authorized to rule on by the terms of this ordinance, and which is subject to restrictions and safeguards as to number, area, character, location or relation to the neighborhood. This use is permitted further subject to appropriate permits and/or licenses being issued in accordance with the provisions of the ordinances of the City of Pelham. It should be noted that an application of a special exception is not an appeal, even though it is being considered by the board. In this case, the board is acting in an administrative role and is applying the general provisions of the ordinance to a specific site and project. The following uses are granted subject to approval by the board of adjustment, and further subject to appropriate permits and/or licenses being issued:

1. Broadcasting towers or wireless communications facilities shall be in accordance with the requirements for specific uses set forth in Ordinance No. 374-2, or the most current revision thereof.

(Ord. No. 135-182, 7-16-07)

Sec. 4. - Prohibited uses.

1. No outside storage of any kind shall be allowed.
2. Residential dwellings.
3. Repair garages or storage yards for materials, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial characteristics.
4. The required parking spaces, maneuvering drive aisles, and pedestrian areas on a parcel in the B-1 neighborhood business district, are not to be used in ways other than the intended designed uses for those areas.
5. No vehicles of any kind or no merchandise or materials of any kind associated with a business shall be parked or stored within city, county, or state rights-of-way within the city limits of Pelham.
6. No storage trailers or temporary storage containers shall be allowed for storage on the premises.

(Ord. No. 135-182, 7-16-07)

Sec. 5. - Area and dimensional regulations.

Except as provided in Article XXIV, supplementary regulations and modifications and Article XXVII, board of adjustment, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards (Feet)		Minimum Side Yards	Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear	Feet	Square Feet	Feet
3	42	50	*None	**None	***See Below	None

* No rear setback, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, section 9, landscaping and buffers.

** No side yard setback, except on the side of a lot abutting a dwelling district in which case there shall be a side yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, section 9, landscaping and buffers.

*** The size of the lot must be adequate to allow for the building and setbacks plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

(Ord. No. 135-182, 7-16-07)

Sec. 6. - Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article XXIII, off-street parking and loading requirements.

(Ord. No. 135-182, 7-16-07)

Sec. 7. - Landscape buffer regulations.

Landscaping and buffers shall be in accordance with the requirements for specific uses set forth in Article XXIV, section 9, landscaping and buffers.

(Ord. No. 135-182, 7-16-07)

Sec. 8. - Sign regulations.

Any signage shall be in accordance with the requirements for specific uses set forth in Article XXII, sign

ordinance.

(Ord. No. 135-182, 7-16-07)

Sec. 9. - Additional regulations (when applicable).

1. All utilities shall be underground in new commercial parks in B-1 neighborhood business district zoning.
2. Any garbage/refuse service areas shall be limited to the rear or side of the principal building or complex it serves, screened to a height which is adequate to conceal such facilities from public view, and covered if a sewer drain is required in the dumpster facility. Any screening used in B-1 neighborhood business district zoning shall be in accordance with the requirements for specific uses set forth in Article XXIV, section 13, supplementary regulations and modifications, screening.
3. When adjacent to a residential zone, exterior lighting fixtures, including lighting for parking areas, walkways, general illumination or any other purposes, shall be constructed to direct the beam away from any residential area and to direct the beam entirely onto the property of the business.

(Ord. No. 135-182, 7-16-07)

ARTICLE XV. - B-2 GENERAL BUSINESS DISTRICT

Sec. 1. - Intent.

To establish and preserve a retail business district convenient to the public and attractive for a wide range of retail uses. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the B-2 general business district.

(Ord. No. 135-182, 7-16-07)

Sec. 2. - Permitted uses.

1. Any use permitted in the B-1 zoning [district], however, the requirements set forth in B-1 neighborhood business district, Article XIV, shall apply to this permitted use.
2. Retail establishment.
3. Bakery.
4. Department stores.

5. Furniture stores.
6. Grocery stores.
7. Shopping centers in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 8.
8. Bank or financial service.
9. Motels and hotels.
10. Motion picture theater.
11. All types of restaurants.
12. Auto parts store.
13. Reserved.
14. Motor vehicle sales lot in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 11.
15. Minor vehicle repair or servicing. (See definition.)
16. Reserved.
17. Reserved.
18. Rental establishment, with no outside storage of any kind. (See definition.)
19. Rental and sales of light equipment, no outside storage of any kind.
20. Building material sales, no outside lumber yard.
21. Hardware store with no outside sales or storage allowed.
22. Veterinary clinic, veterinary hospital, dog training facility, or boarding facility (no outside kennels or dog runs), in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 16.
23. Reserved.
24. Reserved.
25. Gasoline service station in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 12.
26. Convenience store.
27. Amusement or recreation service, such as health clubs, arenas, skating rinks and bowling alleys except drive-in theater, golf course, or practice golf-driving range.
28. Medical or dental laboratory.
29. Churches.
30. Public schools.
- 31.

