



# Conditional Use Permit Application

Financial Services

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APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

BUSINESS TYPE: \_\_\_\_\_ BUSINESS NAME: \_\_\_\_\_

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.

DESCRIPTION OF ALL SERVICES OFFERED: \_\_\_\_\_

ADDITIONAL REQUIREMENTS FROM APPENDIX A; ARTICLE XV, SECTION 14:

1. Purpose.

- a. The purpose of this section is to provide for the regulation of alternative financial services 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 communal 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 with extraordinarily 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 a 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 cash 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, daycare 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 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 the 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:
  - i. 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.
  - ii. Plans for the security of the cashing area of the facility.
  - iii. 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.
  - i. 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.
  - ii. 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 is 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).

REQUIRED ITEMS:

- SITE PLAN
- ARCHITECTURAL FLOOR PLAN
- \$300.00 FEE
- STATEMENT THAT THE USE MEETS ALL LOCATION REQUIREMENTS

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

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OFFICE USE ONLY

SUBMITTAL DATE: \_\_\_\_\_

P&Z RECOMMENDATION:   \_\_\_ YES   \_\_\_ NO

DATE: \_\_\_\_\_

CITY COUNCIL APPROVAL: \_\_\_ YES \_\_\_ NO

DATE: \_\_\_\_\_

PERMIT #: \_\_\_\_\_