CITY OF TRUSSVILLE

ZONING ORDINANCE

Ordinance No. 2000-034-PZ

Adopted on December 26, 2000

As amended through April 2016

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a. Lots
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f. Fences
g. Cahaba River setback zones
h. Comparison of Trussville zoning to County classifications

ORDINANCE NUMBER 2000-034-PZ

ZONING ORDINANCE FOR THE CITY OF TRUSSVILLE, ALABAMA

AN ORDINANCE, PURSUANT TO THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, CODE OF ALABAMA 1975, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF TRUSSVILLE, ALABAMA, TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES. THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND, TO SUPERSEDE ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Trussville, Alabama as follows:

ARTICLE I

SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Trussville, Alabama". The map herein referred to and identified by the title "Zoning Map", and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such a map shall be maintained in the custody of the City Clerk.

ARTICLE II

PURPOSE

The Zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; and to facilitate the adequate provision of transportation, water, sanitary waste disposal, schools, parks, and other public improvements. The regulations have also been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE III

GENERAL REGULATIONS

Section 1.0 General Use Regulations

The following general regulations pertain to the administration, enforcement of, and compliance with this Ordinance.

Section 1.1 Application of This Ordinance.

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City of Trussville except as authorized by this Ordinance.

Section 1.2 General Prohibitions.

Except as otherwise provided in this ordinance:

A. No land or structure may be used except for a purpose permitted in the district in which it is located.

B. No building shall be erected, enlarged, reconstructed, moved, or structurally altered except in conformity with the use regulations, area regulations and height limit of the district in which the building is located. The zoning classification of the property shall be determined prior to the issuance of any building permit.

C. The minimum building line, parking spaces, open spaces, including minimum lot area required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance. Notwithstanding the above, binding agreements for joint use of parking areas may be allowed as described in the Parking Requirements, Article IX, Section 3.1, page 184.

D. Every residential building in a single family residential district hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot. Accessory structures shall not be used for residential nor commercial uses. Neither will sanitary facilities be permitted in accessory structures without the approval of the Trussville City Council.

E. In any zoning district other than a single family residential district more than one main building may be allowed on one lot provided that said buildings and property are under common ownership.

Section 1.3 Joint Occupancy. No structure shall be erected, structurally altered for, or used as a dwelling simultaneously with any other use, except as individually approved by the Board of Zoning Adjustment.

Section 1.4 Public Utilities. Utility structures including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telecommunications service; and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district within the City subject to the provisions and/or conditions contained in other applicable city ordinances. This is not to be construed to include the erection or construction of buildings, towers or electric substations or gas or water pumping or regulator stations. Electric substations and gas or water pumping or regulator stations are special exception uses in all zoning districts of the City.

Section 1.5 Zoning of Abandoned Right-of-Way. Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Trussville, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations to the extended district.

Section 1.6 Zoning Requirements for Moving Buildings. Any building or structure which is to be moved to any location within the City Limits of Trussville, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance.

Section 1.7 Access Requirements. No primary structure shall be erected on a lot which does not abut on at least one (1) improved street for at least twenty-five (25) feet or that does not have sufficiently recorded access to an improved street.

Section 1.8 Corner Visibility. No fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three (3) feet and ten (10) feet above street level shall be permitted within the sight triangle of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line. Accessory structures on a corner lot shall be set back not less than the minimum front yard depth required on the side street.

Section 1.9 Future Street Lines. Any lot existing at the time of adoption of this ordinance or at the time this ordinance is hereafter amended, which may be reduced in area by the widening of an existing public street to a future street line or by a future proposed street as indicated on a duly

adopted "Master Plan" as it may from time to time be amended, shall allow sufficient area for the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area to be measured by considering the future street line or lines as the lot line of such lot.

Section 1.10 Abatement of Noise, Lighting, Smoke, Gas, Vibration, Fumes, Dust, Fire, Radio Interference, Explosion Hazard or Nuisance. The Building Official may require any use, conforming or non-conforming, which results in unreasonable noise, lighting, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience.

Section 1.11 Annexed Property. In utilizing the "Zone Most Comparable" approach, any property annexed into the City of Trussville shall automatically be placed into the City zoning district classification that is most comparable with the zoning classification that had been applied to the property prior to its annexation into the City of Trussville. At such time as said property is annexed into the City, the appropriate City zoning classification shall be applied to the property and said City zoning classification shall be incorporated into said ordinance annexing said property into the City. When unzoned property is annexed into the City of Trussville, the City of Trussville shall begin zoning procedures so that the property may be assigned a classification based on the use of the land when annexed. The zoning procedures will be conducted pursuant to and in accordance with the provisions of Article X of this Ordinance and state law. (Amended 11-27-01 Ord 2001-036-PZ)

> (See Appendix , page h-iii for a listing of zones employed by Jefferson County, along with a list depicting comparable zones utilized by the City of Trussville, pages h-i to h-ii). (Amended 11-27-01 Ord 2001-036-PZ)

Section 2.0 Non-Conforming Uses

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited. regulated or restricted under the terms of this Ordinance or future amendment.

A. On non-conforming lots or structures which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment, and where there is not a question of a non-conforming use, relief may be sought from the Board of Zoning Adjustment on dimensional considerations. However, no non-conforming setback may be further reduced, but the existing non-conforming setback may be extended along the same plane.

B. It is the intent of this Ordinance to permit non-conforming uses of land which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment, to continue until they are removed,

but not to encourage their survival. It is further the intent of this Ordinance that non-conforming uses of land shall not be enlarged upon, expanded, transferred, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 2.1 Non-Conforming Lots of Record. Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may be used as a building site provided the yard space and other requirements conform as closely as possible to the regulations found in the applicable district as determined by the Board of Zoning Adjustment. However, this provision shall not apply when two (2) or more such lots exist with continuous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot dimensions or area below the requirements stated in this Ordinance.

Section 2.2 Continuance. A lawful non-conforming use existing at the time of the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

Section 2.3 Change in Use. A non-conforming use shall not be changed to another non-conforming use.

Section 2.4 Restoration After Damages. A non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 percent of its current replacement value at the time of such damage shall not be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the date of such damage. Moreover, all debris from the damaged structure shall be removed within 90 days from the date of such destruction.

Section 2.5 Restoration to Safe Condition. Nothing in this Ordinance shall prevent the restoration of any non-conforming building or structure to a safe or sanitary condition when required by the appropriate authorities.

Section 2.6 Abandonment. A non-conforming use which has been discontinued for a continuous period of six months shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

Section 2.7 Reduction in Lot Area Prohibited. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

ARTICLE IV

ADMINISTRATION

Section 1.0 Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Official of the Engineering and Inspections Department of the City of Trussville. He may be provided with the assistance of such other person or persons as the City Council may direct. The Building Official, or the duly authorized representative, shall in relation to this Ordinance:

A. Review all building permit applications and proposed plans and perform inspections for compliance with all applicable provisions of City Ordinances and adopted codes.

B. Issue all building permits and maintain records thereof.

C. Issue all certificates of occupancy and maintain records thereof.

D. Issue and renew where applicable all temporary use permits and maintain records thereof.

E. Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry out the enforcement of City Ordinances and adopted codes. If the Building Official shall find that any of the provisions of these ordinances or codes are being violated, he shall proceed to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; and shall take any other action authorized by City ordinances to bring the use into compliance with or to prevent violation of their provisions.

Section 2.0 Building Permit Required

A building permit is required for any and all construction and related activities within the City of Trussville, Alabama. It shall be unlawful to engage in any of the following prior to the issuance of a building permit by the Engineering and Inspections Department:

A. Commence earthwork,

B. Commence construction of any building or other structure, including accessory structures or signs,

C. Store building materials or erect temporary field offices,

D. Commence the moving, alteration or repair of any structure (excluding minor repairs which do not change the character or value of the structure).

Section 3.0 Approval of Plans and Issuance of Building Permits

Each permit application shall be completed in full and submitted on the appropriate City of Trussville forms. The application for a building permit for the use of land, excavation, construction, moving or alteration shall be accompanied by the appropriate fee, a site development plan or plat drawn to scale, and showing the following in sufficient detail to enable the Building Official of the City to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformity with the Ordinance. In addition the permit application must include the following:

A. Certificate of approval of sanitary waste disposal facilities issued by the appropriate administrative agencies.

B. Any permits, certificates or approvals which may be required by Federal, State, County, or local law or regulation. (Such as a stormwater permit, etc.)

C. The location, size, and dimensions of the site.

D. The use, location, size, and height of all existing and proposed structures on the site.

E. The location and number of parking spaces.

F. All easements and rights-of-way.

G. The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required to determine conformance with the provisions of this Ordinance.

H. The location and dimensions of all exterior graphic displays.

I. The location, dimensions, area, and character of all required buffers and greenbelts.

J. Landscape plan.

K. A certification of the current zoning of the property for which the permit is to be issued.

Upon receipt of all documentation and information as specified above, the Building Official shall have a reasonable time for review and approval of said application.

Section 4.0 Certificate of Occupancy

Within three (3) days after the owner or his agent has notified the Engineering and Inspections Department of the City that a building or premises or part thereof is ready for occupancy or use, the Building Official should conduct a final inspection, and issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of City Ordinances and adopted Codes. If such certificate is refused, the Official shall provide the owner or his agent with written reasons for said refusal. One copy of the signed certificate of occupancy, a signed statement by the owner or his agent regarding the intended use of the premises, and a signed refusal, if any, shall be maintained in the office of the Building Official. Appeals from the Building Official shall be heard by the Board of Zoning Adjustment.

Section 5.0 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any district shown on the Zoning Map the following rules shall apply:

A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.

B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.

C. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

Section 6.0 Interpretation of Uses.

This ordinance recognizes the limitations of the district use listings, given the infinite variations of essentially similar uses. Therefore, the Building Official is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. Appeal of the Building Official's use interpretation may be filed with the Board of Zoning Adjustment.

Section 7.0 Unclassified Uses.

In the event the Building Official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

(1) If compatible with the existing zoning district intent, the unclassified use may be permitted by special exception upon approval and subject to the conditions set by the Board of Zoning Adjustment.

(2) If the unclassified use would not be compatible with the existing zoning district intent, the Building Official shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use may be permitted in the new district by special exception if granted approval by the Board of Zoning Adjustment.

(3) Following the final action on the unclassified use, the Planning and Zoning Board shall initiate an amendment to this ordinance to list the newly permitted use into the most appropriate district or districts.

Section 8.0 Expiration of Building Permit

Any building permit under which no construction work has been commenced within six months from the date of issuance, or where work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced, shall expire by limitation. Upon reapplication to the Building Official, a building permit which has expired by limitation may be renewable, subject to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time.

Section 9.0 Unlawful Structure

Any uses of land or dwellings, construction or alteration of buildings or structures including tents, trailers, coaches or uses erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Building Official may petition the applicable court to abate the nuisance created by such unlawful use or structure. Whenever the Building Official has declared a structure to be nonconforming with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises until such structure or premises has been adapted to conform with the provisions of this Ordinance.

Section 10.0 Penalties

It shall be unlawful to erect, construct, reconstruct, alter, maintain, use or occupy any land in violation of any regulation in, or of any provision of, this Ordinance, or any amendment thereof. Any person, firm, corporation, or entity violating this ordinance shall be guilty of a misdemeanor, punishable as provided in state and local law. Each and every day during which said violation continues shall be deemed a separate offense. Provided, however, that prior to any criminal prosecution the Building Official or his agent shall give a written notice of citation to the person, firm, corporation, or entity violating any provision of this Ordinance stating violation and notifying the person, firm, corporation, or entity to cease and desist such violation immediately. The continuance of a violation and the imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

Section 11.0 Remedies

If any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official of the City, other appropriate authority, or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, may initiate injunction, mandamus, or other appropriate action or proceeding to stay or prevent said unlawful violation, to correct or abate violations or to prevent occupance of such building, structure or land. The availability of said remedies will not limit any other legal remedies available to the party.

Section 12.0 Board of Zoning Adjustment

Section 12.1 Appointment. A Board of Adjustment is hereby established. Such Board shall be appointed as provided by State law, and shall have all powers granted therein.

Section 12.2 Procedure. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman, or in his absence, the acting chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

Section 12.3 Powers and Duties. The Board of Zoning Adjustment shall have the powers and duties as provided in State law to decide requests for administrative review, special exception uses, and variances that will not be detrimental to the public good or impair the purposes and intent of this Ordinance.

Section 12.4 Administrative Review. The Board of Zoning Adjustment may hear and decide appeals upon written application and payment of an application fee where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official or other duly authorized official (Administrative Official) in the enforcement of this ordinance or any amendment thereto.

Section 12.5 Appeals - How Taken. Appeals to the Board of Adjustment may be taken by any persons aggrieved or by any officer, department, or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Administrative Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The owner must personally attend the hearing or may choose to be represented by his agent or attorney.

Section 12.6 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment that, a stay would, in his opinion, cause imminent peril to life and property. In such cases, the proceedings shall not be stayed other than by a restraining order issued by the Board of Adjustment or by an appropriate court on application with notice to the Building Official from whom the appeal is taken and on due cause shown.

Section 12.7 Special Exceptions. The Board of Zoning Adjustment may hear and decide special exceptions as specifically authorized by this Ordinance, to determine whether special exceptions should be granted, and to grant special exceptions, to impose such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested, along with an application fee.

B. A public hearing has been held, notice of which has been provided by first class mail to the owner of the property for which special exception is sought (or his agent) and to the owners of all adjoining property, at least five days prior to the public hearing. The owner must personally attend the hearing or may choose to be represented by his agent or attorney.

C. The Board of Adjustment has made a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

D. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable as prescribed in this Ordinance. The Board of Adjustment may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the special exception.

Section 12.8 Variances. The Board of Zoning Adjustment may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

A. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance plus an application fee is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

5. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; and

6. That the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by special exception in this district involved.

B. A hearing on the variance application will be held after proper notice is provided. Notice of public hearing shall be given by first class mail to the owner of the property for which the variance is sought or to his agent, and to the owners of all adjoining property, at least five days prior to the public hearing. The owner must personally attend the hearing or may choose to be represented by his agent or attorney.

C. The Board of Adjustment may only grant a variance after making a specific finding that the requirements of this Section regarding a written application have been met by the applicant for a variance and the application fee paid, that the reasons set forth in the application justify the granting of the variance, that the variance is the minimum variance that will make possible the reasonable use of the land, building

or structures, and that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

D. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable as prescribed in this ordinance.

E. Variances should be permitted only under peculiar and exceptional circumstances, keeping in mind hardship alone is not sufficient. Demonstration of unnecessary hardship is required and financial loss of a kind which might be common to all of the property owners in similar situations is not grounds for a variance. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by any special exception permitted in the district except as provided for in Article IV, Section 6.0 Interpretation of Uses, page 8 and in Article IV, Section 7.0 Unclassified Uses, page 8.

Section 12.9 Board Action on Applications. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Building Official/Administrative Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such Building Official/Administrative Official or to decide in favor of the applicant on any special exception or variance.

Section 13.0 Appeals From Action of the Board.

Any party aggrieved by any final judgment or decision of the Board of Zoning Adjustment, may appeal pursuant to State law.

Section 14.0 Limitation on Requests to the Board of Zoning Adjustment.

If the application is denied by the Board of Zoning Adjustment, a second appeal, special exception, or variance request of the same kind on the same tract or parcel of land will not be considered until a period of one (1) year has elapsed from the date of such action by the Board. However, the Board of Zoning Adjustment may adjust this time period, if in the opinion of a majority of the Board, an unusual situation or circumstance exists which would warrant another hearing or that conditions in the area have changed, or that the request has changed. Each time the application is made, the required administration fee must be paid, and no sum or any part of the fee will be refunded for failure to approve such proposal.

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ARTICLE V

DEFINITIONS

Section 1. Generally

For the purposes of this Ordinance, certain words and terms are defined as herein indicated and shall apply to all parts of this Ordinance. Unless specifically defined herein, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. All words used or defined in one tense or form shall include other tenses and derivative forms; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; and the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract"; and the word "shall" is mandatory and the word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

Section 2. Interpretation

The Building Official is authorized to make a final determination of the meaning of any term used in this Ordinance. In the case of any dispute, an appeal of the Building Official's determination may be filed with the Board of Zoning Adjustment.

Section 3. Definitions

Abut, Adjacent, Adjoin or Contiguous - To physically touch or border upon or to share a common border with or be separated from the common border by an easement, right-of-way, railroad, or body of water.

Access - A way or means of approach to provide physical entrance to a property.

Accessory Building - A subordinate building detached from a principal building on the same lot and that is used incidentally to the principal building.

Accessory Structure - An improvement detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. All buildings are structures, but all structures are not buildings.

Accessory Use - A use which is normally incidental, subordinate to and related exclusively to the principal use of the premise.

Acre - A measure of land containing 43,560 square feet of area.

Adult Establishments -

A. Adult Entertainment Establishment - An enclosed building used for adult entertainment, amusement, or recreational facility, adult mini-motion picture theater, adult motion picture theater or any combination thereof; or a nightclub, bar, or restaurant or similar establishment which features live performances by topless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas" for observation of patrons.

B. Adult Retail Establishment - An enclosed building having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, cassette or video tapes and films, computer games, digital video discs, or any other medium which are distinguished or characterized by their emphasis on matter depicting describing or relating to "specified sexual activities" or "specified anatomical areas", as defined in this section, or an establishment which sells or displays other adult oriented materials or merchandise or sexual aids, or an establishment with a segment or section devoted to the sale or display of such materials or merchandise.

C. Adult Theater - An enclosed building used for presenting motion pictures, films, digital presentations, theatrical productions or material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this section, for observation by patrons. Such establishment may also include the sale and/or rental of books, magazines, video cassettes, video games and digital video discs and other forms of visual productions, for any form of consideration.

D. Adult Amusement Facility - Any establishment, business, operation or premises wherein there is located one or more devices which depict specified sexual activities or the exposure of specified anatomical areas or legal devices which may be used for gambling, including but not limited to gaming tables, roulette wheels, dice, slot machines, video poker machines, video lottery terminals, mechanical or electronic devices or machines which dispense or otherwise reward a person with money, property, gift certificate, check, or any thing of value other than the right to replay such device.

E. Massage Parlors - An enclosed building used for the primary purpose of providing body rubdowns, back rubs, baths and massages wherein staff of said establishment may provide the foregoing services to patrons.

F. Specified Anatomical Areas - (1) Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

G. Specified Sexual Activities - (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Airport - A place where aircraft can land and take off. Such use may include terminals, hangers, refueling and repair facilities.

Alley - A public or private service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration, General - Any addition to the height, width, or depth of a building or structure or any change in the location of any of the exterior walls of a structure; any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, or of any interior partitions, as well as any change in the location of doors or windows.

Alteration, Substantial - A building or structure shall be classified as substantially altered when it is repaired, renovated, remodeled, improved, expanded, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such work, or of its value prior to any damage sustained to said building or structure making the work necessary.

Animal Hospital - A place where small household pets are given medical or surgical treatment and short term boarding of pets within an enclosed building may be provided.

Animal Shelter - A non-profit or public organization providing shelter for small domestic animals.

Apartment - A residential building designed or used for three or more dwelling units.

Appeal (Administrative Review) - A request for a review by the Board of Zoning Adjustment of a decision made by the building official and/or zoning administrator where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

Assisted Living Facility - A licensed facility in which room, board, meals, laundry, and assistance with personal care and other non-medical services are provided for ambulatory adults. This kind of care implies sheltered protection and a supervised environment for persons who, because of age or disabilities, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a Nursing Home. In these facilities there may be available incidentally, some type of limited medical attention. Also known as Domiciliary Care Facility.

Awning - A shelter supported entirely from the exterior wall of a building.

Bakery (Major) - An establishment which bakes goods primarily for wholesale and/or retail markets which may include storage and distribution facilities.

Bakery (Minor) - An establishment which bakes goods for on-premise retail sale.

Bank or Financial Service - A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, mortgage company, investment company, stock broker, personal financial planner, or similar businesses.

Basement - A portion of a building located wholly or partially underground, having no more than seven feet (7') above grade as defined in this ordinance for more than fifty percent (50%) of the total perimeter, nor more than twelve feet (12') above grade as defined herein at any point. If the floor-to-ceiling height exceeds the criteria set out above, the basement shall be considered a story in computing the building height.

Bed and Breakfast Inn - A dwelling or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

Berm - A grass-covered or landscaped mound of earth with a slope of one-third (1/3) or greater on both sides of the mound used to screen activities or uses.

Block - A tract or parcel of land entirely surrounded by public streets other than alleys.

Boarding or Rooming House - A facility consisting of not more than one dwelling unit occupied by a resident family or staff which manages the facility together with one or more rooms that are intended to be rented to long-term residents (at least a month to month basis), as distinguished from rooms in a bed and breakfast inn, hotel or motel which are intended to be rented on a short term basis (daily or weekly) to transient guests. Each room does not constitute a separate dwelling unit.

Buffer - A strip of land that is retained for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the effects of adjacent lighting, restricting passage, and enhancing the natural environment, thereby providing for a compatible mix of otherwise conflicting uses. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berms. See Article VII, Section 7.0, Page 151.

Building - A structure designed to be used as a place of occupancy, storage, or shelter.

Building (Accessory) - A subordinate building detached from a principal building on the same lot and that is used incidentally to the principal building.

Building Area - The portion of the lot occupied by the main building, including attached porches, porte-cocheres, garages, or carports, plus accessory buildings and other structures.

Building Area, Percentage - The numerical value obtained by dividing the gross floor area of a building or buildings plus any accessory structures by the area of the lot on which the building or buildings and accessory structures are constructed.

Building Face - The wall or walls of a building. Each building face shall include the area from exterior plane to exterior plane, and any offsets shall not be considered a separate face.

Building Height - The vertical distance above the average elevation of the finished grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building Line - A line showing the nearest distance to the property line or lines that is permissible to build a structure either in compliance with this ordinance or in following a plat, deed, or private contract or covenant. The outermost projection of the extreme overall dimensions of a building as staked on the ground, including all area covered by any horizontal projection or any vertical projection to the ground of overhang of walls, or of the roof or any other part of a structure which is nearest to the property line, except that open steps, terraces, and patios may be excluded.

Building (Main) - The principal building on a lot, including any attached porch, porte-cochere, garage, or carport, in which the principal use of the site is conducted.

Building (Mobile or Pre-Manufactured) - A building transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without a permanent foundation.

Building Official - The head of the Engineering and Inspections Department of the City of Trussville or his designee, which may include a building inspector.

Building Separation or Spacing - The minimum distance between buildings measured from the outermost projection.

Building (Temporary) - A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, construction projects, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Campground - A group of ten or more buildings or structures on a site of ten (10) or more acres for seasonal recreational or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities to include picnic tables and/or outdoor grills, pavilions, bathroom facilities, and may also include a facility which provides for the sale of personal items and gifts.

Canopy - A roofed structure supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings or a protective shield for sidewalks or fuel pumps.

Carport - A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

Car Wash - A commercial establishment engaged in washing or cleaning of automobiles and light vehicles. Such facility may be automated or employ the services of individuals to perform such services manually or may be a self-service, coin-operated facility.

Cemetery - Human burial grounds.

Cemetery (Pet) - Burial grounds for small domestic animals.

Cluster Dwelling - Dwelling units detached or attached, each unit of which has a separate entrance, and is designed to be owned and occupied by one family.

Community Center or Civic Center - A building, structure, or other facility used for and providing social and/or recreational programs and activities or entertainment**,** generally open to the public and designed to accommodate and serve significant segments of the community.

Comprehensive Plan - The declaration of purposes, policies and programs for the development of the jurisdiction.

Condominium - A building or a group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Construct - Construct shall include build, erect, reconstruction, alteration, moved upon or any physical operations on the premises required for the building, principal structure, sign or accessory use. This definition shall include excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building, principal structure, sign or accessory use.

Construction Service - A place of business engaged in construction activities and incidental storage, or the wholesaling of building materials such as a building contractor, trade contractor, or wholesale building supply store. A home improvement center which sells at retail is not included in this service.

Convenience Store - A retail store that is designed and stocked to sell primarily food, beverages, and other household goods and products to customers who purchase only a relatively few items at a time. Such an establishment may also engage in the sale of vehicle fuel, oil, and accessories.

Corner Lot - A lot abutting two (2) or more streets at their intersections. Front yard building set backs shall be observed on all sides abutting streets. See illustration Appendix Page 255 a-i for examples of various types of lots defined herein.

Country Club - Land and buildings containing recreational facilities and club house for private club members and their guests.

Covenant - A written agreement between two or more parties for the performance of some action. When used in relation to property or real estate, it is generally an agreement executed between the buyer and seller of such real estate, and should be enforced by private landowners, and not the municipality, unless the proposed use violates the zoning ordinance. This term shall also include deed restrictions.

Craft or Hobby Shop - A commercial establishment which sells or offers for sale materials and/or supplies related to art, flower arranging, ceramics, needlepoint, woodcraft, related books and instructional materials, and similar activities.

Cul-de-sac - A dead-end street terminated by a vehicle turn-around having a minimum right-of -way radius of fifty (50) feet.

Day Care Center - A licensed facility, other than a residence, providing day care on a regular basis to more than six (6) children, elderly, handicapped or infirm persons.

Day Care Home - A licensed service operated from a residential dwelling by a resident, providing day care on a regular basis to six (6) or less children, elderly, handicapped or infirm persons.

Density - The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.

Development - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of the land.

Domiciliary Care Facility - A licensed facility in which room, board, meals, laundry, and assistance with personal care and other non-medical services are provided for ambulatory adults. This kind of care implies sheltered protection and a supervised environment for persons who, because of age or disabilities, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a Nursing Home. In these facilities there may be available incidentally, some type of limited medical attention. Also known as Assisted Living Facility.

Double Fronted Lot - An interior lot having right-of-way frontage both at the front and the rear of said lot. Front yard set backs shall be observed on all sides abutting rights-of-way. Access to the lot is commonly restricted to only one of the right-of-way frontages. See illustration in Appendix Page 255 a-i for examples of various types of lots defined herein.

Driveway - A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Duplex - Two (2) attached dwelling units.

Dwelling - Any building or portion thereof which is designed or used exclusively for residential occupancy.

Dwelling, Attached - Two (2) or more dwelling units adjoining one another by a common wall, roof, or floor.

Dwelling, Detached - A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit, such as a single-family residence, manufactured home, modular home, patio home or garden home.

Dwelling, Multi-Family - A building or portion thereof designed for occupancy by two or more families living independently of each other within the same structure. Multi-family dwellings shall include those in which individual dwelling units are intended to be rented and maintained under central ownership and management; those which are under collective ownership and management including cooperative apartments, condominiums, and the like; rowhouses or townhouses in individual ownership; and all other forms of multi-family dwellings.

Dwelling, Single-Family - A building designed exclusively for occupancy by one family and having only one dwelling unit from the ground to the roof and having independent outside access.

Dwelling Unit - Any portion of a building used as a separate abode for a family having its own cooking, kitchen, and bathroom facilities.

Easement - That portion of land or property reserved for present or future use by a person or agency other than the legal fee owners(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots. Surface drainage easements not within the existing right-of-way are not maintained by the City of Trussville.

Earthwork - The breaking of ground, except common gardening and ground care.

Equipment Rental Establishment - A commercial establishment engaged in the rental of a wide variety of tools and equipment including but not limited to backhoes, lawn mowers, garden tillers, cement mixers, chain saws, ladders, etc. Such is usually rented on an hourly, daily or weekly basis for enumeration. All equipment and rental items must be stored entirely within an enclosed building or screened from public view by an opaque fence which is adequate in height to conceal such items from public view and all repairs must be conducted entirely within an enclosed building.

Family - Any number of individuals living together as a single housekeeping unit.

Family Care Home - A group care home serving up to ten individuals, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home serves socially, physically, mentally, or developmentally impaired children or adults in a family-type living arrangement, including child care homes for orphans or abused or neglected children, and handicapped or infirm home for the mentally retarded or mentally ill. (See Code of Alabama, 1975, Section 11-52-75.1, Regulation as to housing of mentally retarded or mentally ill persons in multi-family zones, as amended.)

Farm - A five acre or larger tract of land where agricultural and related pursuits may occur.

Farm Animal - Animals, other than household pets, kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals, such as horses and cattle; medium animals, such as sheep and goats; or small animals, such as rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Farm Support Business - A commercial establishment engaged in the sale of farm support goods and services, including the sale of feed, grain, fertilizers, pesticides and similar goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fence, Privacy - As distinguished from a boundary fence, a privacy fence is typically intended to block or screen, all or part of a property or use from the view of neighboring properties. The finished side of the fence must face to the outside, or the fence may be double faced.

Flag Lot - A parcel of land which does not have the required minimum lot width at the road frontage, but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel and shall have a minimum width of 25' on the public road. These provisions are intended for tracts with limited road frontage, but having sufficient area for more than one lot. These tracts would be limited in the number of lots having the required minimum width at the building line, but have sufficient width at the building line for the lot at the end of the flag pole. The building set back line on a flag lot shall be measured from the intersection of the flag pole with the main body of the lot. (See illustration Appendix, Page 255 a-i for examples of various types of lots defined herein.)

Floor Area, Gross - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area, Livable - The livable area shall be the heated area of the first floor, plus the area of the floor next above or below having a ceiling height of seven and one half feet (7 1/2'); and the area under a sloping roof having a minimum height of five feet (5') and having one half of the floor area with a ceiling height of at least seven feet six inches (7'6"). Garage floor area, unfinished basements, decks, porches, patios, terraces, and carport floor area are not included as livable floor area.

Floor Area, Net - The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

Frontage - The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Foundation Boundary Survey - A survey prepared and certified as to its accuracy by a surveyor who is licensed by, and registered with, the State of Alabama as a surveyor, which survey shall clearly show the location of the foundation for the building or other structure, decks, porches or any appurtenance to the structure to be constructed on the site; the distance between such foundation and the boundary lines of such lot or parcel; all easements on said parcel; and the slope of the land, with arrows denoting the direction in which water will flow.

Fowl - Chickens, turkeys, ducks, geese, quail, guineas, etc.

Funeral Home - A commercial establishment engaged in funeral and undertaking services for human burial, cremation, or placement in a mausoleum.

Garage, Parking or Storage - A building or portion thereof used exclusively for commercially operated parking or storing of motor vehicles on a temporary basis, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired, or sold.

Garage, Private - An accessory building or structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Repair - A building or portion thereof, other than a private storage or parking garage, designed or used for equipping, servicing, repairing, hiring, or storing or motor-driven vehicles. Also see Vehicle Repair (Major) and Vehicle Repair (Minor), page 38.

Garden Home - A single family detached dwelling designed on a small lot with one zero lot line on one side. These dwellings are designed preferably on flat terrain for maximum privacy.

Glare - Direct or reflected light which adversely affects visibility or which extends beyond any property line(s) on which the lighting is located, and interferes with the safety or welfare of persons or property lying beyond said property**.**

Grade - The average level of the finished ground surface adjacent to the exterior walls of the building or structure.

Greenbelt - A greenbelt shall consist of trees, shrubs, flowering plants, lawn or groundcover the width of which may not be included in the width of any yard which is required for the parcel. Also see Buffer, page 151.

Garden Center or Nursery - Retail sale of plants, trees, shrubs, and the like for ornamental purposes conducted from a building, greenhouse, outdoor display area or stand, including incidental sales of items customarily associated with such sales activities (containers, fertilizers, ornaments, mulch, potting soil, small gardening tools, gardening equipment and seeds).

Gross Leasable Area (GLA) - The total floor area of a commercial building designed for tenant occupancy and exclusive use.

Group Care Home - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care and education and work toward enabling the resident to live as independently as possible in order that he or she may participate in community activities and, at the same time, work with the resident, the primary goal being for the handicapped person to reach his or her maximum potential. (See Code of Alabama, 1975, 1-52-75.1, Regulation as to housing of mentally retarded or mentally ill persons in multi-family zones, as amended.)

Half Story - A half story is a story situated within a sloping roof, the floor area of which has a minimum ceiling height of five (5) feet above the floor and in which the sloped ceiling does not exceed one-half (1/2) of the floor area, and the height above at least one half (1/2) of floor space is seven (7) feet six (6) inches.

Hazardous Uses - All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials and/or chemicals which are highly flammable, explosive, noxious, toxic, or are otherwise inherently dangerous to humans, animals, land, crops, or property.

Heliport - An area used by helicopters which may include passenger and cargo facilities, maintenance and overhaul, fuel service, storage space, tie-down space, hangars and other accessory buildings, and open space.

Hobby Farm - A three (3) acre or larger tract of land used for keeping or maintenance of farm animals as an incidental use to the primary use of the property. (See Article VIII, Section 4.0, page 164.)

Home Occupation - A business, profession, occupation, or trade conducted for gain or support, and located entirely within the living area of a dwelling as an incidental activity of the residents of that dwelling and employing only the inhabitants thereof, in which not more than twenty-five (25) percent of the dwelling is used for said home occupation. Said home occupation shall be clearly incidental and secondary to residential occupancy, shall not involve any public display of goods, shall not create noise, produce odors, vibration, electrical interference, or traffic safety hazards or congestion, nor interfere with the health, safety, morals, convenience, and/or general welfare of the public. Moreover, such activity shall not alter the exterior of the property or affect the residential character of the neighborhood in which it is located. (See Article VII, Section 5.0, page 165).

Home Improvement Center - A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail.

Hospital - An establishment which provides health services for the diagnosis, treatment and care of human illness or infirmity and providing health services for inpatient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, rehabilitation facilities, gift shops, coffee shops, cafeterias, and staff offices.

Hotel or Motel - A commercial facility offering transient lodging accommodation on a daily or weekly basis, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities.

Industrial or Research Park - A tract of land developed according to a master site plan for the use of a group of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Industrial (Manufacturing), General - The basic processing and manufacturing of materials or products predominantly from extracted or raw materials, including the incidental storage, sale and distribution of such products. Said district imposes moderate impact on the surrounding environment by noise or vibration, and may require measures to be taken to control smoke, dust or pollutants.

Industrial (Manufacturing), Heavy - All other types of manufacturing not included in the definitions of light manufacturing and general manufacturing.

Industrial (Manufacturing), Light - The manufacture (predominantly from previously prepared materials) of finished products or parts, including processing, fabrication, assembly, treatment, packaging or testing of such products or equipment, including the incidental storage, sale, and distribution of such products, including research activities. Said district imposes negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

Inoperative Motor Vehicle - A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

Institutions - The structure or land occupied by a group, cooperative, board, agency, or organization created for the purpose of the following nature including but not limited to hospitals, schools, churches, fraternal orders, and orphanages.

Junk - Old, used, dilapidated, scrap or abandoned metal, paper, building material and/or equipment, bottles, glass, appliances, furniture, tools, implements or portions thereof, machinery or motor vehicles or parts thereof, plastic, cordage or any other items, material or waste that has been abandoned from its original use, and may or may not be used again in its present or in some other form.

Junk Yard or Salvage Yard - A lot, land or structure, or part thereof, used primarily for either the collecting, storing or sale of waste paper, rags, scrap metal or discarded material or for either the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power, and from which parts have been or are intended to be removed for reuse or sale, shall constitute prima facie evidence of a junk or salvage yard.

Jurisdiction - As used in this ordinance, jurisdiction is the corporate limits of the political subdivision known as the City of Trussville which adopts this ordinance for administrative regulations within its sphere of authority, and to also include any tracts of land subsequently annexed into the corporate limits.

Kennel - Any lot or premises on which four or more dogs or cats over four months of age are kept.

Landscaping - The finishing and adornment of unpaved yard areas. Materials and treatments generally include naturally growing elements such as grass, trees, shrubs and flowers, and may include the use of landscape timbers, rocks, fountains, water features, or contouring of the earth.

Liquor Lounge - A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises. This shall include, but not be limited to, the following terms: taverns, bars, cocktail lounges, nightclubs, discotheques or dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Such establishments shall not include Adult Entertainment as defined in this section. Not included in this definition are establishments such as restaurants which sell beer, wine or liquor as an incidental activity on the premises; and establishments which sell liquor, beer or wine in packages for off-premise consumption only, such as a package store, State Alcoholic Beverage Store, convenience store, supermarket, or similar establishment.

Livestock - Cows, horses, goats, sheep, swine, and similar animals.

Livable Floor Area - The area of all floors of a building exclusive of porches, unfinished basements, attics, garages or breezeways.

Loading Area - An off-street space or berth used for the loading or unloading of commercial vehicles.

Lot - A parcel of land shown on a recorded plat or a piece of land described by a legally recorded deed, provided however that the deeded land was not transferred in conflict with the City of Trussville Subdivision Regulations. (See illustration Appendix page 255 a-i for examples of various types of lots defined herein.)

Lot Area - The area contained within an individual parcel of land shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.

Lot, Corner - A lot abutting on two (2) or more streets at their intersections. Front yard building set backs shall be observed on all sides abutting streets or rights-of way. (See illustration Appendix, Page 255 a-i for examples of various types of lots defined herein.)

Lot, Double Frontage - An interior lot having right-of-way frontage both at the front and the rear of said lot. Front yard set backs shall be observed on all sides abutting rights-of-way. Access to the lot may be restricted to only one of the right-of-way frontages. (See illustration Appendix, Page 255 a-i for examples of various types of lots defined herein.)

Lot, Flag - A parcel of land which does not have the required minimum lot width at the road frontage, but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel and shall have a minimum width of 25' on the public road. These provisions are intended for tracts with limited road frontage, but having sufficient area for more than one lot. These tracts would be limited in the number of lots having the required minimum width at the building line, but have sufficient width at the building line for the lot at the end of the flag pole. The building set back line on a flag lot shall be measured from the intersection of the flag pole with the main body of the lot. (See illustration Appendix, Page 255 a-i for examples of various types of lots defined herein.)

Lot Frontage - The lot width measured at the street line. When a lot has more than one (1) street line, the minimum lot width required by this Ordinance shall be provided at each such line.

Lot, Interior - A lot other than a corner lot. (See illustration Appendix Page 255 a-i for examples of various types of lots defined herein.)

Lot, Irregular - A lot whose opposing property lines are generally not parallel or a lot that follows certain topographical features. (See illustration Appendix, Page 255 a-i for examples of various types of lots defined herein.)

Lot Line - Each line bounding a lot which divides one lot from another or from a street or from any public or private place.

Lot Line, Front - The lot line the principal structure parallels or faces shall be considered the front. In cases where structures face two (2) or more streets, the owner shall specify which shall be considered the front at the time the structure is permitted. Notwithstanding the above, structures shall observe front set back lines on all sides of the lot having street frontage as measured from the outermost front wall or from any appurtenance thereto to the nearest point on the property line. (See illustration on lot lines/set back lines, Appendix, page 255 c-i)

Lot Line, Rear - That lot line which is parallel to and/or most distant from the front lot line In the case of a an irregular or triangular lot, the rear lot line shall be considered a line parallel to or closely parallel to the rear of the structure or a line running diagonally behind the rear of the structure. Notwithstanding the above, structures must be situated upon the lot in such a manner so as to provide the required rear set back from the outermost rear wall of the structure or from any appurtenance thereto to the nearest point on the property line. (See illustration on lot lines/set back lines, Appendix page 255 c-i)

Lot Line, Side - Any lot line other than a front lot line or a rear lot line. Structures shall be situated upon a lot in such a manner so as to provide the required side set back from the outermost side wall of the structure or from any appurtenance thereto to the nearest point on the property line. (See illustration on lot lines/set back lines, Appendix page 255 c-i)

Lot of Record - A lot that is a part of a subdivision, the map or plat of which has been recorded in the office of the Judge of Probate, which at the time of its recording, complied with all applicable laws, ordinances, and regulations.

Lot Width - The width of the lot at the front building setback line

Maintenance Service - An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.

Manufactured Home (Mobile Home) - A structure transportable in one or more sections, which when transported, is eight (8) body feet or more in width or forth (40) body feet or more in length, or when erected on the site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The structure, if constructed on or after June 15, 1976, meets or exceeds the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

Manufactured Home (Mobile Home) Park- A tract of land used or designed to accommodate a manufactured (mobile) home community of multiple spaces for rent or lease. See Article VI, Section 33.0, Page 145.)

Manufactured (Mobile) Office - A temporary, non-residential, portable, mobile, or transportable factory-built building or structure, the use of which may be the principal building or as an accessory building to an existing operation on the same lot or tract. Said structures may be allowed upon special approval by the Board of Zoning Adjustment for an individual use for a specified period of time in all zoning districts except residential districts. Temporary construction trailers used during the construction of permanent buildings may be approved by the Engineering and Inspections Department.

Massage Therapy Establishment - any site, premises or business where massage therapy is practiced by a licensed professional massage therapist, regardless of whether or not the provision of massage therapy services is the primary function of the establishment.

Mezzanine - An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.

Mini-Warehouse - A structure or group of structures that is partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-volatile, non-toxic and non-explosive materials. The facility shall not be used for retail or wholesale sales operations. However, such facility may be permitted to hold periodic auctions to dispose of unclaimed materials and goods that are stored and not reclaimed by the party or parties signing the lease agreement.

Model Home - A dwelling temporarily used as a sales office for a residential development under construction, said home being used for on-site sales and not for general real estate business. This home will revert to a residential use once the development is substantially completed.

Modular Home - A dwelling constructed on-site in accordance with the Southern Standard Building Code. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a manufactured home or mobile home in that the latter is constructed in a plant in accordance with the Manufactured Home Construction and Safety Standards of the U. S. Department of Housing and Urban Development and does not meet the construction standards of the Southern Standard Building Code.

Motel or Hotel - A commercial facility offering transient lodging accommodation on a daily or weekly basis, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities.

Motor Vehicle - Every vehicle which is self-propelled, but not operated upon rails.

Natural Waterways/Natural Drainage Area - Those areas, varying in width along streams, creeks, springs, gullies, washes, or waterways which are natural drainage channels as determined and identified by the City of Trussville.

Non-Conforming Use - A use of any structure or land which though originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

Nursery School/Day Care - A premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

Nursing Home/Nursing Care Facility - A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital, but at a higher level than provided in a Domiciliary Care Facility or Assisted Living Facility.

Occupancy Approval - An inter-office form (certification) transmitted from the various departments to the Engineering and Inspections department certifying that the applicant has complied with all regulations including but not limited to land use, set backs, zoning, parking requirements, landscape requirements, and life safety codes.

Occupancy Load - The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.

Office - Space or room for professional, administrative, clerical, and similar uses.

Office Building - A building whose predominant use is for offices.

Open Space - Land areas within a development that are not occupied by buildings, structures, parking lots, streets, alleys or required yards. A vacant lot platted as a building site shall not be considered open space, unless a subsequent declaration is made. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities and the limited parking associated with these uses.

Outside Storage - The keeping in an unenclosed or fenced area, of any goods, materials, products, merchandise or vehicles in the same place for more than seventy-two (72) hours. Outdoor storage shall not include open retail display areas such as vehicle sales, nursery product sales, and similar activities.

Park - A public or private area of land, with or without buildings, intended for active or passive recreational uses.

Park and Ride Facilities - Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting, or for access to recreation areas.

Parking Aisle - That portion of the parking area consisting of lanes providing access to parking spaces.

Parking Area - Space which is surfaced by either bituminous pavement or concrete, used or intended to be used for parking of vehicles, with or without charge, and in which no other business is conducted.

Parking, Commercial - Parking area used for the parking of motor vehicles on a temporary or contractual basis within a commercially operated, off-street parking lot or garage.

Parking Garage, Commercial - A building containing parking area, other than a private garage, used for the parking of vehicles on a temporary or contractual basis, with or without a fee.

Parking Lot - An open area, other than a street, used for the parking of vehicles, with or without fee.

Parking Space - A parking area surfaced by either concrete or bituminous pavement, enclosed or unenclosed, not less than nine (9) feet wide and eighteen (18) feet long, exclusive of driveways, ramps, columns, and toll booth/work/storage areas, for the parking of one vehicle.

Parking Space, Stacking - An off-street space for the temporary stacking of vehicles within an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

Place of Worship - Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meetings, recreation, eating, and other integrally related activities.

Planned Unit Development (PUD) - A residential or commercial or combination development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Plot Plan - A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or structures, or proposed buildings or structures, along with any easements and building set backs, and the location of the lot in relation to abutting streets or rights-of-way, and similar information.

Porch - a roofed open area, which may be screened, attached to and with direct access to or from a building.

Porte-cochere - A driveway covering at a building entrance to protect persons entering and exiting the building from the elements, and consisting of a structural canopy which is attached to and an integral part of the building.

Premise - A lot, together with all buildings and structures existing thereon.

Principal Building - A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building. In a commercial or business complex constructed upon a single tract of land, there may be more than one principal building.

Printing Establishment (Major) - An establishment which provides blueprinting, copying, printing, engraving or other reproduction services on a large scale basis for distribution.

Printing Establishment (Minor) - An establishment which provides blueprinting, copying, printing, or other reproduction services on a small scale or walk-in basis.

Property Line - the lot line or boundary line.

Public Assembly Center - Buildings arranged for the general assembly of the public at-large for community events including civic centers, places of worship, schools, coliseums, stadiums, and similar uses.

Public Buildings - Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including museums, government offices, post offices, transit stations, police stations, fire stations, emergency medical service stations, civil defense operations, and similar uses.

Public Improvement - Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

Public Services - Uses operated by a unit of government to serve public needs, such as police (with or without a jail), fire service, ambulance service, judicial court or government offices, park and recreation facilities, and library services, and may include public utility stations or maintenance facilities.

Public Utility - A municipal or county department or board duly authorized to provide utility services to the public at large, including water facilities and distribution, sewerage facilities, gas distribution facilities, electric transmission and distribution facilities and cable transmission and distribution facilities, and may include telephone and telecommunications and similar facilities.

Public Utility Facility - A facility that provides public utility services to the public at large, including water and sewer facilities, gas distribution facilities, electric transmission and distribution facilities, and cable, telephone, and telecommunications facilities and/or transmission facilities.

Public Utility Service - Essential utility services which are necessary to support development and which involve only minor structures such as lines, poles, and piping.

Recycling Facility - A facility that is not a junk yard and in which recoverable resources (such as newspapers, magazines, books and other paper products; glass; plastics; metal cans; and other

products) are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Recreation, Indoor - An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, indoor pool, health clubs, billiards parlors, motion picture theaters, and related amusements and games of skill.

Recreation, Outdoor - An area providing outdoor recreation activities, such as athletic playing fields, golf courses, swimming pools, and tennis courts; which may include buildings or structures such as restrooms, concession areas, dressing rooms, equipment storage or sale of equipment related to the use, maintenance buildings, open-air pavilions, go-carts, and batting cages.

Rehabilitation Facility - An institutional facility providing residential and custodial care for the rehabilitation of physically or socially impaired individuals who are recovering from accident, medical disability, or addiction to drugs or alcohol.

Renovation - Interior or exterior remodeling of a structural nature.

Rental Establishment - a commercial establishment engaged in the rental of a wide variety of goods, including but not limited to furnishings, appliances, audio/video equipment, and meeting, wedding, or party supplies, and which may also include tools or equipment.

Research Laboratory - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Resource Extraction - The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations.

Restaurant, Fast Food - An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-thru or drive-in, walk up, or service to customers in vehicles, and may include standard sit-down consumption.

Restaurant, Standard - An establishment where food is cooked, patrons dine on or off the premises, and where there is no drive up or walk up window service or service to customers in their vehicles, which may include alcohol sales as an incidental service, but derives the majority of its income from food service.

Restaurant, Take-Out or Catering - An establishment where food is cooked or prepared exclusively for customer pick-up or delivery off the premise by employees.

