



ORDINANCE NO. 1043-2026 AMENDED

AN ORDINANCE TO PROVIDE FOR A TEMPORARY SUSPENSION ON THE ESTABLISHMENT OR EXPANSION OF GAS STATIONS, AUTO PARTS/MECHANIC SHOPS, AUTOMOBILE OR MANUFACTURED HOME DEALERSHIPS, AND DATA CENTERS.

WHEREAS, the overall health and safety of citizens is the primary consideration that the governing authority should consider within its comprehensive planning and zoning regulations; and

WHEREAS, the City of Helena's Zoning Ordinance currently does not restrict the expansion of certain districts buildings or use of property within a perpendicular measurement of 500 feet from the centerline of Highways 17, 52 (excluding shared roadway with Highway 261), 58, and 95.; and

WHEREAS, -additional Gas Stations, Auto Parts Stores, Mechanic Shops, Automobile or Manufactured Home Dealerships, and Data Centers within the City of Helena and nearby locations are not character conforming to the needs of Helena's Citizens, neighborhoods, and the overall development strategy for future growth; and

WHEREAS, certain B2, B3, M1, and M2 buildings and land use pose significant environmental risks to surrounding properties through hazardous waste generation, chemical spills, potential soil and water contaminations, elevated noise levels, and other evidence-based health risks; and

WHEREAS, allowing certain B2, B3, M1, or M2 buildings or land use to proceed under existing zoning categories without further study and possible regulation could result in buildings and land use that are incompatible with surrounding land uses, particularly those properties in and/or adjoining B1, B2, M1, or M2 zoning districts; and

WHEREAS, the City of Helena must evaluate and determine proper zoning treatment, operational standards, environmental impact, economic impact, and other locational criteria to ensure the protection of the public health, safety, and welfare; and

WHEREAS, a temporary suspension on the establishment or expansion of gas stations, auto parts stores, mechanic shops, automobile or manufactured home dealerships, and data centers is necessary to preserve the status quo while the City of Helena studies appropriate regulatory mechanisms and prepares necessary zoning amendments and other needed regulations.



SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Helena as follows:

(a) Definitions:

- B2 – General Business District as defined in the City of Helena, Alabama Planning and Zoning Ordinance adopted in 2022.
- B3 – Mini Warehouse District as defined in the City of Helena, Alabama Planning and Zoning Ordinance adopted in 2022.
- M1- Light Industrial as defined in the City of Helena Planning and Zoning Ordinance adopted in 2022.
- M2 – Heavy Industrial as defined in the City of Helena Planning and Zoning Ordinance adopted in 2022.
- Gas Stations - any premises or building used for the retail sale and dispensing of motor vehicle fuels (such as gasoline and diesel) directly into the fuel tanks of motor vehicles.
- Auto Parts Store – a retail or wholesale establishment primarily engaged in the sale of new, used, or rebuilt motor vehicle parts, accessories, and supplies to both consumers and commercial repair shops
- Mechanic Shops – any commercial establishment, person, or business that, for compensation, engages in the business of diagnosing malfunctions, servicing, or repairing motor vehicles.
- Automobile Dealerships – a franchised or independent business entity authorized to engage in the retail sale or lease of new and/or used motor vehicles to ultimate purchasers.
- Manufactured Home Dealership - any person, firm, or corporation licensed to engage in the business of buying, selling, exchanging, or offering for sale manufactured or mobile homes.
- Data Center - any facility or structure primarily housing electronic equipment used to process, store, and transmit digital information.

(b) The purpose of this suspension is, among other reasons, for the City of Helena, through its officials and staff, to review certain B2, B3, M1, and M2 buildings or land use for gas stations, auto parts stores, mechanic shops, automobile or manufactured home dealerships, data centers, other industrial uses and their operations to update and revise the City of Helena's zoning ordinance to ensure that the certain B2, B3, M1 and M2 buildings or use of property locate in clearly defined and compatible zoning districts and to



have reasonable operational regulations to prevent negative impacts on the overall character and the health, safety, and general welfare of the community.

(c) All activities relating to the acceptance, review and action upon new applications for issuance of building permits, site plan approvals, business licenses and any other official City of Helena action, excluding zoning applications, business license applications flowing from prior zoning applications, or zoning board of adjustment actions received on or before the effective date of this ordinance, that would authorize or permit new or expanded gas stations, auto parts stores, mechanic shops, automobile or manufactured home dealerships, data centers, and other industrial uses or would create any vested rights that would authorize such new or expanded uses to be constructed shall be suspended for 180 days from the effective date of this ordinance, subject to subsection (d) *infra*.

(d) During the time the temporary suspension is in effect and subject to the terms of this ordinance, the City of Helena will not accept applications and no such new activities shall be permitted within a perpendicular measurement of 500 feet from the centerline of Highways 17, 52 (excluding shared roadway with Highway 261), 58, and 95.

Section 2. This amendment shall not alter the effective date of the ordinance, nor does this amendment extend the expiration date or any options enacted in the original, unamended ordinance.

SECTION 3. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby suspended to the extent of such inconsistency.



[SEAL]



Kym Rollan, City Clerk

voted nay

Cathy Hammann, Council Member

Andy Healy, Council Member

Dennis Wilson, Council Member

Brooke Dodson, Council Member

Jeff McDaniels, Council Member