Private schools.

32. Short-term and seasonal businesses, in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 17.
33. Special events, in accordance with the requirements of the detailed use regulations set forth in Article XXV, section 18.
34. Laundromat.

(Ord. No. 135-182, 7-16-07; Ord. No. 135-252, § 1, 8-15-22)

Sec. 3. - Special exception use.

A use which is permitted in a particular zoning district only by special application and approval by the board of adjustment on such special exception as they are authorized to rule on by the terms of this ordinance, and which is subject to restrictions and safeguards as to number, area, character, location or relation to the neighborhood. This use is permitted further subject to appropriate permits and/or licenses being issued in accordance with the provisions of the ordinances of the City of Pelham. It should be noted that an application of a special exception is not an appeal, even though it is being considered by the board. In this case, the board is acting in an administrative role and is applying the general provisions of the ordinance to a specific site and project. The following uses are granted subject to approval by the board of adjustment, and further subject to appropriate permits and/or licenses being issued:

1. Broadcasting towers or wireless communications facilities shall be in accordance with the requirements for specific uses set forth in Ordinance No. 374-2, or the most current revision thereof.

(Ord. No. 135-182, 7-16-07)

Sec. 4. - Prohibited uses.

1. No outside storage of any kind shall be allowed, with the exception of sales and rental of automobiles, light trucks, travel trailers, utility trailers, recreational vehicles, and light equipment and farm implements normally stored outside.
2. Residential dwellings.
3. The required parking spaces, maneuvering drive aisles, and pedestrian areas on a parcel in the B-2 general business district, are not to be used in ways other than the intended designed uses for those areas.
4. No vehicles of any kind or no merchandise or materials of any kind associated with a business, shall be parked or stored within city, county, or state rights-of-way within the city limits of Pelham.

5. No storage trailers or temporary storage containers shall be allowed for storage on the premises.
6. None of the above activities listed in section 2, permitted uses shall involve resource production, foundries, processing or refining of raw materials such as ore, metals, rubber, plastic, fuel, petroleum, nor storage or disposal of hazardous chemicals or wastes.

(Ord. No. 135-182, 7-16-07)

Sec. 5. - Area and dimensional regulations.

Except as provided in Article XXIV, supplementary regulations and modifications and Article XXVII, board of adjustment, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards (Feet)		Minimum Side Yards	Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear	Feet	Square Feet	Feet
6	75	50	*None	**None	***See Below	No Minimum

* No rear setback - except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, section 9, landscaping and buffers.

** No side yard setback - except on the side of a lot abutting a dwelling district in which case there shall be a side yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, section 9, landscaping and buffers.

*** The size of the lot must be adequate to allow for the building and setbacks plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

(Ord. No. 135-182, 7-16-07)

Sec. 6. - Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article XXIII, off-street parking and loading requirements.

(Ord. No. 135-182, 7-16-07)

Sec. 7. - Landscape buffer regulations.

Landscaping and buffers shall be in accordance with the requirements for specific uses set forth in Article XXIV, section 9, landscaping and buffers.

(Ord. No. 135-182, 7-16-07)

Sec. 8. - Sign regulations.

Any signage shall be in accordance with the requirements for specific uses set forth in Article XXII, sign ordinance.

(Ord. No. 135-182, 7-16-07)

Sec. 9. - Additional regulations (when applicable).

1. All utilities shall be underground in new commercial parks in B-2 general business district zoning.
2. Any garbage/refuse service areas shall be limited to the rear or side of the principal building or complex it serves, screened to a height which is adequate to conceal such facilities from public view, and covered if a sewer drain is required in the dumpster facility. Any screening used in B-2 general business district zoning shall be in accordance with the requirements for specific uses set forth in Article XXIV, section 13, supplementary regulations and modifications, screening.
3. When adjacent to a residential zone, exterior lighting fixtures, including lighting for parking areas, walkways, general illumination or any other purposes, shall be constructed to direct the beam away from any residential area and to direct the beam entirely onto the property of the business.

(Ord. No. 135-182, 7-16-07)

Sec. 10. - Additional regulations for alternative financial services in B-2 zones.

The term "alternative financial services" as used in this section includes, but is not limited to, payday loan businesses, title loan businesses, pawnshops/pawnbrokers and check cashing businesses, as defined below. Alternative financial service businesses shall be allowed only as conditional uses in the

B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. Purpose.
 - a. The purpose of this section is to provide for the regulation of alternative financial service businesses and other similar establishments for the purpose of preventing a concentration of these uses in any one area.
 - b. It is recognized that alternative financial service businesses have the potential to be harmful to the public welfare, both in regard to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating alternative financial service services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of alternative financial services that may result in the displacement of other necessary commercial and financial services.
 - c. Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances by the extraordinary high interest rates. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial corridor and the community at large. Based on their proliferation, and the negative effects of their proliferation upon adjacent areas, the City Council finds that the health, safety and welfare of the residents of the City of Pelham should be protected by legislation limiting the geographic proliferation of alternative financial service businesses in any one area. This is in the best interest of the overall economic development of the City of Pelham to provide for orderly growth and balance the development of all businesses in order to have a diverse and stable economy.
2. Applicability. For the purposes of this section, the standards of this section apply to new establishments of alternative financial service businesses. An establishment is considered new when no previous alternative financial service business existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this Section. Any properly licensed alternative financial service business legally operating at the effective date of this ordinance that is not in compliance with this Section shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. Discontinuance and Termination. Any alternative financial service business, whether existing or subsequently granted under this section, that voluntarily discontinues active

operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.