Retail Establishment - The provision of services or the sale of goods and merchandise for a profit to the general public at large for use, benefit or consumption.

Salvage Yard or Junk Yard - A lot or structure or part thereof used primarily for the collection, storage and sale of scrap metal or discarded material or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Sanitary Landfill - A State-Approved Site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
NOTE: A sanitary landfill should not be confused with a dump. Solid waste at a dump is disposed of without being compacted and covered. A sanitary landfill presents fewer health and aesthetic problems and has the potential of being reclaimed for other land uses later. Hazardous or radioactive waste material disposal is not permitted in a sanitary landfill.

Satellite Dish Antenna - An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

School - A public or non-profit educational facility.

School, Commercial - Private, gainful business providing instructional service in general education, arts, business, crafts, trades, and professions.

Screen - To visually shield or obscure one abutting or nearby structure or use from another by means of opaque fencing, walls, berms, or densely-planted vegetation.

Semi-Public - Essentially a public use, although under private ownership or control.

Service Station - A full-service or self-service facility where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or gas cans. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity, and shall be permitted also to include a free-standing automatic car wash. Such facility may include automotive repair and maintenance. See Article VIII, Section 2.0, page 161.

Setback - The minimum required distance between the property line and the building line.

Shopping Center - A group of commercial establishments located on a tract of land, planned and developed in a unified manner and design, with shared parking and driveway facilities and under a common ownership or management authority. A shopping center may also include out parcels under separate ownership which share entrances and/or parking with the shopping center.

Sidewalk - The improved portion of a public right-of-way that is intended for use by pedestrians or other improved area designated for pedestrian use.

Sight Triangle - A triangular area established at the intersection of two streets or a street and a driveway where clear sight distance is maintained for motorists. In the case of two intersecting streets having a total of two lanes (a single lane in each direction), the sight triangle is formed by connecting two legs extending seventy-five (75) feet from the center of an intersection along the center line of the street rights-of-way. In the case of a driveway, or other channel for vehicle entrance or exit, intersecting a street, each leg of the triangle shall be fifteen (15) feet along the street right-of-way and driveway edge. Roads with multiple lanes may require additional sight distance. This shall be determined by the Engineering and Inspections Department or by a traffic survey. See illustration Appendix, page 255 d-i

Single Family Residence - A detached single family dwelling constructed on-site in accordance with the Standard Building Code.

Site Area - A minimum land area required to qualify for a particular use or development. Site area is taken from an actual survey of the subject tract and excludes land within an existing or future street right-of-way or utility right-of-way; land which is not contiguous or is cut off by a major barrier such as a street, stream or gully; land which is part of a previously-approved development; and land which is zoned for another use.

Site Plan - A plan which outlines the use and development of any tract of land.

Special Exception Use - A use which is permitted in a particular zoning district only by special application and approval by the Board of Zoning 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 Trussville.

Specialty Shop - A small scale retail business concentrated on a particular activity or product.

Stacking Space, (Parking) - An off-street space for the temporary stacking of vehicles within an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

Story - The portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A mezzanine or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four feet (24') or more. If the finished floor level directly above a usable or unused under-floor space is more than seven (7) feet above grade as defined herein for

more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, Half - A half story is a story situated within a sloping roof, the floor area of which has a minimum ceiling height of five (5) feet above the floor and in which the sloped ceiling does not exceed one-half (1/2) of the floor area, and the height above at least one half (1/2) of floor space is seven (7) feet six (6) inches.

Street - Any vehicular way which has been dedicated to the public use including all land within the right-of-way.

Street, Private - A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structural Alteration - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders; provided however that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Subdivision - The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose (whether immediate or future) of sale or of building development. Such term includes resubdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

Telecommunications Facility - A facility owned or operated by a public utility or a business that transmits and/or receives electromagnetic waves, digital transmissions or pulses of light, and may include antennas, microwave dishes, horns, fiber optic lines, cellular towers and other types of equipment for the transmission or receipt of such signals, and may include telecommunications towers or alternative supporting structures and uses.

Theater - A building used primarily for the presentation of live stage productions, performances, or motion pictures, excluding adult entertainment.

Thrift Store - A building, property, activity, or establishment where the principal use or purpose is the sale of donated articles directly to consumers. Articles will be considered donated articles whether donated to the operator of the establishment or to an organization from which the articles are acquired. Added November 8, 2011

Townhouse - Two (2) or more attached, single-family dwellings within a building of six (6) or less units in which each unit shares a common wall, and in which each unit occupies its own individual lot. Each unit has a separate outdoor entrance with property lines, lot lines, and a one hour fire resistant wall or a two hour fire resistant rated party wall separating such units.

Travel Trailer - A structure that is intended to be transported over the streets either driven as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary recreational use as sleeping quarters, but does not meet the definition criteria of a manufactured (Mobile) home.

Travel Trailer Park/Campground - A three (3) acre or larger tract of land used or designed to accommodate a travel trailer or campground community of multiple spaces for short term lease.

Use - The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Variance - A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where owing to the conditions peculiar to the specific property and not the result of the action of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and the size of a structure or the size of yards and open spaces. Establishment or expansion of a permanent use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts.

Vehicle and Equipment Sales or Rental, Major - A place of business engaged in the sale or rental of heavy trucks, construction equipment, tractors and farm implements and equipment, including the storage, maintenance and servicing of such vehicles and equipment.

Vehicle and Equipment Sales or Rental, Minor - A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, motorcycles, boats or other watercraft, including the incidental parking, storage, maintenance, servicing and repair of such vehicles. All servicing and repair work shall be preformed within an enclosed building, with the exception of the washing and waxing or such vehicles.

Vehicle Repair (Major) - A place of business engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities in which all work is performed entirely within an enclosed building.

Vehicle Repair (Minor) - A place of business engaged in sales, installation and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, front end alignment, tire balancing, brake and muffler work, battery recharging and/or replacement , and similar activities, and in which all work is performed entirely within an enclosed building.

Warehouse, Wholesale or Storage - A building or premises in which goods, merchandise or equipment are stored for eventual distribution or for short or long term storage.

Wholesale Establishment - An establishment which exclusively sells goods for resale by a retailer.

Wrecker Service Yard - A lot or parcel of land used for the placement and/or outside storage of vehicles awaiting final disposition. Disabled vehicles shall not be placed or stored on the premises unless the property is properly zoned and all pertinent licenses maintained. Vehicles shall not be stored on the premises for a time period to exceed one hundred and twenty (120) days. This definition shall not be applicable to junk yards or salvage yards as defined in this ordinance.

Yard - The ground area of a lot left open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance.

Yard, Front - The minimum yard or yards in the case of a corner or double frontage lot, extending across the entire width of the lot between the front set back line or lines and the front lot line. A corner lot is deemed to have a front yard on all sides abutting street rights-of-way. (See illustration Appendix, page 255 c-i.)

Yard, Rear - The minimum yard between a rear set back line and a rear lot line and extending the entire length of the rear lot line. In the case of a double frontage lot, there is no rear yard, but only front and side yards. In the case of a corner lot, the rear yard shall be opposite the front yard to which the main structure faces. (See illustration Appendix, page 255 c-i.)

Yard, Side - The minimum yard between a side set back line and a side lot line, extending from the front yard to the rear yard. In the case of an odd-shaped lot, any yard that is not a front yard or a rear yard is a side yard. In the case of a double frontage lot, any yard that is not a front yard is a side yard. A corner lot is deemed to have a front yard on all sides abutting street rights-of-way, and a rear yard opposite the front yard to which the main structure faces; and any remaining yard shall be a side yard. (See illustration Appendix, page 255 c-i.)

Zero Lot Line Development - Single-family dwellings arranged on individual lots which allow the structure or an appurtenance thereto to abut the set back line on one or more sides dependent upon the zoning district in which it is located. Examples are garden homes, townhomes, cluster homes or duplexes.

Zoning - The use classification assigned to a tract or parcel of land or the process of determining the use classification to be assigned to a tract or parcel of land. Land annexed into the City of Trussville shall be placed into the nearest comparable City of Trussville zoning district to that existing on the property prior to annexation.

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ARTICLE VI

ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purposes of this Ordinance, the City of Trussville is hereby divided into the following districts or zones, the location, boundaries and area of which are and shall be as shown and depicted upon the zoning map. Said district or zones are to be designated as follows:

Zone	District	General Use Description
A-1	Agricultural District	Agricultural
C-P	Commercial District	Preferred Commercial
C-1	Commercial District	Local Commercial
C-2	Commercial District	General Commercial
C-3	Commercial District	Tourist Commercial
C-4	Commercial District	Commercial/Light Manufacturing
C-5	Commercial District	Adult Entertainment
I-1	Industrial District	Light Industrial
I-2	Industrial District	General Industrial
I-3	Industrial District	Heavy Industrial/Resource Extraction
IN-1	Institutional District	Institutional
IN-2	Institutional District	Institutional
IN-3	Institutional District	Institutional
O	Overlay District	Underlying-Use Driven
O-CR	Overlay District	Cahaba River Protection
O-GW	Overlay District	Groundwater/Wellhead Protection
O-TD	Overlay District	Highway 11 Transition District
O-DT	Overlay District	Downtown Overlay District
P	Park District	Recreation
PUD	Planned Unit Development	Multi-Use
Q	Qualified Zone District	Qualified Zone
R-1	Residential District	Single Family
R-2	Residential District	Single Family
R-3	Residential District	Single Family
R-4	Residential District	Single Family & Duplexes
R-5	Residential District	Multi-Family & Apartments
R-6	Residential District	Single Family
R-CP	Residential District	Cahaba Project Mixed Residential
R-G	Residential District	Garden Homes
R-T	Residential District	Townhouses/Cluster Homes
R-MP	Residential District	Mobile Home Park
CEM-1	Cemetery	Cemetery
CEM-2	Cemetery	Pet Cemetery

The boundaries of the above districts are hereby established as shown on the Zoning Map of the municipality. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets and alleys or such lines extended, railroad right-of-way lines, or the City Limits lines as they exist. In those cases where the present Zoning District boundary lines divide land which has a unity of use and ownership on November 10, 1959, into two or more separate zoning classifications, the Building Official shall have the right and power to determine in which classification the entire parcel shall lie so as is practicable, giving consideration to (1) the classification in which the greater part of the lot or parcel lies, (2) the nature, character, and use of adjacent properties and the general neighborhood, and (3) the standard governing establishment of separate classifications as fixed in the zoning ordinance. The Zoning District regulations are as follows:

Section 1.0 A-1 Agriculture District

Section 1.1 Intent. This district consists primarily of undeveloped lands, where agricultural and related pursuits may occur within the City and where agricultural support centers may serve outlying rural areas beyond the City. Further, the intent of the A-1 District is to hold these lands in agricultural, forestry, outdoor recreational, rural residential, and other limited yet compatible uses until such time as higher density development patterns may be desired and City services can be expanded to accommodate development.

Section 1.2 Uses Permitted

- Farm - The following farm activities shall be permitted:
  - bees and apiary products
  - Christmas trees
  - dairy animals and dairy products
  - fisheries, excluding fish and seafood processing
  - fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing
  - forages and sod crops
  - fur animals, limited to the breeding and raising of such animals
  - grains and seed crops
  - kennels
  - livestock, such as beef cattle, swine, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing
  - nursery operations involving the raising of plants, shrubs, and trees for sale and transportation and including greenhouses and incidental sales of items customarily associated with a nursery operation
  - poultry, including egg production but excluding poultry processing
  - stables
  - timber or forestry
- Hobby farm subject to the provisions of Article VIII, Section 4.0, page 165.
- Single family residence
- Manufactured (Mobile) Home subject to the provisions of Article VIII, Section 7.0., page 169
- Public utility service

Section 1.3 Special Exception Uses. The following uses may also be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment, and further subject to appropriate permits and/or licenses being issued.

- Animal shelter
- Bed and Breakfast/Tourist home
- Boarding house.

- Cemetery
- Chert removal borrow pit, top soil and/or other soil classifications, non-commercial operation, upon approval of plan and buffers and, if required, reclamation
- Country club
- Day care home, six (6) or fewer persons
- Farm support business
- Group Home/Family Care Home, subject to Article VIII, Section 3.0, page 164.
- Home occupation, subject to the provisions of Article VIII, Section 5.0, page 166.
- Open air market
- Outdoor recreational facilities, including golf courses, swimming pools, and tennis courts, etc.
- Park
- Public buildings
- Public utility facility
- Recreational camp, including travel trailer park campground
- Shelter or facility for abused or neglected adults and/or children
- Transmission tower, subject to City ordinances

Section 1.4 Area and Dimensional Regulations

	Setbacks Minimum Yard Size			Minimum Lot Size		Maximum Building Height	Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	Stories	%	
	35'	35'	15'	1 Acre	100	3	None Specified	700

Accessory Structures: See Article VII, Section 6.0, page 152 For Accessory Structure Requirements.

Set backs: Rear 10'
Side 8' (except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

Corner Lots: Each lot line abutting a street, road, or highway shall be considered a front and shall observe the front setback requirement of the district as a minimum on each side having street, road, or highway frontage.

Undedicated Roads: Each lot abutting an undedicated road shall be set back a minimum of sixty feet (60') from centerline.

Section 1.5 Buffer Requirements. A minimum twenty foot (20') planted buffer, subject to the provisions of Article VII, Section, 7.0 page 153, shall be maintained along all rear and side property lines abutting previously established residential or commercial development. In other cases involving incompatible land uses, the Planning and Zoning Board may require a buffer or other suitable means of separation.

Section 1.6 Additional Requirements

A. A minimum lot area of five (5) acres is required in order to have or raise any livestock or animals other than those permitted in residential zones.

B. The minimum setback of livestock barns and commercial chicken (fowl) houses from adjoining property lines shall be 200 feet. These structures shall be set back from any road or highway a minimum of 300 feet, provided, however, that no livestock barn or commercial chicken houses shall be built closer than 300 feet to the nearest then existing residence other than that of the owner. Swine (hogs) may not be housed, fed and/or watered not nearer than 300 feet from any road or road right-of-way.

C. Provisions must be made to dispose of manure and other organic wastes in such a manner as to avoid contamination of ground water or any lake or stream.

D. All equipment used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line.

E.. A booth or stall (farm stand) from which produce and farm products are sold to the general public shall be permitted subject to the following limitations.

- Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
- Sales areas shall not occupy any part of a required off-street parking or loading area.

F. Incidental structures and activities commonly associated with a farm may include barns, silos, animal pens, loading and unloading platforms or chutes, and other accessory uses, including blacksmith operations.

G. Except for kennels, as defined by this ordinance, the keeping of small domestic animals, small fur-bearing animals, or bees for personal enjoyment or use shall not be deemed a farm and shall be permitted as an accessory use to a permitted dwelling in any district. Further, the cultivation of a garden or orchard; the raising of plants, vegetables, shrubs, and the like; the keeping of greenhouses; and similar activities for personal enjoyment or use shall not be deemed a farm and shall likewise be permitted as an accessory use to a permitted dwelling in any district.

H. Administrative and Review Procedures, Article IV, page 6.

I. Definitions, Article V, Section 3.0, page 15.

J. General Regulation, Article III, page 2.

K. Off-Street Parking and Loading Requirements, Article IX, page 177.

L. Sign Regulations, Article XI, page 209.

M. Special Use Regulations, Article VIII, page 161 .

N. Supplemental Regulations, Article VII, page 151.

O. All agricultural lots shall comply with the City of Trussville Tree Ordinance.

Section 2.0 GENERAL REGULATIONS FOR ALL COMMERCIAL DISTRICTS

A. All commercial activity shall be conducted from a permanent building constructed or maintained in accordance with the current building ordinances. No pre-engineered, metal buildings will be allowed in a commercial district, unless the exterior is faced with brick, EFIS, or other acceptable sidings. No exposed metal siding will be allowed.

B. No commercial operation shall be conducted from any parking lot, yard, vacant lot or storage area, and may not be conducted in any area not zoned commercial.

The following exceptions may be granted:

1. Temporary construction trailers used during the construction of permanent buildings as approved by Engineering and Inspections Department.
2. Businesses operating out of temporary, portable or modular facilities, such as an office trailer, while permanent facilities are being constructed or real estate sales office while subdivision development is on-going. Approval to be granted by the Board of Zoning Adjustment not to exceed an initial period of one year, renewable annually not to exceed a maximum of three years.
3. Temporary food facilities used for special promotions or grand openings. These shall not be used more than one consecutive month in any calendar year. Such temporary facilities shall not pose a traffic or public hazard, may not infringe on any minimum required parking area, and approval of the property owner on which said facility is located shall be obtained in writing.
4. Festivals which last no more than three days will be allowed to have temporary food stands and business facilities, as may be approved by the City Council.
5. Christmas tree sales lots as approved by the Building Official. Said lot shall not pose a traffic or public hazard and may not infringe on any minimum required parking area, and approval of the property owner on which said lot is located shall be obtained in writing.

C. Site Plans, drainage plans, parking plans, fire hydrant location, and landscape plans, including outside lighting, and any required buffers shall be required for each new construction or building addition. When a change of occupancy occurs, a statement certifying that the minimum parking required for the new use is met, shall be submitted.

D. All driveways shall be paved and all parking areas shall be paved or have an approved all weather surface.

E. Residential property that has been converted to another zoning classification may continue its residential use so long as uses allowed in the new classification have not been established. Once the uses in the new classification are established, it may not revert to residential.

F. Fire hydrants shall be installed every 300 feet, or as otherwise directed by the Fire Chief/Fire Marshall, and a sufficient water supply to support the use of these hydrants shall be installed.

G. All commercial lots shall comply with the City of Trussville Tree Ordinance.

Section 3.0 CP Preferred Commercial District

3.1 Intent. To provide areas suitable for office and professional buildings, along with selected institutional and light commercial uses which are compatible with the professional office environment.

3.2 Uses Permitted. Offices and professional buildings where the administrative affairs of a business or profession are conducted, including the following:

- Accounting or bookkeeping firm
- Administrative staff of a business or industry
- Architect
- Bank or financial service
- Dentist
- Engineer
- Financial planner
- Insurance agency
- Law firm
- Optometrist, including optical sales
- Personnel service
- Physician
- Secretarial service
- Real estate agency
- Travel agency
- Similar uses to those listed above may also be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.
- Public utility service

NOTE: Office buildings in excess of 5,000 square feet of floor space may use up to ten (10) percent of such space for commercial and service establishments such snack-bars, gift or specialty shops, quick copy services, and similar uses.

3.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care center
- Public building
- Public utility facility
- Restaurant, standard

3.4 Area and Dimensional Regulations

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear* Yard	Side** Yard	Building Size	None Specified (See Below)
35	35	35	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

*Rear yard may be reduced to 20 feet if adjoining property is zoned commercial, industrial, or institutional.
**Side yards may be reduced to 10 feet if adjoining property is zoned commercial, industrial, or institutional.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

3.5 Buffer Requirements

A. When any use permitted or use permitted by special exception in the CP District is situated wholly or partially adjacent to any zone other than another Commercial Zone, said use shall provide as a minimum, a twelve foot greenbelt along all side and rear property lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. No outdoor storage shall be allowed.

C. Any garbage/refuse service areas shall be limited to the rear 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.

3.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street Parking and Loading Requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 211.

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Section 4.0 C-1 Local Shopping District

4.1 Intent. To provide areas for retail and service establishments convenient to and compatible with nearby residential neighborhoods they serve.

4.2 Uses Permitted. Those uses listed under "uses permitted" in District CP, plus the following:

- Animal hospital, with enclosed kennels and soundproofing
- Appliance, electronics repair
- Art supply and/or frame shop
- Barber and beauty shop
- Bicycle shop, including repairs
- Card, gift shop
- Clothing shop
- Cosmetic studio
- Craft or hobby shop
- Dance studio
- Day care center
- Dry cleaning or Laundromat
- Duplicating or copying service
- Florist shop
- Health food store
- Interior decorating store
- Medical Clinic
- Optician
- Pastry shop
- Pharmacy
- Photographic studio
- Plant shop and plant nursery
- Restaurant, standard
- Shoe repair shop
- Specialty shops
- Tanning salon
- Public utility service
- Similar uses may also be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.

4.3 Special Exception Uses. The following uses may be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued.

- Fast food restaurant
- Gasoline service station/Convenience store
- Public building
- Public utility facility
- Shopping center

4.4 Area and Dimensional Regulations

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear Yard	Side* Yard	Building Size	None Specified (See Below)
20	20	10	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

*Side yards may be reduced to 0 feet if adjoining property is zoned commercial, industrial, or institutional. However, if the zero lot line is not used, the set back must be ten feet. Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

4.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twelve (12) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

4.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 213.

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Section 5.0 C-2 General Business District

5.1 Intent. This district consists of the downtown area and regional shopping areas where a wide range of commercial uses are accommodated.

5.2 Uses Permitted. Those listed under "uses permitted" in the CP and C-1 districts, plus the following:

- Audio/Video rental
- Auto, light truck, boat and motorcycle sales
- Bakery, retail
- Car wash
- Clothing store
- Commercial parking
- Department store
- Funeral home
- Gasoline service station/Convenience Store
- Grocery store
- Hardware store
- Home Improvement center (subject to 5.5 (b) of this section)
- Hotel and motel
- Indoor sports facilities: bowling, health club or spa, racquet club, skating rink, etc.
- Jewelry store
- Minor vehicle repair
- Pet store (no outside kennels or housing of pets)
- Print shop, retail
- Restaurant fast-food
- Sales showrooms (retail/rental/wholesale) for appliances, furniture, carpet, lighting fixtures, medical and office equipment, etc.
- Shopping Center
- Small engine repair
- Sporting goods store
- Theater (indoor only)
- Public utility service
- Similar uses may also be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.

5.3 Special Exception Uses. The following uses may be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued.

- Cemetery
- Domiciliary care facility
- Major vehicle repair (enclosed), excluding body work
- Mini-warehouse
- Nursing Home
- Outdoor recreation facilities
- Public building
- Public utility facility

5.4 Area and Dimensional Regulations.

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear Yard	Side* Yard	Building Size	None Specified (See Below)
20	20	10	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

*Side yards may be reduced to 0 feet if adjoining property is zoned commercial, industrial, or institutional. However, if the zero lot line is not used, the set back must be ten feet. Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

5.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twelve (12) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

5.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 215.

Section 5.7 Repealed by Ordinance 2016-004-PZ 02-09-2016

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Section 6.0 C-3 Tourist Commercial District

6.1 Intent. To provide suitable areas for a wide range of commercial establishments, along with lodging facilities, amusement, recreation, and selected office uses which are particularly useful to the traveling public.

6.2 Uses Permitted. Those uses listed under "uses permitted" in the CP, C-1, and C-2 Districts, plus:

- Factory outlet stores
- Golf course
- Indoor or Outdoor, amusements and recreation facilities, such as: Amusement parks, athletic fields, carpet golf, driving ranges, par-3, go-cart facilities, batting cages, water slides, skating rink, health clubs, etc.
- Lounge/Bar
- Minor and Major vehicle repair (enclosed), excluding body work
- Theater, indoor or outdoor
- Truck stop
- Public utility service
- Other similar uses may be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.

6.3 Special Exception Uses. The following uses may be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued.

- Public buildings
- Public utility facility
- Travel trailer/RV campground
- Warehouses-including mini-warehouse

6.4 Area and Dimensional Regulations

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear* Yard	Side** Yard	Building Size	None Specified (See Below)
35	35	15	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs, plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

*Rear yard may be reduced to 20 feet if adjoining property is zoned commercial, industrial, or institutional.

**Side yards may be reduced to 0 feet if adjoining property is zoned commercial, industrial, or institutional. However, if the zero lot line is not used, the set back must be fifteen feet. Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

6.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twelve (12) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

6.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 219.

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Section 7.0 C-4 Commercial/Light Manufacturing District

7.1 Intent. To provide suitable areas for a wide range of commercial establishments, along with selected light manufacturing and assembly uses not incompatible with a commercial setting and in conjunction with a retail operation.

7.2 Uses Permitted. Those uses listed under "uses permitted" in the CP, C-1, and C-2 Districts, plus:

- Building trades such as general contractors, painting contractors, plumbing, heating and air, and electrical shops; provided that all work on the premises is done within a building, and all materials are stored in a building. This shall not include activities that create noise, dust, vibration, or fumes.
- Equipment Rental
- Farm implement or trailer display, repair or sale
- Light Manufacturing, processing, fabricating or assembling operations which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare, but only when the manufacturing, processing, fabricating, or assembling is incidental to a retail business conducted on the premises.
- Mini warehouse
- Mobile Home display or sales
- Public utility service
- Research or testing laboratory
- Sales/Warehouse establishments
- Thrift Store Added November 8, 2011- Ordinance 2011-022-PZ
- Other similar uses may be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.

7.3 Special Exception Uses. The following uses may be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued.

- Public buildings
- Public utility facility

7.4 Area and Dimensional Regulations

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear* Yard	Side** Yard	Building Size	None Specified (See Below)
35	35	15	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs, plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

*Rear yard may be reduced to 20 feet if adjoining property is zoned commercial, industrial, or institutional.

**Side yards may be reduced to 0 feet if adjoining property is zoned commercial, industrial, or institutional. However, if the zero lot line is not used, the set back must be fifteen feet. Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)(Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

7.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twenty (20) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

7.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 223.

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Section 8.0 C-5 Commercial Adult Entertainment District

8.1 Intent. To provide areas suitable for adult entertainment and similar uses.

8.2 Uses Permitted. Within the C-5 Commercial Adult Entertainment District, a building or land shall be used only for the following purposes:

- Adult amusement, entertainment or recreational facilities
- Adult arcade
- Adult retail establishments
- Adult theater
- Body piercing, excluding ear piercing only
- Fortune Teller, Palm Reader, Psychic Advisor
- Pawn Brokers or Pawn Shop
- Tattoo parlors
- Title Pawn
- Massage parlors

List expanded December 14, 2007

8.3 Supplemental requirements.

A. No adult entertainment establishment operating within this zoning district shall be permitted within fifteen hundred (1500) feet of any religious institution, school, library, and/or residential district, kindergarten or child care facility, public or private park or playground or historical district or historical designation. The distance provided herein shall be measured from zoning district/line of the facility authorized to the nearest zoning district/line of the above listed use.

B. All establishments shall be limited to one (1) sign only, not to exceed fifteen (15) square feet and must be placed on the front of the establishment. Signs shall not have flashing lights or graphic displays.

C. No visible exposure to the general public of activities within the establishment (all windows and doors to be covered or blacked out).

D. Hours of operation shall be limited to 8:00 a.m. through 12:00 a.m. (Midnight)

8.4 Area and Dimensional Requirements

Minimum Yard Size			Minimum	Minimum Lot Size
Front Yard	Rear Yard	Side Yard	Building Size	None Specified (See Below)
50	50	50	1000 sq. ft.	The size of the lot must be adequate to allow for the building and set backs plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

Building Height: One or two story buildings only shall be allowed.

Building Separation: More than one (1) commercial building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

8.5 Buffer Requirements.

A. A fifty (50) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

8.6 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 226.

SECTION 9.0 GENERAL REGULATIONS FOR ALL INDUSTRIAL DISTRICTS

A. All industrial activity shall be conducted from a permanent building constructed or maintained in accordance with the current building ordinances. Pre-engineered, metal buildings may be allowed in an industrial district, subject to Article VIII, Section 12.0, Page 175.

B. Site Plans, drainage plans, parking plans, fire hydrant location, and landscape plans, including outside lighting, and any required buffers shall be required for each new construction or building addition. When a change of occupancy occurs, a statement certifying that the minimum parking required for the new use is met, shall be submitted.

C. All driveways shall be paved and all parking areas shall be paved or have an approved all weather surface.

D. Fire hydrants shall be installed every 300 feet, or as otherwise directed by the Fire Chief/Fire Marshall, and a sufficient water supply to support the use of these hydrants shall be installed.

E. All industrial lots shall comply with the City of Trussville Tree Ordinance.

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Section 10.0 I-1 Light Industrial District

10.1 Intent. This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities include light manufacturing, industrial services, warehousing, wholesaling, and distribution services, and other limited impact activities. The I-1 District also allows for selected commercial and institutional uses which are supportive of industrial employment centers.

10.2 Uses Permitted

- Bakery, major
- Bottling or distribution plant
- Clothing, textile or dying plant
- Cold storage plant
- Construction service
- Distribution service
- Equipment rental
- Farm support business
- Heavy equipment sales and service
- Janitorial and maintenance service
- Laundry and dry cleaning plant such as a uniform rental services
- Light industrial, fabricating, processing, assembling and manufacturing uses, but expressly prohibiting uses which are in I-2 or I-3 districts, and those uses which are especially detrimental to property or to the health and safety beyond the district by reason of emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material
- Office/Warehouse facility
- Pet Crematorium, subject to the absence of smoke and odor (Ord 2001-036-PZ 12-07-2001)
- Printing plant, major
- Public utility service
- Radio or television transmission towers
- Research laboratory
- Showroom/Warehouse facility
- Truck or bus terminals
- Vehicle repair- major and minor
- Warehouses, including mini-warehouses
- Woodworking shop, cabinet shop, etc.
- Similar uses may be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0, page 8.

10.3 Special Exception Uses. be permitted except as outlined in Section 21.8 Amendment of the Plan.

The following uses may be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued.

- Airport, including heliport
- Commercial uses that are not incompatible with industrial uses
- Industrial parks
- Institutional uses which are supportive of industrial employment centers
- Parks
- Public buildings
- Public utility facility

10.4 Area and Dimensional Regulations

Minimum Lot Size and Width. None specified, although it is the intent of the ordinance that lots be of sufficient size to accommodate the proposed use, along with adequate space for required parking, loading and unloading, buffers, storage and servicing of the building(s), including the prescribed minimum setbacks.

Minimum Yard Size.

Front	Rear	Side
35'	35'*	35'**

*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Industrial or Utilities.

**If the adjoining property is zoned Industrial or Utilities, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

Maximum Height. 45 feet or as approved by Planning and Zoning Board.

10.5 Buffer Requirements.

A. All structures and facilities developed within the I-1 Light Industrial District shall provide a twenty (20) foot buffer strip on all rear and side property lines abutting any commercial zone district and a fifty (50) foot buffer strip along all property lines abutting any residential district. See Article VII Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six feet (6') or to a height which is adequate to conceal such storage area from public view.

C. 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. Any garbage/refuse receptacle must be roofed if used for putrescible waste.

10.6 Additional Regulations

A. Administration and Review Procedures, Article IV, page 6.

B. Definitions, Article V, page 15.

C. General Regulations, Article III, page 2.

D. Off-street Parking and Loading Requirements, Article IX, page 177.

E. Sign Regulations, Article IX, page 227.

F. Special Use Regulations, Article VIII, page 161.

G. Supplementary Regulations, Article VII, page 151.

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Section 11.0 I-2 General Industrial District

11.1 Intent. To provide suitable areas where general industrial uses are permitted. This district encourages employment centers where a potentially high degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

11.2 Uses Permitted.

- Any use listed under "uses permitted" in the I-1 Light Industrial District
- Coal distribution facilities
- Concrete mixing plant
- Distribution yards for gasoline and fuel oil tank trucks, and other vehicles, provided that all bulk storage tanks are set back from adjoining property lines a minimum distance of one hundred and fifty (150) feet.
- Feed plant
- Heavy industrial, fabricating, processing, assembling and manufacturing uses
- Highway maintenance yard or buildings
- Iron and steel mills
- Liquefied Natural Gas (LNG) Facility and associated support operations, including distribution and transportation facilities and systems (Ordinance 2011-004-PZ / 03- 22- 2011)
- Meat and poultry processing
- Plants for processing stone, chert, gravel, clay, slag or coal.
- Public utility service
- Railroad terminal shops and yards.
- Sawmill for the purpose of cutting, sawing milling, drying, and processing timber (logs) into lumber for building or construction purposes.
- Wrecker Service Yard
- Similar uses may be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0., page 8.

11.3 Special Exception Uses. The following uses may be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits being issued:

- Acid manufacture
- Airport, including heliport
- Commercial uses that are not incompatible with industrial uses
- Explosive material manufacture and storage
- Fat, grease, lard or tallow rendering plant
- Fertilizer plants
- Glue manufacture
- Incinerators
- Industrial parks
- Paper and pulp manufacture or processing plant
- Power plant or reactor
- Public utility facility
- Recycling plant or recycling collection facility
- Salvage yards or junk yards

11.4 Area and Dimensional Regulations

Minimum Lot Size and Width. None specified, although it is the intent of the ordinance that lots be of sufficient size to accommodate the proposed use, along with adequate space for required parking, loading and unloading, buffers, storage and servicing of the building(s), including the prescribed minimum setbacks.

Minimum Yard Size.

Front	Rear	Side
35'	35'	35'

*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Industrial or Utilities.

**If the adjoining property is zoned Industrial, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

Maximum Height. 60 feet or as approved by Planning and Zoning Board.

11.5 Buffer Requirements.

A. All structures and facilities developed within the I-2 General Industrial District shall provide a twenty (20) foot buffer strip on all rear and side property lines abutting any commercial zone district and a fifty (50) foot buffer strip along all property lines abutting any residential district. See Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six feet (6') or to a height which is adequate to conceal such storage area from public view.

C. 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. Any garbage/refuse receptacle must be roofed if used for putrescible waste.

11.6 Additional Regulations

A. Administration and Review Procedures, Article IV, page 6.

B. Definitions, Article V, page 15.

C. General Regulations, Article III, page 2.

D. Off-street Parking and Loading Requirements, Article IX, page 177.

E. Sign Regulations, Article IX, page 229.

F. Special Use Regulations, Article VIII, page 161.

G. Supplementary Regulations, Article VII, page 151.

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Section 12.0 I-3 Industrial District

12.1 Intent. To regulate resource extraction, mining operations, and other operations having extraordinary environmental impact in selected areas and to provide safeguards for both the adjacent properties and the environment. This is the only district in which these operations shall be permitted, with the exception of those operations licensed by the State of Alabama and/or the City of Trussville actively engaged in such operations at the time of the adoption of this Ordinance. All uses under this section require submittal and approval of a development and/or reclamation plan.

12.2 Uses Permitted

- Any use permitted in an I-2 General Industrial District
- Methane gas wells
- Resource extraction
- Sanitary landfill
- Timber or lumber operations, sawmilling involving processing, distilling, manufacturing and treating of all such products.
- The right to erect, maintain, alter, enlarge, use and operate structures, buildings, machinery, housing, roads, railroads, transmission lines, right-of-way, and all other facilities of every kind accessory or appropriate to the conduct of permitted uses.
- The right to dump spoil, tailings, and other waste and to use so much of said district as may be required for such purposes, and such other rights as may be incidental or accessory to such permitted uses.
- Toxic material manufacture and storage
- Public Utility Service
- Public Utility Facility

12.3 Area and Dimensional Regulations. In the above permitted uses, the area and dimensional regulations set forth in the following shall be observed.

A. No use permitted above shall be conducted within two hundred feet (200') of any property line or public road right-of-way. This two hundred feet (200') property line set back shall be maintained as a densely planted buffer or earth berm covered with vegetation, other than the means of egress and ingress which shall be gated. Buffer subject to the provisions of Article VII, Section 7.0, page 153.

B. The right to erect, maintain, alter, use and operate a structure, building, machinery, housing, road, railroad, transmission lines, right-of-way and other facilities accessory to these uses will not be permitted within two hundred feet (200') of any adjoining property line or public right-of-way, except where access roads or haulage roads join such right-of-way line and except that the City of Trussville or governmental unit having jurisdiction over such roads may permit such roads to be located.

C. Exception to the setback requirement for the adjoining property line as stated above will be made where the adjoining property is also zoned I-3, in which case no setback from the adjoining property line will be necessary where the similarly zoned property abuts.

12.4 Additional Requirements

Prior to the use of the land for any use specified herein, the applicant shall submit a plan showing the location(s) of the mineral seam(s), estimated number of tons to be extracted; the location(s) of landfill cells; location of wells or of the manufacture and storage facility, approximate time required to conduct the operation and reclaim the land, a general expression of subsequent use of the property, and any other information requested by the Building Official. In addition, all such firms, persons, corporations and other entities shall be subject to any and all State and Federal Laws pertaining to regulation of such operations. A reclamation bond shall be required in the form of an insurance bond or cash deposit in an amount sufficient to reclaim the land to the state delineated in general expression of subsequent use provided prior to commencement of the operation.

12.5 Additional Regulations

A. Administration and Review Procedures, Article IV, page 6.

B. Definitions, Article V, page 15.

C. General Regulations, Article III, page 2.

D. Off-street Parking and Loading Requirements, Article IX, page 177.

E. Sign Regulations, Article IX, page 231.

F. Special Use Regulations, Article VIII, page 161.

G. Supplementary Regulations, Article VII, page 151.

SECTION 13.0 GENERAL REGULATIONS FOR ALL INSTITUTIONAL DISTRICTS

A. All institutional activity shall be conducted from a permanent building constructed or maintained in accordance with the current building ordinances. No pre-engineered, metal buildings will be allowed in an institutional district, unless the exterior is faced with brick, EFIS, or other acceptable sidings. No exposed metal siding will be allowed. The foregoing is subject to the following exceptions:

1. Temporary Construction. Temporary construction trailers may be used during the construction of permanent buildings, as approved by the Engineering and Inspections Department.

2. Business. A business may be operated out of temporary portable or modular facilities while permanent facilities are being constructed. Approval for said facilities is to be granted by the Board of Zoning Adjustment, and is not to exceed an initial period of one (1) year, renewable annually, not to exceed a maximum period of three (3) years.

3. Portable classroom facilities. Portable classroom facilities may be used when necessary to meet funding requirements, state regulations, or when otherwise necessary to meet local educational needs. Local educational use of portable classrooms may be granted by the Board of Zoning Adjustment as a special exception use for a maximum initial period of three (3) years renewable as becomes necessary until appropriate funding or regulation permits compliance with this ordinance. Application for a portable classroom use must be accompanied by the following:

a. Proof of financial hardship
b. A plan and a time frame for the removal and replacement of the temporary facility.
c. A plot plan showing the location of all existing permanent and portable structures, all easements, ingress and egress, and the proposed location of the new portable facility.
d. A plan and certification indicating the number of required parking spaces for the entire facility and statement of compliance. The placement of portable classroom facilities may not infringe upon any required parking spaces.

B. Site Plans, drainage plans, parking plans, fire hydrant location, and landscape plans, including outside lighting, and any required buffers shall be required for each new construction or building addition. When a change of occupancy occurs, a statement certifying that the minimum parking required for the new use is met, shall be submitted.

C. All driveways shall be paved and all parking areas shall be paved or have an approved all weather surface.

D. Fire hydrants shall be installed every 300 feet, or as otherwise directed by the Fire Chief/Fire Marshall, and a sufficient water supply to support the use of these hydrants shall be installed.

E. All institutional lots shall comply with the City of Trussville Tree Ordinance.

SECTION 14.0 IN-1 Institutional District

14.1 Intent. To provide areas suitable for a select group of institutional uses and to prevent encroachment from incompatible uses.

14.2 Uses Permitted

- Places of Worship
- School (Public, Private, or Parochial elementary or high school)
- Utility service

14.3 Special Exception Uses The following uses may also be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment, and further subject to appropriate permits and/or licenses being issued.

- Playground or park
- Public Utility Facility

14.4 Area and Dimensional Regulations

Minimum Yard Size			Minimum	Minimum Lot Size/ Width
Front Yard	Rear Yard	Side Yard	Building Size	None Specified (See Below)
50	50	50	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs, plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

14.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twenty (20) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six feet (6') or to a height which is adequate to conceal such storage area from public view.

C. Any garbage/refuse service areas shall be limited to the rear or side of the principal building or complex it serves and 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.

14.6 Change in Use.

When land in an Institutional District is sold or leased for a use other than a permitted use under this section, no construction, alteration or change of occupancy or use shall be permitted on said land until it shall have been reclassified in another zoning district.

14.7 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 233.

SECTION 15.0 IN-2 Institutional District

Section 15.1 Intent. To provide areas suitable for a certain group of institutional uses and to prevent encroachment from incompatible uses.

Section 15.2 Uses Permitted

- Assembly Halls (Not a municipal building)
- Assisted Living facility
- Business College
- Cemetery
- Charitable and philanthropic organization
- Colleges and universities
- Community Center/Civic Center (Not a municipal building)
- Convalescent home
- Country Club
- Day Care
- Domiciliary Care Facility
- Elder Care
- Group Homes
- Hospitals
- Kindergarten
- Lodges, fraternal and social organizations, headquarters for scout and other youth organizations, YMCA and YWCA facilities
- Mental Health Care and Out Patient Treatment Facilities
- Museums (Not a municipal building)
- Nursing Care Facility
- Park (Not a municipal park)
- Pet Cemetery
- Public Buildings
- Public Utility Service
- Stadium/Coliseums

Section 15.3 Special Exception Uses. The following uses may also be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment, and further subject to appropriate permits and/or licenses being issued.

- Helistop
- Mental Health Facility - In Patient
- Public Utility Facility
- Transitional Homes

15.4 Area and Dimensional Regulations.

Minimum Yard Size			Minimum	Minimum Lot Size/ Width
Front Yard	Rear* Yard	Side** Yard	Building Size	None Specified (See Below)
50	50	50	800 sq. ft.	The size of the lot must be adequate to allow for the building and set backs, plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

15.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twenty (20) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

15.6 Change in Use

When land in an Institutional District is sold or leased to a party other than a public institution, no construction, alteration or change of use shall be permitted on said land until it shall have been reclassified in another zoning district.

15.7 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 235.

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SECTION 16.0 IN-3 Institutional District

Section 16.1 Intent To provide areas suitable for a selected class of institutional uses.

Section 16.2 Permitted Uses

- Military Installation
- Penal Institution
- Utility Service

Section 16.3 Special Exception Uses. The following uses may also be permitted subject to a special exception permit being granted by the Board of Zoning Adjustment, and further subject to appropriate permits and/or licenses being issued.

- Helistop
- Public Utility Facility

Section 16.4 Area and Dimensional Regulations.

Minimum Yard Size			Minimum	Minimum Lot Size/ Width
Front Yard	Rear* Yard	Side** Yard	Building Size	None Specified (See Below)
100	100	100	800 sq. ft.	The size of the lot must be adequate to allow for the building, plus required parking, driveways, landscaping, delivery vehicles, refuse collection facilities, buffers, etc.

Building Height: When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height. (Amended 2-12-2007 Ord 2007-004-PZ)

Building Separation: More than one (1) building under a single ownership may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the district, and the open space between protruding portions of buildings measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one or both are two (2) story buildings, and an additional ten (10) feet separation for each additional story when one or both buildings exceed two stories, unless otherwise approved by the Fire Marshall. An area shall be designated as a fire lane at the building separation to allow fire fighting access to the structures.

16.5 Buffer Requirements.

A. When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a twenty (20) foot buffer strip along those side and rear lot lines abutting such zone or zones. Subject to the provisions of Article VII, Section 7.0, page 153.

B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and 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.

16.6 Change in Use

When land in an Institutional District is sold or leased to a party other than a public institution, no construction, alteration or change of use shall be permitted on said land until it shall have been reclassified in another zoning district.

16.7 Additional Regulations (when applicable)

A. General Regulations, Article III, page 2.

B. Supplementary Regulations, Article VII, page 151.

C. Special Use Regulations, Article VIII, page 161.

D. Off-street parking and loading requirements, Article IX, page 177.

E. Sign Regulations, Article XI, page 237.

Section 17.0 Overlay District.

An Overlay District may be established to give specific protection to certain areas within the City of Trussville having historical, environmental, development or other significance, or to impose additional requirements in certain geographic areas of the City, that are not applicable to all areas, for resource protection or for the protection of lives and property. An overlay district may be permanently established by this ordinance or an amendment thereto, or may be of a temporary nature pending completion of a public works project or other temporary situation. An overlay district does not negate the requirements of the underlying district, but may create additional requirements, regulations, or documentation.

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Section 18.0 Cahaba River Conservation Overlay District (O-CR)

Section 18.1 Intent. The purpose of the Cahaba River conservation overlay district is to protect the water quality and environmental integrity of the Cahaba River.

Section 18.2 Applicability. The provisions of the river conservation overlay district shall apply to any land located within the floodway of the Cahaba River or the Stream Setback/Buffer, whichever is greater. These standards shall be in addition to the standards of the underlying zoning district in which the property is located.

Section 18.3 Permitted Uses. Any use permitted by right in the underlying zoning district shall be permitted in the Cahaba River Overlay district.

Section 18.4 Special Exception Uses. Any special exception use in the underlying zoning district shall be permitted as a special exception use in the Cahaba River Overlay district.

Section 18.5 Additional Standards: The following regulations shall apply to any land use within the district.

A. **Minimum lot width for lots abutting the river:** 100 feet

B. **Maximum impervious surface:** 50% of lot area

C. **Stream setback/buffer requirements:** The stream setback/buffer shall consist of a strip of land extending along both sides of the Cahaba River, and shall include all land within 125' of the river (measured horizontally from the center of the river) or the edge of the floodway whichever is greater. The stream setback/buffer shall include three distinct zones with each zone having its own set of allowable uses and vegetative targets as specified below. (See illustration Appendix, page 255 g-i.)

1. **Zone 1 - Streamside Zone**
   a. The function of the streamside zone is to protect the physical and ecological integrity of the stream ecosystem.
   b. The streamside zone will begin at the edge of the stream bank of the active channel and extend a minimum of 25 feet from the top of the bank.
   c. Allowable uses with this zone are highly restricted to:
      i. Flood control structures
      ii. Utility right-of-way
      iii. Footpaths to approach the river without constructed improvements.
      iv. Road crossings, where permitted
   d. The streamside zone must be retained in its undisturbed natural vegetative state.

2. **Zone 2 - Middle Zone**

a. The function of the middle zone is to protect key components of the stream and to provide distance between upland development and the streamside zone.

b. The middle zone will begin at the outer edge of the streamside zone and extend a minimum of 50' .

c. Allowable uses within the middle zone are restricted to:

i. Those uses allowed in Zone 1 - Streamside Zone

ii. Biking or hiking paths

iii. Stormwater management facilities, with the approval of the Jefferson County Storm Water Management Authority or the Alabama Department of Environmental Management, except that retention/detention facilities shall not be located within the 100 year flood plain, and that there shall be no modification to natural drainage ways except as granted by waiver.

iv. Passive recreational uses as approved by the City of Trussville Planning and Zoning Board.

v. Tree clearing and undergrowth removal shall be limited to the minimum required for the above uses.

d. The vegetative target for the middle zone is native vegetation to the region.

3. **Zone 3 - Outer Zone**

a. The function of outer zone is to prevent encroachment into the stream buffer and to filter runoff from residential and commercial development.

b. The outer zone will begin at the outward edge of the middle zone and provide a minimum width of 25' between Zone 2 and the nearest permanent structure.

c. Those uses allowed in Zone 1 Streamside Zone and in Zone 2 Middle Zone shall also be allowed in Zone 3. There shall be no other permanent structures or impervious cover, with the exception of paths, within the outer zone.

d. The vegetative target for the outer zone may vary, although the planting of native vegetation, which may include lawn materials, should be encouraged to increase the total width of the buffer.

D. **Stream Setback/Buffer Maintenance and Management**

1. The stream setback/buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of the resources within Zones 1 and 2 to include the following:

a. Clearing of existing vegetation.
b. Soil disturbance by grading, stripping, or other practices.
c. Filling or dumping.
d. Drainage by ditching, underdrains, or other systems.
e. Use, storage, or application of pesticides, herbicides and fertilizers
f. Housing, grazing, or other maintenance of livestock.
g. Storage of motorized vehicles or operation of same, except for maintenance and emergency use.

2. The following structures, practices, and activities are permitted within the stream setback/buffer subject to specific design or maintenance features:

a. Roads, bridges, and utilities are permitted within the stream setback/buffer subject to the following:
    i. An analysis should be conducted to ensure that no economically feasible alternative is available.
    ii. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
    iii. The angle of the crossing shall be perpendicular to the stream or buffer to minimize clearing requirements.
    iv. The minimum number of road crossings shall be used within subdivisions, and no more that one fairway crossing is allowed for every 1,000 feet of buffer.

3. In new developments, on-site and non-structural stormwater management alternatives will be preferred over larger facilities within the stream setback/buffer, and the cleared area will be limited to the area required for construction and adequate maintenance access in constructing stormwater management facilities, with material dredged or otherwise removed to be stored outside the buffer.

4. Upon submittal of a development plan or plat, waivers may be granted by the Planning and Zoning Board for the following:

a. Those projects or activities serving a public need where no feasible alternative is available.
b. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to non-tidal wetlands and associated aquatic ecosystems have been addressed.
c. Those developments which have had buffers applied in conformance with previously issued requirements.
d. The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure, as long as the streamside setback/buffer (Zone 1) is not disturbed by the narrowing, and no new structures are built within the setback.

5. The applicant shall submit a written request for a waiver to include specific reasons justifying the waiver, and any other information necessary to evaluate the proposed waiver request.

6. In granting a request for waiver, a site design, landscape planting, fencing, and the establishment of water quality best management practices may be required in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

E. **Maximum open yard area:** The total area of any lot devoted to lawns and gardens shall not exceed thirty (30) percent of the total area of the lot. Any lot exceeding this requirement as of the effective date of this section shall be permitted to retain all existing lawn and garden areas. No new lawn or garden area shall be established within Zone 1 or Zone 2 of the required shoreline, stream or drainage course setback.

F. **Fertilizers, herbicides and pesticides.**

1. The use of herbicides and pesticides within the required stream setback/buffer shall be limited to those necessary to control insects which threaten native vegetation such as pine beetles and other borers, or the spot spraying of noxious or non-native species.

2. The use of liquid or solid chemical fertilizers or manure within the stream setback/buffer is prohibited.

G. **On-Site Sewage Disposal:** The installation of any on-site sewage disposal system shall comply with the requirements of the Jefferson County Department of Health without variance. No septic tanks or field lines are allowed within the setback/buffer.

H. **Development Controls:** Developers are encouraged to respond creatively to both the market and the critical environmental values of the area, as well as to the needs and values of the City of Trussville and the citizens.

1. The applicant shall prepare an erosion and sedimentation control plan to minimize, to the maximum extent possible, the discharge of sediments to the Cahaba River. This plan shall be consistent with the practices set forth by the Jefferson County Storm Water Management Authority or the Alabama Department of Environmental Management, whichever is applicable.

2. The applicant shall demonstrate that development will not significantly increase the likelihood of chemical or other biohazard run-off in adverse amounts into the Cahaba River which could be damaging to the ecosystem of the river, or the applicant shall propose modifications to the plan to retain run-off on the site to bring the project into conformance with ADEM standards.

3. The applicant shall demonstrate, using methodology for small urban watersheds for a twenty-five year, twenty-four hour storm, that the total volume of storm water discharged from the site in its post development condition shall not exceed the total run-off in its pre-development condition. If this analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to retain run-off on the site to bring the project into conformance with this standard.

   a. If stormwater detention facilities are required, said facilities will be engineered to retain the first ½ inch of storm runoff for residential development and the first 1 ½ inch of storm runoff for commercial and industrial development.

   b. All stormwater releases shall be at non-erosive velocities as may be accomplished by constructed velocity breaks, elevation drops, or other generally accepted engineering practices.

4. Notwithstanding any of the above, in areas of Trussville where the flood hazard has been determined and that are subject to periodic inundation which may results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and/or extraordinary public expenditures for flood relief and protection, all development shall be done in accordance with the City of Trussville Flood Damage Prevention Ordinance. The standards for flood plain development shall apply to any land delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) whether or not the base flood elevation has been determined. Permits shall be subject to verification of the base flood elevation and the verification of the elevation of the lowest floor level, and further subject to the requirements of the City of Trussville Flood Damage Prevention Ordinance for Non-Coastal Communities. However, no construction will be approved within the floodway.

I. **Conflict with other regulations.**

Where the standards and management requirements of this section are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities or other environmental protective measures, the more restrictive shall apply.

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Section 19.0 Groundwater/Wellhead Protection Overlay District.

Section 19.1 Intent. The purpose of the groundwater/wellhead protection overlay district is to protect a natural resource that is needed to sustain life. This will help to preserve and maintain the quality and quantity of the existing and potential groundwater within the city.

Section 19.2 Applicability.

A. The standards of the groundwater conservation overlay district shall apply to any land meeting any of the following criteria:

1. Is a potential contaminant source, identified by the Alabama Department of Environmental Management (ADEM) and is located within the City of Trussville Utilities Board Wellhead Protection Area Delineation Report (Area 2 which includes the watershed of the wellhead area); or

2. Is located within the Wellhead Protection Area 1 boundary defined as a 1,000 foot radius of a Trussville Utilities Board water well; or

3. Will have a private, commercial, or industrial well.

B. Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located.

Section 19.3 Permitted Uses. Any use permitted by right in the underlying zoning district shall be permitted in the Groundwater/Wellhead Protection Overlay district, subject to review and approval by the Utilities Board of the City of Trussville.

Section 19.4 Special Exception Uses. Any use permitted by special exception permit in the underlying zoning district shall be permitted as a special exception use in the Groundwater/Wellhead Protection Overlay district, subject to review and approval by the Utilities Board of the City of Trussville.

Section 19.5 Prohibited Uses. The following uses shall be prohibited in the Groundwater Conservation Overlay District:

A. The disposal of solid wastes, including the storage or disposal of hazardous wastes, except in strict compliance with ADEM requirements.

B. Excavation below the groundwater elevation defined on the Groundwater Elevation Map in the Wellhead Protection Area Delineation Report. No ditches, trenches, pumping, or other methods shall be used to artificially lower the water table to permit more excavation than could occur under natural conditions, without approval by Trussville Utilities Board.

C. The use of any well for disposal of rubbish and any other use to harm, divert, or contaminate the groundwater.

Section 19.6 Approval.

Any land meeting the criteria as set or referenced above shall be approved by the Trussville Utilities Board prior to submission for development approval or site approval by the City of Trussville Planning and Zoning Board or the City of Trussville Engineering and Inspections Department.

Section 19.7 Correction Costs.

Any contaminants or potential contaminants detected will be corrected by the Trussville Utilities Board in accordance with ADEM's Regulations, and the cost shall be conferred to the owner of the land.

Section 19A. O-TD. Highway Eleven Transition Overlay District.

Section 19A.1. Intent. The US-11 Transition Overlay District is intended to provide a transition between the dense commercial areas in proximity to Interstate 459 and the downtown area. The District is further intended to promote commercial development which is compatible with residential areas of Trussville, which begin in the subject area. The District standards will permit and promote commercial use which is harmonious with pedestrian use, the historic structures which lie in the district, and the planned downtown district through increased front setbacks, landscaping and tree requirements, and facade specifications.

Section 19A.2. Applicability. The provisions of the US-11 Transition Overlay District shall apply to all property located on or adjacent to both sides of United States Highway 11 lying generally between Mary Taylor Road and Kay Avenue, as more specifically shown on the map attached hereto and made a part hereof.

Section 19A.3. The provisions of this article supplement the requirements of the zoning ordinance, as amended. Where the provisions of this article conflict with other requirements, the more restrictive requirement will apply.

Section 19A.4. Permitted Uses. Any use permitted by right in the underlying zoning district shall be permitted in this Overlay District.

Section 19A.5. Special Exception Uses. Any special exception use in the underlying zoning district shall be permitted as a special exception use in the Overlay District.

Section 19A.6. Building Design Standards. The following regulations shall apply to any lot located within the Overlay District:

A. **Front Building Line**. The front building line of any building in the U.S. 11 Transition Overlay District shall be a minimum of fifty (50) feet from the edge of the public right-of-way of U.S. Highway 11. Any building constructed prior to the completion of U.S. Highway 11 Road Improvements in Project STPAA-0007 shall be a minimum of fifty (50) feet from the future right-of-way of U.S. 11 identified as Acquired Right-of-Way on the Project Plans submitted September 13, 2006, as may be amended.

B. **Side and Rear Building Setbacks**. The side and rear setbacks shall be, at a minimum (i) the side and rear setback specified for the underlying zoning district in which the property is located, or (ii) ten (10) feet, whichever is greater.

C. **Building Orientation**. No building shall be situated so that service or loading areas face U.S. Highway 11.

D. **Historic Structures**. Historic structures in the Overlay District, including primarily the First Presbyterian Church, must be separated from any commercial or industrial use by way of a planted buffer fifty (50) feet in width comprised of native (primarily evergreen) species, so as to protect said structures and minimize the impact of said commercial or industrial uses on those historic structures.

E. **Exterior materials.** All exterior wall finishes on any portion of the structure must be masonry construction including brick, stone, or real stucco. Brick or stone may be left natural or may be modified through use of an applied finish such as a mortar wash or similar architectural technique. Exterior insulation and finish system (E.I.F.S.) siding shall not be permitted. Trim or accent materials may, in addition to the aforementioned materials, include wood, pre-cast concrete, simulated wood (such as fiber cement siding, polypropylene siding or similar material), vinyl siding with a thickness of .046 mm or greater, insulated vinyl siding, copper, tin or aluminum, glass or steel. Colors shall be of a harmonious, neutral color palette.

Section 19A.7. Access and Parking Standards.

A. **U.S. 11 Access.** Access to U.S. Highway 11 is subject to the approval of the Alabama Department of Transportation which may prescribe greater standards than those provided herein. Access points to U.S. 11 shall be spaced as far apart as is practical. Unless otherwise approved by the Trussville Planning and Zoning Board, no access point shall be located closer than two hundred (200) feet from the nearest adjacent access point. The Planning and Zoning Board may approve an access point closer than two hundred (200) feet to the nearest adjacent access point in its discretion upon a determination that one or more of the following factors support same: no other access is available to a parcel of land, access is necessary to permit use of the parcel, access will be beneficial to traffic flow from other parcels, access will not promote unsafe conditions for automobiles or pedestrians, and the use of shared driveways, internal connections and other alternatives are deemed impracticable.

B. **Access Between Parcels**. Front and rear parking lots shall be designed so as to permit and encourage connectivity between parcels. Where an adjacent parcel is not developed compatibly, parking areas shall be designed so as to permit future connections by utilizing a paved "stub out" to the property line or other similar feature to permit connections if compatible development is pursued in the future. If rear access between parcels is not prohibited by topography or unique design features, it should be provided so as to permit service vehicles to access adjacent parcels without being required to exit onto U.S. 11.

C. **Parking**. Parking in front of any building shall be permitted but shall be limited to two rows of double-loaded parking. A landscaped buffer must be provided in between all parking areas and any public or private road or driveway. The buffer is not required to screen

the buildings from visibility, but must be of such character and nature to minimize the visibility and impact of any such parking areas. Such buffer areas are not required for buildings without front parking areas; provided, however, that, in such case, the front yard shall be landscaped.

Section 19A.8. Landscaping, Buffers and Pedestrian Ways.

In order to provide for and promote compatibility between uses within the Overlay District and to provide a transition to residential districts in said area, the following standards concerning the streetscape and the area between buildings and U.S. Highway 11 shall apply, as generally depicted in Ex.1:

A. **Right-Of-Way Improvements**. The right-of-way between the back curb of U.S. 11 and the right-of-way line of U.S. 11 which abuts the parcel must be improved and landscaped with a grassed buffer strip subject to Alabama Department of Transportation (ALDOT) approval.

B. **Sidewalks**. Within or adjacent to the U.S. 11 right-of-way and adjacent to the grassed buffer strip, improved pedestrian sidewalks must be provided. Said sidewalk shall be a minimum of six (6) feet in width, and shall be constructed in accordance with the Trussville Subdivision Regulations and any Greenways Plans which have been adopted by the City. Pedestrian right-of-ways may be dedicated to the City or provided by way of right of way easement.

C. **Landscape Buffer**. If parking or an access drive is utilized along the front of any building, a tree-lined landscaped buffer strip of no less than five (5) feet shall be required between the sidewalk and said parking lot. If the front yard or front building setback area is not utilized for parking, no such buffer will be required; provided however that the front yard must be fully landscaped in that instance. Street trees must be planted along the edge of the sidewalk nearest the building, either in the required buffer or in the front yard immediately adjacent to the sidewalk, if no buffer is required. Street trees, as specified in the Tree Conservation and Landscape Planning Ordinance of the City of Trussville, must be planted approximately forty feet (40) on center. Said trees must be three inches (3") in caliper or greater.

D. **Trees and landscaping**. Landscaping of the site shall be provided in accordance with the Tree Conservation and Landscape Planning Ordinance of the City. All landscaped areas shall be irrigated and plant materials shall be installed using best practices so as to maximize viability of the material. Existing, mature trees should be utilized as part of the landscaping on each site where practicable.

Section 19A.9. Lighting.

A. Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from public property.

B. The intensity, location and design of lighting shall be such that glare is minimized onto adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward and not horizontally. Where necessary, cut-off devices shall be used to minimize glare off premises.

C. Light poles and fixtures should be ornamental in nature, should be colored black, and should compliment or match the lighting in the Downtown Business District.

D. Flashing, blinking or intermittent lights and neon tubing are prohibited.

Section 19A.10. Signage.

A. All signage within the overlay district shall comply with the CP signage guidelines found in City of Trussville Zoning Ordinance No.2000-034-PZ, as amended.

Section 19A.11. Grading and Drainage.

A. Except for retaining walls, smooth topographic transitions shall be provided throughout the Overlay District, between properties, along vehicle connections between parcels and along pedestrian rights-of-way. Slopes steeper than a 1:3 slope (rise to run) are prohibited.

B. Retaining walls may be utilized in the Overlay District where topographic transitions are not possible or practicable, except for pedestrian rights-of-way, which must be constructed utilizing smooth transitions. The exterior surface of any retaining walls shall be compatible with the architecture and site design of the property. If fences are installed along any retaining wall, said fences shall be ornamental in nature and shall be architecturally compatible with light poles and other fixtures installed on the site.

C. Retaining walls which exceed eight (8) feet in height and are visible from public property shall be visually screened with vegetation.

D. In areas which are visible from public property, subsurface drainage structures and grass swales shall be used to manage storm water. Open ditches are prohibited.

E. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way and in areas which are visible from the through and auxiliary lanes of Highway 11.

F. Prior to issuance of a certificate of occupancy for the premises, all slopes shall be stabilized with grass or other evergreen undercover or other vegetation.

Section 19A.12. Site Plan Required.

Prior to the issuance of a building permit for any new development or new building in the District, the property owner or his or her agent must submit in addition to other submissions required by City Ordinances, a site plan and supplemental information to the building official for review to determine compliance with the provisions of this and other applicable City Ordinances. Prior to the submission of a final site plan, the applicant should meet with the building official and the Design Review Committee to review the proposed site plan and to obtain recommendations as to the plan. The site plan shall be drawn to a scale no smaller than one (1) inch equals fifty (50) feet and shall contain the following information:

A. All property lines, easements, landscaping areas, buffers, and private rights-of-way, setbacks, required yards and other dimensions;

B. Building and structures, including signs, service areas, fences, walls, light poles, power poles and mechanical equipment;

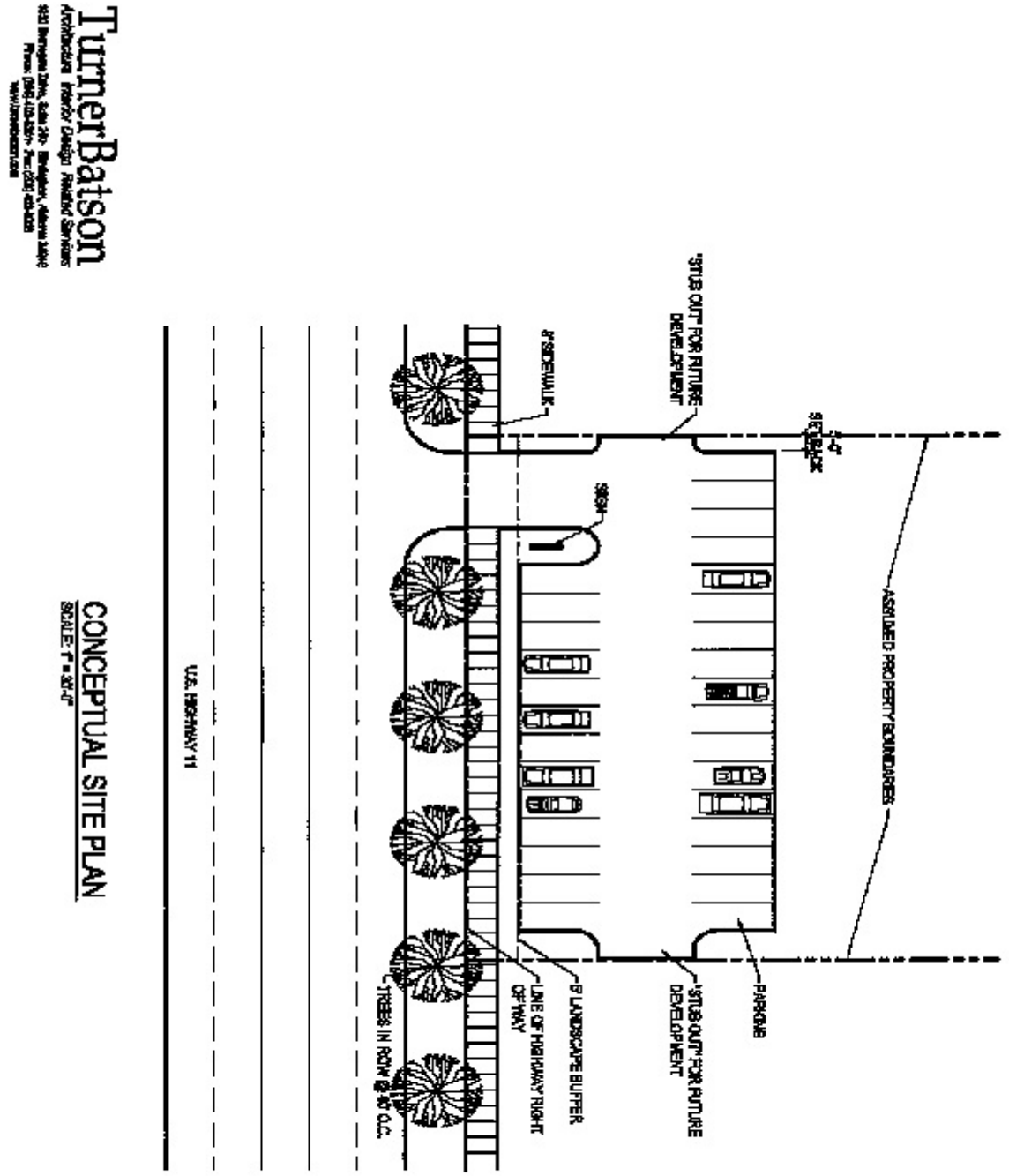
C. Elevations showing building design and layout, façade materials and architectural elements, general design features, exterior colors and building features;

D. Parking areas, driveways, sidewalks and pedestrian ways, existing and proposed parking spaces and access aisles, connections to adjacent property, public or private roads;

E. Landscaping plans, identifying existing landscaping elements to be retained on the site, new landscaping, identification of plant material, size of plant material, and irrigation plan;

F. Sufficient information and detail to clearly demonstrate that all requirements and standards contained in these regulations are satisfied;

G. The site plan shall also be supplemented by submission of the following:
   1. A grading plan showing areas of cut and fill;
   2. An access management plan to U.S. 11 and adjoining properties;
   3. A certificate that the buildings comply with all regulations of this Article;
   4. An exterior lighting plan;
   5. An erosion and sedimentation plan;
   6. All other plans or specifications necessary to show compliance with these standards and other regulations under the City Code.



Ord 2008-016-PZ
June 24, 2008

102.6

SECTION 19B DT-O - DOWNTOWN OVERLAY DISTRICT

19B.1 Intent. The Downtown Overlay District is intended to provide a comfortable, walkable and attractive environment for shopping, dining, commerce, living and civic activity in the Downtown Business District. The district is further intended to promote commercial development in a consistent manner within the district, which accounts for the surrounding residential areas, the existing traffic corridors serving the district, the traditional commercial function of the area and the goals in the Downtown Master Plan. The Overlay District standards shall apply to all properties within the Downtown Business District in addition to the underlying zoning classification standards for each property, except as is limited herein.

19B.2 Applicability. The provisions of the Downtown Overlay District shall apply to property other than that zoned as a Planned Unit Development (PUD) located within the Downtown Business District, which is defined as follows:

> The area located between the Cahaba River on the east, Kay Avenue on the west, Southern Railroad on the south and Linden Street on the north, as shown on the map appended to the Zoning Ordinance. For the purposes of this District, "Main Thoroughfare" shall refer to Main Street (U. S. Highway 11), North Chalkville Road and South Chalkville Road. Collector Street shall refer to Linden Street. Minor access roads shall refer to Cherry Avenue, Vann Circle, John Street, Glenn Avenue, Maple Avenue, Kay Avenue, City Hall Drive, Railroad Street, Dogwood Avenue, Cedar Street, Morrow Avenue, Cedar Lane, Kenimer Avenue, Beech Street, and Railroad Avenue.

19B.3 Definitions. The following definitions shall apply to this Section 19B:

A. Building Height - The vertical extent of a building measured in stories.

B. Business or Professional Office - Except where otherwise defined, an establishment conducting the affairs of a business, profession, service or industry which may include incidental sales.

C. Entertainment, Indoor - A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses or similar establishments.

D. Forecourt - A frontage type in which building walls partially enclose an open space that fronts on and is visually and/or physically accessible from the sidewalk.

E. Frontage Enclosure. - The degree to which building facades and screen walls, where applicable, are located in the Required Frontage Area to create continuity and enclosure along the streetscape.

F. Frontage Type - Site and building features designed together to establish a transition between the public realm of the streetscape and the private realm of the individual building, which transition occurs between the minimum setback line and the maximum setback line. Frontage Types include: Shopfronts, Galleries, Plazas, Forecourts, Terraces, and Stoops.

G. Gallery - A frontage type in which a covered walkway ("gallery") is placed between the sidewalk and the ground floor building façade. Upper floors may be set back or may extend over the gallery.

H. General Retail - Enclosed - Retail sales of goods and services, not otherwise defined in this Article, from within an enclosed structure including, but not limited to, grocery stores or markets where food is sold, department stores, clothing stores, home furnishing stores, automotive supply stores, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, office supply or equipment stores and similar retail establishments.

I. Hardscape - Site features and surfaces such as concrete, brick pavers and similar landscape materials suitable for large amounts of foot traffic and that are not subject to erosion.

J. Hotel - A commercial establishment offering sleeping accommodations to guests where all guest rooms are accessed from the interior of the building. A Hotel may also include, as an integral part of operations, such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, or other complementary functions.

K. Impervious Surfaces - Structures or materials that prevent rainwater infiltration into soil.

L. Live-Work Building - A type of use in which a dwelling is located in the same building as the business operated by or employing the occupant(s) of the dwelling.

M. Personal Services - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, including but not limited to barber and beauty shops, tanning salons, massage therapy establishments, shoe repair shops, dry cleaning store, tailor, dressmaker, picture framing, and similar services.

N. Pervious Surfaces - Structures or materials that allow rainwater infiltration into soil. This includes natural soil, planted areas, pervious or "permeable" paving systems, and green roofs.

O. Plaza - A frontage type in which the building façade is connected to the sidewalk by a public or semi-public open space.

P. Primary Frontage - That frontage of a corner or double frontage lot along the street of higher classification or, in the event such streets fall within the same classification, the street to which the primary building entrance faces.

Q. Recreation, Indoor - An establishment providing recreational activities to participants primarily within an enclosed structure, including bowling alleys, billiard parlors, health clubs and gymnasiums, video game centers, skating rinks and similar activities.

R. Recreation, Outdoor - An establishment providing recreational activities to participants primarily outside of an enclosed structure, including driving ranges, miniature and conventional golf courses, swimming pools, tennis courts and other similar activities.

S. Required Frontage Area - The area of the lot between the minimum setback line and the maximum setback line where the front façade is to be placed.

T. Restaurant - An establishment where food and drink are prepared, served, and consumed, mostly within the principal building or in an integral outdoor dining area, and which may include alcohol sales for on-premise consumption as an incidental use.

U. Retail, Large Merchandise - An enclosed retail business selling merchandise generally characterized by high bulk including furniture, appliances, large hardware items, carpet, office equipment, building materials, and similar goods. A business that sells such merchandise, in combination with a large variety of non-high bulk merchandise, is properly considered "General Retail, Enclosed".

V. Secondary Frontage - That frontage of a corner lot along the street of lesser classification; or the frontage of a corner lot other than the Primary Frontage.

W. Setback Line, Maximum - The greater of the two dimensions defining the Required Frontage Area, representing the greatest distance the building façade may be from the sidewalk. The Maximum Setback Line is measured from the back of the existing or planned public sidewalk or from the property line, whichever is furthest from the center line of the adjacent right of way.

X. Setback Line, Minimum - The lesser of the two dimensions defining the Required Frontage Area, representing the smallest distance the building façade may be from the sidewalk. The Minimum Setback Line is measured from the back of the existing or planned public sidewalk or from the property line, whichever is furthest from the centerline of the adjacent right of way.

Y. Shopfront - A frontage type in which the building façade is aligned along or near the sidewalk.

Z. Stoop - A frontage type in which the building entry level is raised above sidewalk level and the building façade is set back from the sidewalk to accommodate a set of steps and landing. Stoops generally provide access to one or two individual building entrances.

AA. Terrace - A frontage type in which building entry level is raised above sidewalk level and the building façade is separated from the sidewalk by a mostly continuous platform providing access to one or more entrances along the facade.

AB. Upper-story Dwelling - That portion of a building, which includes only nonresidential uses on the ground floor, designed and occupied as a dwelling unit. In contradistinction to "Live-Work Building," multiple dwellings may be located within the building, and the residents of such dwellings may or may not be associated with the nonresidential uses within the building.

19B.4 Use Regulations.

A. Permitted Uses - Uses permitted by right (P) as shown in Table 19B.1.

B. Special Exception Uses - Those uses designated as Special Exception (SE) uses in Table 19B.1 may be permitted subject to approval of and conformance with any and all conditions required by the Board of Zoning Adjustment (BZA).

C. Conditional Uses - Those uses designated as Conditional Uses (CU) in Table 19.B.1 may only be permitted upon the specific approval of and conformance with any and all conditions required by the City Council. Requests for conditional uses shall first be submitted to the Planning and Zoning Board for consideration. The Planning and Zoning Board shall submit a recommendation to the City Council as to whether such request conditional use should be approved as submitted, denied or approved with modifications.

Requests for conditional use must include the following:

i. A site plan containing items set forth in Article IV, §3.0 C. through K.

ii. A description of the development objectives of the proposed use and how the objectives further the intent of the Downtown Master Plan.

iii. Floor plans, building schematics, renderings or other materials showing how the use will be incorporated into existing or new structures or other into the property.

iv. A description of surrounding uses and how the proposed use is compatible with those uses and the Downtown Master Plan.

Planning Board Hearing: The Planning and Zoning Board shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with the application and notice provisions as set forth herein. The application will not be considered to be submitted until all materials are received and the processing fee paid. A minimum of fourteen (14) days prior to the Planning and Zoning Board meeting at which the conditional use request is to be considered, the City Clerk shall mail notification to all adjacent property owners. The notice shall state the location of the conditional use request, the nature of the request, including the current zoning classification, and the date, time and place of the meeting at which the request will be considered. The Planning and Zoning Board shall submit a recommendation to the City Council as to whether such requested conditional use should be approved as submitted, approved with modifications, or denied. Should the recommendation from the Planning and Zoning Board be for denial of the application, the applicant shall have the option of withdrawing the application, or of continuing the process to present the application to the City Council. Any decision to withdraw the application, shall be given in writing to the City Clerk. Ord 2017-14-PZ Mar. 14, 2017

City Council Hearing: Upon receipt of the recommendation from the Planning and Zoning Board, the City Clerk shall schedule and advertise the proposed conditional use request for a public hearing before the City Council. Notice shall be mailed to adjacent property owners a minimum of seven (7) days prior to the City Council hearing. The City Council shall review the request, the recommendation from the Planning and Zoning Board and any and all materials submitted in conjunction with the request, and will consider whether the conditional use should be permitted, and, if so, whether conditions should be required so as to render the use compatible with surrounding properties and uses thereupon, the Downtown Master Plan, other Master Plans of the City or as is otherwise in the best interest of the City and its residents. Ord 2017-14-PZ Mar. 14, 2017

Denial: When the City Council denies a conditional use request, the Planning and Zoning Board shall not reconsider the same request for a period of one (1) year. However, the Planning and Zoning Board may adjust this time period, if in the opinion of a majority of the Board an unusual situation or circumstance exists which would warrant another hearing, or that conditions in the area have changed, or that the request has changed. Each time an application is made, the required

administrative fee must be paid, and no sum or any part of the fee will be refunded for failure to approve such proposal. Ord 2017-14-PZ Mar. 14, 2017

Expiration/Revocation: Approval of a Conditional Use shall be considered exercised when the use has been established or when the Building Permit has been issued and substantial construction accomplished. A Conditional Use approval shall lapse and be of no effect if, after the expiration of one (1) year from the date of City Council approval, no construction or change in use pursuant to such Conditional Use has taken place, provided however, that the Council may, for good cause shown, specify a longer period of time in conjunction with its action to approve a Conditional Use. When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the City Council after a new application and approval through the Conditional Use process. Conditional Use approval shall be revoked when the applicant fails to comply with the conditions improved by the City Council. Ord 2017-14-PZ Mar. 14, 2017

Table 19B.1: Downtown Overlay District Uses

Uses		*Additional Standards*	*Uses*		*Additional Standards*
Bank or financial nstitution	P		Personal services	P	
Brew Pub / Tap Room *	CU		Printing Service	P	
Business or Professional Office	P		Public assembly center	P	
Caterer	P		Public facility	P	
Commercial parking	P		Public utility service	P	
Day Care Center	SE		Recreation, Indoor	P	
Entertainment, Indoor	SE		Recreation, Outdoor	SE	
Gas station	P		Restaurant	P	
Home occupations	SE		Retail, General enclosed	P	
Hotel	P	§VIII.5.0	Retail, Large Merchandise	P	
Live-work Building	P		Studio (art, photography, dance, music, etc.)	P	
Medical clinic	P	§VI.19B	Upper Story Dwelling	CU	§VI.19B.8
Museum	P		Vehicle repair, Minor	SE	
Park	P		Veterinarian or Animal Hospital	P	

P = Permitted
SE = Special Exception Use
CU = Conditional Use

*Amended Ord. 2017-008 2-14-17

19B.5 Building and Frontage Standards.

A. Buildings shall conform to the Building and Frontage Standards in Table 19B.2. Permitted Frontage Types are further described and depicted in the Downtown Master Plan.

B. Existing, nonconforming buildings may not be modified in any manner that increases their nonconformity with the applicable Building/Frontage Standards. See also §III.2.0 Nonconforming Uses and §VI.19B.8.

C. All uses shall be conducted from a permanent building constructed and maintained in accordance with the City Building Code, except as otherwise provided in §VI.2.0.

D. Frontage Type Standards.

1. General Standards.

a. The front façade of all principal buildings shall be located within the Required Frontage Area as provided in Table 19B.2; provided, however, that all buildings shall be located no closer than the following minimum distances to adjacent streets and roads as measured from the back of the curb of such street or road or the edge of the pavement if no curb is present. [1]

i. Main Street/US Highway 11: 16 feet min.

ii. Chalkville Road: 12 feet min.

iii. Local Commercial/mixed-use Street: 11 feet min.

iv. Local Residential Street: 10 feet min.

Where an existing street right-of-way is insufficient in width to contain the planned cross-section, the City may acquire the additional right-of-way or the property owner may dedicate an easement for such purposes, subject to the approval of the City Council. Where a streetscape plan has been prepared by the City and such plan requires the curb-line to be moved, the Required Frontage Area shall be determined in accordance with the proposed back-of-curb.

[1] Refer to street designations in the Downtown Master Plan.

b. Each principal building shall have at least one public entrance on the front or primary building façade.

c. With the exception of Shopfront and Gallery frontages, new buildings shall have a minimum floor-to-floor height of 12 feet on the ground level. Buildings with Shopfront and Gallery frontages shall have a minimum floor-to-floor height of 14 feet on the ground level.

2. Shopfronts. The Required Frontage Area shall be a minimum 50% hardscape. On a corner lot, both frontages may be Shopfronts or the secondary frontage may be developed as a Gallery, Plaza, Forecourt, Terrace or Stoop.

3. Galleries. The Gallery depth shall be at least 8 feet measured from the ground floor façade. The interior height of the Gallery shall be at least 10 feet measured from sidewalk level directly beneath the Gallery covering.

4. Plazas and Forecourts.

a. The depth of a Plaza or Forecourt shall be at least 20 feet.

b. Plazas may be used for seating, outdoor dining, special events and similar uses but shall not be utilized for parking. On a corner lot, the secondary frontage may be a Shopfront, Gallery, Terrace, or Stoop. There shall be at least one public entrance to the building along the primary frontage.

c. Fences or walls comprising part of the Forecourt enclosure shall be a minimum of 3 feet but no greater than 8 feet in height. Such fences or walls shall be brick, stone, stucco, durable or painted wood, ornamental metal or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No wood fence permitted hereby shall exceed 4 feet in height.

d. In a Forecourt, the wall of a building on an abutting lot may be considered as part of the Forecourt enclosure when it is located within 5 feet of the shared property line. The open space within the Forecourt may be public or private. On a corner lot, the secondary frontage may be a Shopfront, Gallery, Terrace or Stoop.

5. Terraces and Stoops.

   a. Steps, ramps or other building features shall not encroach into a right-of-way unless expressly approved and permitted by the City Council.

   b. Terraces and Stoops may be covered but shall not be enclosed.

   c. Terraces. The minimum depth of a Terrace shall be 12 feet measured from the building façade. On a corner lot, the secondary frontage may be a Shopfront, Gallery, Plaza, Forecourt, Terrace or Stoop.

   d. Stoops. The minimum depth of a Stoop landing shall be 5 feet measured from the building façade. On corner lot, the secondary frontage may be a Shopfront, Gallery, Plaza, Forecourt, Terrace or Stoop.

Table 19B.2 Building and Frontage Standards for the Downtown Overlay District	
Requirement	
Setbacks by Frontage Type [1]	
Shopfront	0-20 ft.
Gallery	0-20 ft
Plaza or Forecourt	0 ft. min.
Terrace or Stoop	0-20 ft.
Other Setbacks for Principal Buildings	
Rear Yard	11 ft. from alley centerline
Side Yard	n/a [2]
Max. Base height	3 stories up to 45'
Min. Lot Size	n/a
Min. Lot Width	n/a
Separation between Buildings on Same Lot	n/a [2]
Rear and Side Yard Setbacks for Accesssory Structures	11 ft. from alley centerline

[1] Setbacks for Frontage Types are measured from the back of an existing or planned sidewalk or from the front property line, whichever is farther from the centerline of the adjacent right-of-way. When a range is provided, the lower number represents the minimum front yard setback and the higher number is the maximum front yard setback. The area between these setback lines is the "Required Frontage Area."

[2] Separation from buildings on the same or adjoining lots is determined by the Building Code. Where a property within the Downtown Overlay District abuts a residentially zoned property, the setback requirements for accessory structures in §VII.6.0 shall apply.

19B.6 Parking and Access Standards. Except as otherwise provided herein, off-street parking shall be provided in accordance with Article IX, Off-Street Parking and Loading Requirements.

A. Parking.

1. Whenever there is a change in use of an existing premises, minimum parking requirements shall be met.

2. Driveway, parking and circulation areas may be designed with pervious pavers and similar pervious materials approved by the Building Official. The use of pervious paving materials may be advantageous in meeting impervious surface cover limitations.

3. The amount of parking specified in Article IX shall be required except as follows:

   a. Required parking provided collectively or jointly amongst mixed uses may be modified or reduced, if supported by a shared parking study conducted by a professional engineer performed in accordance with the techniques cited in the latest edition of "Shared Parking" as published by the Urban Land Institute. The reduction of such required parking when shared parking is utilized is applicable to mixed uses on the same premises or on multiple abutting premises. Approval of such shared parking will be the responsibility of the City Council upon recommendation of the Planning Commission.

   b. The City Council, upon a recommendation by the Planning and Zoning Board, may waive or modify parking requirements and instead accept a fee-in-lieu for all or a portion of the required parking. Such fee-in-lieu shall be used by the City to develop and improve on- and off-street public parking facilities within the Downtown Overlay District. The fee-in-lieu shall be equal to the costs, as determined by the City, for that portion of the required parking requested by the developer or owner to be waived.

B. Access.

1. Direct access from Chalkville Road shall be minimized. Wherever possible, access shall be provided from minor streets, through a shared access drive, cross access or alley. All driveways shall be separated from other driveways, alleys and intersections with streets in accordance with Table 19B.4. Main Street is an ALDOT roadway and will fall under their guidelines. Access to Main Street is controlled by the Alabama Department of Transportation and as such shall meet their requirements.

2. Off-street parking spaces may be directly accessed from an alley provided the Building Official determines there is sufficient maneuvering space.

3. No more than one driveway shall be permitted per premises per street frontage where other access options are readily available. However, upon recommendation from the Public Works Director, a second access may be permitted by the Planning and Zoning Board where the street frontage of the premises for which the second access is requested is greater than 250 feet.

Table 19B.3 Access Management Standards	
	Minimum Separation from Intersection
Arterial	200
Collector	125
Minor Street	75

19B.7 Sidewalks. Development of any parcel in the Downtown Overlay District that either do not have sidewalks or do not have sidewalks that meet the standards in this Article shall include sidewalks as part of the Development, according to the following:

A. Sidewalks in the Downtown Overlay District shall be no less than six (6) feet wide. Where possible, sidewalks should be between ten (10) to twelve (12) feet wide so as to allow for two way pedestrian traffic.

B. Where streets do not contain on street parking that buffers pedestrians from moving traffic, the sidewalk shall be separated from the edge of the finished street by landscaped buffer area, of no less than five (5) feet wide. Such buffer area shall be required in addition to any required sidewalk. Where on street parking exists or is added to the streetscape as part of site development, the sidewalk may immediately abut the finished street edge.

C. Enhancements such as landscaping and tree wells, pedestrian amenities and seating, or other streetscape elements may be added within the sidewalk or any landscaped buffer areas, provided all areas of the sidewalk maintain a minimum of five (5) foot clearance for pedestrian movement.

D. The City Council may grant exceptions to one or more of these standards, either permitting sidewalks of different widths or waiving the requirement to provide sidewalks entirely, in the event it finds all of the following:

1. Strict compliance with these standards would lead to:

   a. An inappropriate design of the right-of-way design and site, according to sound urban design, planning or landscape principals;

   b. A detriment to general public safety; or

   c. Excessive construction costs due to extreme and unusual topography or other conditions of the site.

2. The inability to meet the standards is due to unique conditions of the site; and

3. The degree of exception granted by the City Council is the minimum necessary to achieve an appropriate design of both the site and the right-of-way upon which the site fronts, and such that it will not be detrimental to general vehicular and pedestrian transportation patterns along the street and within the district.

19B.8 Additional Standards For Upper Story Dwellings

i. Upper Story Dwellings may be permitted as a Conditional Use upon approval by the City Council. The City Council may require that any such approval be subject to or upon conditions which, in its discretion, render such use compatible with other uses in the district and with the objectives set forth in any adopted Master Plan for the downtown area.

ii. Upper Story Dwellings shall only be located on the upper stories of a multi-story building and shall not be permitted on any street-level or ground floor.

iii. The maximum allowable density of Upper Story Dwellings shall be one dwelling unit per 5,000 square feet of land contained in the parcel upon which the use is located.

iv. The minimum number of Upper Story Dwellings in a building shall be four (4) and the maximum number of Upper Story Dwellings in any one building shall be sixteen (16).

v. No fewer than two (2) dedicated secure parking spaces per Upper Story Dwelling Unit shall be provided and such requirement shall not be modified or reduced by utilizing the shared parking formulas in this Section. Required spaces for visitors or guests may, however, be included in the shared parking formula.

19B.9 Additional Requirements.

A. New construction, redevelopment, expansions and additions. A Site Plan shall be submitted to the Building Official in accordance with §IV.3 and shall contain the following information in addition to that required by such section: the location of any and all drainage facilities, fire hydrant location, exterior lighting, and screening. Other information may be required by the Building Official to determine compliance with the provisions of this §VI.19B.

B. Pedestrian Passages. The City may require a pedestrian passage between public or shared parking areas and public sidewalks along Main Street and Chalkville Road. Where required, such passage shall not be less than 10 feet in width and shall be contained within an easement of adequate width. Where feasible, the easement shall be placed along a side lot line and extend 5 feet on either side of the lot line. The upper floors of a building may extend over all or a portion of the easement, provided a clear height of 10 feet is maintained between the walking surface of the passage and the lowermost portion of the building structure directly above.

C. Buffers and Screening Requirements. Buffers and screens shall be as required by VII.7.0-7.4. In addition, where abutting a residentially-zoned property, a landscaped buffer of at least 10 ft in width shall be provided throughout the length of the shared property line. However, the Planning and Zoning Board may reduce the required width when an opaque wall or fence meeting the requirements of §VII.7.1.is provided.

D. Streetscape and Landscape. Streetscaping and landscaping, where provided, shall be provided in compliance with Access and Mobility Standards and Design Standards in the Downtown Master Plan and shall further comply with the City of Trussville Landscape Ordinance.

E. Lighting. Exterior lighting, including but not limited to street lights, exterior fixtures and accent lighting shall be of compatible and complimentary types, designs and specifications to that specified by the City in the Downtown Master Plan and the City's approved Downtown Lighting Standards.

19B.10 Nonconformance. Within the Downtown Overlay District, there exist lots, structures, uses of land and structures, and characteristics of use that were lawful before the Downtown Overlay District ordinance was adopted and that would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue in the Downtown Overlay District so long as they remain otherwise lawful, subject to the following provisions:

A. No such nonconformity may be enlarged or altered in a way which increases its nonconformity, but may be altered to decrease its nonconformity.

B. Should such nonconformity be destroyed by any means to an extent of more that 50 percent of replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

C. Should such nonconformity be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the Downtown Overlay District.

D. Should such nonconformity be abandoned or discontinued for more than one calendar year, it shall thereafter conform to the regulations for the Downtown Overlay District.

E. Such nonconformity shall not be changed to another nonconforming use, nor be used as grounds for adding other structures or uses prohibited elsewhere in the Downtown Overlay District.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual construction has been carried on diligently and continuously.

Section 20.0 P - Park District

20.1 Intent. To provide areas suitable for public parks for active and passive recreational uses; and for use solely for public and civic purposes and general municipal undertakings of the City of Trussville.

20.2 Uses Permitted. Public recreation uses such as parks, playgrounds, athletic fields, golf courses, swimming pools, tennis courts, gymnasiums, walking trails, picnic facilities, pavilions, botanical areas, natural areas, and recreational facilities along with accessory structures and buildings customarily associated with such uses, and municipal buildings and facilities and those associated with municipal utilities operations. Similar uses may be permitted subject to the provisions of Article IV, Sections 6.0 and 7.0., Page 8.

20.3 Special exception uses. None

20.4 Buffer Requirements. None specified, although a greenbelt or other suitable buffer may be required by the Planning and Zoning Board in appropriate cases where a park facility abuts any zone district other than another "P" District, and where it is deemed that noise, lighting, traffic, hours of operation or other related factors would create a problem for adjacent areas.

20.5 Additional Regulations (when applicable)

A. Off-street Parking and Loading Requirements, Article IX, page 177.

B.Sign Regulations, Article IX, page 239.

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Section 21.0 PUD Planned Unit Development District.

21.1 Intent.

The Planned Unit Development District is designed to permit the flexible development of comprehensively planned projects which permit one or more uses to be developed on a tract of land, taking into consideration the compatibility of specific uses with the surrounding uses in accordance with an approved master development plan, the intent of which is to:

A. Promote community development through planned associations of uses developed as integral land use units, such as residential developments containing multiple types of housing, including detached single-family dwellings, attached family dwellings, multi-family dwellings, office or industrial parks or complexes, commercial establishments, service centers, or any appropriate combination of uses which may be planned, developed, or operated as integral land use units.

B. Permit higher densities of land development in conjunction with provisions for functional open space and community services.

C. Combine and coordinate uses, building forms, building relationships, and architectural styles within the PUD.

D. Promote the preservation and enhancement of existing natural landscape features, their scenic qualities, ecological values, and amenities to the greatest extent possible, and utilize such features in a harmonious fashion.

E. Except a development from the conventional zoning regulations and provide for modified regulations regarding setbacks, minimum yard size, minimum greenbelts, buffers and screens, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein.

21.2 Definitions.

If any terms defined in this Section shall contradict or conflict with any terms defined in any other section of this ordinance, the definitions contained within this section will apply.

Common Open Space. Any greenbelt, park, lake, river, or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located, and/or maintained to provide

relatively permanent recreational opportunities. Common open space includes undisturbed natural areas, wildlife habitat, garden areas, nature trails, viewing areas and other areas designed for passive enjoyment, but also includes improved parks, athletic fields, playgrounds, swim & tennis facilities, or other like areas designed and intended for active pursuits. Common open space may be made available to the general public or may be restricted to use for a home owner or business association membership or segment thereof. Common open space dedicated in fee to the City or other governmental agency to be responsible for the operation and maintenance, shall not be for the exclusive use of the development.

Density, Commercial/Industrial. The maximum area to be occupied by structures and the maximum area to be occupied by parking lots or other impervious area expressed as percentages of the total commercial/industrial area to be developed.

Density, Residential. The maximum number of dwelling units per acre by specific type, such as single family, townhomes, multi-family, or mixed use, as well as a total number of units anticipated for the entire development stated in number of units per gross acre.

Downtown Business District. That area defined and described in Article VI, Section 19B.2 of the Zoning Ordinance of the City.

Dwelling, Attached Family. A building designed and arranged to provide separate sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of more than one family whereby the individual living units are built for sale, in fee simple, and not for lease and including duplexes, cluster homes and townhomes.

Dwelling, Detached Single Family. A detached building designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only.

Dwelling, Multi-Family. Structures designed or used for residential occupancy by more than one family, with or without common kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, condominiums, rooming houses, boarding houses, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.

Gross Site Area. The total land area to be classified as the Planned Unit Development.

Highway Eleven Transition Overlay District. That area described in Article VI, Section 19A.2 of the zoning ordinance of the City.

Interim Uses. An interim use shall be any temporary use of land in any area of a PUD which has been approved as part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or a special exception use of the land use district in which it is located.

Land Use District. Delineation of land area intended for a specific use.

Mixed Use Building. A single building used for both commercial and residential uses occupying separate floor levels.

Mixed Use District. A single district containing buildings utilized for residential, commercial, office and municipal use or a mixture thereof integrated within a planned unit development.

Planned Unit Development. A development project comprehensively planned as a single entity via a unified site plan which permits flexibility in siting and development, design, mixtures of housing types and land uses, usable open spaces and the preservation of natural features.