4. Definitions. As used in this section, the following words and phrases will have the following meanings:
 - a. *Chartered Institution.* Any state or federally chartered bank, savings association, credit union, industrial loan company or any retail seller engaged in the selling of consumer goods, such as consumables to retail buyers that cashes checks or issues money orders for a minimum flat fee as a service to its customers that is incidental to its main purpose or business.
 - b. *Check cashing business.* A business, excluding a Chartered Institution, that engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial papers serving the same purpose for compensation or a portion of the value of the above referenced financial instrument. It does not include a business that offers check cashing as an incidental service to its customers.
 - c. *Pawnbroker.* Any person engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. The definitions set forth in the Alabama Pawnshop Act, Code of Alabama § 5-19A-2, shall be effective as definitions of the words, terms and phrases used in this section. All words, terms and phrases used herein shall have the respective meanings ascribed to them in the "Alabama Pawnshop Act," and shall have the same scope and effect that the same words, terms and phrases have where used in the Alabama Pawnshop Act.
 - d. *Payday loan (deferred presentment) business.* A business, excluding a Chartered Institution, that is subject to the requirements and restrictions listed in Chapter 18A of Title 5 of the Code of Alabama (Alabama Deferred Presentment Services Act), and involves a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee: (1) accepting a check or authorization to debit a checking account and, in connection with that acceptance, advancing funds to the checking account holder; and (2) holding the check or authorization to debit the checking account for a specified period of time.
 - e. *Title loan business.* A business, excluding a Chartered Institution, that offers a short-term loan that is collateralized by the title of a vehicle in accordance with the requirements and restrictions described and detailed in Chapter 19A of Title 5 of the

Code of Alabama (Alabama Pawn Shop Act). The business engages in whole or in part in making consumer loans using the equity power of a car or other vehicle as collateral when the title to such vehicle is owned by the borrower.

5. Locational Requirements.

- a. No alternative financial service business (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other alternative financial service business. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
- b. No alternative financial service businesses shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
- c. No alternative financial service businesses shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
- d. No alternative financial service businesses shall be located within 500 feet of a state or federally chartered bank, savings association, credit union or industrial loan company, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
- e. No pawnshop shall be located within 2,500 feet of a gold or silver object dealer, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is already occupied by a gold or silver object dealer business.

6. Development and Operational Standards.

- a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 A.M. and 6:00 P.M. No loitering shall be permitted during, before, and after hours of operation.
- b. The building or portion thereof that is dedicated to the business use must have a minimum size of 1,500 square feet of building floor area.
- c. Businesses must keep a glass entrance and exit doors.
- d. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.

- e. Windows shall not be obscured by placement of any signs, dark window tinting, shelving, racks, advertisements or similar obstructions.
 - f. The applicant must provide a security plan for review and approval by the Pelham Police Department. The plan shall be submitted with other submittal materials for city permits. For adequate security, the security plan shall include:
 1. A lighting plan for the business showing both exterior and interior lighting, including parking and access areas. The exterior of the building shall be adequately illuminated on all frontages and shall illuminate persons standing outside so as to be identifiable from fifty feet away.
 2. Plans for security of the cashing area of the facility.
 3. Plans for adequate security cameras and/or an alarm system, with access granted to the police department.
7. Other Requirements.
- a. All alternative financial service business uses are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an applicable business license.
 - b. Where permitted, pawnbrokers shall comply with Article IV Pawnbrokers; Secondhand Dealers of Chapter 5 Business Licenses, Taxes and Regulations of the ordinances of the City of Pelham (Ordinance No. 97, adopted April 5, 1982), as may be amended, and shall be further subject to the regulations herein. The granting of a pawnbroker license shall be contingent upon obtaining all applicable zoning approvals and permits, and upon compliance with all further business license provisions (business license requirements, approval and revocation procedures are outlined in Chapter 5, Articles I and IV, of this Code).

(Ord. No. 135-214, 5-23-17, eff. 5-28-17; Ord. No. 135-225, § A, 12-2-19)

Sec. 11. - Additional regulations for gold or silver object dealers in B-2 zones.