Plat. Any drawing or drawings and related written material indicating the proposed manner or layout of a road, parcel, and/or subdivision to be submitted to the City of Trussville for approvals and/or recording purposes.

Street Level. Any floor at the level of a public street or thoroughfare or private street or parking lot utilized by the public for access to a building or adjacent or surrounding uses. A building may have more than one street level floor depending on its configuration and elevation of the parcel upon which it is sited.

21.3 Application and Requirements for PUD.

A. **Area/Density Requirements.** The following area and density requirements shall apply under this article: When situated outside of the downtown district or transition district as defined in the downtown zoning district and in the Highway 11 transitional district overly, any tract of land proposed to be zoned PUD shall contain the following minimum number of acres, except when the master development plan of an existing approved PUD is amended by the original applicant, successor, or assign, in include additional area as provided in this article:

i. In the Downtown Business District - 2 acres
ii. In the Highway Eleven Transitional Overlay District - 4 acres
iii. In all other areas of the City - 60 acres

Density of the development shall be ultimately determined by the City Council, and shall not exceed the following:

i. In the Downtown Business District - 12 residential units per acre, although the City Council may, in its sole discretion, approve a greater density upon a finding that such greater density better meets the purposes of the District, or the specific plans and goals of the City Master Plan or Downtown Master Plan

ii. In all other areas of the City - 3.5 residential units per acre

B. **Preapplication Conference.** Before filing any application for a Planned Unit Development, the prospective applicant shall submit basic site information and preliminary development plans and sketches for consideration, comments and preliminary suggestions. In order to allow adequate review time, these materials must be submitted to the Office of the City Clerk at least ten (10) days prior to the date set for the preapplication conference.

C. **Submission of Application.** After the preapplication conference, the owner (or his duly appointed representative) of a tract of land shall submit a formal application to the City Clerk at least twenty-one (21) days prior to a regularly scheduled Planning and Zoning Commission meeting. An application processing fee is required at the time of filing.

D. **Contents of PUD Application.** The PUD application shall contain the following:

1. Name and address of the applicant.
   a. If corporation, principal officers and members of the Board of Directors.
   b. If partnership, general and managing partners.
   c. If a limited liability company, all general and managing members.
   d. If another business entity, all those with managerial or ownership interest in the entity.
   e. Any material change to the above shall be submitted within 60 days.

2. Current zoning(s) of the property under consideration.

3. Names and addresses of all owners of the property.
   a. If corporation, principal officers and members of the Board of Directors.
   b. If partnership, general and managing partners.

c. If a limited liability company, all general and managing members.

d. If another business entity, all those with managerial or ownership interest in the entity.

e. Any material change to the above shall be submitted within 60 days.

4. A list of owners of all property situated in whole or in part within 500' of the property under consideration for the PUD to include the owner's name, mailing address and tax parcel identification number.

5. A Master Development Plan of the PUD and any site plans, engineering drawings, architectural renderings, and maps necessary to show the following minimum information:

a. The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography ,in not greater than 5 ft. contour intervals, water ways, floodways, 100 and 500 years floodplains and forest cover.

b. The location of the various land uses by PUD land use districts as listed in this Article.

c. The size, boundary lines, dimensions and street frontage of each such district.

d. Location and width of existing and proposed streets, thoroughfares, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.

e. Location of environmentally sensitive areas, such as wetlands, steep slopes, or mined areas.

f. Location of storm drainage and retention areas.

g. Items included in the Planning Criteria for which locations are requested or for which graphic depictions are requested.

6. The Planning Criteria for the PUD, which shall include the following written statements and other matters and shall be included on site plan(s) where locations are requested:

a. The proposed name of the development.

b. A legal description of the total site proposed for the PUD.

c. A description of the surrounding area, including current zoning and/or land uses.

d. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed

development and the rationale behind the assumptions and projections made by the applicant in relation to over-all community growth and integration with surrounding uses.

e. If the development is to be staged, a development schedule indicating how the staging is to proceed, and an estimated date when construction of the PUD will begin.

f. Delineation of the various land use districts within the PUD, indicating for each such area its size and composition in terms of total number of acres. In residential use districts, the total number of dwelling units and approximate percentage allocation by dwelling unit type, such as townhomes, garden homes, single family, condominiums or duplexes, as well as locations for each such dwelling unit type must be identified. In mixed use districts, the part of the parcel and of the building which is to be devoted to each use must be provided.

g. Density calculations in units per acre, as follows:
   i. Residential density per gross acre (residential units divided by gross acres)
   ii. Residential density per acre excluding all non-residential use districts (residential units divided by residential acreage)
   iii. Residential density per acre including common open space (Residential units divided by residential acreage plus common open space)
   iv. Residential density in each specific land use category which includes residential uses (residential units divided by residential acreage in each specific PUD district)

h. Development criteria which shall include setbacks, minimum finished floor areas, building heights, general building locations, building footprints (if possible), sign criteria, loading areas, service yards, and on and off street parking and loading requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.

i. Description of architectural styles/features, design criteria, materials being utilized for exteriors, and exterior elevations and renderings showing typical buildings and/or architectural features.

j. Description, location, size and use of the common open space and a statement as to how common open space is to be owned, used and maintained.

k. Proposed principal ties to the surrounding area with respect to transportation, water supply, utilities, sewage disposal, and storm drainage and locations thereof.

l. Protective and/or restrictive covenants, homeowner or business association and architectural review committee documents, including architectural standards and requirements.

m. A description of street/subdivision signs, commercial signs or other signs, including street, traffic and informational signs.

n. A parking plan showing (if possible) or otherwise describing parking areas and facilities, including specific information about the size, location and design of parking facilities, the number of parking spaces proposed and means of addressing any parking concerns or problems that may be presented by the proposed development.

o. Any planned interim uses.

p. A traffic study.

q. A watershed drainage study.

r. A copy of any best management practices (BMP) application or certificate.

s. Landscaping plan, sidewalk plan and exterior lighting plan.

t. An education impact study.

u. Description of the materials with which the parking, driveway and sidewalk areas will be covered.

v. Other studies as may be deemed necessary by the City Engineer to determine development suitability to the particular site.

E. **Common Open Space Requirements**.

1. No less than ten percent (10%) of the development's gross site area shall be maintained in permanent common open space. Common open space will be left in its natural state, except that recreational trails and facilities may be constructed. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100-year floodplains, natural or man-made bodies of water, buffers between uses, and active and passive recreational uses.

2. Common space must be legally and practicably accessible to the residents and/or users of the development out of which the required common open space is taken.

3. No designated common open space area may be subdivided in the future, nor may it be used for any purpose other than those permitted by definition. No re-arrangement or alteration to any approved common open space that would result in a reduction of the original amount of open space, not in its proportion to the overall development, shall be permitted.

4. Maintenance provisions shall be made by the Developer for the upkeep of all common open space areas not left in a natural state.

21.4 Review Procedure.

A. The application, including the Master Development Plan, the Planning Criteria and all other materials submitted (the "Plan"), shall be reviewed and zoning approval considered consistent with the provisions of Article X - Amendments and Changes of this Ordinance.

B. Approval of the PUD zoning application by the City Council shall be an approval of the Master Development Plan, the Planning Criteria, and other supplemental information submitted therewith and all such approved materials shall become part of the zoning designation and regulations for the property. The developer of the PUD may proceed with the development of the property contingent upon subdivision approval by the Planning and Zoning Board and compliance with any permit and/or license requirements, and no further zoning approvals shall be required when developed in accordance with the approved PUD plan. Said approval shall be binding and enforceable upon the developer, his successors, or assigns.

21.5 PUD Land Use Districts.

The following land use districts shall apply to all or part of a PUD:

A. **Planned Single Family (PR-1)**.

1. Intent. To provide a district for the development of single family residences, in compliance with the approved PUD plan.

2. Permitted Principal Uses.
   - Detached single family dwellings
   - Accessory structures

3. Permitted with Special Approval
   - Home occupations

4. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

5. Minimum Building Separation side to side shall be 10' as measured from the furthermost building projection, provided, however, that said separation may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further where factors such as geographic features, particular design features, building layout, location of other structures, environmental conditions, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced separation.

6. Minimum Building Separation back to back shall be 30' as measured from the furthermost building projection, provided, however, that said separation may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further where factors such as geographic features, particular design features, building layout, location of other structures, environmental conditions, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced separation.

7. Maximum Building Height. Buildings in the PR-1 District shall not exceed three stories in height.

8. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

B. **Planned Attached Family (PR-2)**.

1. Intent. To provide for the development of attached family residences and to coordinate with appropriate community services, in compliance with the approved PUD plan.

2. Permitted Principal Uses
   - Cluster homes
   - Duplexes
   - Townhomes
   - Accessory structures

3. Permitted with Special Approval
   - Home occupations.

4. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

5. Maximum Building Height. Buildings in the PR-2 District shall not exceed three stories in height.

6. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

C. **Planned Multi-Family (PR-3)**.

1. Intent. To provide for the development of multi-family residences and to coordinate with appropriate community services, in compliance with the approved PUD plan.

2. Permitted Principal Uses
   - Apartments
   - Condominium dwelling units
   - Customary accessory structures

3. Uses Permitted with Special Approval
   - Home Occupations
   - Assisted Living facilities
   - Nursing Homes

4. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

5. Maximum building height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

   In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

6. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

D. **Planned Office (PO)**.

1. Intent. To provide for the development of areas for coordinated employment activity, services which do not materially detract from nearby residential areas, in compliance with the approved PUD plan.

2. Permitted Principal Uses.
   - Banks and other lending or financial institutions
     - 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
   - Professional offices occupied by architects, attorneys, dentists, engineers, physicians, and other similar professionals
   - Public buildings
   - Related support businesses, such as, but not limited to, restaurants , drug stores, barber shops, beauty parlors, and like uses, provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above

3. Minimum front setback without special approval is 20 feet. Prescribed set backs may be reduced when understory parking facilities are provided, parking access is provided by means of a rear alley or common driveway to a parking area, or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

4. Maximum building height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

   In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width

of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

5. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

E. **Planned Commercial (PC)**.

1. Intent. To provide for the development of retail business districts and other compatible uses, in compliance with the approved PUD plan.

2. Permitted Principal Uses. Those permitted principal uses allowed in the Planned Office District and the following:
   - Antique store
   - Appliance and small engine repair
   - Art supply and/or frame shop
   - Audio video store
   - Auto dealership
   - Auto parts store
   - Bakery (minor) which bakes goods for on-premise retail sale only
   - Barber or beauty shop
   - Bicycle shop (including repairs)
   - Book store
   - Bridal shop
   - Building material sales - no outside storage yard
   - Business and domestic equipment rental and sales
   - Car wash
   - Card/gift shop
   - Clothing store
   - Computer/Electronics store
   - Convenience stores
   - Cosmetic studio
   - Craft or hobby shop
   - Dance studio
   - Day care center
   - Day spa
   - Department store
   - Drug store

- Dry cleaning and coin-operated laundromat
- Duplicating or copying service
- Factory outlet store
- Fitness Center
- Florist shop
- Furniture store
- Game room
- Garden shop
- Gasoline service establishment which may also provide auto repair services such as muffler, tire, battery, brake, and transmission shop
- Gift shop
- Grocery store
- Hardware store
- Health food store
- Hospital
- Hotel or motel/Bed and Breakfast
- Ice cream parlor
- Indoor sports facilities such as bowling, health club or spa, racquet club, skating rink, etc.
- Interior decorating store
- Jewelry store
- Mailing and package shipping center
- Motion picture theater
- Music store
- Offices - business and professional
- Parking decks, garages, or other similar multistory parking facility
- Pet store
- Photographic studio
- Physical therapist
- Radio and TV stations (no antennas)
- Restaurant
- Retail establishment, including but not limited to, neighborhood service facilities, schools, shopping centers
- Sales showroom for appliances; furniture; carpeting; lighting fixtures; medical and office equipment
- Shoe store/shoe repair
- Sporting goods store
- Stationary store
- Tanning salon
- Theater
- Tobacco shop

- Toy stores
- Travel agency
- Veterinary clinics (no outside kennels)
- Video store

3. Permitted with Special Approval.
   - Other commercial, recreation and amusement facilities
   - Assisted living care facility
   - Nursing home

4. Minimum front setback without special approval is 20 feet. Prescribed set backs may be reduced when understory parking facilities are provided, parking access is provided by means of a rear alley or common driveway to a parking area, or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks, where it is determined that such setback reduction does not impact health, safety and welfare.

5. Maximum building height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

   In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

6. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

F. **Planned Community Support (PCS)**.

1. Intent. To provide a district for the development and location of institutional, educational, recreational and other public and community centered facilities and services to support and complement other uses both within the PUD and throughout the community.

2. Permitted Principal Uses.
   - Church
   - Community buildings
   - Day care centers
   - Library
   - Museum
   - Public elementary or high school, or parochial or private school having a curriculum compatible to a public school, but not providing residential accommodations
   - Recreational facilities operated on a non-profit basis; golf courses; swimming pools; tennis courts; parks, including playgrounds, ballfields, and picnic areas.

3. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

4. Minimum Building Separation side to side shall be 10' as measured from the furthermost building projection, provided however, that said separation may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, where factors such as geographic features, particular design features, location of structures, lot configuration, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced separation.

5. Minimum Building Separation back to back shall be 30' as measured from the furthermost building projection, provided however, that said separation may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, where factors such as geographic features, particular design features, location of structures, lot configuration, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced separation.

6. Maximum Building Height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

   In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

7. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

8.

G. **Planned Business (PB)**.

1. Intent. To provide for the establishment of areas compatible with office, commercial and light industrial uses which are performed inside buildings with limited screened outside storage or operations that may be adjacent to retail districts, in compliance with the approved PUD plan.

2. Not Permitted in Certain Areas. No PUD located in the Downtown Business District or the Highway Eleven Transition Overlay District shall include the Planning Business (PB) Land use District.

3. Permitted Principal Uses.
   - Bulk distribution facilities
   - Janitorial and maintenance services.
   - Light industrial, fabricating, processing assembling and manufacturing uses
   - Office/warehouse
   - Plumbing, heating and cooling, electrical and other supply and service facilities
   - Research laboratories
   - Warehouses (including mini-warehouses and self-storage facilities)
   - Wood working shops

4. Permitted with Special Approval.
   - Those commercial and institutional uses which are supportive of industrial employment centers.

5. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

6. Maximum building height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

7. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

H. **Planned Mixed Use (P-MX)**.

1. Intent: To provide for a combination of commercial, office, public, and residential uses within a planned unified development area that is diverse, compact and pedestrian oriented, which will permit and encourage maximum land use and which is in proximity to the City's downtown commercial area.

2. Permitted Principal Uses:

- Antique stores
- Art supply store
- Arts and crafts store
- Bakery
- Bank
- Book store
- Bridal shop
- Card shop
- Clothing store
- Computer store
- Delicatessen
- Drug store
- Dry cleaning pick-up (where no cleaning or laundry is done on premises)
- Duplicating service
- Dwelling units to include lofts, condominium units and live/work units
- Electronics store
- Fitness center
- Florist shop
- Furniture store

- Garden shop
- Gift shop
- Hardware store
- Hobby shop
- Hotel/Motel/Bed and Breakfast
- Ice cream parlor
- Interior design shop
- Jewelry store
- Mailing and package shipping center
- Museum
- Offices - Business and Professional
- Outdoor entertainment, to include concerts, festivals, open air fairs, art shows
- Parking decks, garages, or other similar multistory parking facilities
- Parks
- Physical therapist
- Portrait studio
- Public facilities
- Restaurant
- Shoe store
- Sporting goods store
- Stationary store
- Toy store
- Travel agent
- Video store
- Similar commercial retail uses

Accessory structures customarily incidental to the uses specifically permitted in this section and conducted in another building located on the parcel are also permitted; provided, that no accessory structure may be used as a dwelling or an office or be occupied by any person, either on a permanent or temporary basis.

3. Permitted with Special Approval:
   - Home occupations
   - Independent living, retirement, or similar special purpose residential facilities

4. Setbacks. Minimum front setback shall be 20', provided, however, that said setback may be reduced upon express approval by the City Council when the Plan and objectives of the PUD support same, and further upon the provision of understory parking, access by a rear

alley or common driveway or other circumstances where geographic features, particular design features, internal stability, safety, order, efficiency, the provision of light, air, open space and integration with other uses, in the Council's sole discretion, support such reduced setbacks.

5. Maximum Building Height. When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 300 feet from a residential district boundary, said building may exceed three stories in height up to a maximum of six stories in height if the Council determines in its sole discretion that topography, building layout, design features, landscaping, special geographic features, location and proximity to adjacent uses supports said additional height allowance and that said additional height will not have an adverse impact on adjacent property or uses and will be of compatible scale and proportion with surrounding structures.

In making said determination, the Council may consider factors such as height of surrounding buildings, use of surrounding parcels, width of roadway, setbacks, lot size, scale and proportion of the project, specific design features, building locations, topography, or other factors deemed appropriate by the Council.

6. Mixed Use Buildings.

a. In a mixed use building, dwelling units to include lofts, condominium units and live/work units must be located on floors above commercial uses, and must have a separate entrance from commercial entrances used by patrons. Commercial and residential uses may not occupy a common floor in the building, the intent being to permit coexistence of said uses in the same building but with appropriate segregation to permit reasonable use and occupation by both residential and commercial occupants. Residential units shall not be allowed as a street level use unless exceptional circumstances support same and then only when appropriate as a transition to existing residential uses.

b. Street Level Uses in Mixed Use Buildings. The following uses shall not be permitted in a Mixed Use Building unless the City Council determines that the development objectives, criteria, design features, specific terms, conditions and

limitations are sufficient to make the requested use and residential use in the building compatible:

- Auditoriums
- Barber shops
- Beauty shops
- Dance studios
- Grocery stores, operated as a Neighborhood Food Market
- Hardware stores, operated as a Neighborhood Hardware store
- Music stores
- Pet stores
- Restaurants
- Theaters
- Tobacco shops
- Liquor or wine shops
- Outdoor café

c. Parking. There must be at least two (2) paved or enclosed parking spaces for the exclusive use of each residential dwelling unit in a Mixed Use Building and sufficient additional parking space per dwelling unit for visitors to those residences. Parking for residents, and/or visitors to residences shall be designated as such, shall be in the rear of the building or located in a parking deck, and shall be controlled access. Additional parking for patrons shall be required in accordance with General Parking Requirements of the City.

The Master Development Plan and/or Planning Criteria should fully set forth a parking plan for any such development, which must contain detailed information about parking locations, access, means of restricting access of residential parking to residents, usage patterns, overflow parking, parking for patrons of street level uses, other available public parking and all other factors which show the impact of said multi-use building on parking.

7. Proximity to downtown area required. The planned mixed use district shall not be allowed or included in any PUD which is located more than 1 ½ mile from the intersection of Chalkville Road and U. S. Highway 11 (Main Street/Gadsden Highway), which is considered the center of the City's downtown area.

8. Fire Code Compliance. Notwithstanding any of the aforementioned building setbacks, separations, or heights, all buildings shall conform to the International Building Code, International Residential Code, the National Fire Code and the Standard Fire Prevention Code, as adopted and amended by the City of Trussville.

I. **Planned Common Open Space (PCOS)**.

1. **Intent**. To provide for permanent undisturbed natural open areas or other recreational areas to be set aside in a PUD and further to preserve natural areas, to reduce storm water runoff, to provide areas for the use and enjoyment of residents of the PUD and the community.

2. **Permitted Uses**.
- Permanent Common Open Space

3. **Other Conditions**. Additional terms and conditions concerning common open space are provided in Section 21.3(E) of this Ordinance.

21.6 **Consideration of PUD.**

A. **Compatibility.** The development of the PUD must be compatible with the topography of the parcel, should account for any unusual topographic or natural features of the parcel, must be compatible with adjacent and surrounding property with regard to density, building size, and types of uses, and must not be incompatible with the City's Master Plan. The City Council's determination of compatibility with neighboring properties and whether the proposed PUD is an appropriate use(s) for the particular parcel shall be presumptively correct. The City Council may impose such reasonable conditions, terms and limitations which in its sole discretion are necessary and proper for preservation of the character of property in the vicinity and which would make the project compatible with surrounding properties or which are otherwise necessary or helpful for the protection and promotion of the public health, safety, morals and welfare of the City.

B. **Planning and Zoning Board consideration.** In addition to such other matters which are considered by the Planning and Zoning Board with respect to any other rezoning application, the Board may consider the Master Development Plan, the Planning Criteria, and any supplemental materials in making its decision to recommend approval or denial of an application for the rezoning of a parcel to PUD Use. At such hearing before the Planning and Zoning Board suggestions for

revisions to the Master Development Plan, Planning criteria and supplemental materials may be made, and a written recommendation forwarded to the City Council that the application for rezoning be granted based upon the condition that such revisions to the PUD be made.

C. **City Council consideration.** In addition to such other matters which are considered by the City Council with respect to any other rezoning application, the City Council may consider the Master Development Plan, the Planning Criteria, the PUD application, and any supplemental materials in making its decision to approve or deny an application for the rezoning of a parcel to PUD. The City Council may consider the appropriateness of the plan in relation to the physical characteristics of the parcel and to the physical characteristics and uses of properties adjacent to or near the subject parcel, and the City Council may require such additions, deletions and changes to the PUD and such agreements and covenants with respect to the proposed development, as the City Council deems appropriate. The City Council may:

1. Approve the PUD, which approval would be evidenced by the signature of the president of the City Council;

2. Disapprove PUD as submitted;

3. Make suggestions for revisions to the PUD and, with the approval of the applicant, continue its consideration of the PUD to a future meeting of the City Council; or

4. Approve the PUD subject to the applicant making certain specified minor revisions to it, which revisions would be subject to the approval of the zoning officer or building official, and if such revisions are approved by the zoning officer or building official the approval of the plan would be final upon its being signed by the president of the City Council.

An application for rezoning to a PUD may be denied by the City Council based upon any one (1) or more of the items of information included in the PUD application, the Master Development Plan, the Planning Criteria, or any supplemental materials. If the PUD includes uses identified in any land use district as "Uses Permitted with Special Approval", the application must describe with specificity and sufficient details so that the City Council may determine whether such uses and the development objectives, criteria, design features, specific terms, conditions and limitations related to those uses render the proposed uses compatible with the objectives of the PUD and the area in which the PUD is located.

21.7 Building Permit.

A. **General.** The developer of the PUD shall proceed with the development of the property in accordance with the plan and in accordance with subdivision approval, and no further approvals shall be required except as set forth herein. Plans for the construction of improvements on any particular parcel within the PUD, shall be submitted, and a building permit shall be approved or disapproved according to the procedure set forth herein and in compliance with applicable building codes.

B. **Issuance of Building Permits for Principal Permitted Uses.** Upon application for a building permit for the construction of improvements on any parcel within the PUD, the Building Official shall first determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD. A building permit may then be issued in accordance with the provisions of this Zoning Ordinance and in compliance with applicable building codes.

C. **Issuance of Building Permits for Permitted with Special Approval.** Upon application for a building permit for the construction of improvements on any parcel within the PUD, the Building Official shall first determine that the intended use of the improvements is a "special exception use" within the applicable land use district of the PUD. The Building Official shall refer said applicant and application to the City Council for additional consideration and amendment of the PUD to allow for said use, as well as any terms and conditions attached thereto.

21.8 Amendment of the Plan.

A. **Intent.** It is the intent of this Section to provide for the development of the property submitted for the PUD, and to allow minor changes in the plan without any additional approvals. Accordingly, additional approvals shall be required for major changes as defined herein.

B. **Major Change.** A "major change" in the plan shall be defined as any change in the boundaries of any land use district reflected on the Master Development Plan, and any change in the planning criteria submitted with the Master Development Plan. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use district to another PUD land use district or to conventional zoning districts unless the total PUD is submitted along with the rezoning request. The developer of the PUD may request a major change in the plan, by filing an application for amendment which shall be reviewed upon the same basis as the original application.

C. **Minor Change.** Any changes to the plan other than those included as "major changes" shall be considered "minor changes."

D. **Plat Approval.** Plat approval shall be obtained through the standard plat approval procedures of the City of Trussville.

21.9 Time Limit for Development of Plan.

If no construction has begun within one year from the estimated and approved start up date of the PUD, as contained within the original approved PUD plan application, the Planning and Zoning Board shall review the plan to assure that conditions in the area have not changed to an extent as to render previously submitted utility, drainage, traffic, and/or other studies as outdated. Development shall commence each year on 10 percent of the total PUD or on 50 acres (whichever is less), and said construction should continue and be completed within a reasonable time. If development is halted after commencement of construction, or if a change in ownership occurs after commencement of construction, said PUD approval shall remain in full force and effect, and no modification or amendment to the approved plan shall be permitted except as outlined in Section 21.8 Amendment of the Plan.

21.10 Effect of Changes to Zoning Ordinance.

No amendment or modification of this Zoning Ordinance shall be effective as to any PUD approval issued prior to such amendment or modification, it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in effect at the time of such prior approval.

Section 22.0 "Q" Qualified Zone District (Q).

22.1 Intent. The purpose of the "Q" Qualified District is to provide for the regulation of commercial, manufacturing or residential uses of land and structures in order that uses and development of said land, buildings, and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development. The purpose of this Section is also to protect the public welfare and the property value of surrounding property by securing an appropriate development that is in harmony with the objectives of the City of Trussville Planning and Zoning Board.

Provision is hereby made that in consideration of a change of zone, the subject property shall be limited in such manner that it may not be utilized for all the uses permitted in a particular zone classification and/or that development of said subject property shall conform to specific standards. In such cases, the ordinance changing the zoning classification of the property in question shall place it in a "Q" Qualified zoning classification. The "Q" Qualified District shall be indicated in the rezoning ordinance passed by the City Council and on the official zoning map by the symbol "Q" immediately before the combination of symbols designation, e.g. "Q" C-2 in addition to the case number assigned to the individual rezoning case.

22.2 Uses Permitted.

A. The uses permitted in a "Q" Qualified District shall be limited to those set out in the rezoning ordinance passed by the City Council.

B. Billboard uses are excluded from “Q” consideration.

22.3 Standards That May Be Required in a "Q" Qualified District.

In addition to permitted uses as set forth above, the "Q" Qualified rezoning ordinance passed by Council may impose standards on the subject property with respect to use, landscaping, buffers, ingress and egress, development plans, drainage, and environmental plans as well as other considerations that may be necessary to make the proposed development compatible with surrounding development. All applicable limitations and/or standards within the "Q" Qualified District shall be considered to apply permanently to the specific uses permitted or additional requirements approved in said zone once the property is developed and/or occupied under the “Q”. The approved “Q” requirements shall be recorded as use restrictions on the deed.

12022.4 Amendments to "Q" Qualified District.

A. In the event that more permitted uses than those set forth in the "Q" Qualified District rezoning ordinance passed by the City Council are desired for the subject property, the Planning and Zoning Board will, after proper notification, hold a public hearing on the matter to determine its validity, and make a recommendation to the City Council, who shall then hold a public hearing and approve or deny the additional permitted uses.

B. Applications for amendments pertaining only to standards which may be required as set forth above, need only be presented to and approved by the Planning and Zoning Board.

SECTION 23.0 GENERAL REGULATIONS FOR RESIDENTIAL DISTRICTS

A. The residential integrity of all residentially zoned property shall be maintained to protect property values and the residential enjoyment of property free from other uses.

B. There shall be but one main dwelling on a single family residential lot with only one power service to the dwelling. Accessory structures shall not be used as a second or temporary residence on the property, nor shall a motor home or recreational vehicle be used as a temporary or permanent residence in a single family district or multi-family district.

C. No business or home occupation shall be operated in a single family or multi-family district without express application to and approval of the Board of Zoning Adjustment. No business or home occupation shall be operated from an accessory structure and all home occupations shall comply with the requirements as set out in Article VIII, Section 5.0, page 166.

D. All lawns and fences shall be regularly maintained.

E. All residential lots shall comply with the City of Trussville Tree Ordinance.

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Section 24.0 R-1 Single Family Residential District

24.1 Intent. To provide areas suitable for single family residences on estate size lots, free from other uses which are incompatible with the character and intent of the district.

24.2 Uses Permitted.

- Detached single family residences
- Customary accessory structures and buildings
- Public utility service
- Non-commercial greenhouse and garden

24.3 Special Exception Uses. The following uses may be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care home, subject to Article VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Hobby farm, subject to Article VIII, Section 4.0, page 165
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Park
- Public utility facility

24.4 Area and Dimensional Regulations

	Minimum Yard Size			Minimum Lot Size		Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	%	
	40'	40'	15'	20,000	100	25	1,500 on main level

***** Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Accessory Structures

See Article VII, Section 6.0, Page 152 for Accessory Structure Requirements.
Set backs: Rear 10'

Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

24.5 Buffer Requirements. All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum, a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, Page 153.

24.6 Additional Regulations (When applicable).

A. Off-Street Parking and Loading Requirements, Article IX, Page 177.

B. Special Use Regulations, Article VIII, Page 161.

C. Supplemental Regulations, Article VII, Page 151.

D. Sign Regulations, Article XI, Page 241.

E. General Regulations, Article III, Page 2.

Section 25.0 R-2 Single Family Residential District

25.1 Intent. To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

25.2 Uses Permitted.

- Detached single family residences
- Customary accessory structures and buildings
- Public utility service
- Non-commercial greenhouse and garden

25.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care home, subject to Article VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Hobby farm, subject to Article VIII, Section 4.0, page 165
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Park
- Public utility facility

25.4 Area and Dimensional Regulations.

	Minimum Yard Size			Minimum Lot Size		Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width Minimum (Ft. At Bld.Line)	%	
	35'	35'	10'**	15,000	85	30	1,300 on main level

* Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

**Total side setback to be twenty-five (25) feet, with a minimum of 10 feet one side.

Accessory Structures

See Article VII, Section 6.0, Page 152 for Accessory Structure Requirements.

Set backs: Rear 10'

Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

25.5 Buffer Requirements. All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum, a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, Page 153.

25.6 Additional Regulation (when applicable)

A. Off-street Parking and Loading Requirements, Article IX, page 177.

B. Special Use Regulations, Article VIII, page 161.

C. Supplemental Regulations, Article VII, page 151.

D. Sign Regulations, Article XI, page 241.

E. General Requirements, Article III, page 2.

Section 26.0 R-3 Single Family Residential District

26.1 Intent. To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

26.2 Uses Permitted.

- Detached single family residences
- Customary accessory structures and buildings
- Public utility service
- Non-commercial greenhouse and garden

26.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care home, subject toArticle VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Park
- Public utility facility

26.4 Area and Dimensional Regulations.

	Minimum Yard Size			Minimum Lot Size		Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	%	
	30'	35'	10'	10,000	75	35	1,200 on main level

***** Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Accessory Structures

See Article VII, Section 6.0, Page 152 for Accessory Structure Requirements.

Set backs: Rear 10'

Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

26.5 Buffer Requirements: All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum, a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, Page 153.

26.6 Additional Regulations (when applicable)

A. Off-street Parking and Loading Requirements, Article IX, page 177.

B. Special Use Regulations, Article VIII, page 161.

C. Supplementary Regulations, Article VII, page 151.

D. Sign Regulations, Article XI, page 241.

E. General Regulations, Article III, page 2.

Section 27.0 R-4 Single Family/Duplex Residential District

27.1 Intent. To provide areas suitable for both detached single family residences, along with duplexes, free from other uses which are incompatible with the character and intent of the district.

27.2 Uses Permitted.

- Detached single family residences
- Duplexes
- Customary accessory structures and buildings
- Public utility service
- Non-commercial greenhouse and garden

27.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care home, subject to Article VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Park
- Public utility facility

27.4 Area and Dimensional Regulations.

	Minimum Yard Size			Minimum Lot Size		Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	%	
	25'	30'	10'	Single Family Dwelling 8,000; for Duplex	60	35	1,000 for single family on main level 800 each unit for duplex with not less than 500 each unit on

10,500 main level

*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Accessory Structures:

See Article VII, Section 6.0, Page 152 for Accessory Structure Requirements

Set backs: Rear 10
Side 8 (Except corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.)

27.5 Buffer Requirements: All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum, a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, Page 153.

27.6 Additional Regulations (when applicable)

A. Off-Street Parking and Loading Requirements, Article IX, page 177.

B. Special Use Regulations, Article VIII, page 161.

C. General Regulations, Article III, page 2.

D. Sign Regulations, Article XI, page 241.

27.7 Restrictions on duplex use within the district. No lot utilized for duplex use within this district may be subdivided along the common wall line, nor the units separately conveyed, unless said property shall be rezoned as R-T (Residential Townhomes). Section added August 14, 2007 - Ord 2007-004-PZ

Section 28.0 R-5 Multi-Family Residential District

28.1 Intent. To provide low density multifamily residential areas in which open space and compatibility with single-family neighborhoods are primary considerations, but permitting selected non-residential uses which are compatible with the character of this district.

28.2 Uses Permitted. All R-5 uses are subject to the Multiple Family Dwelling Regulations, subject to Article VIII Special Use Regulations, Section 11.0, Page 173

- Apartments
- Condominiums
- Customary accessory structures and buildings, swimming pools, tennis courts
- Customary minor commercial uses commonly associated with multi-family developments such as a rental office, coin laundry, vending machines, snack bar, etc, subject to business license requirements.
- Public utility service

28.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Home Occupation, excluding Day Care Homes and Family Care Homes, subject to Article VIII, Section 5.0. Page 166
- Park
- Public Utility Facility
- Domiciliary Care Facility
- Assisted Living Facility

28.4 Area and Dimensional Regulations.

A. Interior Living Space:

The minimum livable floor area required for each dwelling unit, exclusive of any area contained within a basement, attached garage or porch, shall be in accord with the following schedule:

Interior Living Space Per Dwelling Unit	Number of Dwelling Units Per Building
Not less than 1,000 sq. ft.	2 to 19 inclusive
Not less than 900 sq. ft.	20 and over

B. Minimum Yard Size:

Front Yard	Rear Yard	Side Yard
50'	50'	50'

C. Maximum Building Height:

When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six (6) stories in height.

D. Lot Coverage:

No building together with its accessory building(s) shall cover more than thirty-five (35) percent of the lot area,

E. Maximum density shall be ten units per acre.

28.5 Buffer Requirements. All R-5 uses shall provide as a minimum, a twelve (12) foot buffer strip on all side and rear property lines. Subject to the provisions of Article VII, Section 7.0, page 153.

28.6 Additional Regulations (when applicable).

A. Off-street Parking and Loading Requirements, Article IX, page 177.

B. Boats, trailers, campers, recreational vehicles, and similar items are not allowed to be parked in the areas approved to meet the minimum off-street parking requirements forward of the front set back line. A screened storage area shall be maintained for parking boats, trailers, campers, recreational vehicles, and similar items to contain a minimum of one (1) space per twenty (20) units. All parking areas visible from public roads shall be screened and buffered from view by use of landscape berms, plantings, or other such screening methods as much as possible or practical.

C. A playground or park area shall be provided and maintained in a safe condition.

D. A designated car wash area shall be established.

E. A storage area for each unit shall be provided of not less than 4' by 4'.

F. Special Use Regulations (Apartments and multiple housing development) Article VIII, Section 11.0, page 173.

G. Supplemental Regulations, Article VIII, page 151.

H. Sign Regulations, Article XI, page 241.

Section 29.0 R-6 Single Family District.

29.1 Intent. To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

29.2 Uses Permitted.

- Single Family Dwellings
- Manufactured Homes
- Customary accessory structures and buildings
- Public utility service

29.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Day care home, subject to Article VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Public utility facility

29.4 Area and Dimensional Regulations

	Minimum Yard Size			Minimum Lot Size		Maximum Bld. Area	Minimum Square Feet Of Living Space Per Dwelling Unit
	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	%	
	25'	35'	10'	7,500	50	25	1000

***** Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Accessory Structures

See Article VII, Section 6.0, Page 152 For Accessory Structure Requirements.

Set backs: Rear 10'
Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

29.5 Buffer Requirements. All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum, a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, Page 153.

29.6 Additional Regulations (When applicable).

A. Off-Street Parking and Loading Requirements, Article IX, Page 177

B. Special Use Regulations, Article VIII, Page 161

C. Supplemental Regulations, Article VII, Page 151

D. Sign Regulations, Article XI, Page 241

E. General Regulations, Article III, Page 2

Section 30.0 R-CP Residential - Cahaba Project Mixed Historic District

Section 30.1 Intent. The Cahaba Project is an historically significant area of the City of Trussville in which certain protections are desired. This mixed use development which consists of single family homes, duplexes, and triplexes, as well as parks, schools, and public buildings was established in the late 1930's. The Cahaba Project District is established to address the mixed land uses within the Survey of Cahaba, as recorded in Map Book 29, Pages 30, 31, and 32 and to maintain the historical integrity of the district. This shall not be construed however to allow uses to be rearranged within the Cahaba Project District differently than recorded on the original survey.

Section 30.2 Uses Permitted.

- Detached Single Family Residences
- Duplexes (North Mall, South Mall, and West Mall Only)
- Multiplexes (Corner of North Mall and Parkway Drive and Corner of South Mall and Parkway Drive only)
- Park/Public Buildings (Those uses allowed under the Federal Land Grant documents)
- Customary accessory structures and buildings
- Public Utility Service

Section 30.3 Special Exception Uses. The following uses may be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits being issued:

- Day care home, subject to Article VIII, Section 4.1, page 165a
- Family care home, subject to Article VIII, Section 3.0, page 164
- Home occupation, subject to Article VIII, Section 5.0, page 166
- Public utility facility

Section 30.4 Dimensional Requirements.

Lot Size Minimum	Minimum Sq. Ft.	Dwelling Sq. Ft.
Single Family Residential	20,000	895
Duplex (each unit)	15,000	1,150
Multiplex (each unit)	15,000	750

Minimum Yard Size

Front Yard	40'
Rear Yard	40'
Side Yard	15'*

***** Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

Accessory Structures

See Article VII, Section 6.0, Page 152 For Accessory Structure Requirements.
Set backs: Rear 10'
Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of way)

Section 30.5 Buffer Requirements.

All special exception uses except day care homes, family care homes and home occupations shall provide as a minimum a twelve (12) foot buffer on all side and rear property lines. See Article VII, Section 7.0, page 153.

Section 30.6 Cahaba Project District Requirements

Additional restrictions shall be placed on the district to protect this historical area from architectural changes, structural changes, and any other alteration which modifies the historical integrity of the district or not otherwise provided for in the original Cahaba Project Survey or any federal land grant documents.

A. Plans shall be reviewed by the Cahaba Project Advisory Committee and a written recommendation submitted to the Engineering and Inspections Department reflecting their findings.

B. The Engineering and Inspections Department shall review and approve exterior improvements and additional plans for conformity with the intent of the district. Items to be reviewed shall include, but not be limited to the following:
- Roof pitch and roofing materials
- Double sash windows
- Exterior finish and trim
- Accessory structures in compliance with Article VII, Section 6, page 150

C. No lots in this district shall be further subdivided into new building lots. However, a resurvey may be approved subject to all required set backs of the district and approval by the Planning and Zoning Board.

D. Any residence removed, even if it sustains substantial damage requiring replacement, shall be replaced with a structure that is architecturally compatible with the intent of the district.

Section 30.7 Additional Requirements (When Applicable).

A. Off-Street Parking and Loading Requirements, Article IX, Page 177

B. Special Use Regulations, Article VIII, Page 161

C. Supplemental Regulations, Article VII, Page 151

D. Sign Regulations, Article XI, Page 241

E. General Regulations, Article III, Page 2

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Section 31.0 RG Garden Home Residential District

31.1 Intent. To provide areas suitable for the exclusive development of residential garden homes, free from other uses which are incompatible with the character and intent of this district. A desirable objective within this district is the clustering of homes to achieve maximum open space.

31.2 Uses Permitted.

- Detached single family garden home residences
- Customary accessory buildings and structures
- Public utility service
- Recreational facilities designed and intended to serve only the residents of the development

31.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Public utility facility.
- Home occupation, subject to Article VII, Section 6.0., page 166, excluding day care homes and family care homes.

31.4 Area and Dimensional Regulations.

	Minimum Yard Size			Minimum Lot Size		
Unit	Front Yard	Rear Yard	Side* Yard	Area Sq. Ft.	Width (Ft. At Bld.Line)	Of Living Space Per
	20	25	0	5,000	50	One story-1,200 on main level** **Main level living space may be reduced to 1,000 sq. ft when there is both a main level garage and a dwelling second story containing at least 200 sq. ft. of living space.

Maximum Density 4.5 units per acre

*****Side yards are subject to the following building separation provisions: (1) Garden homes shall be located so as to permit a minimum of 10 feet between homes measured from closest outside wall to closest outside wall to closest outside wall, (2) no building in an RG District shall be located less than 25 feet from any portion of any abutting single family residential zoning district. (3) Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

**Amended Ord 2012-019-PZ

Accessory Structures

No Accessory Storage Buildings shall exceed 10% of the heated living area on the main floor of the home, up to a maximum of 200 square feet. See article VII, Section 6.0, page 152 for Accessory Structure Requirements. Set backs: Rear 10' Side 8' Garage separation on adjoining lots: 10' Corner lots: Same setback as dwelling.

31.5 Buffer Requirements. A minimum twelve (12) foot buffer strip shall be required on all side and rear property. Maintenance of the buffer strip shall be provided for by written covenant, the adequacy of which shall be determined and approved by the Planning Commission. Subject to the provisions of Article VII, Section 7.0, page153.

31.6 Additional Regulations.

A. Zero lot-line units shall not take access from an arterial or collector street.

B. All utilities shall be under existing public street rights-of-way or easements.

C. There shall be a minimum of two (2) parking spaces per garden home. Garden Home parking spaces shall not be allowed along streets. Driveways shall be designed to allow a full vehicle length prior to garage entry.

D. No fence shall be permitted forward of the front corner of the house and fences shall not exceed six and one half (6 ½) feet in height.

E. No fences or walls other than those provided as part of a required buffer shall be located within fifteen (15) feet of the perimeter of the development site.

F. Because of the zero (0) lot line allowance, easements or comparable access rights shall be included in the deed or in restrictive covenants so as to permit maintenance on each home. For each unit constructed along a zero side lot line, an easement of five (5) feet in width shall be created on the adjoining property extending to the rear corner of the dwelling. The purpose of this easement is to permit maintenance and

repair of the portion of the structure bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned. No fence, patio, deck, or structure of any kind shall be placed within a maintenance easement.

G. The developer shall provide the Trussville Planning Commission with a copy of any subdivision restrictive covenants and, in addition thereto, any articles, agreements, or provisions relating to:
   (a) Governing body of property owners, if any.
   (b) Power conferred to governing body, if applicable.
   (c) Any other covenants required by the Planning and Zoning Board

H. General Regulations, Article III, page 2.

I. Special Exception Uses, Article VIII, page 161.

J. Sign Regulations, Article XI, page 241.

K. Off-Street Parking and Loading Requirements, Article IX, page 177.

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Section 32.0 RT Townhouse Residential District.

32.1 Intent. The Townhouse Residential District is intended to provide areas suitable for higher densities of development in transition areas between single family residential zones and commercial, industrial, institutional or other more intensive zoning districts. The R-T Zone may further be permitted where public infrastructure will support increased density and where an increase in traffic, noise or impact of said increased densities will not have an adverse impact on adjoining properties or other properties in the vicinity of said District. Each townhouse unit may share a common wall with another such unit on one or both sides, have individual entrances, and shall be placed on its own lot.

32.2 Uses Permitted.

- Townhouse dwellings
- Public utility service
- Recreational facilities designed and intended to serve only the residents of the development

32.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Public utility service,
- Home occupations, excluding day care homes or family care homes, Subject to Article VIII, Section 5.0, page 166.

32.4 Area and Dimensional Regulations.

A.	Maximum Density:	Eight (8) units per acre
B.	Minimum Floor Area:	1,800 sq. ft. with not less than 1100 sq.ft. on 1st floor
C.	Minimum Lot Width:	28'
D.	Minimum Building Separation:	30 feet side to side
E.	Minimum Yard Requirements:	
	Townhouses	Front - 25 feet (Sidewalk included in width) Rear - 35 feet Side* - 0 feet (*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way)
F.	Maximum number attached units in one structure:	

Townhouses Six (6)

32.5 Buffer Requirements. A minimum twelve (12) foot strip shall be required on all side and rear property lines which abut a zoning district other than the R-T district. The buffer strip shall be in addition to minimum yard requirements. Maintenance of the buffer strip area shall be provided for by written covenant, the adequacy of which shall be determined and approved by the Planning and Zoning Board. Subject to the provisions of Article VII, Section 7.0, page 153.

32.6 Additional Regulations

A. A maximum of 60 units per development area may be constructed in any R-T district. Each townhome district must contain at least thirty-two (32) units; provided, however, that any townhome district located within the area described as the Downtown Business District in Article VI, Section 5.7 of this Ordinance must contain at least twelve (12) units.

B. Zero lot-line units shall not take access from an arterial or collector road.

C. All utilities shall be under existing public rights-of-way or easements.

D. Units must have multiple stories and, in no case, shall one unit be above another. Any unit that has multiple stories shall be constructed so as to permit the installation of an elevator to access upper floors.

E. No townhouse structure located in an R-T townhouse district shall be located closer to the nearest exterior right-of-way than thirty-five (35) feet. No townhouse structure shall be located closer to the nearest interior dedicated street right-of-way than twenty-five (25) feet and no townhouse structure shall be located closer to the nearest dedicated alley right-of-way than twenty (20) feet.

F. No free-standing accessory buildings/structures are allowed in the R-T Townhouse district.

G. A storage facility or storage area within the garage shall be required for each townhouse consisting of not less than forty-eight (48) square feet of floor area.

H. Sidewalks shall be installed along the street frontage in all front yards. Sidewalks shall also be provided between all designated areas where visitor parking is permitted and the sidewalks located along the street frontage. Sidewalks must meet all standards for public sidewalks which have been erected by the City.

I. Street lights must be provided along all street frontages where sidewalks are required. Street lights shall be uniform throughout the development and shall be decorative in nature.

J. Building facades shall consist of primary, secondary and trim materials, exclusive of windows and doors. The primary material may be brick, stone, hard coat stucco, or other masonry material, but shall not be split face or other block material or concrete masonry units (CMU). Facades may have a secondary material consisting of any primary material, horizontal wood or simulated clapboard, wood or simulated shingles, premium vinyl siding of .046 mm thickness or greater when installed over wood sheathing or premium insulated vinyl siding. Trim or accent materials include any primary or secondary material, wood trim, copper, or precast stone or wood moldings. Aluminum shall not be permitted as a primary or secondary material, but may be utilized for soffits, ceilings, window trim, doors or other minor components of said structure.

K. Each attached unit in a series of units shall have distinctive and separate facades which may be differentiated by the use of piers, pilasters, columns, slight offsets in the facade, differential secondary or trim materials or other architectural techniques that signify a different unit or structural building element.

L. There shall be a minimum of two (2) paved parking spaces per unit, located in the rear of the units, and no driveway or parking shall be permitted in the front of the units whatsoever. All units shall include a fully enclosed two-car garage to be utilized for parking, which shall be accessed from the rear along alleys or access streets. Driveways shall be designed to allow a full vehicle length prior to garage entry. One (1) additional parking space per unit shall be provided for visitors, and said spaces shall be located in designated areas. In no instance shall such designated areas be located in front of any unit. Parking for boats, trailers, campers, recreational vehicles and similar items will only be permitted to be parked in the designated area required herein.

M. Boats, trailers, campers, recreational vehicles, and similar items are not allowed to be parked in the areas approved to meet the minimum parking requirements. A screened storage area shall be maintained for parking boats, trailers, campers, recreational vehicles, and similar items to contain a minimum of one (1) space per twenty (20) units for all areas zoned R-T and not located within areas included in the Downtown Business District. In areas within the "Downtown Business District", as defined in Article VI, Section 5.7 (A) of this Ordinance, no such area will be permitted, and boats, trailers, campers, recreational vehicles and similar items shall not be parked on-site or otherwise within the District. All parking areas visible from public roads shall be screened and buffered from view by use of landscape berms, plantings, or other such screening methods as much as possible or practical.

N. No individual fences shall be permitted forward of the front building line of a townhouse, nor within twenty (20) feet of a rear alley.

O. No fences or walls other than those provided as part of a required buffer shall be located within fifteen (15) feet of the perimeter of the development site.

P. Because of the zero (0) lot line allowance, easements or comparable access rights shall be included in the deed so as to permit maintenance on each home.

Q. The developer shall provide the Trussville Planning and Zoning Board with a copy of any restrictive covenants for its approval prior to issuance of a building permit for construction activities in the R-T district. Said restrictive covenants shall include, at a minimum, *mandatory fees for* maintenance of common areas, landscaping and exterior of units by the homeowners' association, provisions ensuring the financial stability of the association, and other provisions designed to ensure the continuation and viability of the association. The covenants shall be provided to any and all purchasers of any unit and shall be referenced in all sales contracts, with each buyer acknowledging and agreeing by signature to the mandatory fee and all other provisions of the covenants, which shall be binding upon and run with the land. The City shall also be provided a copy of any articles, agreements, or provisions relating to:

(a) Governing body of property owners, if any.
(b) Power conferred to governing body, if applicable.
(c) Any other covenants required by the Planning and Zoning Board

R. Garden homes constructed in a townhome zoning district prior to January 1, 2000 as permitted by the prior ordinance, will not be deemed non-conforming uses. Townhomes constructed in a townhome zoning district prior to the effective date of this amendment, will not be deemed non-conforming uses.

S. Supplemental Regulations (Apartments and multiple housing development) Article VIII, Section 11.0, page 173.

T. General Regulations, Article III, page 2.

U. Special Use Regulations, Article VIII, page 161.

V. Sign Regulations, Article XI, page 241. In addition, all street and directional signs shall be ornamental or decorative in nature.

W. Off-Street Parking and Loading Requirements, Article IX, page 177.

Section 33.0 MP Mobile Home Park District

33.1 Intent. To provide area for Mobile Home Park development free from other uses which are incompatible with the character of this district.

33.2 Uses Permitted.

- Mobile home;
- Management office;
- Manager's residence;
- Service facilities such as laundromats, household storage buildings, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.
- Recreational facilities designed and intended to serve only the residents of the park
- Retail convenience sales for residents of the park; and residential accessory uses and structures.

33.3 Special Exception Uses. The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

- Home occupation, subject to established park policy.
- Public Utility service

33.4 Site Standards.

A. The minimum area for any Mobile Home Park is five (5) acres.

B. The maximum density is ten (10) Mobile Home sites per acre.

C. Access points shall be controlled through the review of plans submitted to the Planning Commission on each Mobile Home Park. Mobile Home units within the park shall not take access from an arterial or collector road.

D. All mobile home sites shall abut a paved roadway.

E. The entire area shall be served with water and sanitary facilities.

F. All utilities shall be under existing public rights-of-way or easements.

G. No accessory building or structure shall be erected or maintained in the required buffer strip.

H. A playground area shall be provided and maintained in a safe condition.

I. Resident shelter for use in inclement weather shall be provided.

33.5 Mobile Home Lot Standards

A. The minimum mobile home lot space shall be at least 3,600 square feet.

B. The minimum front, side and rear yard setback shall be:

Front - 15 feet
Rear - 10 feet
Side - 10 feet

C. Each mobile home lot space shall be provided with two (2) off-street parking spaces of sufficient depth to allow a full vehicle length with no obstruction of the roadway.

D. All mobile home lots are to be leased or rented only.

33.6 Procedure for the Plat Approval. Layout plans of proposed Mobile Home Parks will be prepared by a registered professional engineer and submitted to the Trussville Planning Commission for review and approval prior to construction. The Plan shall include:

A. A description of the site location.

B. Number, location, and dimensions of all mobile home lots.

C. The locations and width of roadways, automobile parking spaces and walkways.

D. Location and dimensions of any recreational areas that may be provided.

E. Location of a resident shelter during inclement weather conditions.

F. Certification that the park is within range of an early warning siren notification during periods of inclement weather conditions.

G. Certification that tie downs for mobile homes will be required.

33.7 Buffer Requirements. The mobile home park site shall be designed and developed to be completely surrounded by a buffer strip having a width of thirty-five (35) feet. Subject to the provisions of Article VII, Section 7.0, page 153.

33.8 Additional regulations (when applicable)

A. Boats, trailers, campers, recreational vehicles, and similar items are not allowed to be parked in the areas approved to meet the minimum off-street parking requirements forward of the front set back line. A screened storage area shall be maintained for parking boats, trailers, campers, recreational vehicles, and similar items to contain a minimum of one (1) space per twenty (20) units. All parking areas visible from public roads shall be screened and buffered from view by use of landscape berms, plantings, or other such screening methods as much as possible or practical.

B. If individual storage buildings are not allowed on mobile home lots, a common storage area of not less than 4' by 4' shall be provided for each mobile home space.

C. General Regulations, Article III, page 2.

D. Supplemental Regulations, Article VII, page 151

E. Sign Regulations, Article XI, page 241.

F. Off-Street Parking and Loading Requirements, Article IX, page 177.

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Section 34.0 CEM-1 CEMETERY

34.1 Intent. To provide for suitable areas for a cemetery for humans, together with buildings and uses incidental thereto.

34.2 Uses Permitted.

- Cemetery for human interment
- Mausoleums
- Funeral Home
- Cemetery office
- Customary funeral support business
- Cemetery monuments
- Customary accessory storage structures/maintenance buildings

34.3 Area and Dimensional Requirements.

A. Site shall consist of not less than forty (40) acres for any cemetery established after the effective date of this ordinance.

B. No interments shall be made closer than thirty-five (35) feet to any adjoining property lines.

C. Buildings, structures, and material storage areas shall be set back from adjoining property lines a distance of fifty (50) feet.

D. Entrance features and perimeter fencing may be erected along the perimeter of the property; however, any features or fences along, adjacent to, or within thirty-five (35) feet of a public road must be decorative metal fencing, brick, or rock walls, or a combination thereof.

E. No interments shall be made within 150 feet of any well used for drinking water.

F. No interments shall be made until anterior roads have been completed and paved, basic landscaping has been completed, and all drainage problems have been eliminated for any cemetery established after the effective date of this ordinance.

G. No approval for cemetery use will be issued until final approval has been obtained from the County Health Department.

H. Identification signs must comply with Article XI.

Section 35.0 CEM-2 PET CEMETERY

35.1 Intent. To provide for suitable areas for a pet cemetery, together with buildings and uses incidental thereto.

35.2 Uses Permitted.

- Cemetery for pet interment
- Cemetery office
- Customary funeral support business
- Cemetery monuments
- Customary accessory storage structures/maintenance buildings

35.3 Area and Dimensional Regulations.

A. Site shall consist of not less than forty (40) acres for any cemetery established after the effective date of this ordinance.

B. No interments shall be made closer than thirty-five (35) feet to any adjoining property lines.

C. Buildings, structures, and material storage areas shall be set back from adjoining property lines a distance of fifty (50) feet.

D. Entrance features and perimeter fencing may be erected along the perimeter of the property; however, any features or fences along, adjacent to, or within thirty-five (35) feet of a public road must be decorative metal fencing, brick, or rock walls, or a combination thereof.

E. No interments shall be made within 150 feet of any well used for drinking water.

F. No interments shall be made until anterior roads have been completed and paved, basic landscaping has been completed, and all drainage problems have been eliminated for any cemetery established after the effective date of this ordinance.

G. No approval for cemetery use will be issued until final approval has been obtained from the County Health Department.

H. Identification signs must comply with Article XI.

ARTICLE VII

SUPPLEMENTAL REGULATIONS

Section 1.0 Regulations Supplemental

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this Ordinance.

Section 2.0 Use Modifications

1. Building material or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land before appropriate building permits have been approved by the building official and issued by the city clerk's office. Such building materials and temporary structures shall be removed upon completion before a certificate of occupancy will be issued, or upon abandonment of the construction work.

2. Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities, or passenger or freight stations) needed for operating railroad trains may be constructed, repaired, maintained or replaced in any zoning district.

Section 3.0 Special Exception Uses

Except for the provisions of Article IV, Sections 6.0 and 7.0, page 8, no other use other than the types specified as "permitted" or "special exception uses", shall be allowed. Uses specified as "special exception uses" are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Zoning Adjustment and subject to such conditions as said Board may require to preserve and protect the character of the District.

Section 4.0 Height Restrictions

In each district, each structure hereafter erected or altered shall not exceed the heights specified in the district requirements.

Section 5.0 Building Lots, Yards and Open Spaces

In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified herein. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Section 6.0 Accessory Structures

There shall be only one main structure plus any permitted accessory structures on any lot used for residential purposes. The following shall apply to accessory structures:

A. Accessory structures may be built in a rear yard only, and such accessory structures shall not occupy more than fifteen (15) percent of the required rear yard and shall not be located closer than ten (10) feet from any rear lot line nor closer than eight (8) feet from any side lot line. In the case of corner lots or double fronted lots, accessory structures shall not encroach on either front yard set back.

B. Accessory structures in all residential areas shall not involve an activity connected with any business or manufacturing use, nor shall such accessory structure be used as living quarters. Such accessory structures shall be erected and maintained only as accessory to the main building or dwelling situated on the same lot or premises.

C. Accessory structures shall be constructed of materials which are compatible with other buildings in the district in which they are located in order to insure that the aesthetic value and appearance of the neighborhood is retained. Accessory structures shall be built in a manner which will compliment the main structure, and similar shape, roof slope, and building materials shall be used.

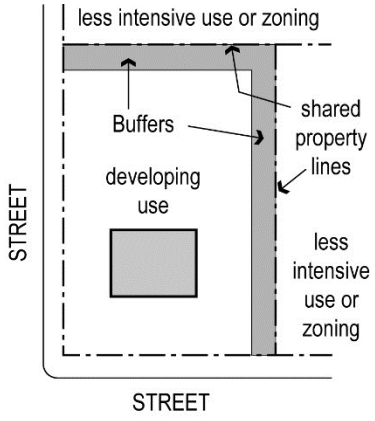
D. Accessory structures shall not be built prior to construction of the primary residence.

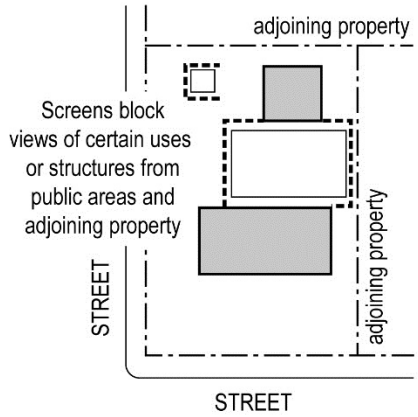
E. In a residential district, no required yard except the rear yard shall be used for the location of a free standing satellite earth station or dish television antenna, and such antenna shall be located not less than ten feet from the rear and side lot lines, except that on corner lots the appropriate front yard set back for the district shall be observed on all sides abutting a street or right-of-way. These antenna/earth stations shall be neutral in color and, to the greatest extent possible, compatible with the appearance and character of the neighborhood in which they are located. When the required placement prevents satisfactory reception, or other problems exist which are unique, such requests shall be referred to the Board of Zoning Adjustment.

Section 7.0 Buffers/Screening (Amended Ord 2016-004-PZ 02-09-2016)

Buffers and screens may be required in addition to any required setback. A buffer may consist of the following:

A. Buffers. Buffers may be required on the site of a developing use to provide separation and mitigate potential negative impacts on adjacent uses of lesser intensity and may exceed, in depth, any required setback.





B. Screening. Screening shall be provided in all non-residential districts to form visual separation of certain uses and activities from public areas and adjoining properties. In addition to the screening regulations otherwise in this ordinance, the following shall require screening:

1. Garbage collection, recycling and refuse handling areas
2. Maintenance areas or utility structures associated with a building or development
3. Non-residential water meters, gas meters, electric meters and air conditioners/mechanical units
4. Loading areas
5. Outside runs for veterinary clinics, animal shelters, and kennels
6. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair)

Section 7.1 General Requirements for Buffers/Screening

A. Buffers and screens shall consist of one or more of the following:

1. A visual barrier consisting of trees or shrubs

2. An opaque fence or masonry wall

3. An earth berm.

B. Criteria for buffers and screening shall be determined during the review of site development plans where not otherwise specified. At a minimum, buffers and screening shall meet the following criteria:

1. Any combination of evergreen or deciduous trees or shrubs may be used, including in combination with a wall or fence, as long as the visual barrier will be uniformly dense from the ground to the minimum height required throughout its entire length, and will attain a year round, visually impervious, uniform density.

2. Buffers and screening shall not obstruct visibility at traffic intersections and shall not obstruct traffic circulation and planted or natural materials shall not exceed thirty inches (30") in height within the sight triangle. Buffers and screening shall not impede or divert the flow of water in any drainage way and shall not block access to any aboveground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.

3. Fencing, where installed as part of a buffer or screen, shall be constructed prior to the issuance of a Certificate of Occupancy and shall comply with the following:

a. Fences shall be of finished masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than 25% of the fence surface shall be left open. The finished side of the fence shall face abutting property.

b. If a fence is longer than 100 feet in one direction, it shall have columns of wood or masonry, which project outward from the fence surface, and that are spaced no greater than 50 feet on center.

4. All screening and buffer plantings shall be permanently maintained in good growing condition by the party or landowner required to provide such plantings and, when necessary, replaced with new plantings. Nothing herein shall be construed as preventing removal of junk, debris, dead trees or limbs, abandoned structures, fences, and the like from the buffer area. All fencing shall be permanently maintained in good condition and, whenever necessary, repaired or replaced by the party or landowner required to provide such fence.

5. Any existing fences/walls or vegetation and any fences/walls or landscaping used for other purposes, but that are proposed as part of a required buffer or screen, that meet the minimum standards of this Section may count toward buffer or screening requirements.

C. Location of natural or man-made screening shall not obstruct the visibility at traffic intersections or traffic circulation and planted or natural materials shall not exceed thirty inches (30") in height within the sight triangle.

D. Fencing, where installed, shall be constructed prior to the issuance of a Certificate of Occupancy. The finished side of a fence shall be directed toward the adjoining property or a double faced fence may be used. All fencing shall be permanently maintained in good condition and, whenever necessary, repaired or replaced by the party or landowner required to provide such fence.

E. All screening and buffer plantings shall be permanently maintained in good growing condition by the party or landowner required to provide such plantings and, when necessary, replaced with new plantings.

Section 7.2 Screening Design Requirements

A. Where required, the design of screening shall be in accord with the following and as approved by the reviewing authority:

1. Location on site should be the first consideration in screening. Activities that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties. The reviewing authority may lessen screening requirements when the location of the activity to be screened reduces its visibility or other impact to the public and neighboring properties. Activities requiring screening, when co-located, may be screened together.

2. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use.

3. Shrubs shall be evergreen and spaced no more than 5 feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced up to 8 feet on center.

4. Trees shall be evergreen and, when used in the absence of a fence, should have a low understory and/or be used together with shrubs to provide a continuous, opaque screen

B. Screening requirements for specific activities.

1. Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by an opaque fence or wall on all sides. Opaque gates, designed to complement the screen, shall be installed for access. The fence or wall shall be at least as tall as the container.

2. Mechanical equipment shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be integral to the building design. Ground level mechanical equipment shall be adequately screened by plant materials and/or fences to blend in with site landscaping.

3. Outdoor storage, where permitted, shall be screened to a minimum height of 6 feet or 2 feet taller than the material or equipment to be screened, whichever is greater.

4. Service areas, loading docks, work yards, and similar areas must be located so as to minimize their visibility to the public. Where their location is insufficient to appropriately minimize such visibility screening shall be at least 6 feet in height.

Section 7.3 Modification or Waiver of Buffer/Screening Requirements

The buffer requirements of this Article shall be applied equally to all similarly classified and situated properties but may be modified or waived in certain cases where a building site is subject to any of the following circumstances, as determined by the Building Official:

A. Where natural vegetation (trees and/or shrubs) exists on a piece of property at the time application is made for a building permit, a strip of natural vegetation shall be left undisturbed until the Building Official or his designee has inspected such area and evaluated it with it with regard to the width requirements set forth in the Zoning Ordinance for that specific use and zone, as well as its suitability. The Building Official or his designee may require that the developer retain a portion of the natural vegetation as a buffer, rather than require a man-made planting strip or other methods of buffering. However, such buffer must be sufficient in both height and density to achieve the desired purpose as a natural barrier. Additional plant materials may be added to existing natural vegetation to achieve this density.

B. Where impending development of adjacent property would make these standards unreasonable or impractical.

C. Where, after inspection by the Building Official, it is found that two (2) different and incompatible zone districts abut each other but are already separated by a street or alley, or where the view from the adjoining district is blocked by a change in grade or other natural or man-made features.

D. Where a vegetative buffer cannot, in the professional opinion of an expert, be expected to thrive due to soil conditions, intense shade, rock outcroppings, or similar conditions.

E. In special cases where a lot was created prior to the adoption of this ordinance in which the side and/or rear yards are inadequate to meet the yard requirements and the for the buffer strip width requirements as set forth in each respective district, the Board of Zoning Adjustment shall determine, based on site plan review or other pertinent information requested, alternative methods of separation. The Board may in appropriate cases, require some form of natural or man-made buffering be provided in lieu of a greenbelt as a means of separation.

Section 7.4 Landscaping Plan for Buffer/Screening

A Landscaping Plan shall be required as part of every Building Permit application for new construction, additions or expansions, which require screening and/or buffers. The Landscape Plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information.

A. The location and dimension of all areas proposed for buffers and/or screening, including a description of existing and/or proposed plant materials, proposed walls or fences, and proposed berms, as applicable.

B. All dimensions and distances, property lines, easements, and rights-of-way.

C. Existing and proposed buildings and structures, including signs, trash and garbage/refuse containers and utility structures.

D. Existing buildings and structures on adjacent property.

E. Bodies of water and stormwater management and drainage facilities.

F. Driveways, existing and proposed parking, access aisles and other vehicular areas.

G. Sufficient information and detail to demonstrate compliance with applicable requirements.

Section 8.0 Fences and Walls (Amended Ord 2016-004-PZ 02-09-2016)

Walls or fences may be located within the yards of a lot as provided herein. No fence, wall or hedge shall be erected or installed upon the right-of-way forward of the front property line. Specific approval may be requested from the City of Trussville through the Planning and Zoning Board for development entrance features located on or along roadway medians and in similar situations.

The following regulations shall apply:

A. The finished side of a fence or wall shall be directed toward adjoining property or a double faced fence may be used.

B. No fence, including a decorative fence, brick or masonry wall, or hedge shall be placed or constructed in any location that would hinder access to fire hydrants.

C. Decorative wood fences, decorative masonry or brick walls, and hedges may be permitted in a residential district within or along the edge of all front yards up to the front property line, so long as such do not exceed a height of three (3) feet. Chain link fences are not allowed forward of the front wall of the building. See illustration, Appendix, page 255, f-i.

D. Fences, walls and hedges of six and one-half (6 ½) feet or less in height may be permitted within or along the edge of side and rear yards on interior lots in residential districts, but in no instance, forward of the front wall of the building. No fence utilizing razor wire or barbed wire will be allowed in a residential district. See illustration Appendix, page 255, f-i.

Fences for residential tennis courts, may be individually approved by the Board of Zoning Adjustment upon application and submittal of information including, but not limited to, a plot plan showing location in relation to other structures on the lot and any easements, setbacks, fence height, lighting, and screening. All chain link fencing materials must be vinyl coated. Any fence that falls into disrepair must be removed or replaced in accordance with these provisions. (Added August 14, 2007 Ord 2007-028-PZ)

E. In the case of a residential lot with more than one front yard such as a corner or double frontage lot, decorative wood fences, decorative masonry or brick walls and hedges of six and one-half (6 ½) feet or less in height shall conform with the front yard set back requirement on all sides abutting rights-of-way, but in no instance, forward of the front wall of the building. See illustration Appendix, page 255 f-i.

In areas having double fronted lots in which access is restricted to only one front by covenant or requirement, a decorative wood fence, decorative masonry or brick wall or hedge may be placed along the rear property line for screening purposes. See illustration Appendix, page 255 f-i.

F. In any Commercial District, decorative fences, decorative masonry or brick walls and hedges are permitted, subject to the following restrictions.

1. Any decorative fence, hedge, decorative masonry or other screen, either forward of the front wall of any building or forward of the front building set back line, shall be limited to a height of three feet (3'). This limitation shall not apply to screen walls located within the Required Frontage Area in the Downtown Overlay District.

2. Any opaque decorative fence, decorative masonry, hedge or other screen located behind the front set back line and behind the front wall of any building shall be limited to six and one-half feet (6 ½') in height.

3. Non-opaque security fences, including but not limited to chain link security fences, are not permitted in the Preferred Commercial District (CP), and are not permitted forward of the front building wall in any commercial district. Said fences may be allowed, subject to the above, in a C-1 commercial district to a maximum height of six and one-half feet (6 ½'). In C-2, C-3, C-4 and C-5 districts, there shall be no limitation on the height of said fences except that the fence may not exceed the height of the principal commercial structure on the lot. All non-opaque security fences, where allowed, shall be screened from any adjacent residential or preferred commercial property. See illustration Appendix, f-ii.

4. On a double frontage lot, no fence located behind the primary building may encroach on the designated front yard set back on the street to the rear. On corner lots front yard set backs must be observed on all sides abutting street rights-of-way, and fencing will be allowed as set out in 1 & 2 above. See illustration Appendix, f-ii.

G. In any industrial district, fences, walls, and hedges shall be constructed in a manner which does not obstruct sight distances at road or right-of-way intersections. There shall be no height requirement on non-opaque security fences. Some industrial parks may have specific covenants pertaining to fences which differ from and take precedence over the above. See illustration Appendix, page 255, f-iii.

H. In any institutional district, decorative fences, decorative masonry or brick walls and hedges are permitted, subject to the following restrictions:

1. Any decorative fence, hedge, decorative masonry or other screen, either forward of the front wall of any building or forward of the front building set back line, shall be limited to a height of three feet (3'). See illustration Appendix, page 255 f-iii.

2. Any opaque decorative fence, decorative masonry, hedge or other screen located behind the front set back line and behind the front wall of any building shall be limited to six and one-half feet (6 ½') in height. See illustration, Appendix, page 255 f-iii.

3. Non-opaque security fences, including but not limited to chain link security fences, are not permitted forward of the front building wall in any institutional district. Said fences may be allowed, subject to the above, in a IN-1 or IN-2 institutional district to a maximum height of six and one-half feet (6 ½'). All non-opaque security fences, where allowed, shall be screened from public view and from any adjacent residential or preferred commercial property. See illustration Appendix, page 255 f-iii.

4. In an IN-3 institutional district appropriate fencing to the use shall be submitted and approved as a part of the site plan approval.

5. On a double frontage lot, no fence located behind the primary building may encroach on the designated front yard set back on the street to the rear. On corner lots front yard set backs must be observed on all sides abutting street rights-of-way, and fencing will be allowed as set out in 1 & 2 above. See illustration Appendix, page 255 f-iii.

I. In any agricultural district, decorative fences, decorative masonry or brick walls, and hedges and opaque fences shall conform to the same fence specifications as residential fences. Notwithstanding the above, non-opaque fences may be erected to any property line not to exceed four and one half (4 ½') feet in height. See illustration Appendix, page 255 f-iii.

J. The requirement to set back a fence or hedge from the lot line does not relieve the property owner/occupant of maintenance responsibilities for that portion of the property lying outside of the enclosure.

ARTICLE VIII

SPECIAL USE REGULATIONS

In this Article certain land use activities are identified for special treatment. The nature of these uses is such that when properly regulated they may be appropriate in several zones. In order to bring about the proper integration of these uses into the community's land use pattern, a special set of standards is provided for each use. Review of these standards will tend to maintain compatibility with adjoining land uses.

Section 1.0 Applicable Uses

The following shall not be allowed except in conformance with the provisions of this Article.

- Gasoline Service Station
- Group Home/Family Care Home
- Hobby Farm
- Home Day Care/Day Care Home (Added 11-27-01 Ord 2001-036-PZ)
- Home Occupation
- Industrial Park
- Manufactured (Mobile) Homes
- Massage Therapy Establishment
- Mini-warehouse
- Modular (Mobile) Offices
- Motor Vehicle Sales Lots
- Multiple Housing Developments and Apartments
- Pre-Engineered Metal Buildings
- Shopping Center

Section 2.0 Gasoline Service Station

Section 2.1 Location No gasoline service station or building, or structure, or part thereof which is integral to a gasoline service station shall be erected in any zone other than C-1, C-2, C-3 and C-4.

Section 2.2 Requirements

A. Gasoline service stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama and any applicable Ordinance of the City of Trussville.

B. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be located in an area enclosed by an opaque fence at least six and one half feet (6 ½') in height.

C. All lighting shall be arranged to prevent direct light or glare into public streets or surrounding properties.

D. Drains located on the premises without approved separators in the trap shall be prohibited.

E. All permitted minor repair work to vehicle shall be performed within the principal building located on the premises of the gasoline service station.

F. No gasoline service station shall be located within three hundred (300) feet from a public assembly center as measured from the principal entrance of the facility.

G. An eight (8) foot buffer shall be located on all property lines not abutting a public street.

H. The following are prohibited uses in gasoline service stations located in any zone other than industrial zones:

1. Major engine repair.

2. Body work, and spray painting.

3. Any uses conducted inside the building which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust, odor, vibration, noise, or unsightliness.

4. Storage of vehicles on premises for purposes other than periodic maintenance or repair.

I. Gasoline service station signs shall be of a non-flicker and non-flashing type.

J. Off-street parking facilities shall conform to requirements specified in Article IX, page 177.

Section 3.0 Group Home/Family Care Home

A. The use shall be conducted within a single family residence.

B. The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.

C. The family care home must be sponsored by a public or non-profit organization. State licensing requirements shall be met as well as all applicable County licensing requirements where they exist.

D. The group home/family care home must have full-time, twenty-four hour, on site supervision.

E. No family care home shall be located within 1,000 feet of another family care home as measured between lot lines.

F. Parking for these facilities shall be restricted to the side and rear yard.

Section 4.0 Hobby Farm

A. Unless otherwise provided by this ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:

- horses and similar animals, such as ponies and donkeys
- poultry
- livestock, such as cows, sheep and goats

B. The keeping of swine shall be prohibited.

C. The use shall be subject to the following setback and area requirements:

- A minimum of three (3) acres shall be required
- At least one acre of lot area shall be required for each livestock animal, horse, and similar animal, and a maximum of 20 poultry per acre shall be permitted
- Farm animals shall be housed not less than 200 feet from any adjacent lot
- Provisions must be made to dispose of manure and other organic wastes in such a manner as to avoid pollution of ground water or any lake or stream.

D. Except for kennels, as defined by this ordinance, the keeping of animals for personal enjoyment and in compliance with the City of Trussville Animal Control Ordinance, shall not be deemed a hobby farm, and shall be permitted as an accessory use in any district.

Section 4.1 Home Day Care/Day Care Home

Home Day Care/Day Care Homes are permitted as special exception uses in various districts subject to stipulations in each district and to the following conditions:

A. The day care home shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling.

B. The day care home shall provide day care for six (6) or less children, elderly, handicapped, or infirm persons, and must meet all applicable State and County licensing requirements.

C. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment or help other than those members of the residential family.

D. The day care home shall not be conducted in any accessory building located on the same lot as the principal dwelling.

E. The day care home activity shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

F. No day care home shall be located within 1,000 feet of another family care home as measured between lot lines.

Section 5.0 Home Occupations

Section 5.1 Location.

Home occupations are permitted as special exception uses in various districts subject to stipulations in each district and to the following conditions:

Section 5.2 Requirements

A. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the use permitted in the district of which it is a part. Such use shall not adversely affect the general welfare of the surrounding residential area due to potential noise, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.

B. Customary home occupations shall be limited to an office or a business of a personal service nature.

C. The home occupation shall be confined to twenty-five (25) percent of the principal building, and shall not be conducted in any accessory building located on the same lot as the principal dwelling. No outside storage shall be used in connection with a home occupation.

D. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than those members of the residential family.

E. No display of products shall be visible from the street, and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, shall be the principal use in the home occupation, and may be sold on the premises.

F. Instruction of music, art, dancing and similar subjects shall be limited to two (2) students at a time.

G. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

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Section 6.0 Industrial Park Regulations

Section 6.1 Scope.

An Industrial Park shall, for the purpose of this Ordinance, include all land twenty-five (25) acres or more in size, subdivided and platted into two (2) or more parcels, and used or intended to be used for predominantly industrial or commercial purposes of an industrial character.

Section 6.2 Requirements

A. Where permitted, Industrial Parks shall comply with the following requirements:

1. Access to an Industrial Park shall be by way of a major thoroughfare.

2. All streets or roadways within an industrial Park shall have a minimum right-of-way width of seventy feet (70'), a maximum gradient of five percent (5%) and shall conform to the City of Trussville's standards for commercial streets or as otherwise approved by the Planning & Zoning Board.

3. Off-street parking and loading shall be provided in accordance with Article IX of this Ordinance.

4. Outdoor storage in an Industrial Park shall be permitted only when accessory to a permitted principal use and only when storage areas are suitably screened by either landscaping, fences, or walls, and are located behind the front line of the building, but in no instance forward of the front building setback line.

5. A buffer area not less than fifty feet (50') in width shall be provided along property lines of an Industrial Park which abuts any residential zone.

6. The vehicular approach to an Industrial Park site from a public street of highway shall be so designed that uncontrolled left hand turns from the street or highway shall be eliminated or reduced either by a frontage roadway or other suitable means deemed adequate by the City Engineer and Street Department Superintendent.

7. Sight distances at all points of ingress and egress to public streets or highways shall not be less than one thousand feet (1000'), except where a traffic signal light is installed at the entrance to or exit from the Industrial Park site unless determined by a study conducted by the City Engineer or other persons qualified in this field.

8. Where points of ingress and egress to Industrial Park from public streets or highways having speed limits in excess of thirty (30) miles per hour are located, there shall be provided on the public thoroughfare acceleration and de-acceleration lanes, the length of which shall be determined by the following:

Road Speed In Miles Per Hour:	**30**	**40**	**50**	**55**
Distance In Feet:	**100**	**200**	**300**	**350**

B. A report of subsurface soil conditions shall be provided to the Building Inspector of the City of Trussville by a Licensed Professional Engineer as evidence of suitable bearing for foundations in the construction of industrial structures of a nature intended to be used within the proposed Industrial Park.

C. A preliminary plan or engineering feasibility report shall be submitted to the Building Inspector, which provides for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by an Alabama Professional Registered Engineer.

D. A copy of any deed restrictions or covenants shall be provided to the Planning and Zoning Board.

Section 7.0 Regulations Pertaining to Manufactured (Mobile) Homes

Manufactured (mobile) homes are prohibited in all zoning Districts of the City of Trussville, Alabama, except in the MP District and R-6 District provided, however, that manufactured (mobile) homes shall be allowed in the A-1 Agriculture District upon compliance with the following requirements:

A. The manufactured (mobile) home as located on the proposed site shall be at least seventy-five (75) feet from the nearest residential structure (excluding another mobile home) located on the property.

B. Sanitary waste disposal shall be approved by the appropriate sanitation authority.

C. Site Requirements:
1. Minimum Lot Width at front setback line: 100 Feet
2. Minimum Lot Area: One (1) acre

D. Yard Requirements:
1. Front: 35 Feet
   On an undedicated road the front set back shall be sixty feet (60') from Centerline
2. Side: 15 Feet
3. Rear: 35 Feet

E. Parcel or parcels and adjacent property under same ownership will allow the following:

1. 1 Mobile Home - One (1) acre minimum area
2. 2 Mobile Homes - 1.5 acre minimum area
3. 3 Mobile Homes - 2 acres minimum area
4. 4 or more Mobile Homes - must be rezoned MP Mobile Home Park District

Section 7.5 Massage Therapy Establishment

Section 7.5 -1: Definition. A massage therapy establishment is any site, premises or business where massage therapy is practiced by a licensed professional massage therapist, regardless of whether or not the provision of massage therapy services is the primary function of the establishment.

Section 7.5-2: Location. No massage therapy establishment, building, structure, or part thereof which is integral to a massage therapy establishment shall be erected, maintained, or located in any zone other than Preferred Commercial (CP), Local Shopping District (C-1), General Business District (C-2) or Planned Unit Development - Planned Commercial (PUD-PC).

Section 7.5-3: Requirements.

A. Every massage therapy establishment shall conform with all rules and regulations for licensure and operation as required by the State of Alabama and the Alabama Board of Massage Therapy and any applicable ordinance of the City of Trussville. Each massage therapy establishment must display a current, valid license obtained from the Alabama Board of Massage Therapy as well as a current business license issued by the City of Trussville in plain view.

B. A massage therapy establishment shall only employ licensed professional massage therapists who hold a current license from the Alabama Board of Massage Therapy and a business license from the City of Trussville. Said licenses shall be displayed in plain view in the establishment.

C. A massage therapy establishment shall at all times comply with all health regulations, rules and requirements as have been or hereafter will be promulgated by the Jefferson or St. Clair County Departments of Health, depending on the county in which said establishment is located. Any premises used for the purposes of massage therapy shall, during all hours of operation, be made open and available to inspection by said county department of health for all purposes of assessing compliance with such health rules, regulations and requirements.

D. A massage therapy establishment as defined herein shall have a dedicated space where massage therapy is to be performed with individual private rooms for each client or customer to receive massage therapy services. Said space shall clearly reflect that it is the place where massage therapy is practiced. Each room shall be utilized solely for the provision of massage therapy services, shall meet a minimum size requirement of 100 square feet with no wall less than eight (8) feet in length, shall be surrounded by four permanent walls which extend from floor to ceiling, and shall be constructed and maintained so as to ensure privacy for clients utilizing the services of a licensed massage therapist; provided, however, that, under no circumstances shall said area be inaccessible to City officials during hours when massage therapy is being practiced.

E. Each massage therapy establishment shall maintain a register of all appointments and services provided. Said register must include, at a minimum, the name of the client receiving services, the time of said appointment, the specific services provided, and the name of the licensed professional massage therapist providing the service. Said register must be updated daily and shall be available for inspection by state, county or city officials at any time.

F. Any massage therapist applying or administering massage shall be fully clothed from the shoulders to the knees by a robe, smock, or other opaque clothing so that the customer shall not have bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering the massage. The massage therapist applying or administering the massage shall cleanse his or her hands and arms thoroughly by washing same with soap and hot water before applying or administering massages to any person.

G. Any and all towels, wash cloths and other linens that may come in contact with the body or any part thereof of the customer shall be thoroughly sanitized and laundered after each individual use. Any other equipment or materials which may come in contact with the body or any part thereof of the customer, such as but not limited to tables, floors or equipment, shall be thoroughly cleaned and sanitized after each individual use.

H. Massage therapy establishments shall maintain all equipment in a safe and sanitary condition.

I. If a massage therapy establishment intends to provide tanning services, said establishment shall maintain no more than two (2) tanning beds or other devices designed for "tanning" (including artificial sprays, coatings, or products designed to simulate sun exposure) on the premises.

J. All massage therapy establishments shall have current liability insurance coverage for bodily injury and property damage for the establishment and shall furnish proof thereof upon request by the City.

K. Massage therapy establishments shall have in place proper procedures for extermination of vermin, insects, termites and rodents.

L. Massage therapy establishments shall enact procedures and provide proof thereof to the City of Trussville to ensure that no part of any clients' breasts, buttocks, or genital area is exposed or otherwise made subject to bodily contact by any therapist. Said procedures must be reviewed by the establishment annually, and must be updated to reflect changes in procedure or changes in rules, regulations or requirements promulgated by the state, county or other regulatory agency, if any such changes have been made. A record of said annual review and a certification that said procedures are adequate to provide the

protections included herein must be maintained at the establishment and made available for inspection by state, county or city officials at any time.

M. Each massage therapy establishment shall provide a sanitary, private area for each client to dress, to bathe or shower, or to cleanse before and after any service to be provided. Said area must be secure, and must include measures to ensure the privacy of the client while dressing, bathing, showering or cleansing before and/or after any service provided by a licensed massage therapist. The requirements of this subsection may be met by making said area directly accessible from the room in which massage therapy is performed, or locating said area in a designated locker room / shower area separate from public restroom facilities. Community bathing or dressing areas shall not be allowed, and no establishment may utilize a public or employee restroom to meet this requirement. In addition, each such establishment shall be required to provide a secure locked area for each client to place his or her belongings while receiving said services. This requirement may be met by use of an individual locked closet, locker, or cabinet.

N. Massage therapy establishments may operate between the hours of 7:00 a.m. and 7:00 p.m. The City shall have the right to inspect the premises of the massage therapy establishment at any time to ensure the establishment is in compliance with all state and local rules and regulations.

Section 8.0 Mini-Warehouse Regulations

Where permitted mini-warehouses shall comply with the following requirements:

A. No outdoor storage shall be permitted on the site with the exception of RV's, trailers, boats, etc. which shall be screened from view of adjacent property owners or the public.

B. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.

C. The facility or site shall not be used for wholesale or retail sales operations.

D. A minimum lot size of three (3) acres shall be required for a mini warehouse development, and such facility shall not exceed one (1) story in height.

E. There shall be a maximum of 15,000 square feet of mini-warehouse floor area per acre.

F. Unless otherwise specified in the zoning classification, a minimum twelve (12) foot buffer shall be required along all property lines where a mini-warehouse development abuts any residential zone district in the City except in unique circumstances which are discussed in the buffer section of this Ordinance where the requirement may be waived or altered.

G. The facility must be entirely enclosed by a six foot (6') high fence, except at points of ingress and egress. Gates shall be provided at such locations and secured with locks.

H. A site development plan is required, which shall include:

    1. A preliminary plan or engineering feasibility report which addresses site grading, water run-off and storm drainage, and the availability of required utilities, as well as identification of areas to be buffered, prepared by a registered professional engineer.

    2. A traffic analysis indicating the estimated traffic flows to and from the development and sight distance from ingress and egress points must be submitted to and approved by the Engineering and Inspections Department.

I. One (1) apartment for a resident manager will be allowed.

Section 9.0 Regulations Pertaining to Modular (Mobile) Offices

Modular (mobile) offices are prohibited in all zoning districts of the City of Trussville, Alabama, except upon compliance with the following requirements:

A. Modular (Mobile) offices may be used on a construction site as a construction office, as individually approved by the building official. Said modular (mobile) office may not be placed on the site prior to issuance of a building permit and must be removed upon completion of the job.

B. Modular (Mobile) offices may be used as a temporary office, only after property for a permanent site has been purchased and while the permanent building is being designed and/or constructed, subject to individual approval by the Board of Zoning Adjustment, and must be removed from the premises within thirty (30) days of the date the permanent facility is occupied. Approval shall not be granted for a period in excess of one year, but may be renewed annually, not to exceed three (3) years.

C. Modular (Mobile) offices may be used as real estate sale offices, subject to individual approval by the Board of Zoning Adjustment. Approval shall not be granted for a period in excess of one year, but may be renewed annually, not to exceed three (3) years.

D. Modular (Mobile) offices shall not be approved for permanent use.

Section 10.0 Motor Vehicle Sales Lot.

Section 10.1 Location.

The term Motor vehicle as used in this ordinance is defined as every vehicle which is self-propelled, but not operated upon rails. No motor vehicle sales lot shall be located in any zone other than C-2, C-3, or C-4.

Section 10.2 Requirements

A. A sales office shall be provided and shall meet all requirements of the Southern Building Code as adopted by the City.

B. If the facility provides a shop for mechanical repairs to vehicles, it must be separately licensed to do so, and all applicable requirements must be separately met.

C. Set back - An off street set back from public thoroughfares shall be maintained for the safety of prospective buyers viewing displayed vehicles. The set back shall be a minimum of ten feet from the pavement or, on corner lots, ten feet from the pavement on the side with the greatest frontage. Notwithstanding the above, no vehicles may be displayed on the public right-of-way.

D. Surface pavement - All surface area with automobile traffic and/or vehicle display shall be properly prepared using finely crushed stone, pea gravel, bituminous or concrete paving. In no event shall vehicles be parked on grass or unprepared surfaces.

E. Required parking spaces for customers shall be designated separately from those areas used to display automobiles for sale.

F. Turn-around - An adequate turn-around area shall be provided to discourage vehicles backing out into traffic from the sales lot.

G. No disabled or damaged vehicles shall be permitted to remain in an exterior location for more than twenty-four hours unless screened from public view.

H. Other types of existing businesses requesting auto sales licenses shall not be permitted to utilize existing designated required parking spaces for that class of business for an automobile display area. Any existing business requesting license or zoning for an auto sales lot shall meet all of the criteria described herein.

I. Any change in business ownership or discontinuance in the use of the property for the purpose of an automobile sales lot shall cancel the automobile sales lot business license. To become licensed as an automobile sales lot again, all of the necessary requirements and physical improvements described herein must be met. A site plan and landscape plan shall be submitted to ensure compliance.

Section 11.0 Multiple Housing Developments and Apartments

Section 11.1 Location

No building or structure or part thereof which is integral to an attached or multifamily residential development shall be erected, or land developed or used for an attached or multifamily residential development, in any zone except PUD, R-4, R-5, RCP, RT and DT-O. Any such development shall be in accordance with the standards hereafter specified, except where otherwise expressly provided for in the regulations of the applicable district.

Section 11.2 Requirements

(a) More than one (1) multiple dwelling building may be located upon a lot or tract, but such building shall not encroach upon the front, side, or rear yards required herein for the R-5 or RT district, and the open space between protruding portions of buildings measured at the closet point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one (1) or both are two (2) story buildings, and an additional (10) feet separation for each additional story when one or both buildings exceed two stories. An area shall be designated as a fire lane at the building separation in R-5 and RT to allow fire fighting access to the structures. (Amended Ord 2016-004-PZ, 02-09-2016)

(b) A site development plan shall be presented to include, but not be limited to the following:

1. A rendering of the proposed buildings
2. Location of all property lines, easements, utilities, drainage, and lighting
3. Location of all proposed buildings and accessory structures to include setbacks, and building separation
4. Location of screened refuse areas and screened storage and/or parking areas
5. Location of fire hydrants
6. Location of fire lanes.
7. Location of all buffers and landscaping
8. A parking area or areas layout showing parking spaces, islands, and landscaping.
9. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress to and egress from said proposed site
10. Location of convenient and safely located pedestrian walkways.

(c) Entrance and exit areas adjoining public highways or thoroughfares serving apartments or multiple housing developments shall be properly illuminated to reduce traffic hazards.

(d) Fixed outside illumination shall be arranged as not to glare into surrounding areas or public streets.

(e) Maximum gradient for all vehicular driveways or roadways shall be ten (10) percent.

(f) Utilities for multi-story development in multi-family zoning districts shall be underground so that fire protection is not impeded by overhead wires in close proximity to the structures.

(g) Fire hydrants shall be installed every 300 feet, or as otherwise directed by the Fire Chief/Fire Marshall, and a sufficient water supply to support the use of these hydrants shall be installed.

(h) A surety bond may be required by the Planning and Zoning Board to insure that the installation of all utilities (including water lines, sanitary sewer lines, storm sewers, electrical service lines, gas lines, streets, gutters and sidewalks) for the multiple housing units or apartments shall be in accordance with the approval plans and proposals. The amount set by the surety shall be not less than the estimated cost of construction for the proposed improvements set out above.

Section 12.0 Pre-Engineered, All Metal Buildings Regulations

No pre-engineered, all metal building shall be erected in any zone, except an Industrial District subject to the following requirements:

A. All primary structures are to be covered (no exposed structures)

B. All exterior walls are to be painted. No galvanized materials will be permitted.

C. Sufficient parking retainers shall be used where a parking area is at the building wall.

D. Steel pipe or concrete guards are to be used at all overhead doors.

E. All overhead door frames shall be painted with a finished coat of paint. No primed frames will be permitted.

F. All buildings shall have factory standard steel building gutters and gable trim. No house gutters or economy trim shall be permitted.

G. Sixty percent (60%) of the wall area on the front or the entrance wall is to be of acceptable material other than steel panels, such as glass, masonry, cedar, or porcelain panels, etc.

H. The front or entrance shall have either a mansard system, gable overhang, eave canopy or aluminum marquee.

J. All pre-engineered, all-metal buildings that are to have a complete steel structure shall have a Southern Building Code compliance number. In certain cases where all-metal buildings are deemed to be incompatible with surrounding development (either in construction or appearance), to developer may be required to cover either all or part of the exterior of the building with brick or other materials as deemed appropriate by the Planning and Zoning Board.

Section 13.0 Shopping Center Requirements

In addition to all other rules and regulations established by this ordinance, the following shall apply to all shopping centers:

A. The building group must be architecturally unified.

B. Convenient vehicular servicing of all buildings in shopping center, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in training ingress to and egress from said site must be provided.

C. An integrated parking area as specific in Article IX and vehicular loading space as specified in Article IX must be provided.

D. Convenient and safely located pedestrian walkways must be provided.

E. The location, size, character and number of all exterior signs must be approved pursuant to all applicable regulations.

F. A minimum site depth of three hundred (300) feet must be provided.

G. A buffer strip of not less than twenty (20) feet wide where the shopping center abuts any residential zone, unless otherwise stipulated elsewhere in this ordinance must be provided.

H. A traffic analysis indicating the estimated effect of the proposed shopping center on adjacent street traffic, including volume flows to and from the proposed facility and sight distance from ingress and egress points, prepared by a registered professional engineer must be submitted to and approved by the Engineering and Inspections Department.

I. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply, prepared by a registered professional engineer must be submitted to and approved by the Engineering and Inspections Department.

J. A copy of any deed restrictions intended for the property upon which said facility is to be constructed must be submitted to and approved by the Engineering and Inspections Department.

Section 14.0 Motor Vehicle Sales Lot

The following shall apply to motor vehicle sales lots with motor vehicles defined as every vehicle which is self-propelled, but not operated upon rails.

Section 14.1 Location

No motor vehicle sales lot shall be located in any zone other than C-2 and C-3.

Section 14.2 Requirements

A. The sales office shall have a minimum square footage first floor area of 400 square feet. The office shall meet all requirements of the Southern Building Code Congress international. All motor vehicle sales offices existing at the time of initial passage of this section shall be exempted from the minimum square footage requirement only.

B. If the facility provides a shop for minor mechanical repairs to vehicles, it must not be used to engage in service work available to the general public on vehicles not purchased on the premises unless otherwise separately licensed to do so, and all applicable requirements are separately met.

C. Set back - An off street set back from public thoroughfares shall be maintained for the safety of prospective buyers viewing displayed vehicles. The set back shall be a minimum of ten feet from the pavement or, on corner lots, ten feet from the pavement on the side with the greatest frontage. Notwithstanding the above, no vehicles may be displayed on the public right-of-way.

D. Surface pavement - All surface area with automobile traffic and/or vehicle display shall be properly prepared using crushed stone, bituminous or concrete paving. In no event shall vehicles be parked on grass or unprepared surfaces.