Gold and silver object dealers shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. *Purpose.* It is recognized that the services offered by gold and silver object dealers may provide an opportunity for individuals to potentially transfer stolen property. Therefore, the general purpose and intent of these regulations are to provide separation, development and operational standards for gold or silver object dealers in the City of Pelham in order to mitigate the negative impacts associated with such businesses and to serve the public safety and welfare of residents and businesses within the city.
2. *Applicability.* For the purposes of this section, the standards of this section apply to new establishments of gold or silver object dealers. An establishment is considered new when no previous gold or silver object dealer existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section. Any properly licensed gold or silver object dealer legally operating at the effective date of this ordinance shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. *Discontinuance and termination.* Any gold or silver object dealer, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. *Business.* Includes, but is not limited to, the activity of any person who by the use of radio, television, newspaper, pamphlet, sign, or other method of communication offers to buy gold or silver, or gold or silver objects.
 - b. *Gold or silver object.* Any object that contains gold or silver in any amount whatsoever.
 - c. *Gold or silver object dealer.* Any person engaged in the business of buying or selling tangible objects in gold or silver, or other precious metals of any kind or description, from members of the general public. Included in this definition are buyers of second-

hand jewelry and gems. This category does not include coin dealers or antique stores.

5. *Locational requirements.*

- a. No gold or silver object dealer (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other gold or silver object dealer or pawnshop. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
- b. No gold or silver object dealer shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
- c. No gold or silver object dealer shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
- d. No gold or silver object dealer shall be located within 2,500 feet of a pawnshop, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest pawnshop business.

6. *Development and operational standards.*

- a. *Hours of operation.* The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.

7. *Other requirements.*

- a. All gold and silver object dealers are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an

applicable business license.

- b. Where permitted, gold and silver object dealers shall comply with Article V, Gold and Silver Object Dealers of Chapter 5 Business Licenses, Taxes and Regulations of the ordinances of the City of Pelham (Ordinance No. 86, adopted May 11, 1981), as may be amended, and shall be further subject to the regulations herein. The granting of a gold and silver object dealer license shall be contingent upon obtaining all applicable zoning approvals and permits, and upon compliance with all further business license provisions (business license requirements, approval and revocation procedures are outlined in Chapter 5, Articles I and V, of this Code).

(Ord. No. 135-225, § B, 12-2-19)

Sec. 12. - Additional regulations for massage parlors in B-2 zones.

Massage parlors shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. *Purpose.* The general purpose and intent of these regulations are to protect the public health, safety, and general welfare by requiring that all massage parlors conform to Shelby County health and safety regulations pertaining to massage parlors and to city regulations that will minimize impacts to surrounding properties.
2. *Applicability.* For the purposes of this section, the standards of this section apply to new establishments of massage parlors. An establishment is considered new when no previous massage parlor business existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section. Any properly licensed massage parlor business legally operating at the effective date of this ordinance that is not in compliance with this section shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. *Discontinuance and termination.* Any massage parlor, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. Massage parlor. Any building, room, place or establishment, other than a regularly

licensed hospital or dispensary, where nonmedical, nonsurgical, non-osteopathic and non-chiropractic manipulative exercises, massages or procedures are practiced upon the human body or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, chiropractor, or certified massage therapist certified by the state in accordance with the Alabama Massage Therapy Licensure Act of 1996.

- b. The definition shall not include the practice of massage in any licensed hospital or nursing home, nor by a physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur or professional athlete or athletic team or school athletic program, nor by any Alabama State licensed physical therapist.
- c. The term "massage parlor" shall not include a spa, wellness center, health club, beauty salon, gymnasium, or other business providing health, beauty, medical or physical fitness services in which massages are incidental and one of a series of services provided.

5. *Locational requirements.*

- a. No massage parlor (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other massage parlor. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
- b. No massage parlor shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
- c. No massage parlor shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.

6. *Development and operational standards.*

- a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.
- b. No massage parlor shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

- c. Every massage parlor shall display a legible sign not larger than permitted by the city zoning ordinance, upon which sign the words "licensed masseur" or "licensed masseuse" or both shall conspicuously appear thereon. Such sign shall contain letters no less than three inches in height and shall be displayed in such a manner that the words "licensed masseur" or "licensed masseuse" may be readily observed or read by persons upon entering the premises occupied by any massage parlor.
- d. Any massage parlor permittee under the provisions of this section shall at all times comply with all health regulations, rules and requirements as shall now or hereafter be promulgated by the county health department. Any premises used for the purposes of a massage parlor shall during all hours of operation be made open and available to inspection by the county health department for the purpose of assuring compliance with such health rules, regulations and requirements.
- e. No masseur, masseuse or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.
- f. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any license under this section permit any massage parlor to be so used.
- g. Each massage parlor as herein defined shall be open for inspection by the police department at all times.