E. Required parking spaces for customers shall be designated separately from those areas used to display automobiles for sale.

F. Turn-around - An adequate turn-around area shall be provided to discourage vehicles backing out into traffic from the sales lot.

G. No disabled vehicles shall be permitted to remain in an exterior location for more than twenty-four hours.

H. Other types of existing businesses requesting auto sales licenses shall not be permitted to utilize existing designated required parking spaces for that class of business for an automobile display area. Any existing business requesting license or zoning for an auto sales lot shall meet all of the criteria described herein.

I. Any change in business ownership or discontinuance in the use of the property for the purpose of an automobile sales lot shall cancel the automobile sales lot business license. To become licenses as an automobile sales lot again, all of the necessary requirements and physical improvements described herein must be met. A sits plan and landscape plan shall be submitted to ensure compliance.

J. Grace Period. All existing non-conforming sales lots shall have twelve (12) months from the date of initial passage of this ordinance to come into conformity with these provisions. This section does not apply to the square footage of sales office structures existing at the time of initial passage of this section as referenced in 14.2.A

SECTION 15.0 TELECOMMUNICATIONS ANTENNAS AND TOWERS

15.1 PURPOSE. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to (a) Facilitate the provision of wireless telecommunications services to the residents and businesses of the City; (b) Minimize adverse visual effects of towers through careful design and sighting standards; (c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and (d) Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications ante1mas in order to reduce the number of towers needed to serve the community.

15.2 DEFINITIONS. The following words and terms when used in this Article shall have the following meanings unless the context clearly states otherwise:

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles, water towers and similar alternative design mounting structures that have the capacity to camouflage or conceal the presence of antennas or towers.

Ancillary Telecommunications Facilities. All telecommunications facilities that transmit and/or receive electromagnetic signals, except for towers, ante1mas, or alternative tower structures.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes "whips," "panels," and parabolic "dishes."

Antenna support structure. Any structure on which radio ante1mas and cabling can be attached. Typically this includes towers with guy-wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (towers); rooftops of existing buildings or structures such as elevated water storage tanks.

Applicant. A party or parties who apply for a permit to construct a Tower, to install an Antenna on a proposed or existing Tower or to locate Equipment on a proposed or existing Tower Compound.

Board of Education. The Board of Education of Jefferson County.

Board of Zoning Adjustment. The Board of Zoning Adjustment of the City of Trussville.

Building Official. Building Official of the City of Trussville.

City. City of Trussville

Communication Facilities. Towers, Antennas and Equipment, collectively.

Communications Transmission Site. A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low-lying existing structures, a support structure for transmitter/receiver antennas are usually required. (Excluding private communication operations with antennae less than 6 (six) feet in height and dishes less than six (6) feet in diameter).

Equipment. All equipment and facilities used in conjunction with one or more Towers and/or Antennas, including, but not limited to, electronic systems, generators, fuel tanks and fuel.

FAA. The Federal Aviation Administration.

FCC. The Federal Communication Commission.

Fiber-Optics. Light transmissions through very fine flexible glass, by internal reflection.

Guy Towers. A three-sided latticed steel or metal tower structure using guy wires for support.

Height. When referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Mini-cellular site. To accommodate the use of existing structures such as buildings, billboards and water towers, a mini-cellular site is defined as a parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennae do not exceed 20 (twenty) feet in height above the existing structure, and "whips," "panels," and parabolic "dishes" so not exceed 48 (forty-eight) square feet. (Excluding private communication operations with antennae less than 6 (six) feet in height and dishes less than 6 (six) feet in diameter).

Monopole. Any self-supporting wooden pole or any self-supporting metal or concrete pole designed to support an Antenna; provided, that the word "monopole" shall not include a latticed steel or metal tower, a tower which requires guy wires for support or a tower which has more than one source of support, such as a tower with more than one leg..

Pre-existing Towers and Antennas. Those in existence prior to the date of adoption of this Ordinance.

Private Communication Operation. The plant equipment, and property including but not limited to cables, wires, conduits, ducts, pedestals, ante1mae, electronics and other appurtenances used or to be used to transmit, receive, distribute and provide telecommunication services for private use only where no fee or lease for services is involved,

i.e.; private company systems for communication purposes within the company structure. Limited to antennae less than six (6) feet in height and dishes less than six (6) feet in diameter. This definition applies where such telecommunications service is considered an accessory use to the principal use of the property or structure upon which it is located.

Site Review Committee. The site review committee of the City of Trussville.

Surveyor. A person who is registered with, and licensed by, the State of Alabama as a surveyor.

Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, an other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment buildings, parking area, and other accessory development.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self- supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Tower Compound. A parcel of land or a building on which Communication Facilities are located.

Utilities Board. The Utilities Board of the City of Trussville.

15.3 APPLICABILITY

Except as specifically provided below, these provisions shall apply throughout the city limits of Trussville, and no tower or antenna shall be permitted except in compliance with these provisions.

A. Zoning District. Communication Facilities may be constructed and installed in any zoning district within the City, provided they comply with the provisions of this ordinance. All towers constructed after the effective date of this ordinance shall preferably be Monopoles. but in certain circumstances Guy Towers may be approved. All Towers, Antennas and Equipment constructed or installed in the City after the effective date of this ordinance, whether on a new or existing Tower Compound, shall be subject to this ordinance. A Tower which is proposed to be built on a Co-Location Site shall be subject to the same requirements and conditions as all other Towers. Any changes or additions to any Tower or Antenna which was in existence before the effective date of this ordinance shall be subject to the provisions of this ordinance. Routine maintenance of, and repairs to, the Communication Facilities, may be performed without the approval of the Site Review Committee.

1. A monopole may be installed in any zoning district subject to review and approval by the Site Review Committee.

2. A guy tower may be installed, subject to review and approval by the Site Review Committee, in isolated, rural areas and in industrial areas where there is no resultant adverse visual impact to nearby residences or to nearby property used commercially.

B. Amateur Radio and Receive-Only Antenna. This Article shall not govern any tower, or the installation of any antenna, that is under 70 (seventy) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only ante1mas.

C. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued or for which no permit was required prior to the effective date of this Article.

D. Private Communication Operations. This Section 15 shall not apply to any Private Communication Operation; provided however, that any Private Communication Tower constructed after the effective date of this Ordinance shall not exceed seventy (70) feet in height, except that under special circumstance request, towers up to ninety-five (95) feet in height may be approved.

15.4 OBJECTIVES

The proposed locations and design of all communications towers shall duly consider the following public health, safety, and general welfare objectives:

A. Structural safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes relating to towers, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

B. View protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.

C. Land use compatibility. The proposed tower facility shall be compatible with the surrounding land uses, given the character of use and development of the location.

D. Design harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.

E. Compliance with Rules and Regulations. All Communication Facilities must comply with all applicable rules, regulations and other requirements of the FCC and any other

governmental agencies having jurisdiction over them, including, but not limited to, rules and regulations of the State of Alabama and the Jefferson County Health Department regarding health matters. The Committee may require that satisfactory evidence of such compliance be furnished to it.

15.5 GENERAL GUIDELINES AND REQUIREMENTS

A. Principal or Accessory Use. Antennas may be considered either principal or accessory uses. Towers, unless specifically accessory to the use of a property, shall be considered a principal use of property. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna on such lot. Where a new lot has been created from a larger parcel, for purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the larger lot from which the new lot was created shall control. Towers that are constructed, and antennas that are installed in accordance with the provisions of this Article shall not be deemed to constitute expansion of a non-conforming use or structure.

B. Aesthetics; Lighting. The guidelines set forth shall govern the location of all towers, and the installation of all antennas, governed by this Article.

1. Towers shall be subject to any applicable FAA standards.

2. At a tower site, the design of the building and related telecommunication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and built environn1ent to reduce visual obtrusiveness.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunication facilities must be of a color that is identical to, or closely compatible with, the color of supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. When dictated, red lights shall be required at night. Lighting mi1st be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences. Lights for security and to assist in making emergency repairs may be installed on buildings which contain Equipment. Such lights must be pointed in a downward direction from a height of not more than ten (10) feet, and no such light may exceed a maximum of 150 watts. Such lights must be located and directed so that they do not shine or reflect onto or toward any Residential Property.

5. No portion of any antenna array may extend beyond the property line.

6. Parabolic or dish antennas mounted on the ground shall comply with the requirements of Article VII. Section 6.0, G.

7. Ancillary telecommunications facilities shall be no taller than one story (15 feet) in height, and shall be compatible with the surrounding area.

8. Ancillary telecommunications facilities in areas of high visibility shall, where possible, be sighted below the ridgeline or designed (i.e., placed underground, depressed, or located behind the earth berms) to minimize their profile.

9. Where communications towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles or guy towers two hundred (200) feet or less in height, or when located in or within one thousand (1000) feet of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors, tower shall not exceed one hundred (100) feet in height.

10. As part of the site review application process described in Section I 5.10 the City may require a special design of any telecommunications facility where findings of particular sensitivity are made.

C. **Landscaping.**

1. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.

2. The standard buffer, which may exist within the setback, shall consist of a minimum eight-foot wide landscaped strip outside a dark, vinyl-coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within one thousand (1000) of a residence and areas of special aesthetics concerns such as commercial revitalization areas, historic districts and scenic corridors, the Site Review Committee may impose increased buffer standards to include: a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.

3. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing in combination with a four-foot height of evergreen shrubs, trees, vines, and/or other plantings.

4. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived on the condition that if the areas surrounding such Tower Compounds become developed, the City shall have the right to require the owner or owners of the Tower Compound to comply with the landscaping requirements of this ordinance.

5. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sighted on large, wooded lots, preservation of substantial natural growth around the property perimeter may be considered by the Site Review Committee a sufficient buffer.

6. Facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempt from any buffer requirements. All fences, walls and landscaping shall be kept in good condition and repair and maintained in a neat manner by the owner or user of the Tower. In the Application for permission to construct a new Tower or to install an additional Antenna on an existing Tower, the Applicant must advise the City of the name and address of the party who shall be responsible for the maintenance and repair of the Communication Facilities, and any fences, walls and landscaped buffer areas. If a different person becomes responsible for such maintenance and repair, the owner of the Tower must give the City's Building Inspection Superintendent written notice of such person's name and address within thirty (30) days of change.

D. **Compound enclosure.** The facility shall be fully secured. A minimum eight foot high, dark colored vinyl-coated steel, chain link fence shall be installed around the perimeter of the compound. Security fencing shall require screening in accordance with Section 15.5 C. above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound. Lighting of the compound shall not glare onto or be objectionable to adjoining properties. Areas of special aesthetic concerns shall comply with Section 15.5 B. above.

E. **Access.** Driveways and parking, consisting of an all-weather surface, shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off-street parking area. Provisions shall be made to provide access clearances for emergency vehicles. A copy of a recorded access easement or a copy of a lease granting access may be required in the absence of a dedicated right-of-way.

F. **Co-location.** No new tower providing telecommunications services shall be established if space is structurally, technically and economically available on an existing tower which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made to achieve co-location shall be submitted in accordance with Section 15.10 F. Towers shall be designed to provide and maximize shared use to the extent possible, given the structural and

technical limitations of the type of tower proposed. In any event, co-location shall be encouraged and preferred to new installation alternatives.

G. **Removal of obsolete towers.** Any tower that is no longer in use for its permitted communication purposes shall be removed at the owner's expense. The owner shall provide the Building Official with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. The owner of the Tower must remove the Tower and all Communication Facilities used in connection with it, within ninety (90) days from the day the Tower ceases to be used as an FCC authorized or licensed facility, or by such earlier date as may be required by the FCC. If the owner of the Tower does not remove the Tower from the Tower Compound within such ninety-day period, or such shorter period as may be prescribed by the FCC, the owner of the land on which the Tower is located (if a party different from the owner of the Tower) must remove it from such land within ninety (90) days of receiving written notice from the City to do so. If neither the owner of the tower nor the owner of such land removes the Tower from the land within the time prescribed hereinbefore, the City may, but shall not be obligated to, remove the Tower. If the City removes the Tower it shall be entitled to recover the cost of doing so from the owner of the Tower and/or the owner of the land upon which the Tower is located.

Notwithstanding the foregoing, a Tower which is used by more than one party may continue to be used for telecommunication purposes as long as the Tower is used for such purposes by at least one party. Any party who ceases to use a Tower occupied by more than one party shall remove its Antenna from the Tower and shall remove its Equipment from the tower Compound within ninety (90) days after it ceases to use the Tower (or within such shorter period as may be prescribed by the FCC) so that the Tower Compound will be available for use by another party or other parties.

If the Tower is located on property owned or leased to the owner of the Tower by the City of Trussville, the Utilities Board of the City of Trussville or the Board of Education of Jefferson County, the City, Utilities Board, or Board of Education respectively, shall have the right to purchase the Tower for $100.00 when it ceases to be used for telecommunication purposes by the owner of the Tower and by all other parties who have an Antenna located on the Tower. Such right to purchase must be exercised by the City, the Utilities Board, or the Board of Education within sixty days of the day the City receives notice that the owner of the tower intends to cease using the Tower for its permitted purpose.

When a facility is dismantled, certification shall be supplied to the City that no hazardous materials have seeped into the ground.

H. Federal Requirements. Towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas, and all facilities shall maintain FCC compliance.

I. Insurance Certificate. A current certificate of insurance shall be submitted annually for each location. The applicant shall file with the City an insurance policy or policies, or certificate(s) of coverage which include an endorsement placed on each policy requiring ten days notice by mail to the City before the insurer may cancel the policy for any reason, and additionally indicates that:

1. The Applicant maintains a comprehensive general liability policy, including broad form property damage, completed operations and contractual liability for limits not less than $3,000,000.00 for each occurrence for damages or bodily injury or death to one or more persons; and $1,000,000.00 for each occurrence for damage to or destruction of property.

2. Insurance coverage for special hazards: Special hazards coverage, such as, but not limited to, property damage as a result of blasting hazard, explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, shall all be specifically added by endorsement to the hereinabove required liability policy.

3. The applicant maintains worker's compensation coverage as required by Alabama law.

J. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes, the applicable standards for towers.

1. Any information of an engineering nature that the applicant submits, shall be certified by a registered professional engineer.

2. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.

3. No guy wires employed may be anchored within the area in front of any primary structure on a parcel.

4. At least ten (10) feet of horizontal clearance must exist between any antennas and any power lines, unless more clearance is required to meet Alabama Public Service Commission standards.

5. All towers and telecommunications facilities must be designed and/or sighted so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand the maximum forces expected from wind, tornadoes, hurricanes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunications facilities, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural

engineer licensed in the State of Alabama describing the tower structure, specifying the loading it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the Building Official at least every five years of an inspection report prepared by an Alabama registered structural engineer indicating the number and types of antennas and related telecommunications equipment actually present, and indicating the structural integrity of the tower. Based on this report, the Building Official may require repair of, or if a serious problem exists, removal of the tower or any telecommunications facilities. Certification of the condition of the site to include the state of the fencing, lighting, landscape materials, and fuel storage tank shall be submitted annually.

6. If a deficiency is noted on any inspection certification, corrective action shall be taken within ninety (90) days and proof of correction or compliance submitted to the Building Official. If said deficiency constitutes a danger to persons or property, the owner shall bring such tower into compliance within ninety (90) days, or the governing authority may remove such tower at the owner's expense.

15.6 RADIO FREOUENCY STANDARDS. All applicants shall comply with federal standards for radio frequency emissions. Within six (6) months after the commencement of any operations utilizing a tower, antenna or related telecommunications facilities, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards.

15.7 ADVERTISING PROHIBITED. No signage or other forms of advertising, including advertisement for the owner or user of the Tower or Antenna, may be attached to, or depicted on, a Tower or Antenna. However, notwithstanding the above, an all-weather placard, not to exceed one square foot in size, shall be attached to or near the entrance to the compound giving emergency notification information to include the company name of the Tower user, their Tower reference name or identification number, and a twenty-four hour contact telephone number or a daytime and after hours/weekend telephone number.

15.8 DEVELOPMENT CRITERIA The Building Official shall review all communications towers requesting permits for compliance with the applicable criteria listed below. All communications towers and telecommunication facilities are subject to site review and approval by the Site Review Committee. In any event, these criteria are considered the minimum necessary to protect the public health, safety, and general welfare; the City may impose higher standards if it deems them necessary to further the objectives of these guidelines.

A. Approval Process.

1. Within thirty (30) days of application submittal, the Site Review Committee shall review and issue an approval or denial with respect to each application for the

construction of a Tower and/or the installation of the Equipment to be used in connection with the first Antenna to be placed on the Tower.

2. The installation of any additional Antenna on an existing Tower, and the Equipment used in connection with such additional Antenna, would be subject to the approval of the Building Official and would not require a review by the Site Review Committee unless: (1) The Tower Compound is to be enlarged or there is a change in the size or location of the existing Tower; or (2) The Building Official considers it appropriate that such application be referred to the Site Review Committee for its review and consideration; in either of which case a review hearing shall be held, subject to all the conditions and requirements of a review on an application for the construction of the initial Tower on a Tower Compound.

B. **Notice Requirements.** Each such application must be accompanied by a list of the names and addresses of all owners of property any part of which is located within two hundred fifty (250) feet of any part of the Tower Compound or proposed Tower Compound upon which the Tower, Antenna or Equipment are to be located, or when only a portion of a larger property is leased for the compound, two hundred fifty (250) feet from the perimeter of the larger parcel of property. In addition, all property owners of property abutting the access road to the proposed site shall be notified. For the purpose of this ordinance, the owner of a piece of property shall be considered to be the person who is shown as the owner of such parcel according to be the records of the Tax Assessor of Jefferson County, Alabama or St. Clair County, whichever is applicable. The application must be accompanied by a certification of the Applicant, a Surveyor or an attorney that the list of property owners was obtained from the records of the Tax Assessor of said County or Counties and that the list contains the names and addresses of all owners of property within two hundred fifty (250) feet of such Tower Compound or, when leased, of the larger parcel as described above. The City shall, by the United States mail, provide five days notice to such property owners of the review hearing at which the Site Review Committee shall consider such application.

A decision of the Site Review Committee may be appealed to the Board of Zoning Adjustment of the City of Trussville.

C. **Factors Considered in Granting Approval of Towers and Antennas**. The Site Review Committee shall consider the following factors in determining whether an approval will be granted.

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress;

8. An evaluation of the applicant's one and five year plans for development of its telecommunications facilities within the City, as well as those plans on file from other telecommunications providers;

9. Availability of suitable existing towers and other structures as discussed in Section 15.10 F. of this Article.

10. An RF (Radio Frequency) propagation study when deemed necessary by the Committee.

11. Any other information that the Committee deems reasonably necessary in connection with the review of the application.

D. Setbacks and Separation. The following minimum setbacks and separation requirements shall apply to all towers and antelll1as.

1. Towers must be setback a distance equal to minimum set back required in the Zoning district plus the height of the tower.

2. Towers over eighty (80) feet in height shall not be located within one-quarter mile from any existing tower that is over eighty (80) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonable suitable alternative sites in the required geographic area which can meet the applicant's needs.

E. **Height restrictions.** No tower, including the highest point of an antenna array or lighting may exceed two hundred (200) feet in height. Towers in or within one thousand (1000) feet of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors, tower shall not exceed one hundred (l00) feet in height.

F. **Size of Tower Compound.** Each Tower Compound must be large enough to provide room for a struch1re to contain the Equipment for at least one additional user.

15.9 PERMITS.

A. **Standard Agreements Required.** Towers, antennas and telecommunications facilities are considered structures, requiring issuance of a building permit. In addition to any information required in connection with the issuance of a permit for a tower, antenna or telecommunications facility, the applicant shall, prior to a permit being issued, submit the following to the Building Official.

1. A maintenance/facility removal agreement, binding the applicant, the property owner (if other than the applicant) and the applicant's and/or owner's successors in interest to properly maintain the exterior appearance of and ultimately the removal of the tower and telecommunications facilities in compliance with the provisions of this Section and any conditions of approval.

2. A bond equal to not less than twenty-five percent (25%) of the combined building costs of all structures erected on the telecommunications site shall be required to offset any expense to the City as a result of the applicant's failure to maintain, remove, and/or dispose of any tower or telecommunications facilities as required under the terms of this ordinance when such tower or facilities fall into disrepair or cease to be used for the approved purpose. Said bond shall be kept current and evidence provided to the City on an ongoing basis.

3. An agreement to allow the City to enter onto the property and undertake any maintenance or removal activities so long as:

a. The Building Official has provided the applicant written notice requesting the work needed to comply with this Article and providing the applicant at least forty-five (45) days to complete it; and a follow up notice of default specifying failure to comply within the time period permitted, and indicating the City's intent to commence the required work within ten days of the notice; and

b. The applicant has not filed an appeal within ten (10) working days of the notice of the City's intent to commence the required work. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it is taken in favor of the City.

c. Notwithstanding anything contained in this section to the contrary, the City shall not be required to provide the notice described herein if there is a significant risk to the public health and safety requiring immediate remedial measures.

4. In addition to any building permit fees and Site Review Committee, the applicant shall pay a telecommunications facilities permit fee in an amount that shall be set from time to time by City Council resolution. The fees for towers may be set at different levels than the fees set for antennas.

5. A statement that the applicant agrees to allow for the potential co-location of additional telecommunications equipment by other providers on the applicant's tower or within the same site location, subject to reasonable conditions.

6. If the applicant seeks a permit for a tower or telecommunications facilities on leased property, a copy of the lease agreement, memorandum of lease, or a verified written statement of the landlord indicating that the landlord is permitted to enter into leases with other telecommunications providers.

7. Each applicant for an antenna or tower shall provide to the City Clerk an inventory of its existing towers that are either within the City or within one-quarter mile of the City's boundaries, including specific information about the location, height, and design of each tower. The City Clerk may share such information with other applicants applying for administrative approvals or conditional use permits under this Article, or other organizations seeking to locate antennas within the City, provided however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

B. **Receiving Antennas.** A building permit will be required for receiving Antetnas over one meter in diameter. A receiving antenna located in a residential zoning district shall be considered to be, and treated as, an accessory structure as addressed in Article VII, Section 6.0, Item G. A receiving Antenna located in any zoning district other than a residential zoning district must be screened on at least three (3) sides.

15.10 APPLICATION.

Any application submitted for approval shall include the following items, in addition to any other required items, to show compliance with these review guidelines. An application fee as set out by the City Council shall be submitted with the application and shall be non-refundable if the application is withdrawn.

A. **Site plan.** A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, a drainage plan, generators and if a fuel tank is to be used, the size of the tank and the type and maximum amount of fuel to be stored in it, and other information necessary to access compliance with the development criteria of these guidelines. If site is leased, it's location with respect to the property ownership lines shall be shown. Present zoning classification of site shall be indicated.

B. **Elevation View.** A silhouette and a photo simulation elevation view of the proposed Tower (or the existing Tower if the Applicant is seeking permission to install an Antenna on an existing Tower) and all other Communication Facilities, and the Tower Compound, describing colors and materials to be used for the Communication Facilities and any security fence, decorative fence and decorative wall. The configuration of proposed Antenna arrays must be shown on the

silhouette. The proposed location of future, additional Antenna arrays must be shown on the silhouette by dashed lines.

C. **Site Location.** Application shall state latitude and longitude; Section, Township and Range; Tax Parcel I.D. Number; street address; and user's identification of the proposed site, as well as a contact person and an emergency telephone number.

D. **Frequency and wattage information.** Application shall state frequency band and wattage of proposed facility. The ERP (effective radiated power) of the cumulative total antennae and the distance to the ground shall be included.

E. **Availability of Suitable Existing Towers or Other Structures.** No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements, as evidenced by an R F propagation study or other study.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. **Certification of shared use design.** A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate multiple shared users.

G. **Tower Life.** The estimated life of the Tower, the Antenna and the Equipment must be included in the Application for the construction or installation of such Tower, Antenna or Equipment.

H. **As-Built certification.** A qualified professional engineer, registered in the State of Alabama, shall certify that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

I. **Compliance.** The applicable requirements within the permitted Districts shall meet the requirements of the City of Trussville Zoning Ordinance. All sites and uses shall be reviewed and approved by the Site Review Committee before any application for permit, zoning change or variance is submitted.

Section 16.0 Regulation of Small Cell Technology Facilities

Section 16.1 Definitions

The terms below have the following meanings for purposes of this ordinance.

Abandonment or Abandon(s) means that, following the placement of Small Cell Technologies Facilities (and associated Accessory Equipment) or Support Structures in the City pursuant to a permit issued to a Provider or an Applicant, any of the following has occurred: (a) for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of ninety (90) days; (b) the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Provider or Applicant to comply with conditions in the permit or in this ordinance concerning them, or other valid reason; or (c) the Provider or Applicant fails to perform any of its responsibilities, obligations and requirements in this ordinance or in a permit that relate to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of sixty (60) days after the City provides written notice of the breach to the Provider or Applicant.

Accessory Equipment means any equipment other than an antenna that is used in conjunction with Small Cell Technology Facility arrangements. This equipment may be attached to or detached from a Small Cell Technology Wireless Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on or in the immediate vicinity of a Support Structure**.**

Antenna means communications equipment that transmits and receives electromagnetic radio signals, is attached to a Small Cell Technology Wireless Support Structure and is used to communicate wireless service.

Applicant, whether singular or plural, means a personal wireless service provider, an entity that is authorized by a personal wireless service provider to apply for or receive a permit to install, construct, modify or maintain a Small Cell Technology Facility and related Accessory Equipment or Support Structure in the City, or an entity certificated by the Alabama Public Service Commission to provide telecommunication service.

Application means a formal request submitted to the City for a permit to install, construct, modify or maintain a Small Cell Technology Facility and related Accessory Equipment or Support Structure.

City means the City of Trussville, Alabama.

City Council means the City Council of the City of Trussville, Alabama.

City Official means the City Building Official or any other person designated by the Mayor of the City to perform the responsibilities in this ordinance.

Collocation means the placement or installation of a new Small Cell Wireless Technology Facility or related Accessory Equipment on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

Personal Wireless Service Provider" or "Provider means an entity that provides personal wireless communication services to the public or citizens of the City on a commercial basis and is authorized by the FCC to provide those services.

Private Property means real property located in the City that does not lie within the Right of Way.

Right of Way" whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements and public service easements within those places, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the jurisdiction of the City. This term shall not include county, state or federal rights of way or any property owned by any person or entity other than the City.

Small Cell Technology Facility or Facilities, whether singular or plural, means and includes the following types of structures: (a) antenna; and (b) associated Accessory Equipment. Photographs and illustrations of the types, relative dimensions and scale of these facilities that are currently contemplated by this ordinance are attached as Attachment A to the permanent record of this ordinance that is maintained by the City Clerk.

Small Cell Technology Wireless Support Structure" or "Support Structure, whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, Small Cell Technology Facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole. These terms may include decorative street light poles owned by the City; provided that, before being authorized to attach any Small Cell Technology Facilities to any such any decorative poles, any Applicant or Provider must demonstrate that it will incur an extraordinary hardship if the attachment is not permitted.

Stealth Technology means a method(s) of concealing or minimizing the visual impact of a Small Cell Technology Facility (and associated Accessory Equipment) and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure. Photographs and illustrations of examples of the types of Stealth Technology that may be used when buildings are utilized as Support Structures and other applications of Stealth Technology that are currently contemplated are attached as Attachment B to the permanent record of this ordinance that is maintained by the City Clerk.

Section 16.2 Permit Required to Place Small Cell Technology Facilities in Right-of-Way

A. A Provider or Applicant must obtain a permit from the City before placing, installing, or constructing any Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on the Right of Way, or substantially modifying the position or characteristics of any such existing Facility thereon.

B. The City Official will review and administratively process any request for a permit to determine whether, in the exercise of the City Official's reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed Small Cell Technology Facility and associated Accessory Equipment or Support Structure on the Right of Way is the minimal physical installation which will achieve the goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this subsection, this permitting process will be administrative and not require the approval of any City board or body other than the City Official.

The factors, requirements and guidelines that the City Official may consider and will apply when determining whether to issue a permit for placement of Small Cell Technology Facilities and associated structures on the Right of Way include, but are not limited to, the following:

1. the demonstrated need for placing the structures at the requested location and geographic area in order to deliver or enhance personal wireless service;

2. the visual impact of placing the Support Structures or Facilities in the subject area;

3. the character of the area in which the structures are requested, including surrounding buildings, properties and uses;

4. whether the appearance and placement of the requested structures is aesthetically consistent with the immediate area;

5. whether the structures are consistent with the historic nature and characteristics of the requested location;

6. the Applicant's or Provider's network coverage objective and whether the Applicant or Provider should use available or previously unconsidered alternative locations to place the Support Structures or Facilities;

7. Colocation. To the extent practical, all Facilities and associated Accessory Equipment that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity. If the Applicant demonstrates that no

colocation opportunities exist in the area where a technologically documented need for a facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities. Before any new Support Structure is permitted, each of the following must occur:

a. the Applicant must have provided the City written evidence that no practical colocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve colocation in the requested location or area, that the Applicant has pursued but been denied access to all potential colocation sites in the subject area (and the reasons any such denial(s)), and otherwise show that the Applicant is unable to co-locate on an existing Support Structure;
b. the City Official must recommend the placement of a new Support Structure in the Right of Way; and
c. the City Council must approve the recommendation of the City Official to issue a permit that includes the placement of a new Support Structure in the Right of Way. The City Council will consider whether to approve any such new structure at a regular Council meeting that will be conducted as soon as practical after the City Official's recommendation is made.

8. if a facility is attached to a utility pole or other Support Structure in the Right of Way, no antenna or other part of the facility shall extend more than five (5) feet above the height of that structure; provided that, in the event that the Applicant demonstrates that National Electric Safety Code regulations or other factors create an undue hardship in complying with this height requirement, the City Official may permit a facility to extend up to ten (10) feet above the height of such Support Structure;
9. the Accessory Equipment shall, if reasonably possible, be placed at least 10 feet above the ground;
10. the color of antenna and Accessory Equipment shall be compatible with that of the Support Structure;
11. the Facility (including the Accessory Equipment) shall not be illuminated;
12. whether the proposed installation could cause harm to the public or pose any undue risk to public safety;
13. whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public; and
14. if the proposed installation will disturb conditions on the Right of Way, whether the Applicant can demonstrate its ability and financial resources to restore the subject area to its pre-existing condition following installation.

C. Application Process.

At a minimum, each application for a permit shall contain all of the following:

1. engineering drawings depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure;

2. map(s) designating with specificity the location(s) of the requested Facilities;

3. the geographic coordinates of all antenna and other proposed Facilities;

4. if the Facilities will be located on a Support Structure on the Right of Way that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached thereto or agrees in principle to authorize that attachment; provided that, if a representation is made to the City that the attachment has been authorized in principle by the owner of the Support Structure but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the Right of Way be rescinded.

5. if the Applicant requests permission to place Facilities on a new Support Structure, the substantiation therefor required by Subsection 2(b) (vii) in this ordinance.

An application shall not be deemed complete until the Applicant has submitted all documents, information, forms and fees specifically enumerated in this ordinance that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s). Within 30 calendar days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. If the City does not notify the applicant in writing that the application is incomplete within 30 days following its receipt, the application is deemed complete.

a. Time for Processing Application.

Unless another date is specified in a written agreement between the City and the Applicant, the City, will have the following time periods to make its final decision to approve or disapprove an application for a permit contemplated in this ordinance and advise the Applicant in writing of that determination:

i. sixty (60) calendar days from the date an application for a permit is filed with respect to a request to co-locate Facilities on an existing Support Structure; and

ii. ninety (90) calendar days from the date an application for a permit is filed with respect to a request to attach Facilities to a new Support Structure.

To the extent additional information is required to complete the application after it is filed, the applicable calendar day review period set forth in this Subsection shall be tolled and not continue to run until the Applicant has provided any missing or requested supplemental information; provided that tolling shall not occur if the City does not advise the Applicant in writing of the incompleteness of a submitted application within 30 days after that submission.

b. Reconsideration/Appeal. Any Applicant that desires reconsideration of an administrative decision by the City Official to deny a request for a permit to place a Facility or Support Structure on the Right of Way may seek review, modification or reversal of that decision by the City Council by submitting a request for reconsideration with the City Clerk within twenty one (21) calendar days following the City Official's decision. That request for reconsideration will be considered by the City Council at a regular Council meeting that will be conducted as soon as practical after the request for reconsideration is made. If no request for reconsideration is submitted, the decision of the City Official will be final.

Additionally, the Applicant, within (30) days following a decision by the City Council to deny either (i) a request for reconsideration or (b) a decision by the City Council to not approve the placement of a new Support Structure on the Right of Way, may appeal either of those decisions by the City Council to the Circuit Court of Jefferson County, Alabama. If no appeal of those decisions of the City Council is made, those will be deemed final.

c. Additional Requirements. Any Provider or Applicant to whom a permit is issued and that places Facilities and associated Support Structures on the Right of Way also shall comply with the following requirements as long as those Facilities and Support Structures are on or under the Right of Way:

i. Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way: (1) General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed on or along the Right of Way by the Applicant (or any of their contractors) with minimum limits of $1,000,000 per occurrence; and (2) Workers Compensation Insurance as required by statute. The General Liability coverage shall list the City as an additional insured, and may be provided through a combination of a primary and umbrella policies. All insurance policies shall be furnished by insurers who

are reasonable acceptable to the City and authorized to transact business in the State of Alabama. On an annual basis following initial installation, the Applicant also shall furnish the City a Certificate indicating that the above-noted coverage remains and will remain in effect.

ii. All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.

iii. Following the installation of any Facilities and associated Support Structures, the Provider or Applicant, upon reasonable request and for good cause, shall furnish the City Official a written certification from a licensed professional engineer in the State of Alabama stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those Support Structures should fail at any time to comply with applicable laws and regulations, the Provider or Applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within fifteen (15) days of the date of any written notice to them from the City Official of non-compliance, or cease all personal wireless service operations related to those structures until the Applicant or Provider comes into full compliance with said laws and regulations.

iv. The Facilities and associated Support Structures must at all times be maintained in good and safe condition. On no more frequent than a triennial basis, the City Official may request that the Provider or Applicant, at either of their expense, furnish certification from a professional engineer who is licensed in the State of Alabama that the Facilities and Support Structures are in sound condition. Should that engineer deem those structures unsound, the Provider or Applicant shall furnish to the City Official a plan to remedy any unsafe conditions or structural defect(s) and take that remedial action at the Provider or Applicant's expense.

v. Each Applicant or Provider that applies for a permit to place Facilities (including the Accessory Equipment) and Support Structures on the Right of Way and installs and utilizes those structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its employees or officials) by any third person, firm or entity that arise out of

or relate in any manner to the following: (1) the installation, construction, maintenance, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way; and (2) the failure of the Provider or Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Provider or Applicant shall not be obligated to indemnify the City for City claims resulting from the sole negligence or willful acts of the City (or its representatives).

d. Permit and License Fees. The Applicant for a permit to place Facilities and associated Support Structures on the Right of Way shall pay the following types of fees that are enumerated in Sec.14-33 of Chapter 14, Article III and in new Sec.18-67 of Chapter 18, Article II of the City Code, as amended:

i. a permit application and review fee to be paid when an application is submitted;
ii. a permit issuance fee per each Support Structure on the Right of Way contemplated for attachment; and
iii. an annual license fee per each Support Structure on the Right of Way pertaining to the ongoing use of public property.

e. Franchise Agreements for Other Uses of Right of Way. This Subsection 2 regulates the placement of Small Cell Technology Facilities (and associated Accessory equipment) on or in the immediate vicinity of Support Structures that are located or proposed to be located on the Right of Way. No provision in this Subsection 2 or elsewhere in this ordinance is intended to permit, regulate or authorize the placement by a Provider or Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or between any other points on the Right of Way. In the event any such Provider or Applicant desires to place telecommunications equipment or Facilities along the Right of Way at points not regulated by this ordinance, the City may enter into franchise or similar agreement that authorize, govern and apply to such use of other locations on or along the Right of Way.

Section 16.3 Placement of Small Cell Technology Facilities on Private Property

A. A Provider or Applicant must obtain a permit from the City before placing, installing, or constructing any Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on private property, or substantially modifying the position or characteristics of any such existing facility thereon.

B. The City Official will review and administratively process any request for a permit to determine whether, in the exercise of the City Official's reasonable discretion, it should be issued for the location and in the manner requested. In this process, the burden is on the Applicant to

demonstrate that the placement of the proposed Small Cell Technology Facility and associated Accessory Equipment or Support Structure on private property is the minimal physical installation which will achieve the technological goal of enhancing the provision of personal wireless services. Except as set forth in this Subsection, this permitting process will be administrative and not require the approval of any City board or body other than the City Official.

The factors, guidelines and requirements that the City Official may consider and will apply when determining whether to issue a permit for placement of Facilities and any associated Accessory Equipment or Support Structure on private property include, but are not limited to, the following:

1. the factors and requirements set forth in Subsection 2(b)(i)-(xi);

2. Colocation. The guidelines in Subsection 2(b) (vii) to utilize existing poles and Support Structures for the placement of Facilities and Accessory Equipment are also applicable when considering whether to permit the installation of those Facilities and Support Structures on private property, provided that City Council approval is not required before a permit is issued to place a new pole or other Support Structure on private property if that action is appropriate.

3. The Provider or Applicant shall use Stealth Technology when installing the Facilities and associated Accessory Equipment on any building or accessory to that building that is located on private property. Further, Stealth Technology should be used when placing Facilities on other types of Support Structures on private property unless the Applicant can reasonably demonstrate that, given the nature of the requested application, the use of such Technology is (a) unnecessary; or (b) impractical.

4. If Facilities are placed on an existing or new building or accessory to that building, the following dimensional regulations shall apply:

   a. Façade-mounted antennas shall not extend above the face of any wall or exterior surface of the building.

   b. Roof-mounted antennas and Accessory Equipment may be permitted on buildings in a accordance with the following table:

Height of Building	Maximum Height of Facility above Highest Point of Roof	Required Setback from Edge of Roof or Building
Up to 15 feet	8 feet, including antenna	1 foot for every foot of height of equipment
15-35 feet	10 feet, including antenna	1 foot for every foot of height of equipment
More than 35 feet	12 feet, including antenna	1 foot for every foot of height of equipment

c. The antenna component of the Facilities shall be limited to a maximum height of three (3) feet and a maximum width of two (2) feet; provided that authorization to install antenna up to six (6) feet in height may be permitted if a showing of the technological need for such equipment is made and other requirements of this Subsection are met.

d. Accessory Equipment must be located in an equipment cabinet, equipment room in an existing building or in an unmanned equipment building. If the equipment building is freestanding, it shall conform to the requirements of the Zoning Ordinance of the City. Further, if an equipment building or cabinet is located in a residential zone, or the nearest adjoining property is in a residential zone, that building or cabinet shall be surrounded by landscaping to provide a screen of the same height as the building or cabinet.

3. Application Process. Except as provided in subparts (1) and (2) immediately below, the same application process that is set forth in Subsection 2(c) will be utilized when processing any request for a permit to place Facilities or Support Structures on private property, except that:

a. City Council approval to install a new Support Structure on private property is not a condition for a permit to place Facilities thereon; and

b. If the Facilities are located on private property that is not owned or exclusively used by the Applicant, instead of providing the documentation contemplated in Subsection 2(c) (i)(4), the Applicant shall present a license, lease, agreement or other documentation indicating that owner of said property authorizes the Applicant the rights to place the Facilities thereon and access thereto, or that such owner agrees in principle to grant the Applicant those rights; provided that, if a representation is made to the City that the owner of private property has agreed in principle to grant those rights but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit and license may be revoked.

6. Additional Requirements. Any Provider or Applicant to whom a permit is issued and that places Facilities and associated Support Structures on private property also shall comply with the following requirements as long as those Facilities and Support Structures are located thereon:

a. All Facilities and Support Structures shall be installed, erected, and maintained in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.

b. At least triennially following the installation of the Facilities or associated Support Structures, upon reasonable request and for good cause, the applicant shall furnish the City Official a written certification from a professional engineer licensed in the State of Alabama indicating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those structures fail at any time to comply with said laws and regulations, the Provider or Applicant shall cause those structures to be brought into compliance with said laws and regulations within fifteen (15) days of the date of any written notice to either of them of such non-compliance, or cease all personal wireless communications operations related to those structures until the Provider or Applicant comes into full compliance with applicable laws and regulations.

c. The Facilities and associated Support Structures on private property must at all times be maintained in good and safe condition.

7. Permit and License Fees. The provider or applicant for a permit to place Facilities and associated Support Structures on private property shall pay the following types of fees that are enumerated in Sec.14-33 of Chapter 14, Article III of the City Code as amended:

1. a permit application and review fee to be paid when an application is submitted; and,
2. a permit issuance fee per each Support Structure on private property contemplated for attachment.

Section 16.4 Abandonment of Facilities on Right of Way.

If a Provider or Applicant abandons any Facility (including the Accessory Equipment) or an associated Support Structure (collectively "Facilities" for purposes of this Subsection) that is located on the Right of Way, the following rights and obligations shall exist. The City may require the Provider or Applicant, at their expense, to remove and reclaim the abandoned

Facilities within sixty (60) days from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before they were installed. If the Provider or Applicant fails to remove and reclaim its abandoned Facilities within such 60-day period and the Facilities are located on the Right of Way, the City shall have the rights to (a) remove them and charge its expense of any such removal operation to the account of the Provider or Applicant, (b) purchase all abandoned Facilities at the subject location from the Provider or Applicant in consideration for $1.00, (c) at the City's discretion, either resell the abandoned Facilities to a third party or dispose and salvage them; provided that the proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant or Provider that used those Facilities before the abandonment, and (d) charge any expense incurred by the City to restore the Right of Way to the account of the Provider or Applicant.

Section 16.5 Co-Location. To promote the public interest that is served by co-locating Facilities and associated Accessory Equipment on existing Support Structures and thereby mitigating the installation of additional Support Structures throughout the City, no person or entity (including any Provider, Applicant, utility, or franchisee) that utilizes an existing Support Structure that is located on Right of Way or on private property in the City and has space available thereon may deny a Provider or Applicant the right to use or access an existing Support Structure for purposes of attaching Facilities permitted by this ordinance without sound operational, technological or other good reason.

Section 16.6 Non-Applicability. The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance: (a) amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and (b) facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this Section are supplemental to, and not intended to alter, affect or modify the provisions in Appendix A, Article VII § 15 pertaining to the placement or use of macro Telecommunications Antennas and Towers.

ARTICLE IX

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1.0 Purpose of Off-Street Parking and Loading Requirements

The primary purpose of these provisions is to reduce traffic congestion on public streets of the City of Trussville by requiring certain minimum off-street parking and loading areas be provided. Further, these provisions promote safe and convenient access to and from each site, as well as safe and efficient on-site traffic circulation and encourage the design of attractive, efficient and harmonious facilities.

At the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding floor area, seats, dwelling units, guest rooms, or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this Article must be provided. Such parking space may be provided in a parking garage or parking lot or in driveways serving single and two-family residences. Parking facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced to below the requirements of this Ordinance.

A. All residential and agricultural zoning districts in the City of Trussville require a minimum of two (2) off-street parking spaces. However, provisions shall be made by the owner or occupant of each residential or agricultural unit to park all vehicles belonging to residents of the household within the confines their property and not upon the public right-of-way. Recreational vehicles and commercial vehicles shall not be parked forward of the front of a residence. In the case of corner lots or double fronted lots, recreational and commercial vehicles must be screened or shielded from public view as set out in Article VII, Section 7.0, page 153.

B. All commercial, industrial, and institutional zoning districts in the City of Trussville have parking requirements determined by the use, occupancy, size and/or seating capacity of the site. All required parking shall be contained within the confines of the site or may be supplemented by a written, fully executed document authorizing shared parking between the business owner and the owner of nearby property having surplus parking places above those required for the use on the site, or when the hours of operation of the two uses allow peak use of the parking spaces at separate times of day.

Section 2.0 Parking Requirements for Specific Uses.

Section 2.1 Residential Districts/Uses

A.	Detached single family dwelling unit, including Garden Home	2 spaces
B.	Duplex or two family dwelling	2 spaces per unit
C.	Townhouse dwelling	2 spaces per unit
D.	Multi-family dwelling unit	2 spaces per unit
E.	Mobile Home/Mobile Home Park	2 spaces per unit
F.	Dormitory	1 space per unit
G.	Day Care Home/Family Care Home	Required residential parking plus one space per three (3) patrons authorized by the use.
H.	Boarding House/Rooming House/ Bed and Breakfast	Required residential parking plus 1 space per leased bedroom.
I.	Senior Housing/Domiciliary	
1.	Retirement apartments or independent living.	1 space per dwelling unit
2.	Assisted living facility	.65 spaces per dwelling unit

Section 2.2 Non-Residential Districts/Uses

Auditorium, Arena, Stadium - Indoor Theater Concert Hall and other spectator facilities	1 parking space per 3 seats of seating capacity of the facility
Bank, financial institution	1 space per 150 sq. ft. of floor area plus 5 stacking spaces per drive-in window
Barber or Beauty Shop	1 space per employee and 2 spaces per chair
Bed and Breakfast Inn	1 per guest bedroom, plus spaces required for underlying residential use
Boat sales, rental, storage, and service (New and Used)	2 spaces per 1000 sq. ft. of floor area plus 1 per service bay plus 1 per 2500 sq. ft. of outdoor display area
Building material sales, home improvement centers	1 space per 150 sq. ft. of floor area

Car Wash: Coin Operated	1 space per bay and 1 per vacuum site
Self-Service	4 stacking spaces per bay
Full Service	1 space per employee plus 4 stacking spaces per bay
Church/Place of Worship	1 space per 3 seats of main assembly area
Club, Lodge, Fraternal Organization	.5 spaces times the occupancy load
College, University, Vocational or Trade School	1 per 3 students of occupancy load plus 1 per 1.5 employees
- Dormitories	1 space per bedroom
- Fraternity or Sorority House	1 space per member
Community Center, YMCA, YWCA	1 space per 200 sq. ft. of floor area
Convenience Store/Service Station	1 space per 250 sq. ft. of floor area plus 1 space per employee, plus 2 stacking spaces per fuel pump, plus 2 spaces per service bay
Country Club, Golf Club	1 space per 3 persons at occupancy load
Dance Hall, Assembly or Exhibition Hall without fixed seats	1 space per 100 sq. ft. of floor area devoted to such use
Dance or Music Studio	1 space per 100 sq. ft. of floor area
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled
Doctor, Dentist	6 per practitioner plus 1 per employee
Farm Market	1 space per 100 sq. ft. of floor area
Funeral Home	1 space per 50 sq. ft. of floor area
Government Offices/Public Facility	1 space per 200 sq. ft. of floor area
Home Improvement Center/Building Material Sales	1 space per 200 sq. ft. of floor area
Hospital	1 space per 3 beds plus 1 space per 2

	employees
Hotel or Motel	1 space per room plus 1 per 1.5 employees
Industrial/Manufacturing	1 space per employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, plus 1 space per 200 sq. ft. of retail sales area if applicable.
Laundromat, Dry Cleaning	1 space per 2 machines or 1 space per 200 sq. ft. of floor area, whichever is greater
Library	10 parking spaces plus one additional space for each 400 sq. ft. of floor area in excess of 2000 sq. ft.
Lounge	1 space per 100 sq. ft. of floor area
Manufacturing/Industrial	1 space per employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, plus 1 space per 200 sq. ft. of retail sales area if applicable.
Medical Clinic	6 per practitioner plus 1 per employee
Mini-Warehouse	1 parking space per 20 units
Motel or Hotel	1 space per room plus 1 per 1.5 employees
Motor Vehicle Body Shop	2 parking spaces per employee plus adequate screened parking area for vehicles to be repaired or awaiting pick up.
Motor Vehicle Repair	3 parking spaces per bay plus one space per employee

Motor Vehicle Sales and Rental (new and used)	1 space per 500 sq. ft. of floor area, plus 1 per service bay plus 1 per 2500 sq. ft. of outdoor display area
Museum, Art Gallery	10 parking spaces plus one additional space for each 400 sq. ft. of floor area in excess of 2000 sq. ft.
Nursing Home, Domiciliary Care, Group Home	1 space per 5 beds plus 1 space per employee on the maximum working shift
Office Building	1 space per 250 sq. ft. of floor area
Post Office	1 space per 200 sq. ft. of floor area
Plant Nursery - Retail	1 space per 250 sq. ft. of floor area
- Grower Only	1 space per employee, plus space to accommodate all trucks and other vehicles used in connection therewith
Recreation, Indoor	
Sports facilities, Bowling ,Skating, Racquet Sports	
- Bowling	5 spaces per alley
- Others	1 space per 300 sq. ft. of floor area
Recreation, Outdoor	
- Carpet Golf	2 per tee
- Golf Course	7 per hole
- Golf Driving Range	1 per tee
- Swimming Pool	1 per 300 sq. ft. of enclosed/fenced area
- Tennis Courts	2 per court
- Other	1 per 3 persons of occupancy load
Restaurant	1 per 100 sq. ft. of GLA; plus 1 per delivery vehicle; plus 4 stacking spaces per drive-in window, if applicable
Retail Establishment, Major - Such as major appliance, carpet, furniture, boats, and motorcycle showrooms which require an unusually large showroom area to display oversized commodities	2 spaces per 1000 sq. ft. of floor area

Retail Store Such as supermarkets, department stores, and similar establishments, except as otherwise specified herein	5.5 spaces per 1000 sq. ft. of floor area
School	
-Elementary, Middle, Junior High	1 per 8 students of occupancy load or 2 per classroom, whichever is greater.
-High School, Vocational School	1 space per 4 students and one space per employee
Service Station/Convenience Store	1 space per 250 sq. ft. of floor area plus 1 space per employee, plus 2 stacking spaces per fuel pump, plus 2 spaces per service bay
Shopping Center	5.5 spaces per 1000 sq.ft. GLA
Theaters	
- Indoor	1 space per 3 seats
- Outdoor	1 space per viewing station, plus sufficient parking space for employees, and satisfactory ingress and egress points in relation to the street with ample off-street parking space for patrons and guests awaiting entrance to the facilities.
Veterinarian and other kennel facilities	4 spaces per 1000 sq. ft. of floor area
Warehouse, Distribution, maximum Wholesale Business or Showroom	1 space per employee on the working shift plus space to accommodate all trucks and other vehicles used in connection therewith, plus 1 space per 200 sq. ft. of retail sales area if applicable.

Section 3.0 Rules in Applying Off-Street Parking Standards

In applying the standards of Section 1.0 of this Article, the following rules shall apply:

A. Parking lots, including adequate driveways and maneuvering areas, shall be improved and maintained.

B. A parking space shall be a minimum of:
   1. Standard Parking Spaces: Nine (9) feet wide and eighteen (18) feet long.
   2. Parallel Parking Spaces: Nine (9) feet in width and twenty-two (22) feet in length.
   3. Stacking Parking Spaces: Ten (10) feet in width and twenty (20) feet in length, and shall be separated from parking aisles and spaces.
   4. Handicapped Parking Spaces: Shall be provided and designed in accordance with the applicable provisions of Federal, State or Local law
   5. Except for single family and two-family residences in residential districts, turning space should be provided so that no vehicle will be required to back into a public street.
   6. No off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport, or parking area for a dwelling.

C. The parking space requirement for a use which is not specifically mentioned in this Ordinance shall be the same as required for a use of similar nature.

D. Where fractional spaces result in using the formulas contained in this section, the parking spaces required shall be construed to be the next highest whole number.

E. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

F. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.

G. These standards shall apply to all additions, expansions, enlargements or reconstruction on the basis of the addition, expansion, enlargement or reconstruction only.

H. Off-street parking areas and spaces serving publicly owned recreation facilities, may have a surface other than bituminous pavement or concrete, subject to approval of the Engineering and Inspections Department.

I. Certification of Minimum Parking Requirements. Each application for a Occupancy Approval shall include information as to the location and dimensions of off-street parking spaces, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Engineering and Inspections Department to determine whether or not the requirements are met. The Occupancy Approval for the use of any building, structure or land where off-street parking space is required shall be withheld by the Engineering and Inspections Department until the provisions are fully met.

Section 3.1 Location and Design of Off-Street Parking Areas

A. In all residential districts required off-street parking shall be provided on the same lot as the use to which the parking pertains. In other districts, such parking may be provided either on the same lot or an adjacent lot, not in a residential district, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments.

B. Up to fifty (50) percent of the parking spaces required for (a) theaters, restaurants, public auditoriums, and bowling alleys, and up to one hundred percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) establishments not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written, notarized agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, and shall be filed with the application for a building permit or business license.

D. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare. The location of such entrances and exits, and design and construction thereof, shall be reviewed in the interest of safety, adequate drainage and other public concerns.

E. All parking areas (except in single family residential) utilized between dusk and dawn shall be properly illuminated. All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining rights-of-way or properties.

F. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the Fire Chief or Fire Marshall.

G. All parking areas and driveways shall be surfaced with dust-free materials such as asphalt, concrete, or other suitable material.

H. Parking spaces ,except those serving one or two family dwelling units, shall be demarcated with painted lines or other markings.

I. All parking areas shall be maintained in good condition, free of pot holes, weeds, trash, refuse, etc.

J. Drainage in parking areas shall direct storm water back into the site and away from adjacent properties toward adequate drainage channels. Large parking areas of twenty (20) or more spaces shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a twenty-five (25) year storm frequency. Drainage plans shall be subject to approval by both the Planning and Zoning Board and the Engineering and Inspections Department.

Section 3.2 Parking Prohibitions

A. No off-street parking spaces, except for residential uses shall be entered or exited directly from a public street or alley, excluding only those few conditions existing prior to the adoption of this ordinance in which other alternatives are not available.

B. Commercial operations shall not be conducted from parking lots without special approval from the City Council.

C. The use of any required parking space for the storage of any motor vehicle for sale, repair, or any other purpose other than the temporary parking of motor vehicles while patronizing the use to which the parking is authorized, is prohibited. Overnight parking of vehicles not related to the use on the property, shall not be allowed.

D. The keeping of an inoperative motor vehicle shall be within a fully enclosed building or structure or be completely screened or shielded from public view. Moreover, no inoperative motor vehicle shall be parked on any public street.

E. No vehicle exceeding 7,500 pounds gross weight and no boats, trailers, commercial vehicles, recreational vehicles, campers and/or similar equipment regardless of weight, shall be kept within a residential district unless such vehicle is parked behind the front building line. In no instance shall a camper or recreational vehicle be connected to power, water, or sanitary facilities or used as a residence in a residential district.

Section 3.3 Access controls

A. Property which has frontage on two (2) or more streets may be allowed entrances on each street, subject to review and approval by the Engineering and Inspections Department and the Street Department.

B. Installation of turn lanes, pavement widening, or other appropriate modifications may be required if deemed necessary by the Engineering and Inspections Department and the Street Department.

C. Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front line, unless suitable barriers are located within the street right-of-way. Except for permitted access ways, such barriers shall be continuous.

Section 4.0 Loading Area Requirements

Section 4.1 Required Loading Space.

A. On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or as incidental to, the operation or use of the building, an area shall be set out for loading and unloading services, in order to avoid undue interference with public use of streets or alleys.

B. Each such space shall be a minimum of fourteen (14) feet wide and forty (40) feet long where vans are to be received, or a minimum of fourteen (14) feet wide and sixty (60) feet long where tractors and semi-trailers are to be received.

C. No loading space shall be located within the front yard or within five feet (5') of any property line.

D. No loading space shall be used to meet the parking space requirement, interfere wit the on-site circulation of traffic, nor allow a delivery vehicle to extend into any right-of-way or over any property line.

E. All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties and shall not exceed a height of twenty-five feet (25') above ground level.

F. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in an equivalent manner as satellite or joint parking facilities, as provided by Section 3.1 B. and C., page 184 of this Article.

Section 4.2 Loading Area Site Arrangement.

All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The Engineering and Inspections Department and Street Department shall approve the design and construction of loading areas in the interests of safety, adequate drainage and other public requirements.

Section 5.0 Change in Parking and Loading Requirements.

Whenever there is an alteration of a structure, an expansion of a use, or a change in use which increases the parking and loading requirements, the use shall conform with the off-street parking and loading standards of this Ordinance.

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ARTICLE X

AMENDMENTS AND CHANGES

Section 1.0 Requirements For Change

Whenever the public necessity, convenience, general welfare or zoning practice warrants such action, the Trussville City Council, by favorable vote of a majority of the members, may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established in accordance with the provisions of 11-52-77, Code of Alabama, 1975.

Section 2.0 Petition For Initiation of Change

A proposed change of the zoning district boundaries or of the regulations may be initiated by the Trussville City Council, the Trussville Planning and Zoning Board or by petition of one or more owners or authorized agents of such owner or owners of property within the area proposed to be changed.

Section 3.0 Action on Petition

A. Any proposed amendment, supplement, modification, or repeal shall first be submitted to the Trussville Planning and Zoning Board for its recommendations and report. The Planning and Zoning Board may, upon its own initiative, hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this Ordinance, and report its recommendations to the City Council. The Planning and Zoning Board report shall be transmitted to the City Council within thirty (30) days after receipt, unless the City Council grants an extension of such period, otherwise the proposed amendment, supplement, modification or repeal shall be considered to have been recommended by the Planning and Zoning Board.

B. After having received the recommendation of the Planning and Zoning Board or if no recommendation is received prior to the expiration of time provided therefore in the next preceding paragraph, the City Council, if it desires to consider the proposed amendment, supplement, modification or repeal, shall proceed to hold a public hearing in relation thereto, giving not less than fifteen (15) days notice of the time, place, and object thereof by publication in a newspaper of general circulation in the City, or by posting such notice in four (4) conspicuous places within the limits of the City, one of which places shall be the City Hall, or by both newspaper publication and posting.

C. If the City Council takes no final action upon the proposed amendment, supplement, modification or repeal within ninety (90) days after receipt of the recommendation of the Planning and Zoning Board, or if no recommendation is received, within ninety (90) days after the expiration of the time provided in the first paragraph of this section, the proposed amendment, supplement, modification or repeal shall be deemed to have been rejected and overruled by said legislative body.

Section 4.0 Rezoning and Amendment Procedures

Petitions as described in Section 2.0 for proposed changes of the Zoning District Boundaries or of the zoning regulations may be initiated by the City Council, the Planning and Zoning Board, or by petition of property owners or their agents.

When a rezoning request is made by the property owner or his authorized agent, the following procedure shall be followed:

4.1 Application Filing Procedure

A. The application for rezoning shall be made on a form available from the City Clerk's Office.

B. The application shall contain the following information, which shall be provided by the applicant or his or her duly authorized representative:

1. Name and address of the applicant.

2. Address and legal description of the property under consideration.

3. Present zoning of the property under consideration.

4. Requested zoning classification(s).

5. Reason for the rezoning request.

6. Availability of required utilities.

7. A map, drawn to scale, indicating the dimensions and exact location of the site in relation to the vicinity in which it is located; location of all public rights-of-way; location and dimension of all existing and proposed buildings and structures on the site and adjacent sites and the nature and location of all existing and proposed facilities for the disposal of storm water drainage, and expected traffic volumes.

8. A complete list, names and mailing addresses, of those property owners with land contiguous to the site for which and application for change is being made, as well as a complete list of all owners, along with their mailing address, of property within 500 feet of the subject property, as shown on the official records of the office of the County Tax Assessor.

C. The application shall be submitted to the City Clerk at least twenty-one (21) days prior to the Planning and Zoning Board's regularly scheduled meeting. A rezoning fee of $100.00 is required at the time of filing the application for change.

4.2 Public Hearing By the Planning and Zoning Board

After the application for change has been properly filed with the City and the required fee paid, the following procedure shall apply:

A. At least fifteen (15) days prior to the Planning and Zoning Board meeting at which the rezoning request is to be presented and initially considered, the City Clerk or his/her duly authorized representative shall give, or cause to be given, written notice to all property owners located in whole or in part within five hundred (500) feet of the boundaries of the subject property as shown by the Official records of the County Tax Assessor, on a date not more than one (1) year prior to the date of such notice. This notice shall state:

1. The location of rezoning request (by mailing address or legal description).

2. The nature of the rezoning request indicating the current zoning classification(s) of the site and the proposed rezoning classification(s).

3. The correct time, date and location of the Planning and Zoning Board meeting at which said rezoning request is to be formally presented and considered.

4. A brief statement to the public informing them that they will have an opportunity to speak for or against such proposed change at the public hearing.

B. Such notice shall be deemed to be given when deposited in the United States Mail, first class postage pre-paid, addressed to such property owners at their addresses as shown on the Official records of the Office of the County Tax Assessor. Any error in the giving of any such notice shall not invalidate the giving of notice provided that no more than five percent (5%) of the total number of notices given contain any such error.

C. The Planning and Zoning Board shall hold a public hearing at the first regularly scheduled meeting after compliance with notice requirements as set forth herein are met, and the Planning and Zoning Board shall render a decision on the application at that meeting or at the next regularly scheduled meeting unless additional information is required. If additional information is required, the Planning and Zoning Board shall have thirty (30) days from the date of submittal of this additional information to the City, in which to make a recommendation on the request to the City Council.

NOTE: The municipal governing body (City Council) is not bound by the recommendations of the Planning and Zoning Board, nor is it even necessary for the Planning and Zoning Board to make any specific recommendations for or against adoption. The law merely requires consideration and a report by the Planning and Zoning Board on zoning measures before the municipal governing body has power to enact them.

Once the governing body receives the report of the Planning and Zoning Board, the responsibility shifts to the governing body to follow the procedures set out at Section 11-52-77, Code of Alabama 1975, as amended.

Section 5.0 Public Hearing By The City Council

A. Upon receipt of the recommendation of the Planning and Zoning Board, the City Council shall give a "first reading" of the proposed amendment at the next regularly scheduled City Council meeting after notice and set same for a public hearing.

B. Following proper notification of adjoining property owners as enunciated in Section 4.2, the City shall publish the proposed request in full for one insertion in a newspaper of general circulation published within the City, not less than fifteen (15) days in advance of such hearing, together with a notice stating the time and place that the Ordinance is to be considered by the municipal governing body and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance, one week after the first insertion, the municipal governing body shall have published a synopsis of the proposed ordinance, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published. Both such insertion shall be published at least fifteen days in advance of the passage of the ordinance. If there is no newspaper, then the governing body must cause the ordinance and the notice to be posted in four conspicuous places within the municipality.

C. After such hearing by the municipal governing body (City Council), the ordinance may be adopted as reported by the Planning and Zoning Board or in such amended form as it deems best in its discretion. However, if the City Council makes substantial changes in the ordinance which it first advertised or posted, whichever is applicable, the City Council should hold another public hearing after giving notice as required.

D. After adoption of the ordinance by the City Council, it must again be published in the same manner as are all municipal ordinances according to the provisions of Section 11-45-8 of the Code of Alabama, 1975, as amended.

Section 6.0 Zoning Amendments By the City

The Planning and Zoning Board and/or City Council, may upon its own initiative, begin the process of rezoning property and/or other zoning amendments. They may upon their own initiative, hold public hearings for the consideration of any proposed amendment to the provisions of this Ordinance after notice thereof is given in accordance with the provisions of this Ordinance, relative to aforementioned procedures for notification, advertisement or posting, hearings, and adoption.

The regulations and the number, area, and boundaries or districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the City Council of the City of Trussville, but no amendment shall become effective unless it is first submitted to the Trussville Planning and Zoning Board. At its own initiative this body may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or to the Zoning Map of Trussville, and report its recommendations to the City Council of Trussville. The provisions of Sections 11-52-74 and 11-52-77, Code of Alabama, 1975 or as same may be amended shall apply to all changes and amendments.

Section 7.0 Limit On Rezoning Requests

If the proposal is rejected by the Planning and Zoning Board, the decision may be appealed to the City Council. Should the City Council then deny the appeal, the same kind of rezoning of the same tract or parcel of land will not be considered by the Planning and Zoning Board until a period of one (1) year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearings held by the Planning and Zoning Board, but prior to the hearing held by the City Council shall also require a one (1) year time period before another application on the same request may be submitted. However, the Planning and Zoning Board may adjust this time period if in the opinion of a majority of the Board, an unusual situation or circumstance exists which would warrant another hearing or if a different proposal is made on the property. Each time the rezoning amendment application is made, the required administration fee must be paid, and under no condition shall said sum or any part thereof be refunded for failure of such proposal or amendment to be enacted into law.

ARTICLE XI

SIGN REGULATIONS

Amendment enacted under Ordinance No. 2006-046-PZ adopted October 10, 2006

Section 1.0 Purpose and Intent

The purpose of this Article is to achieve balance among the following differing, and at times, competing goals:

A. to encourage the effective use of signs as a means of communication for businesses, organizations and individuals in the City of Trussville;
B. to provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
C. to provide for adequate business identification, advertising, and communication;
D. to prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city;
E. to protect the safety and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
F. to differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
G. to minimize the possible adverse effects of signs on nearby public and private property;
H. to prohibit most signs with commercial messages in residential zoning districts, while allowing those commercial messages that relate to commercial activities lawfully conducted on individual properties within such districts;
I. to provide broadly for the expression of individual opinions through the use of signs on private property;
J. to prohibit new billboards in the city.

Section 2.0 Definitions Applicable To Signs

The following definitions are applicable for the purpose of the Sign Article of this Ordinance.

A. **Awning/Canopy Sign.** Lettering and/or logo printed upon or attached to a building awning or service station canopy. See illustration Appendix.
B. **Banner.** Any sign of lightweight fabric or vinyl, or similar material temporarily mounted to a building or fence at one or more edges. National flags, state or municipal flags or the official flag of any institution shall not be considered banners. See illustration Appendix.

C. **Billboard Sign.** Any off-premises outdoor advertising sign that is owned by a person, company or legal entity that engages in the renting or leasing of advertising space on signs for dissemination of information or for a business, service, commodity, activity, or entertainment at a location other than the premises on which said sign is located. This definition shall not include signs erected or maintained by the State of Alabama Department of Transportation or by an entity authorized by the State providing direction or information to the traveling public.

D. **Building Face.** All window and wall area of a building in one elevation exposed to public view. In the case of attached units with separate exterior entrances, such as in a shopping center, building face shall be apportioned to each unit.

E. **Bulletin Board Sign.** A portion of an on-premise sign containing general information or announcements of events or activities occurring at a business, institution or similar messages. Not to exceed 30% of the sign face. See illustration Appendix.

F. **Business Sign.** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to entertainment conducted on the premise.

G. **Canopy/Awning Sign.** Lettering and/or logo printed upon or attached to a building awning or service station canopy. See illustration Appendix.

H. **Changeable Copy Sign (Electronic).** A sign board that is designed so that characters, letters, or illustrations can be electronically changed or arranged without altering the face or the surface of the sign, or a sign face that utilizes rotating vertical or horizontal panels or other moving parts to change the message. See illustration Appendix.

I. **Changeable Copy Sign (Manual).** A sign that is designed so that characters, letters, or illustrations can be manually changed or arranged without altering the face or the surface of the sign. See illustration Appendix.

J. **Commercial Message.** Words, symbols, logos, pictures or any combination thereof that identify or which direct attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

K. **Direct Light.** Light emitting from a source within or affixed to the sign face, and beaming outward from it.

L. **DOT Official Business Directional Sign**. A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

M. **Double Faced Sign.** A sign which has two display areas back to back, where one face is designed to be seen from one direction and the other face from another direction. In this instance only one face is considered in computing square footage. See illustration Appendix.

N. **Erect.** To build, construct, attach, hang, place, suspend, or affix and shall include the painting of wall signs.

O. **Flashing Sign.** A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. This shall include signs containing animated, blinking, flashing, intermittent, traveling, and fluctuating lights, or which utilize liquid crystal display (LCD), plasma, video, or similar display, including arrangements that spell messages, simulate motion or form various symbols or images. (Amended Ord 2016-007-PZ 4-12-16)

P. **Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Q. **Indirect Light.** Light reflected from a separate outside source aimed toward it, including silhouettes on a background or reflected light.

R. **Intermittent Light.** Any flashing, traveling, animated, blinking, or fluctuating light, liquid crystal display (LCD), plasma, video, or similar display, including arrangements that spell messages, simulate motion or form various symbols or images.

R.1 **Interstate High-Rise Sign.** A sign identifying a business or commercial use situated within a delineated area near interstate interchanges, constructed so as to be visible to the traveling public. (Amended Ord 2016-007-PZ 4-12-16)

R.2 **Interstate High-Rise Sign Zone.** The following described areas where Interstate High-Rise Signs may be located: (Amended Ord 2016-007-PZ 4-12-16)

A. **Interstate 59** - That area lying between I-59 and Green Drive and extending northeasterly to a line extended along the plane of the curve of Green Drive back to the Interstate. Also, that area lying between I-59 and Pineview Road extending to the north line of Section 23, Township 16 South, Range 1 West, then to the intersection of Hammond Road and Valley Road, then a line extended from the plane of Hammond Road back to the Interstate. Also that area lying south of Chalkville Mountain Road between I-59 and Service to a point along a plane extending from Hammond Road, as well as the area along Valley Road and extending 600 feet northwesterly from the westerly right-of-way line of Service Road between Chalkville Mountain Road and a line extended along a plane from Hammond Road. Also those properties lying north of Chalkville Mountain Road and abutting Service Road to Misty Ridge Drive and extending a line along the plane of Misty Ridge Drive to the Interstate.

B. **Interstate 459** - That area on the north side of Gadsden Highway lying between I-459 and I-59 and a line extended along the plane of the intersection of Edwards Lake Parkway at Gadsden Highway, and on the south side of Gadsden Highway that area lying between a line extended along the same plane of the Edwards Lake Parkway intersection at Gadsden Highway to the railroad then back to the right of way of I-459.

S. **Legible.** A sign or message is legible when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of visibility or legibility, the standard shall be based on the eyesight of an adult eligible to receive an Alabama driver's license (wearing any corrective lenses required by

such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than 6 feet tall.

T. **Marquee Sign.** A sign located on a canopy projection on the front of a building.

U. **Message Board/Reader Board.** A portion of an on-premise sign containing general information or announcements of events or activities occurring at a business, institution or similar message, not to exceed 30% of the sign face.

V. **Monument Sign.** A sign which is elevated two (2) feet or less, which is supported by structures or supports in or upon the ground and independent of support from any building. Also known as free standing or ground signs. See illustration Appendix.

W. **Multi-Business Sign**. A single sign support that serves more than one business.

X. **Neighborhood Sign.** A free standing monument sign located at the principal entrance or entrances to a neighborhood.

Y. **Off-Premises Sign**. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered for sale at a location other than the premises on which the sign is located.

Z. **Permanent Sign.** A sign structure which is, or was originally designed, constructed, and intended to be permanently affixed to a building, structure or to the ground.

AA. **Person.** Any person, firm partnership, association, corporation, company or organization, singular or plural, of any kind.

BB. **Political sign.** Signs identifying or urging voter support for a particular election issue, political party, or candidate for public office. These signs shall be removed within forty-eight (48) hours of the election to which they pertain. Section 3.0. See illustration Appendix.

CC. **Portable Sign.** A sign that is designed to be transported, including but not limited to signs: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; an "A" or "T" frame sign attached temporarily or permanently to the ground, structure, or other signs; that is mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business; searchlight stands; hot-air or gas-filled balloons, or umbrellas used for advertising; flags which depict advertising; and banners.

DD. **Premises.** A lot or tract of land upon which sign is located or is to be located.

EE. **Projecting Sign.** Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall, or in some cases may be suspended from above as from a sidewalk canopy. See illustration Appendix.

FF. **Public Information/Public Interest Signs.** A permanent sign, illuminated or non-illuminated, erected on public property and maintained by the City for dissemination of general information and matters of public interest.

GG. **Shopping Center Sign.** A permanent, on premise sign, illuminated or non-illuminated, that identifies the name of a shopping center development, and

may include tenant identification. For purposes of this definition a shopping center shall:

1. Have a least four hundred (400) feet of public road frontage (frontage may include out parcels);
2. Be located on a lot with a minimum size of five (5) acres (acreage not including out parcels);
3. Have shared parking or driveways with all uses on site (access must include out parcels);
4. Have over ten (10) retail spaces (retail spaces not including out parcels), and have one management authority (management could include out parcels).

Such signs may also be subject to approval of a Master Signage Plan as set out in Section 25.0. See illustration Appendix.

HH. **Sight Triangle.** A triangular area established at the intersection of two streets or a street and a driveway where clear sight distance is maintained for motorists. In the case of two intersecting streets having a total of two lanes (a single lane in each direction), the sight triangle is formed by connecting two legs extending seventy-five (75) feet from the center of an intersection along the center line of the street rights-of-way. In the case of a driveway, or other channel for vehicle entrance or exit, intersecting a street, each leg of the triangle shall be fifteen (15) feet along the street right-of-way and driveway edge. Roads with multiple lanes may require additional sight distance. This shall be determined by the Engineering and Inspections Department. See illustration Appendix.

II. **Sign.** A name, identification, image, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to any object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property together with any and all poles, beams, columns, posts, and foundations which offer structural support, and any ornamental attachments. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

JJ. **Sign Area.** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area. On a two-sided sign, only one face is counted in computing sign area. For signs with three or more faces, all faces will be calculated cumulatively. See illustration Appendix.

KK. **Sign Face.** That part of a sign that is or can be used for advertising purposes. See illustration Appendix.

LL. **Sign Height.** The height of a freestanding sign shall be computed as the distance from the base of the sign at the finished grade of the site upon which the sign is located to the top of the highest attached component of the sign. For the purposes of this measurement, finished grade shall be construed to be the established grade

after sign construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

MM. **Sign Maintenance/Repair.** Any cleaning, touch-up painting, poster panel replacements on billboards, or bulb replacement, which does not alter the basic design, structure, size or electrical service to the sign is exempt from permit. See Section 7.0D. Any maintenance or repair to improve the structural integrity of the sign must be permitted and design drawings submitted, if applicable. Sign maintenance which involves repainting the entire sign face, or making any changes to the content of the sign face, must be permitted.

NN. **Streamers.** Fringe, strips, or flags commonly attached to a cord and strung between two or more points. Streamers are not considered signs unless they contain wording, trademarks, or emblems in which case they are treated as banners. See Section 24.0 illustration Appendix.

OO. **Temporary Sign.** Any sign not originally designed, constructed or intended to be permanently affixed to a building, structure or the ground. Temporary signs shall be removed by the party or parties posting or erecting them, and where stipulated, within the specified time period. See illustration Appendix.

PP. **Thoroughfare.** A public, unobstructed street open at both ends such as a main road or highway. For the purpose of this sign ordinance, these shall be limited to Highway 11 (Main Street), Chalkville Road, Watterson Parkway, and Deerfoot Parkway.

QQ. **Tourist-oriented Directional Sign.** A sign erected and maintained by the state, county or city or an entity authorized by the state, county or city to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, and recreational interest.

RR. **Wall Sign.** Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface. See illustration Appendix.

SS. **Window Sign.** Any sign placed inside or upon a window facing the outside and which is intended to be viewed or seen from the exterior. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs. See illustration Appendix.

Section 3.0 General Regulations and Prohibited Signs

A. No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character it may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse, or disrupt traffic safety or flow.

B. No portion of a sign shall obscure visibility between a height of three (3) and ten (10) feet within a sight triangle, as defined in Section 2.0. The Engineering and Inspections Department may approve the location of a sign within a sight triangle upon a finding that due to alignment, topographical, or other unique considerations, the proposed sign location would not interfere with traffic visibility.

C. Signs incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) are expressly prohibited.

D. No sign of any type or foundation or support thereof shall be placed in a public street or highway right-of-way, except neighborhood signs as addressed in Section 22.0D and Section 22.0E.

E. No sign shall have animated, blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD), plasma, video, or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices which have a changing light intensity, brightness or color except that a sign on which the message changes no more than one time per minute does not violate this section.

F. No sign shall have a sign face that utilizes rotating vertical or horizontal panels or other moving parts to change the message.

G. No sign shall interfere with traffic visibility for entrance onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections. Unless provided for elsewhere in this ordinance, all monument signs shall be located not closer than fifteen (15) feet from the pavement edge of the street or thoroughfare to which said sign is directed.

H. No illuminated sign, other than a permanent neighborhood identification sign or an institutional sign shall be permitted within one hundred (100) feet of any residential zoning district of the City.

I. The area around all signs shall be kept clean and clear of trash and litter and shall present a neat and clean appearance. It shall be the responsibility of the sign owner/lessor or property owner to maintain all signs in a safe and proper operating manner at all times.

J. Each sign must contain a complete message or display.

K. All temporary signs shall have the installation date noted either on the front or on the back of the sign so expiration may be tracked.

L. Signs shall not be attached to trees, utility poles, rocks, or street lights, or to fences except as otherwise provided for herein.

M. No signs shall be placed on any public property except in accordance with the specific provisions of this Article.

N. All signs shall conform with applicable provisions of the building code in effect in the City at the time of the application, which will provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring, as the same may be amended. Signs that, by reason of size, materials, design or location are not subject to such building code by its terms shall not be affected by this section.

O. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by City regulations.

P. No billboard shall be permitted. However, a sign which expresses a person's opinion, such as freedom of speech expressions, has no premise and can be erected if in conformity with the sign regulations for that respective zone in which the sign is located.

Q. Any sign erected at a height in excess of eighty (80) feet shall be constructed in such a manner as will allow for the future adition of telecommunication arrays or antennae. (Ord 2016-007-PZ 4-12-2016)

Section 4.0 Approved and Prohibited Sign Illumination and Materials

A. Illumination. Sign illumination may be achieved via internal or external illumination of reasonable intensity to solely illuminate the sign. The light source shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses. If externally illuminated, illumination shall be achieved via a white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.

Exposed neon is prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

B. Building Materials for Sign Backgrounds, Frames, Supports, and Ornamentation.

1. Building materials for signs shall be durable, have low maintenance, and shall not adversely impact adjacent uses.
2. The various parts of signs shall be compatible in design quality. Freestanding signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, and so forth).
3. The following materials are considered to be appropriate for freestanding sign backgrounds, frames, supports, and ornamentation:
   a. Brick;
   b. Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate;
   c. Stained split-face block;
   d. Wood;
   e. Exterior finish and insulation systems (EFIS), or similar material, in combination with brick, split-face block, or stone;
   f. Metal panels, when used in combination with brick, split-face block, or stone;
   g. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

4. The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:
   a. Exposed metal poles. For sign bases supported by poles, the poles shall be enclosed by a masonry veneer;
   b. Smooth-face concrete blocks, whether painted or unpainted;
   c. Metal panels, when used without brick, split-face block, or stone;
   d. Plastic, or other synthetic materials, when used without brick, split-face block, or stone.

Section 5.0 Traffic Control and Official Signs

A. Effect of Section. Signs listed in this section shall be exempt from the permit requirements of this Article but shall, to the maximum extent allowed by law, be subject to the other standards of this ordinance. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance.

B. Applicability.

1. This section shall apply to the following types of signs:
    a. Signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message;
    b. Signs bearing no commercial message and installed by employees or officials of a state or federal agency in the course of their governmental duties;
    c. Signs required by a state or federal statute;
    d. Signs required by an order of a court of competent jurisdiction;
    e. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
    f. Signs installed by a transit company with a franchise or other right to operate in the City of Trussville, where such signs are installed along its routes and relate to schedules or other information about the transit route;
    g. Signs erected and maintained by the state or an entity authorized by the state to give direction to the traveling public or public information signs erected by the City.

Section 6.0 Signs Allowed in All Districts

The following signs are allowed in all zoning districts, subject to the standards contained in this section:

A. Types of Signs.

1. On rights-of-way and public property, signs installed by State or County employees or officials of the City of Trussville and not falling under one of the broader exemptions of Section 5.0, Traffic Control and Official Signs;
2. On private property, detached signs not exceeding two square feet in area and less than four feet in height, and containing no commercial message; and
3. On private property, wall signs not exceeding two square feet in area and containing no commercial message.

B. Standards.

1. Signs allowed under this section shall be subject to the provisions of Section 3.0 and Section 4.0, except as modified by express provisions of this section; and
2. Signs allowed under this section shall not be separately illuminated.

Section 7.0 Actions Allowed without a Permit

A. Temporary signs permitted in Residential, Agricultural, or Institutional Districts not exceeding six (6) square feet in size;

B. In single-family residential districts only, permanent signs not greater than five square feet which are allowed in single-family residential districts;

C. Any permitted sign not legible from a public way or from private property other than the lot on which the sign is located;

D. Routine maintenance of any sign, not involving changes to the structure, size, shape or identification of the sign or to the identification of the business using a commercial sign; and

E. Changes of message, either manually or electronically, on a message board or reader board as otherwise permitted herein.

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Section 8.0 Signs Permitted in the A-1 Agricultural District

The following signs are permitted in the A-1 Agricultural District, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent on-premise monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed thirty-two (32) square feet in sign area nor four (4) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over four (4) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall be installed parallel to the surface of the wall on which it is mounted and shall not extend outward more than twelve (12) inches from the wall upon which it is mounted. Such sign shall not occupy more than ten percent (10%) of the building face. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. Temporary ground signs, which shall not be separately illuminated, shall not exceed six (6) square feet in area, and shall not be located any closer than eleven and one half (11-1/2) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed; however, notwithstanding any of the above requirements, no sign shall at any time be placed upon the right-of-way. No more than two such signs on any lot at one time may contain a commercial message. The only commercial messages permitted on such signs are messages related to the lawful, occasional sale of personal property (such as through a garage sale or a yard sale), the sale of agricultural products grown on the premises, or the sale, rental or lease of the premises. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any noncommercial message. If the noncommercial message relates to an election or special event, it shall be removed within seven (7) days following the conclusion of such election or other event.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. No billboard is permitted.

F. Also, see Section 3.0 for Regulations Applying to All Signs, and Section 4.0 for Exempt Signs.

Section 9.0 Signs Permitted in the CP Preferred Commercial District

In the CP Preferred Commercial District, each principal building shall be allowed the following signs, subject to the following standards and conditions, and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent on-premise monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed thirty-six (36) square feet in sign area nor four (4) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over four (4) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. An office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted a free standing entrance sign consistent with such Master Signage Plan.

F. Temporary signs in accordance with Section 24.0, but portable signs are not allowed in this district.

G. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square

feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

H. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

I. No billboard is permitted.

J. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 10.0 Signs Permitted in the C-1 Commercial District

In the C-1 Commercial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent on-premise monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed forty (40) square feet in sign area nor four (4) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over four (4) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof, nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. An office complex or shopping center which has an approved Master Signage Plan (see Section 25.0) shall be permitted a free standing entrance sign consistent with such Master Signage Plan.

F. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

G. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

H. Temporary and portable signs, in accordance with Section 24.0.

Section 11.0 Signs Permitted in the C-2 Commercial District

In the C-2 Commercial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent on-premise monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than Forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. A shopping center or office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. For a shopping center or individual retail establishment occupying more than 50,000 square feet of gross floor area in a building which is set back more than 100 feet from the nearest street, additional wall signage up to 300 square feet or 25 percent of the facade of the building facing such street shall be allowed, consistent with such Master Signage Plan.

G. For properties located abutting an interstate right-of-way, a single, on-premise, permanent pole/pylon mounted sign, illuminated or non-illuminated, will be allowed. Such sign shall not be located forward of the front building set back line from any adjoining street other than the interstate right-of-way, and shall be located only along the property edge abutting the interstate right-of way, and will be positioned so as to be read from the interstate right-of-way. Such sign shall not exceed a maximum of fifty feet (50') in height above the road grade of the adjacent interstate right-of-way, and shall not exceed 300 square feet of sign area. No pole (pylon) sign shall at any time be placed on public right-of-way, nor shall any portion of the sign project over a public right-of-way.

H. Portable and temporary signs, subject to Section 24.0.

I. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

J. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

K. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 12.0 Signs Permitted in the C-3 Tourist Commercial District

In the C-3 Tourist Commercial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign (illuminated or non-illuminated) which may include a masonry wall, landscaping and other similar features designed and intended to form a display for office, business, and/or tenant identification. Such sign shall not exceed sixty (60) square feet in sign area and shall be located a minimum of twenty (20) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. A shopping center or office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. For a shopping center or individual retail establishment occupying more than 50,000 square feet of gross floor area in a building which is set back more than 100 feet from the nearest street, additional wall signage up to 300 square feet or 25 percent of the facade of the building facing such street shall be allowed, consistent with such Master Signage Plan.

G. For properties located abutting an interstate right-of-way, a single, on-premise, permanent pole/pylon mounted sign, illuminated or non-illuminated, will be allowed. Such sign shall not be located forward of the front building set back line from any adjoining street other than the interstate right-of-way, and shall be located only along the property edge abutting the interstate right-of way, and will be positioned so as to be read from the interstate right-of-way. Such sign shall not exceed a maximum of fifty feet (50') in height above the road grade of the adjacent interstate right-of-way, and shall not exceed 300 square feet of sign area. No pole (pylon) sign shall at any time be placed on public right-of-way, nor shall any portion of the sign project over a public right-of-way.

H. A portable sign and temporary signs subject to Section 24.0.

I. No billboard is permitted.

J. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 13.0 Signs Permitted in the C-4 Commercial District

In the C-4 Commercial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than Forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. A shopping center or office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. For a shopping center or individual retail establishment occupying more than 50,000 square feet of gross floor area in a building which is set back more than 100 feet from the nearest street, additional wall signage up to 300 square feet or 25 percent of the facade of the building facing such street shall be allowed, consistent with such Master Signage Plan.

G. Temporary and portable signs in accordance with Section 24.0.

H. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

I. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

J. No billboard is permitted.

K. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 14.0 Signs Permitted in the C-5 Commercial District

In the C-5 Commercial District, the following signs are permitted, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A wall sign, illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Each individual establishment shall be limited to one (1) sign only, not to exceed fifteen (15) square feet and it must be placed on the building facade in front of the establishment. Signs shall not have flashing lights or graphic displays.

   An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

B. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

C. Temporary and portable signs in accordance with Section 24.0.

D. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

E. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

F. No billboard is permitted.

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14A.0 Signs Permitted in the Downtown Overlay District

In the Downtown Overlay District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. For buildings with plaza or forecourt frontages, one permanent on-premise freestanding sign per principal building, either illuminated or non-illuminated. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height.

B. One wall, awning, canopy or projecting sign per establishment per frontage, subject to the following limitations:

1. Such signs may be illuminated or non-illuminated. Illumination for awning signs shall be indirect only.

2. Wall, awning and canopy signs shall not occupy more than fifteen percent (15%) of the ground floor facade, not to exceed a maximum of 150 square feet. Wall signs shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign shall not project outward more than twelve (12) inches from the building upon which it is mounted. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

3. Projecting signs which are attached to the wall of the building it serves, shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

C. For buildings with gallery frontages or canopies, one (1) hanging sign per establishment. Such signs shall not exceed eight (8) square feet in area and shall have a minimum clearance of eight (8) feet above the sidewalk as measured from the nearest sidewalk level to the lowest point of the sign. A hanging sign may not be used on the same frontage as a projecting sign for the same establishment.

D. Window signs, not to exceed twenty percent (20%) of the window.

E. A shopping center or office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more freestanding entrance signs consistent with such Master Signage Plan.

F. One portable or temporary sign per establishment, subject to Section 25.0 except as follows:

1. Temporary signs for grand openings, seasonal sales, and similar infrequent or non-recurring events shall be subject to the area limitations and installation date requirements of Section 24.0. If attached to a building, the right-of-way setback requirements of Section 24.0 shall not apply. Not to exceed 60 consecutive days per event.

2. Freestanding portable and temporary signs may be used on a frequent or recurring basis, provided such signs do not exceed twelve (12) square feet in area nor four (4) feet in height and are removed from public view during non-business hours. Such signs may be placed on or near the interior side of a sidewalk provided they do not interfere with sight distance at any intersection or property ingress or egress, and do not reduce the effective width of a public sidewalk to less than five (5) feet.

G. A wall-mounted sign located at a public entrance to a building, provided that no such sign shall exceed twelve (12) square feet in size, and such sign shall not be internally illuminated. Any external illumination shall utilize direct, white light.

H. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 15.0 Signs Permitted in the I-1 Light Industrial District

In the I-1, Light Industrial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent on-premise monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 300 square feet.

   An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. An industrial park or office complex which has an approved Master Signage Plan (Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. Temporary signs in accordance with Section 24.0, but portable signs are not allowed in this district.

G. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

H. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

I. No billboard is permitted.

J. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 16.0 Signs Permitted in the I-2 Heavy Industrial District

In the I-2, Heavy Industrial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. In the I-2, Heavy Industrial District, each principal building may have one freestanding monument sign, and each building may also have one wall sign per building face. These signs, plus additional temporary and incidental signs, are permitted, subject to the following standards and conditions and other applicable provisions of this Article: A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 300 square feet.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

E. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

F. An industrial park or office complex which has an approved Master Signage Plan (Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

G. Temporary signs in accordance with Section 24.0, but portable signs are not allowed in this district.

H. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

I. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

J. No billboard is permitted.

K. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 17.0 Signs Permitted in the I-3 Industrial District

In the I-3, Industrial District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 300 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, not to exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. An industrial park or office complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. Temporary signs in accordance with Section 24.0, but portable signs are not allowed in this district.

G. One or more freestanding directory signs, menu boards, or other signs bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed sixteen square feet in size or six feet in height, and no such sign shall be legible from the public right-of-way or from adjacent property.

H. A wall-mounted sign located near each public entrance to a building and bearing noncommercial messages or commercial messages related to products, goods or services offered on the site, provided that no such sign shall exceed twelve square feet in size, no such sign shall be legible from the public right-of-way (or, if a public entrance is near the right-of-way, from a distance of more than five feet), and no such sign shall be illuminated except with direct, white light.

I. No billboard is permitted.

J. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 18.0 Signs Permitted in the IN-1 Institutional District

In the IN-1 Institutional District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than Forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. Temporary ground signs or wall signs, which shall not be separately illuminated, shall not exceed six (6) square feet in area, and shall not be located any closer than eleven and one half (11-1/2) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed, however, notwithstanding any of the above requirements, no sign shall at any time, be placed upon the right-of-way or wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign

extend beyond any corner of the building face upon which said sign is mounted. No more than two such signs on any lot at one time may contain a commercial message. The only commercial messages permitted on such signs shall be related to the sale, rental or lease of the premises. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any noncommercial message. If the noncommercial message relates to an election or special event, it shall be removed within seven (7) days following the conclusion of such election or other event.

F. No billboard is permitted.

G. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 19.0 Signs Permitted in the IN-2 Institutional District

In the IN-2 Institutional District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features designed and intended to form a display for office, business, and/or tenant identification. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet. An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. A projecting sign, either illuminated or non-illuminated, which is attached to the wall of the building it serves. Such sign shall not project more than Forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed sixteen (16) square feet, and shall have a minimum clearance of ten (10) feet above the ground or sidewalk measured from the ground level or sidewalk level to the lowest point on the sign, and shall not project above the roof line on a flat roof or above the eave line on a gable, hip, or other style roof line.

D. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

E. A complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

F. Temporary ground signs or wall signs, which shall not be separately illuminated, shall not exceed six (6) square feet in area, and shall not be located any closer than eleven and one half (11-1/2) feet from the pavement edge or the edge of the street or

thoroughfare to which said sign is directed, however, notwithstanding any of the above requirements, no sign shall at any time, be placed upon the right-of-way or wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. No more than two such signs on any lot at one time may contain a commercial message. The only commercial messages permitted on such signs shall be related to the sale, rental or lease of the premises. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any noncommercial message. If the noncommercial message relates to an election or special event, it shall be removed within seven (7) days following the conclusion of such election or other event.

G. No billboard is permitted.

H. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 20.0 Signs Permitted in the IN-3 Institutional District

In the IN-3 Institutional District, each principal building shall be allowed the following signs, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A permanent monument sign, either illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar features designed and intended to form a display for office, business, and/or tenant identification. Such sign shall not exceed sixty (60) square feet in sign area nor six (6) feet in height when located a minimum of fifteen (15) feet from the pavement edge or roadway edge to which said sign is directed. For each one (1) foot increase in sign height over six (6) feet, the sign must be set back an additional three (3) feet from the pavement edge or roadway edge, not to exceed a maximum of twelve (12) feet in height. However, notwithstanding any of the above requirements, no monument sign shall at any time, be placed on public right-of-way, or within the sight triangle.

B. A wall sign, either illuminated or non-illuminated. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof nor more than two (2) feet above the eave line of other roof styles. Wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. A wall sign, either illuminated or non-illuminated, shall not project outward more than twelve (12) inches from the building upon which it is mounted. Such sign shall not occupy more than twenty-five percent (25%) of the building face, not to exceed a maximum of 150 square feet.

   An illuminated or electrical wall sign shall have a minimum clearance of eight (8) feet above the sidewalk or ground level as measured from the nearest ground level or sidewalk level to the lowest point of the sign.

C. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

D. Temporary ground signs or wall signs, which shall not be separately illuminated, shall not exceed six (6) square feet in area, and shall not be located any closer than eleven and one half (11-1/2) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed, however, notwithstanding any of the above requirements, no sign shall at any time, be placed upon the right-of-way or wall signs may be attached within the eave lines on a gable, hip, or other style roof, but may not extend beyond the roof line of this face. In no instance may a wall sign extend beyond any corner of the building face upon which said sign is mounted. No more than two such signs on any lot at one time may contain a commercial message. The only commercial messages permitted on such signs shall be related to the sale, rental or lease of the premises. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other

document representing the transaction is completed. Any such sign may contain any noncommercial message. If the noncommercial message relates to an election or special event, it shall be removed within seven (7) days following the conclusion of such election or other event.

E. No billboard is permitted.

F. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 21.0 Signs Permitted in the P Park District

In the P Park District, the following signs are permitted, subject to the following standards and conditions and other applicable standards and conditions imposed elsewhere in this Article:

A. A recreation park or complex which has an approved Master Signage Plan (see Section 25.0) shall be permitted one freestanding monument sign not to exceed one hundred square feet in area and one wall sign not to exceed fifty square feet in area for each principal building or recreational facility in the complex.

B. A recreation park or complex which has an approved Master Signage Plan (Section 25.0) shall be permitted one or more free standing entrance signs consistent with such Master Signage Plan.

C. When any permanent sign contains a message board/reader board, said message board/reader board shall not occupy more than thirty percent (30%) of the sign face.

D. Signs located within the confines of athletic fields, and generally legible only from the seating area of such athletic field. No such sign shall exceed four (4) feet by eight (8) feet in size; but such signs shall be exempt from permit requirements, and may be affixed to the fence.

E. No billboard is permitted.

F. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

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Section 22.0 Signs Permitted in the Residential Districts

In all of the Residential Zoning Districts of the City, the following signs are permitted, subject to the following standards and conditions and other applicable provisions of this Article:

A. For single family, two-family and multi-family dwelling districts; one nameplate, not to exceed two (2) square feet in area shall be permitted for each dwelling unit. Such nameplate shall contain no commercial message. If lighted, such nameplates may be lighted with indirect illumination only.