7. *Other requirements.*

- a. All massage parlor business uses are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 - 1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 - 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an applicable business license.
- b. No permit to conduct or operate a massage parlor shall be granted unless the

applicant shall first furnish proof from a physician licensed to practice medicine in the State of Alabama, bearing a date not more than 20 days prior to the date of application, that each masseur, masseuses, and other employees or attendants applying or administering massages are free of any contagious, infectious or communicable disease.

(Ord. No. 135-225, § B, 12-2-19)

Sec. 13. - Additional regulations for tattoo and/or body art establishments in b-2 zones.

Tattoo or body art establishments shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. *Purpose.* The general purpose and intent of these regulations are to protect the public health, safety, and general welfare by requiring that all tattoo and body art establishments conform to Shelby County health and safety regulations pertaining and to city regulations that will minimize impacts to surrounding properties.
2. *Applicability.* For the purposes of this section, the standards of this section apply to new tattoo and body art establishments. An establishment is considered new when no previous tattoo or body art business existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section. Any properly licensed tattoo or body art establishment legally operating at the effective date of this ordinance shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. *Discontinuance and termination.* Any tattoo or body art establishment, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. *Body art artist.* Any person who performs the work or procedures involving invasive methods such as body piercing or tattooing to physically adorn the body of another.
 - b. *Body art establishment.* Any establishment, place or premises in which body piercing or tattooing is offered or performed.

- c. *Body art procedure.* The practice of applying physical body adornment to an individual using invasive procedures or methods such as body piercing, tattooing, and other similar procedures.
 - d. *Body piercer.* Any person who performs the work or act of body piercing.
 - e. *Body piercing.* The act of penetrating the skin of a person to make a hole, mark or scar, generally permanent in nature.
 - f. *Body piercing establishment.* Any establishment, place or premises in which body piercing is performed.
 - g. *Body piercing operator.* A person who controls, operates, owns, conducts or manages any body piercing establishment, whether performing the work of body piercing or not.
 - h. *Ear piercing.* The puncturing of the outer perimeter or lobe of the ear with an instrument or mechanized ear-piercing system.
 - i. *Tattoo.* To place any design, letter, scroll, figure, symbol or any other indelible mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.
 - j. *Tattoo artist.* Any person who actually performs the work of tattooing.
 - k. *Tattoo establishment.* Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.
 - l. *Tattoo operator.* Any person who controls, operates, conducts or manages any tattoo establishment, whether actually performing the work of tattooing or not. The term includes technicians or apprentices who work under the operator and perform body art activities.
5. *Locational requirements.*
- a. No tattoo or body art establishment (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other tattoo parlor. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
 - b. No tattoo or body art establishment shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.

- c. No tattoo or body art establishment shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
6. *Development and operational standards.*
 - a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.
 - b. No tattoo or body art establishment shall deal in alcoholic beverages.
 - c. All tattoo and body art establishments, as defined in this section, are subject to the provisions of the Alabama Department of Public Health Rules of State Board of Health Bureau of Environmental Services Division of Food, Milk and Lodging, Chapter 420-3-23 Body Art Practice and Facilities as currently written, or as may from time to time be amended.
 - d. No tattoo or body art establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.
 - e. Walls, ceilings and floors. All walls, ceilings, and floors shall be smooth and easily cleanable and have a nonabsorbent surface. There shall be no carpeting in the tattooing area. Walls and ceilings shall be a light color. Walls, ceilings and floors shall be kept clean, in good repair, and free from dust and debris. Floors, walls or ceilings shall not be swept or cleaned while tattooing is in progress.
 - f. Lighting and ventilation shall be provided in each room or enclosure where services are performed on patrons, in accordance with the city building code.
 - g. Adequate light (200-foot candles) shall be provided in each work area.
 - h. Public restrooms shall be located in such a way so that traffic to the restrooms does not occur in any area in which instruments are sterilized or on any area in which tattoo or body piercing operations are conducted.
 - i. Establishments must have written procedures on the proper handling and sterilization of equipment and demonstrate that all personnel are trained in the procedure.
 - j. Establishments must post and provide to customers upon request, written instructions on tattoo and/or piercing care.
 7. *Other requirements.*
 - a. All tattoo or body art establishments are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license

for said use and prior to occupancy of the premises regarding said use.

1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an applicable business license.
- b. Before issuance of a business license from the city, each person proposing a tattoo or body art establishment shall provide proof that they have obtained a valid permit from the Alabama Department of Health for a "Body Art Operator's Permit".
 - c. No permit to conduct or operate a tattoo or body art establishment shall be granted unless the applicant shall first furnish proof from a physician duly licensed to practice medicine in the State of Alabama, bearing a date not more than 20 days prior to the date of application, that each tattoo or body art artist working in the establishment is free from contagious, infectious or communicable disease. Such proof shall be furnished annually thereafter and shall include documentation of lack of infection by demonstrating negative results for the following tests:
 - (1) Venereal Disease Research Laboratory (VDRL) for syphilis;
 - (2) Hepatitis B surface antigen (HBsAg) for hepatitis B. Documentation of receipt of a three-dose series of hepatitis B vaccine may be substituted for HBsAg testing;
 - (3) Human immunodeficiency virus antibody (HIV-Ab) for HIV infection;
 - d. Each permit applicant and tattoo or body art artist working in the establishment shall be 19 years of age minimum.
 - e. The applicant must furnish proof of completion of an approved apprenticeship of 380 hours or more in a licensed establishment in Alabama or other state to include the minimum established requirements.

(Ord. No. 135-225, § B, 12-2-19)

Sec. 14. - Additional regulations for tobacco shops and vape shops in B-2 zones.

Tobacco shops and vape shops shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this

section shall apply.

1. *Purpose.* The general purpose and intent of these regulations are to provide separation, development and operational standards for tobacco shops and vape shops in the City of Pelham in order to mitigate the negative impacts associated with smoking and vaping uses and to serve the public health, safety, and welfare of residents and businesses within the City.
2. *Applicability.* For the purposes of this section, the standards of this section apply to new establishments of tobacco shops and vape shops. An establishment is considered new when no previous tobacco shop or vape shop existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section. Any properly licensed tobacco shop or vape shop legally operating at the effective date of this ordinance that is not in compliance with this section shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. *Discontinuance and termination.* Any tobacco shop or vape shop, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. *Electronic cigarette (E-cigarette).* An electronic or battery-operated device, whether or not such device is shaped like a cigarette, that uses an atomizer, aerosol or similar device that allows users to inhale nicotine vapor or flavored vapor, without fire, smoke or ash. An electronic cigarette includes but is not limited to any electronic nicotine delivery system, electronic vaping device, personal vaporizer, electronic pipe, electronic hookah, or vapor pen.
 - b. *Tobacco product.* Includes any substance containing tobacco or derived from tobacco and any substance used in electronic cigarette and vaping devices including but not limited to cigarettes, cigars, e-juice, e-liquid, e-nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, nicotine gel, nicotine lollipops, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that

the product or matter will be introduced into the human body.

- c. *Tobacco, vape or E-cigarette.* A free standing business establishment for which more than 50 percent of the gross floor area is devoted to the display, sale, use and storage of vape or tobacco products, including electronic cigarettes and related accessories. Related accessories include any apparatus, equipment or instrument used for smoking tobacco and/or inhaling vapor from nicotine enriched solutions and/or the burning or vaporizing of controlled substances.
 - d. *Vaping.* To inhale vapor from any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking.
5. *Locational requirements.*
- a. No tobacco shop or vape shop (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other tobacco shop or vape shop. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
 - b. No tobacco shop or vape shop shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
 - c. No tobacco shop or vape shop shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.
6. *Development and operational standards.*
- a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.
 - b. A tobacco shop or vape shop located in a building sharing one or more common walls or sharing common attic space with another retail or commercial establishment shall not allow tobacco product use or vaping on the premises in a manner that interferes with any other establishment's use or enjoyment of the premises.
 - c. Tobacco products, tobacco paraphernalia, electronic cigarettes and vaping devices shall be kept and displayed in a secure and locked enclosure, which can only be accessed with the assistance of a clerk. Self-service displays of tobacco products and tobacco paraphernalia are prohibited.

- d. Tobacco products, tobacco paraphernalia, electronic cigarettes and vaping devices, and electronic cigarette and vaping accessories shall not be visible through storefront windows.
- e. Tobacco shops and vape shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the shop. It shall be unlawful for a tobacco shop or vape shop to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- f. No more than 15 percent of the square footage of the windows and clear doors of an establishment used for retailing shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.
- g. New store operators shall submit a floor plan, drawn to scale and professionally prepared by a licensed civil engineer or architect, designating all interior dimensions of the premises, the proposed use of all spaces, identification of limited access areas, and areas of ingress and egress. The purpose of the floor plan is to serve as fire protection/life safety/accessibility drawing for review and comment by the fire chief or fire marshal.

7. *Other requirements.*

- a. All tobacco shops and vape shops are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 - 1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 - 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an applicable business license.

- b. No permit may be issued to authorize retailing at other than a fixed location. For example, retailing by persons on foot or from vehicles is prohibited.
- c. No permit may be issued to authorize retailing at a temporary or recurring temporary event. For example, retailing at flea markets and farmers' markets is prohibited.
- d. It is unlawful for a tobacco shop or vape shop to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any tobacco shop or vape shop.

(Ord. No. 135-225, § B, 12-2-19)

Sec. 15. - Additional regulations for thrift stores in B-2 zones.

Thrift stores shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. *Purpose.* The general purpose and intent of these regulations are to provide separation, development and operations standards for thrift stores, since they can have a deleterious impact on neighboring properties by lowering property values and adversely affecting rental rates of nearby commercial properties.
2. *Applicability.* For the purposes of this section, the standards of this section apply to new establishments of thrift stores. An establishment is considered new when no previous thrift store existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section. Any properly licensed thrift store legally operating at the effective date of this ordinance that is not in compliance with this section shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. *Discontinuance and termination.* Any thrift store, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. *Donation box/bin.* A container, trailer, receptacle or similar device used to temporarily store items or charitable gifts that have been solicited and/or donated from the public.
 - b. *Thrift store.* A store in which the items sold (or given away to the needy) have been

obtained through donations or gifts and where the donor receives no monetary compensation upon the sale (or gift) of such merchandise to a thrift shop customer, and where the use is designed to sell donated merchandise at a price below reasonable market value, or where the revenue received from selling same is retained by a charitable or not-for-profit organization or institution.

5. *Locational requirements.*

- a. No thrift store (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other thrift store. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.

6. *Development and operational standards.*

- a. A thrift store shall be a minimum of 12,000 square feet of total gross floor area and operated by a single tenant.
- b. A designated area inside the building, not visible from the retail area, shall be established for the receipt, sorting, processing, and storage of goods. Donated goods shall be accepted only inside the building and during regular business hours; no donated goods shall be left outside.
- c. Collection areas must be screened and no accumulation of collections or outside storage shall be permitted; they shall be located at the side or rear of the building and not be visible from residentially zoned properties or primary street right-of-way.
- d. Signage prohibiting dumping of merchandise during non-business hours shall be installed in conspicuous locations to the satisfaction of the Planning Commission. Signage shall include daytime collection hours for donated goods.
- e. Outdoor storage or display of donated goods or merchandise shall not be permitted.
- f. Donation boxes/bins are not permitted on the premises.

(Ord. No. 135-225, § B, 12-2-19)

Sec. 16. - Additional regulations for CBD shops in B-2 zones.

CBD shops shall be allowed only as conditional uses in the B-2 zones, and in addition to all other rules and regulations established by this ordinance, the following regulations in this section shall apply.

1. *Purpose.* The general purpose and intent of these regulations are to provide separation, development and operational standards for CBD shops in the City of Pelham in order to regulate the sale of items containing industrial hemp levels of THC and to serve the public

health, safety, and welfare of residents and businesses within the city.

2. *Applicability.* For the purposes of this section, the standards of this section apply to new establishments of CBD shops. An establishment is considered new when no previous CBD shop existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for permit under this section.
3. *Discontinuance and termination.* Any CBD shop, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority, shall be considered a termination of the use and all privileges and rights held therein.
4. *Definitions.* As used in this section, the following words and phrases will have the following meanings:
 - a. *Cannabidiol (CBD).* Cannabidiol, a chemical compound from the species *Cannabis Sativa L.*, of the family *Cannabaceae*.
 - b. *Cannabidiol (CBD) product.* A product to be consumed or applied originating from the species *Cannabis Sativa L.*, excluding marijuana, derived from industrial hemp, with a tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis.
 - c. *CBD shop.* A free standing business establishment for which more than 50 percent of the gross floor area is devoted to the display, sale, use and storage of CBD products.
5. *Locational requirements.*
 - a. No CBD shop (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other CBD shop. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
 - b. No CBD shop shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
 - c. No CBD shop shall be located within 500 feet of a public building, public or private school, day care center, nursery, preschool, park or playground, church or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.

6. *Development and operational standards.*

- a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.
- b. No more than 15 percent of the square footage of the windows and clear doors of an establishment used for retailing shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

7. *Other requirements.*

- a. All CBD shops are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and, shall make the final decision regarding the granting of a permit and issuance of an applicable business license.
- b. No permit may be issued to authorize retailing at other than a fixed location. For example, retailing by persons on foot or from vehicles is prohibited.
- c. No permit may be issued to authorize retailing at a temporary or recurring temporary event. For example, retailing at flea markets and farmers' markets is prohibited.

(Ord. No. 135-225, § B, 12-2-19)

ARTICLE XIII - O-I OFFICE AND INSTITUTIONAL DISTRICT

Section 1. Intent. The O-I Office and Institutional District is provided for the orderly arrangement of institutional, clerical, and administrative space. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the O-I Office and Institutional District.

Section 2. Permitted Uses.

1. A public, semi-public or private office.
2. Research or testing laboratories compatible with other permitted uses.
3. Church, school, or orphanage.
4. School, Commercial.
5. Auditorium, library, and museum operated by non-profit organizations.
6. Radio or television broadcasting studio or station. However, broadcasting towers or wireless communications facilities, shall only be allowed as a special exception use as provided in Section 3 of this article, and shall also be in accordance with the requirements for specific uses set forth in Ordinance Number 374-2, or the most current revision thereof.
7. Assisted living facility.
8. Day care center, in accordance with the requirements of the Detailed Use Regulations set forth in Article XXV, Section 5.
9. Buildings in excess of 5,000 square feet of floor space and used exclusively for office purposes, may allocate up to fifteen (15) percent of such space for commercial and service establishments such as snack-bars, gift or specialty shops, quick copy services, and similar uses. Any type of restaurant must be appropriate to an office building environment and primarily intended for service to the office building tenants, visitors, or patients.
10. Hospitals in accordance with the requirements of the Detailed Use Regulations set forth in Article XXV, Section 14.
11. Retirement and Nursing Homes in accordance with the requirements of the Detailed Use Regulations set forth in Article XXV, Section 15.
12. Lodges, fraternal and social organizations, headquarters for scout and other youth organizations, YMCA and YWCA facilities.
13. Rehabilitation Facility (Not to be confused with "Treatment Facility"). See definitions for both.
14. Business offices used exclusively for office purposes, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of.
15. Professional offices occupied by architects, attorneys, dentists, engineers, physicians, and other similar professionals.

Section 3. Special Exception Use. A use which is permitted in a particular zoning district only by special application and approval by the Board of Adjustment on such special exception as they are authorized to rule on by the terms of this ordinance, and which is subject to restrictions and safeguards as to number, area, character, location or relation to the neighborhood. This use is permitted further subject to appropriate permits and/or licenses being issued in accordance with the provisions of the ordinances of the City of Pelham. It should be noted that an application of a special exception is not an appeal, even though it is being considered by the board. In this case, the board is acting in an administrative role and is applying the general provisions of the ordinance to a specific site and project. The following uses are granted subject to approval by the Board of Adjustment, and further subject to appropriate permits and/or licenses being issued:

1. Broadcasting towers or wireless communications facilities shall be in accordance with the requirements for specific uses set forth in Ordinance Number 374-2, or the most current revision thereof.
2. Communal Living Facility.
3. Treatment Facilities in accordance with the requirements of Ordinance # 288-5, dated April 3, 2006 (Not to be confused with "Rehabilitation Facility"). See definitions for both.

Section 4. Prohibited Uses

1. No outside storage of any kind shall be allowed.
2. Residential dwellings.
3. All commercial and industrial uses except as specified in sections 2 and 3 of this article, Article XIII.
4. Repair garages or storage yards for materials, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial characteristics.
5. Buildings used or intended to be used as detention, correctional, or penal institutions.
6. The required parking spaces, maneuvering drive aisles, and pedestrian areas on a parcel in the O & I Office and Institutional District, are not to be used in ways other than the intended designed uses for those areas.
7. No vehicles of any kind or no merchandise or materials of any kind associated with a business shall be parked or stored within city, county, or state rights-of-way within the city limits of Pelham.
8. No storage trailers or temporary storage containers shall be allowed for storage on the premises.

Section 5. Area and Dimensional Regulations. Except as provided in Article XXIV – “Supplementary Regulations and Modifications” and XXVII – “Board of Adjustment” the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards (Feet)		Minimum Side Yards	Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear	Feet	Square Feet	Feet
4	60	50	*None	**None	***See Below	50

- * No rear setback - except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, Section 9 – “Supplementary Regulations and Modifications – Landscaping and Buffers”.
- ** No side yard setback - except on the side of a lot abutting a dwelling district in which case there shall be a side yard of not less than 20 feet, and in accordance with the requirements set forth in Article XXIV, Section 9 – “Supplementary Regulations and Modifications – Landscaping and Buffers”.
- *** The size of the lot must be adequate to allow for the building and setbacks plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

Section 6. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article XXIII – “Off-Street Parking and Loading Requirements”.

Section 7. Landscape Buffer Regulations. Landscaping and buffers shall be in accordance with the requirements for specific uses set forth in Article XXIV – “Supplementary Regulations and Modifications” – Section 9 – “Landscaping and Buffers”.

Section 8. Sign Regulations. Any signage shall be in accordance with the requirements for specific uses set forth in Article XXII – “Sign Ordinance”.

Section 9. Additional Regulations (when applicable)

1. All utilities shall be underground in new office parks.
2. Any garbage/refuse service areas shall be limited to the rear or side of the principal building or complex it serves, screened to a height which is adequate to conceal such facilities from public view, and covered if a sewer drain is required in the dumpster facility. Any screening used in O & I Office and Institutional District Zoning shall be in accordance with the requirements for specific uses set forth in Article XXIV, Section 13 – “Supplementary Regulations and Modifications – Screening”.

3. When adjacent to a residential zone, each structure located in O & I Office and Institutional District Zoning shall have a service yard, or yards, adequate for the handling of wastes and garbage and the loading and unloading of vehicles. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the structure and be enclosed on three (3) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility. Any screening used in O & I Office and Institutional District Zoning shall be in accordance with the requirements for specific uses set forth in Article XXIV, Section 13 – “Supplementary Regulations and Modifications – Screening”.
4. When adjacent to a residential zone, exterior lighting fixtures, including lighting for parking areas, walkways, general illumination or any other purposes, shall be constructed to direct the beam away from any residential area and to direct the beam entirely onto the property of the business.