B. Temporary ground signs, which shall not be separately illuminated, shall not exceed six (6) square feet in area, and shall not be located any closer than eleven and one half (11-1/2) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed, however, notwithstanding any of the above requirements, no sign shall at any time, be placed upon the right-of-way. No more than two such signs on any lot at one time may contain a commercial message. The only commercial messages permitted on such signs are messages related to the lawful, occasional sale of personal property (such as through a garage sale or a yard sale) or to the sale, rental or lease of the premises. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any noncommercial message. If the noncommercial message relates to an election or special event, it shall be removed within seven (7) days following the conclusion of such election or other event.

C. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to the subdivision; there shall in no case be more than one such sign for each fifty lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area and may be maintained for a period not to exceed two (2) years or until the permanent neighborhood sign is installed. For a subdivision that is developed in phases or sectors, an additional temporary sign shall be allowed at the entrance to each new sector, provided that there shall be no more than one such sign for each fifty lots in sectors under development. Each such sign may remain in place until 90% of the lots in the sector are sold, but no longer than three (3) years from the date of erection. All such signs shall be located at least fifteen (15) feet from the pavement edge or edge of the street or thoroughfare to which it is directed, but not within the sight triangle.

D. Permanent neighborhood monument signs, illuminated or non-illuminated, which may include a masonry wall, landscaping and other similar materials or features. For purposes of this section, a neighborhood shall be an identifiable area of single-family residences with at least ten residences, or a complex or grouping of multi-family residences with at least twenty (20) residences, a mobile home park with at least

twenty (20) residences, or any other area designated by the City as a neighborhood. Such signs shall be located at the principal entrance/entrances to the neighborhood, and shall be approved as a part of a Master Signage plan, and further subject to a provision for long-term maintenance, such as by a homeowners association. Such neighborhood signs may be removed without compensation should they interfere with future public works within the right-of-way, and may not be erected within the sight triangle.

E. Any school, house of worship, recreation center or other institutional use permitted in these districts may have one freestanding sign, not to exceed forty-eight square feet in area. This may include manually operated changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated and shall not be located any closer than fifteen (15) feet from the pavement edge or edge of the street or thoroughfare to which said sign is directed, nor within the sight triangle. Each such use shall also be allowed one wall sign for each public entrance to the institutional use; such wall signs shall not exceed four square feet each and shall not be separately illuminated.

F. Also, see Section 3.0 for General Regulations, Section 4.0 for Approved and Prohibited Sign Illumination and Materials, and Section 5.0 for specific regulations for Traffic Control and Official Signs.

Section 23.0 Billboard Signs

A. Prohibited. No new billboards shall be allowed in the City after October 15, 2006.

B. Construction of this Section and Related Definition. Any person aggrieved by a determination of a City official that a particular sign is or is not a billboard shall have the right to appeal such decision to the Zoning Board of Adjustment, which shall resolve the appeal in accordance with the principles of this subsection:

1. If, because of its size, height or location, such sign would be allowed only if it is found to be a billboard, this section and the definition shall be strictly construed, and the burden of proof shall be on the applicant to show that the proposed sign is a billboard and thus should be permitted;

2. If the sign conforms with applicable height, size, and location requirements for signs other than billboards and a permit has been denied only because it has been found to be a billboard by reason of the off-premise nature of the message to be displayed, this section and the definition shall be liberally construed. If the applicant asserts that the sign will be used only for lawful messages, including noncommercial messages, the Board may reverse the denial of the permit and grant the permit subject to the express condition that, if the sign is ever used for an off-premise commercial message, it shall be considered an illegal sign and shall be subject to removal in accordance with Section 31.0.

Section 24.0 Portable and Temporary Signs

In districts other than Residential Districts and Agricultural Districts, portable and temporary signs shall be allowed in accordance with the provisions of this section:

A. Each portable/temporary sign shall be allowed to remain in place no longer than sixty (60) consecutive days.

B. No temporary or portable sign shall exceed 24 square feet in sign area. No temporary or portable sign shall use flourescent colors on a black background.

C. No temporary signs shall be allowed in shopping center areas.

D. No portable/temporary sign shall contain lights or otherwise be separately illuminated.

E. All freestanding portable/temporary signs shall be set back at least fifteen (15) feet from the pavement edge of a public road, street, or thoroughfare to which it is directed. No portable signs shall be permitted within thirty-five (35) feet of the intersection of the pavement edge lines of two public roads or of the edge of pavement line of a public road and the right-of-way line of a railroad. However, notwithstanding any of the above, at no time shall these signs be placed on public right-of-way, nor within the sight triangle.

F. No more than one (1) portable/temporary sign shall be permitted at any one time for a single establishment.

G. A temporary sign may be mounted on a wall.

H. No portable or temporary sign shall be mounted on any roof.

I. Portable/temporary signs shall be situated in such a manner so as not to impede or interfere with motorist's vision at points of ingress and egress.

J. All temporary signs shall have the installation date noted either on the front or on the back of the sign.

K. A temporary sign shall bear no off-premises commercial message. A temporary sign may bear any other message, including a message offering the premises for sale or lease, promoting a civic or other noncommercial activity or event, or expressing the opinion of the person placing the sign on any matter.

L. In the nonresidential zoning districts, during the time that a property is under development or construction, one temporary detached development sign that conforms in size, height and location with the standards for permanent signs shall be allowed. Such temporary sign shall be removed upon the earlier of the following: sixty days after issuance of a Certificate of Occupancy for the premises; or installation of the permanent sign. Because this sign is allowed in lieu of a permanent sign and cannot be displayed at the same time as a permanent sign, this sign is separate from other temporary signs allowed under this section and is not subject to the time or size limits imposed on other temporary signs.

Section 25.0 Master Signage Plan

A. Purpose and Intent. The purpose of this section is to offer incentives to sign users, particularly on larger sites or groups of sites, to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This section sets out specific criteria for review and incentives for compliance. Consideration of design issues necessarily requires some exercise of judgment within the specific criteria set out in this section, but decisions rendered by utilizing these review criteria shall be objective rather than arbitrary or capricious.

B. Applicability. Owners of any of the following may apply for approval of a Master Signage Plan for their respective properties in business, commercial or industrial zoning districts:

1. An applicant for approval of a site development plan, drainage plan, parking plan or other plan for the physical layout of a site.

2. The owner(s) of the property(ies) subject to an approved site development plan, parking plan, drainage plan or other plan for the physical layout of a site.

3. Other owner(s) of one or more lots, parcels or tracts of contiguous property in the same zoning district.

C. Procedure

1. The owner(s) may apply to the Planning and Zoning Board for approval of a Master Signage Plan. Where an application for approval of a Master Signage Plan is submitted simultaneously with an application for approval of a site development plan, parking plan or other design plan requiring the approval of the Board, the two shall be processed together. Where an application includes properties under common management although not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.

2. If the application is complete, it shall be placed on the agenda of the next meeting of the Planning and Zoning Board occurring at least 10 days after the submission of the complete application. If it is incomplete, it shall be returned to the applicant with a specific list of the items that are incomplete.

3. The Planning and Zoning Board shall act on the Master Signage Plan at the meeting at which it is first considered. If the Board fails to act at such meeting, the plan shall be deemed to have been denied, unless the applicant has consented to a delay in the decision.

4 If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.

5. Any person aggrieved by the action of the Planning and Zoning Board or the Building Official on a Master Signage Plan may appeal the decision by filing an appeal with the Board of Zoning Adjustment.

D. Application Contents. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for Development Plan approval or where there is an approved Development Plan for the area for which the application for a Master Signage Plan is filed, the Master Signage Plan may refer to portions of the Development Plan application or approved Development Plan for related requirements:

1. An accurate plot plan of the development site, at such scale as the Building Official may reasonably require;
2. A proposed design plan showing signage design at a scale of ½" = 1 ft;
3. Location of buildings, parking lots, driveways, and landscaped areas on such development site;
4. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
5. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the permitted signage among the eligible tenants or users;
6. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;
7. The color schemes and design features (excluding specific messages) for proposed signs;
8. The Master Signage Plan shall be signed by all owners or their authorized agents in such form as the Board may require.

E. Amendments. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this section in effect at the time of submittal.

F. Provisions for Nonconforming Signs. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

G. Incentives. To encourage the use of Master Signage Plans and thus to improve the appearance of signage within individual projects, the following incentives, which involve deviations from the regulations that would otherwise apply in the applicable zoning district, apply:

1. The area shown on the Master Signage Plan shall all be considered one premises for purposes of determining whether a sign is off-premises;
2. A single business establishment that occupies more than 50,000 square feet in a principal building and located in the C-1, C-2, C-3, or C-4 District shall,

under a Master Signage Plan, be allowed an increase in size of the permitted monument sign to one hundred fifty percent (150%) of the sign size otherwise allowed on the lot.

3. A retail and/or office building which houses three (3) or more tenants, under a Master Signage Plan may be allowed an increase in size of the permitted monument sign to one hundred fifty percent (150%) of the sign size otherwise allowed on the lot.

4. A shopping center or individual retail establishment occupying more than 50,000 square feet of gross floor area in a building which is set back more than 100 feet from the nearest street, and which is located in the C-1, C-2, C-3, C-4 District shall be allowed additional wall signage up to 300 square feet or 25 percent of the facade of the building facing such street shall be allowed, consistent with the Master Signage Plan.

5. A shopping center, with a Master Signage Plan, and located in the C-1, C-2, C-3, or C-4 District shall be allowed signage as follows:

   a. Neighborhood Shopping Center: A neighborhood shopping center containing 10,000 to 100,000 square feet of retail area shall be allowed 400 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). Center may have two signs if fronting two thoroughfares, with no sign over 300 square feet of sign area. No sign shall be over twenty-five (25) feet tall, measured from grade level.

   b. Community Shopping Center: A community shopping center containing 100,000 to 400,000 square feet of retail area shall be allowed 600 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). Center may have two signs if fronting two thoroughfares, with no sign containing more than 400 square feet of sign area. No sign shall be over thirty-five (35) feet tall, measured from grade level.

   c. Regional Shopping Center: A shopping center containing 400,000 to1,000,000 square feet of retail area shall be allowed 1000 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). Center may have a total of three signs with no sign containing more than 600 square feet. No sign shall be over forty-five (45) feet tall, measured from grade level.

   d. Super Regional Shopping Center or Mall: A shopping center or mall containing 1,000,000 or more square feet of retail area shall be allowed 1,500 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). Center may have a total of four signs with no sign containing more than 700 square feet. No sign shall be over forty-five (45) feet tall, measured from grade level.

6. An industrial park development with a Master Signage Plan may be allowed one central directory sign to provide for individual tenant identification not exceeding 400 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). The industrial park may have two signs if fronting two thoroughfares, with no sign over 300 square feet of sign area. No sign shall be over twenty-five (25) feet tall, measured from grade level.

7. An institutional use which is located in one of the IN districts and which occupies a site containing more than 50 acres with a Master Signage Plan may be allowed one central directory sign to provide for event identification not exceeding 700 square feet of free-standing signage (monolith measurement to include both the area of the sign face and the support structure). The institutional use may have two signs if fronting two thoroughfares, with no sign over 700 square feet of sign area. No sign shall be over forty-five (45) feet tall, measured from grade level.

H. Criteria for Approval. A Master Signage Plan shall be approved by the Planning and Zoning Board if and only if the Board finds that the proposed plan meets all of the standards set out in this subsection. If the Board finds that the proposed plan substantially meets such standards or meets most of such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the Board shall deny the application for plan approval. The following standards shall be considered:

1. Except as allowed by Section 25.0G (Incentives), each proposed sign conforms with all applicable standards of this Article;

2. Except as allowed by Section 25.0G, the total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;

3. The proposed plan contains all of the information required by Section 25.0D(Contents);

4. The allocation of permitted signage among eligible tenants shall be proportional to one of or a combination of the following criteria;

5. The number of public entrances to space leased to or controlled by each tenant or occupant;

6. The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or

7. The facade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.

I. Additional Criteria. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:

1. The materials and design of all wall signs shall follow one design scheme;

2. The materials and design of freestanding commercial signs shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;

3. Each design scheme shall have consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;

4. If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and

5. The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and design features of the principal building on the site.

J. Effect. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, the Article shall prevail.

K. Special Severability Provisions. The severability provisions of Section 34.0 are limited by this sub-section. If any procedural aspect of this Section 25.0 is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City Council that this entire Section 25.0, but only this section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of this Section 25.0 (criteria for approval, incentives) is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City Council that such part be stricken and that the rest of this section remain in full force and effect, in accordance with the principles set out in more detail in Section 34.0.

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Section 26.0 Substitution of Messages

Any sign allowed under this Article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this Article.

Section 27.0 Permits, Fees and Inspections

Except as otherwise provided for in Section 5.0 Traffic Control and Official Signs, it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign, sign area, or sign face in the City of Trussville or cause the same to be done, without first obtaining a sign permit for each such sign from the Engineering and Inspections Department as required by this Ordinance. Fees for sign permits shall be specified in the City of Trussville Building and Construction Fee Ordinance.

A. Application for a Permit. Application for a permit shall be made to the Engineering and Inspections Department upon a form provided by the department and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including:

1. The name, address, tax parcel identification number, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
2. The location by street address of the proposed sign structure.
3. Drawings not less than 11" X 17" in size showing the dimensions, supporting members, size, height, electrical wiring and components, materials of the sign and method of attachment or mounting. When required by the Building Official, design calculations and drawings shall be stamped and signed by a professional engineer licensed to do business in the State of Alabama. Signs and support structures for signs shall comply with applicable provisions of the building code then in effect in the City.
4. A complete inventory and description of existing signs on the premises.
5. The proposed location of the sign in relation to the building or development it is to serve.
6. The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which it is to be situated, including the distance to the pavement edge and right-of-way of the street or thoroughfare to which said sign is to be directed.
7. If the sign is shown on an approved Master Signage Plan, items three through six may be replaced by a reference to the date of approval or other identifying information on the Master Signage Plan, with an identification of which sign shown on the plan is the subject of the permit application.

B. Action on Permit Application.

1. Time Limit. A decision on a permit application shall be rendered within five (5) business days of receipt of a complete application, although it is the goal of the City that such action will normally occur within three (3) business days.

2. Approval. Approval of a permit application shall be in the form of an issued permit. When a permit is denied by the Engineering and Inspections Department, the department shall give notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.

3. Appeals of Permit Denial. One appeal of the denial of a sign permit or of the imposition of conditions on a sign permit may be taken to the Board of Zoning Adjustment by following the procedures applicable to other appeals to the Board. If the Board fails to act on an appeal of a sign permit within forty-five (45) days of submittal of such an appeal, the appellant may at any time thereafter request from the Clerk of the Board a letter or form stating that the appeal was filed forty-five or more days from the date thereof and that there has been no action on it by the Board; such letter shall be deemed a denial of the application. The appellant shall have no obligation to request such a letter, and, if no such letter has been requested or issued the Board may consider and act on the appeal after the expiration of the 45-day period. Appeals from the Board of Zoning Adjustment are to the appropriate Circuit Court.

C. Permit Fees. Application for a permit shall be filed with the Engineering and Inspections Department, together with a permit fee, as set out in the Building and Construction Permit Ordinance for each sign approved in accordance with this Ordinance. In addition, billboards and off premise signs shall require an annual permit renewal fee as set out in the Building and Construction Permit Ordinance. The Engineering and Inspections Department shall inspect each sign authorized by permit to determine compliance with the permit application.

D. Inspection of Signs. The person erecting, altering, relocating, enlarging or converting any sign shall notify the Engineering and Inspections Department upon completion of the work for which permits are required and issued.

E. Applicability. Nothing in this section shall be construed to require a permit to repaint or reface an existing sign with an identical message to the one existing before the repairing or refacing. If a commercial message or display is altered in any manner, the work shall require a permit.

Section 28.0 Abandoned Signs

A. Applicability. Signs shall be considered abandoned in the following circumstances:

1. The property on which the sign is located is a vacant lot.
2. The sign face is blank, in ill repair, or no longer applicable.
3. The business to which the sign applies is no longer operating.
4. The purpose or event to which the sign applies is no longer applicable. Such signs shall be removed within forty-eight (48) hours after the purpose or event is held.
5. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for a period of ninety (90) days. In the event the business to which the sign applies is destroyed by fire, accident, or natural disaster, but the sign itself is not harmed, such sign may remain in place after the expiration of the ninety (90) day period if the building is undergoing repairs or renovations that are properly permitted.

B. Removal. Any sign which has met one or more of the conditions of being abandoned, as enumerated above, for a period of ninety (90) days or more shall be removed as specified in Section 31.0

Section 29.0 Signs That Are Not Properly Maintained

A. Maintenance Violations. Allowing the continuation of a failure to maintain a sign shall be a violation of the ordinance. Such a failure to maintain shall include, but not be limited to, the following:

1. Peeling or flaking paint or surface material on a sign face.
2. Missing portions of the sign face, or missing portions of the message or display on a sign face.
3. A sign face that is cracked, damaged, or faded to the point the message or display is not clearly legible.
4. Failure, within thirty (30) days, to replace bulbs or lighting rendering the message or display incomplete or illegible.
5. A sign that for any reason does not contain a complete or legible message or display.

Section 30.0 Nonconforming Signs

A. This section applies to signs that were lawfully erected but that fail to conform to one or more provisions of this Article.

B. It is the intent of this Ordinance to eventually eliminate all non-conforming signs within the City either through measures designed to eventually bring them into compliance with the provisions of the sign ordinance or by their removal. The

following provisions shall apply to all non-conforming signs and/or advertising structures.

C. All permanent non-conforming signs that existed at the time of the adoption of this ordinance shall be allowed to remain as they were at the time of the adoption of this ordinance subject to the following:

1. No sign and/or advertising structure that had been erected in violation of any previously existing sign ordinance shall by virtue of the adoption of this ordinance, become conforming.

2. A nonconforming sign may be maintained, but no structural alterations or other changes that would extend its useful life shall be allowed.

3. No non-conforming sign shall be replaced with another non-conforming sign when such sign deteriorates due to age and use to the point where replacement of the sign is required.

Section 31.0 Notification for Removal or Repair of Sign

If at any time the Engineering and Inspections Department, after an inspection, determines that a sign is abandoned as set out in Section 28.0, or that a sign endangers the public safety due to material, electrical, or structural deficiencies, or that a sign has not been properly maintained as required under Section 29.0, or that no permit has been issued for the sign required under Section 27.0, the Department shall proceed in accordance with this section. Upon such determination, the Engineering and Inspections Department shall prepare a notice which shall describe the sign and its location and which shall state, if the violation or violations are not corrected within ten (10) working days after receipt for permanent signs or within twenty-four (24) hours after receipt when violations pertain to temporary, portable, or other non-permanents of signs, the sign, including the sign face, supports, and all structural members pertaining to said sign, shall be removed and the cost of said removal billed to the property owner and/or sign owner. All notices mailed by the Engineering and Inspections Department shall be sent by certified mail, return receipt requested. Any time periods provided for in this Chapter relative to compliance shall be deemed to commence on the date of receipt noted on the certified mail return receipt. All notices shall be mailed to the owner of the property on which said sign is located as shown on the latest available tax maps and/or the owner of the sign itself.

Any person found to be in violation of any of the provisions of this Article shall be given ten (10) working days by written notice to remedy such violations for permanent signs or twenty-four (24) hours notice when violations pertain to temporary, portable, or other non-permanents of signs.

Section 32.0 Penalties

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any sign in violation of any regulation in, or of any provision of, this Article, or any amendment thereof. Any person, firm or corporation violating any such regulation, provision or amendment, shall be guilty

of a misdemeanor, punishable by fine up to $500.00 and up to six (6) months at hard labor, as provided in the Code of Alabama, as amended. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. Provided, however, that prior to any criminal prosecution the Engineering and Inspections Department shall give a written notice of the violation or violations to the person, firm, or corporation violating any provision of this Article, stating the rule or regulation being violated and notifying the said person, firm or corporation to cease and desist such violation immediately, otherwise said person will be prosecuted as provided for herein.

Section 33.0 Remedies

When a sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or when any sign structure is used in violation of this Article, the Engineering and Inspections Department of the City or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, or to correct or abate violations or to prevent use of such sign.

Section 34.0 Severability

A. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter, except as limited by Section 25.0K.

B. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this section or elsewhere in this article of this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter is declared unconstitutional shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this section, or elsewhere in this chapter or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase,

clause, term or word of this chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 3.0

of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Article XI is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Article XI, except as expressly provided in Section 25.0K.

D. Severability of prohibition on billboards. If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article and/or an other provisions of the Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

Pages 251a and 252a Repealed by adoption of this amendment.

ARTICLE XII

LEGAL STATUS PROVISIONS

Section 1.0 Interpretation and Purpose. In their interpretation and application the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the City. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restriction of plats, deeds or private contracts if such are greater than the provisions of this ordinance.

Section 2.0 Saving Clause. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause provision or portion of this ordinance which is not in and of itself invalid or unconstitutional.

Section 3.0 Repeal of Existing Ordinances. All zoning ordinances heretofore adopted are hereby repealed, provided however that nothing in this ordinance shall be construed to modify or in any manner permit, extend or enlarge any non-conforming property or improvement at the time of adoption of this ordinance, but such non-conforming use shall continue to be subject to all restrictions and limitations existing at the time of adoption of and under this ordinance relating to such non-conforming use. No non-conforming use existing at the time of adoption of this ordinance shall be extended, enlarged or expanded unless such use is changed to a use which will conform to the regulations of the district in which such property is located.

Section 4.0 Effective Date. This ordinance shall become effective immediately upon its adoption, approval, and publication as provided by law.

ADOPTED AND APPROVED this 26th day of December, 2000.

Eugene A. Melton , Mayor
City of Trussville, Alabama

ATTEST:

Lynn B. Porter, City Clerk
City of Trussville, Alabama

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APPENDIX

Set out in this section are pictorial examples of terms and configurations cited in this ordinance. Included are:

a. Lots - Determining types of lots

b. Setback line (front) - Determining front set back lines on various types of lots

c. Yards - Determining front, rear, and side yards on various types of lots

d. Sight triangle

e. Signs - Types of signs (general and specific)

f. Fences

g. Cahaba River setback zones

h. Comparison of Trussville Zoning Classifications to County Classifications

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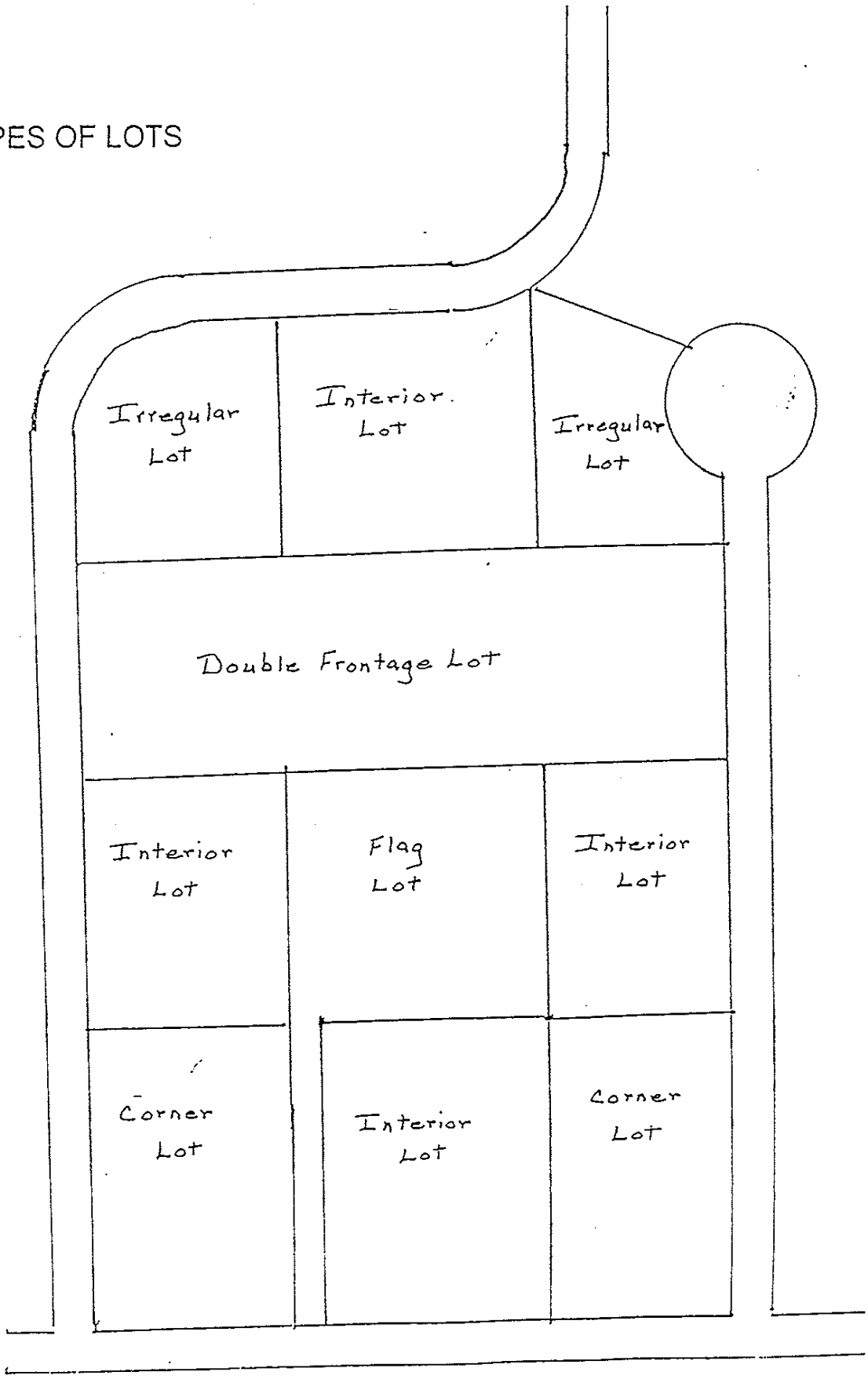
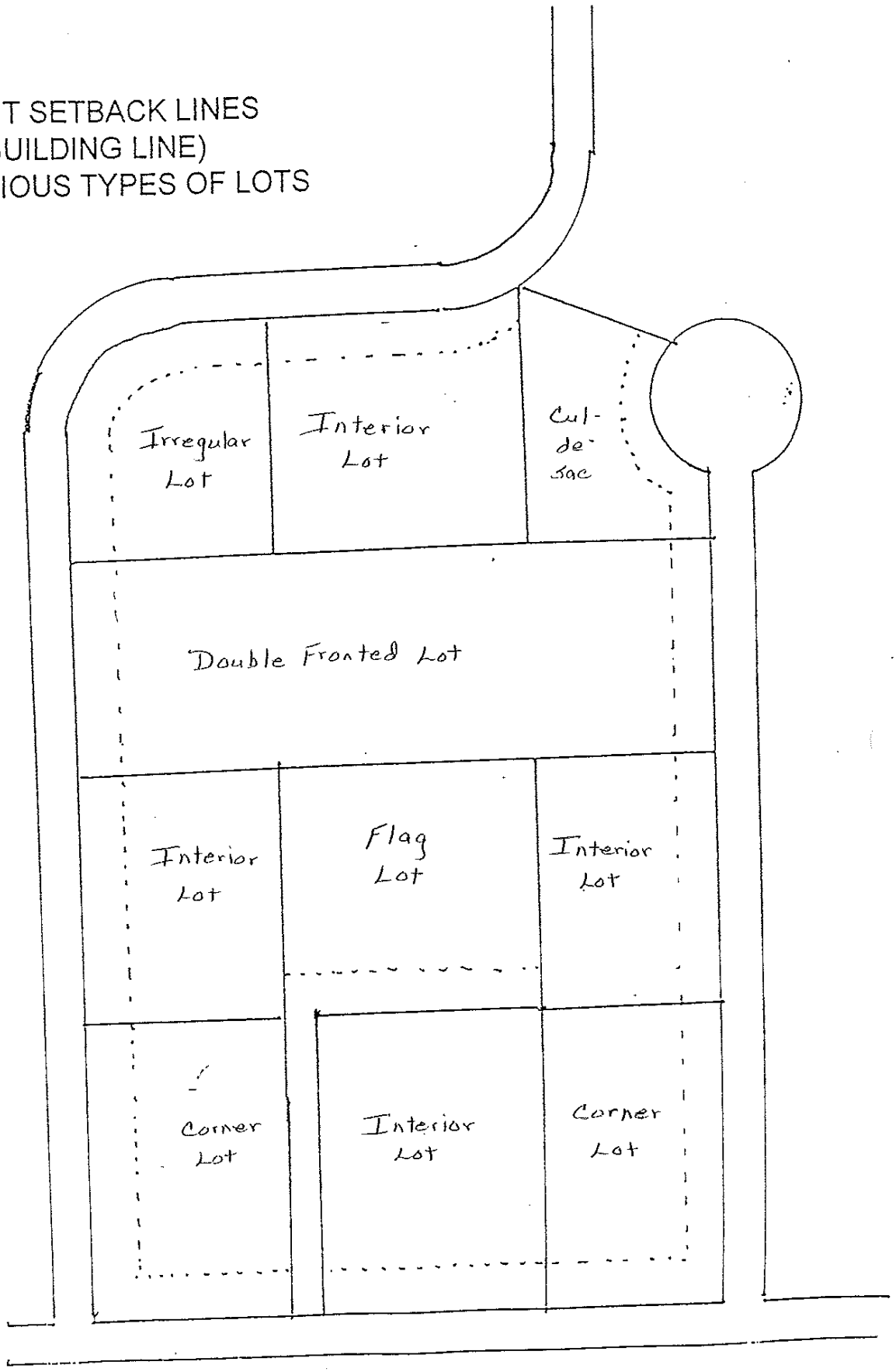
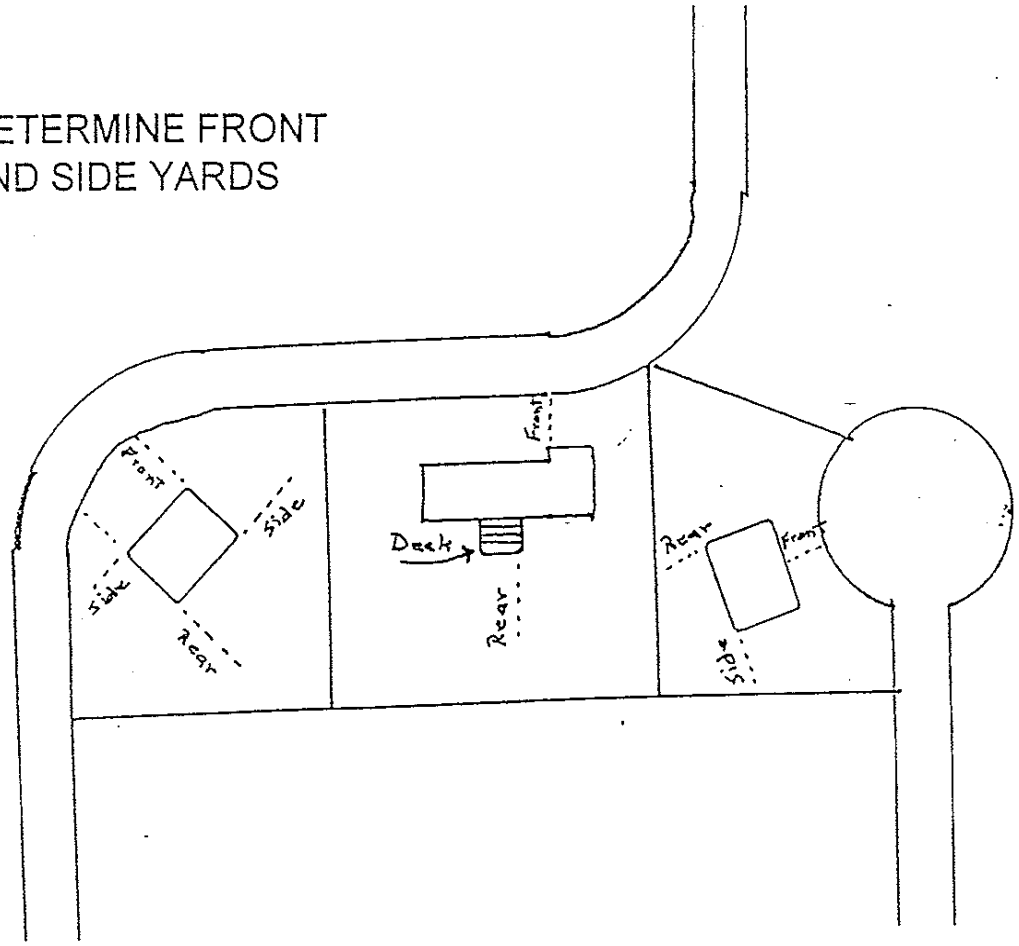
TYPES OF LOTS

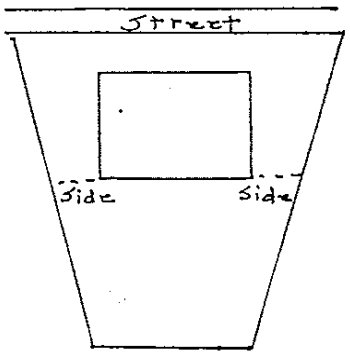


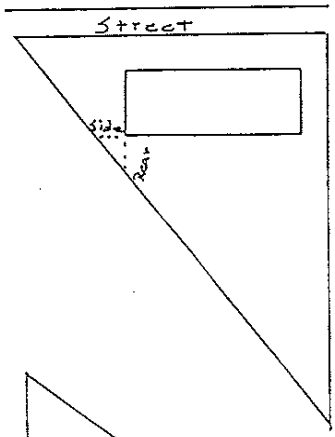
FRONT SETBACK LINES (BUILDING LINE) FOR VARIOUS TYPES OF LOTS

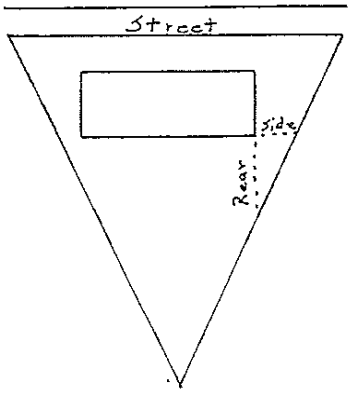


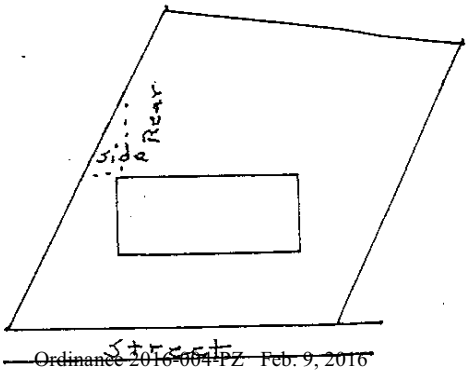
HOW TO DETERMINE FRONT REAR AND SIDE YARDS

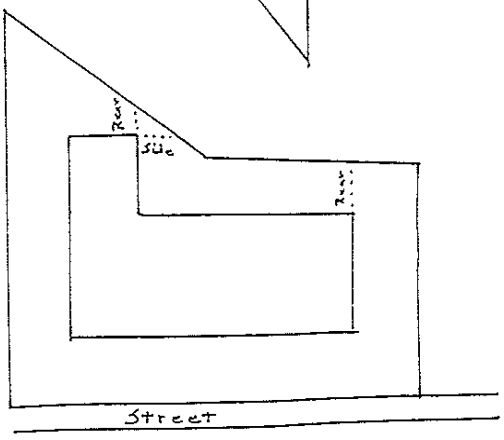




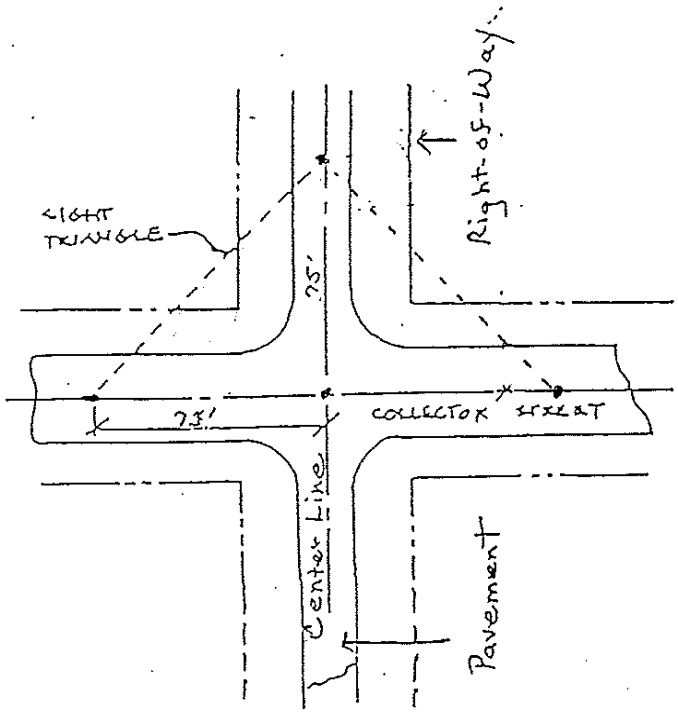




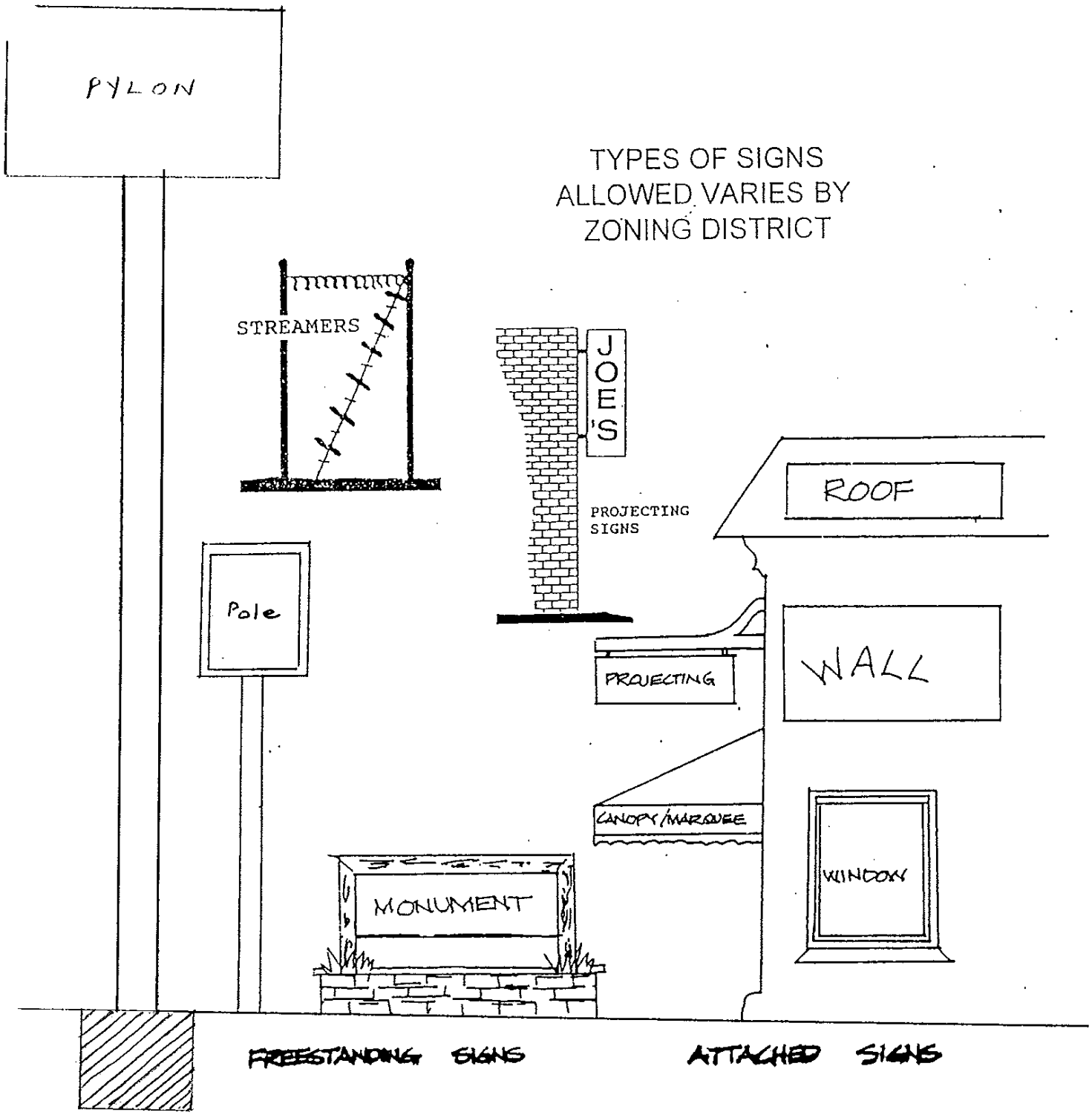




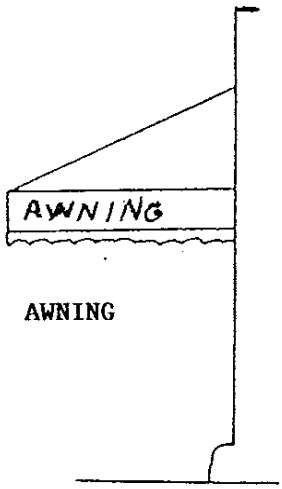
SIGHT TRIANGLE



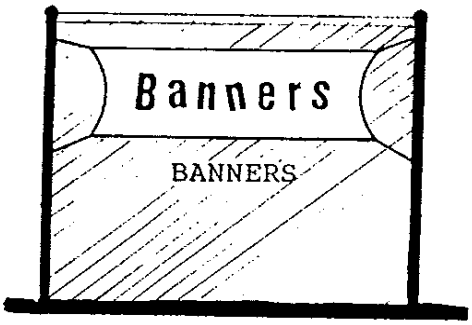
Sign Types

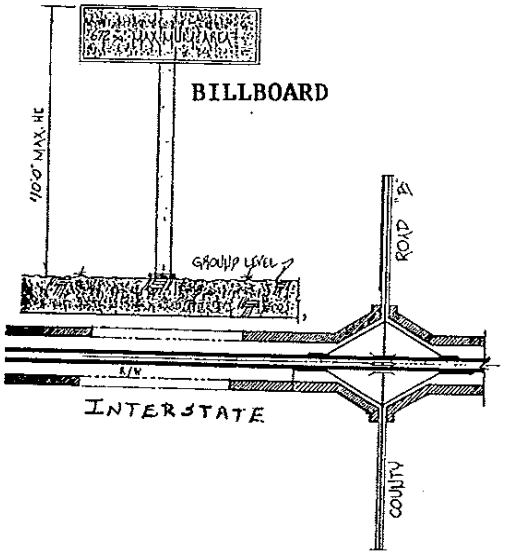

PYLON
TYPES OF SIGNS
ALLOWED VARIES BY
ZONING DISTRICT
STREAMERS
JOE'S
PROJECTING
SIGNS
ROOF
Pole
PROJECTING
WALL
CANOPY/MARQUEE
WINDOW
MONUMENT
FREESTANDING SIGNS
ATTACHED SIGNS

SIGN ILLUSTRATIONS

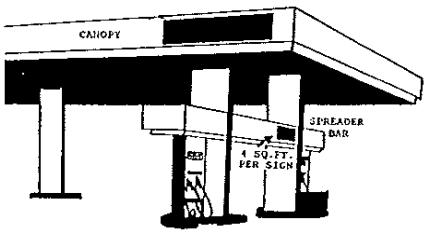


AWNING

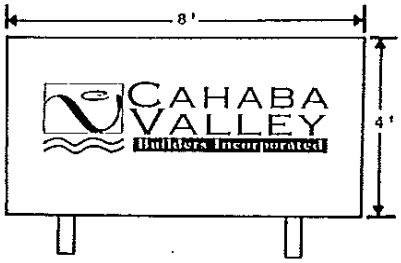




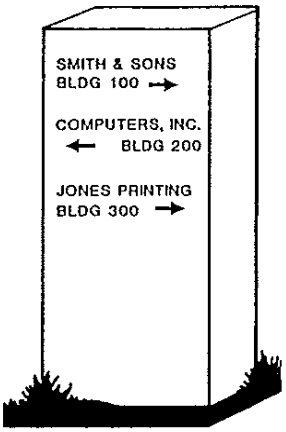
CHANGABLE COPY



CANOPY

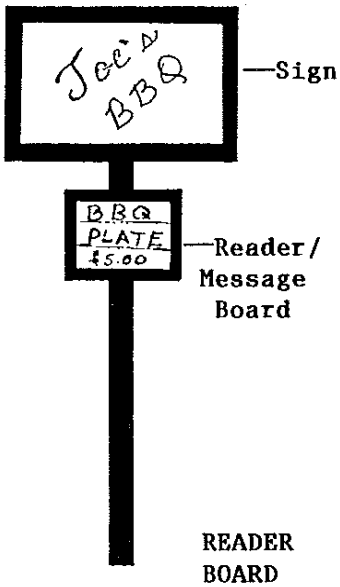


CONSTRUCTION SIGN



DIRECTIONAL SIGN

DIRECTORY SIGN

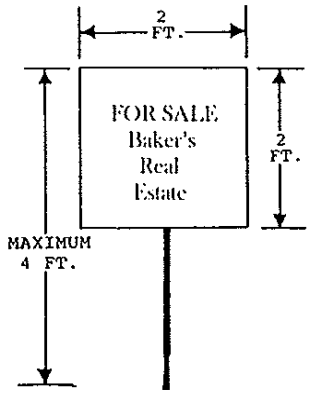


MESSAGE BOARD

READER BOARD

REAL ESTATE SIGNS

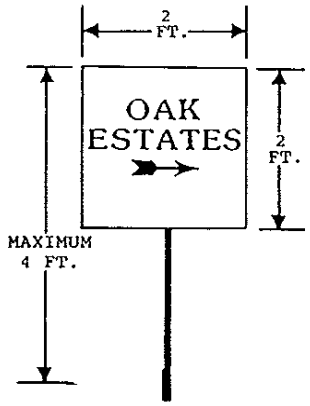
GENERIC



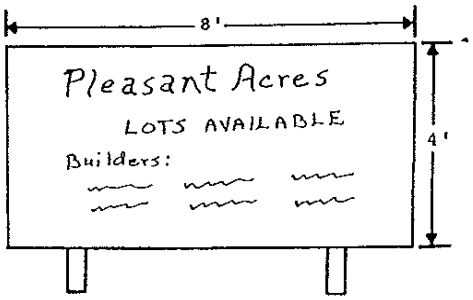
RESIDENTIAL

COMMERCIAL

TIME PERMITTED: WEEKENDS ONLY
NO PERMIT REQUIRED
3:00 p.m. FRIDAY UNTIL
10:00 a.m. MONDAY

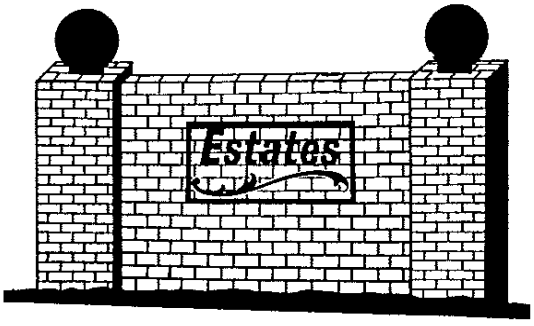


WEEKEND DIRECTIONAL



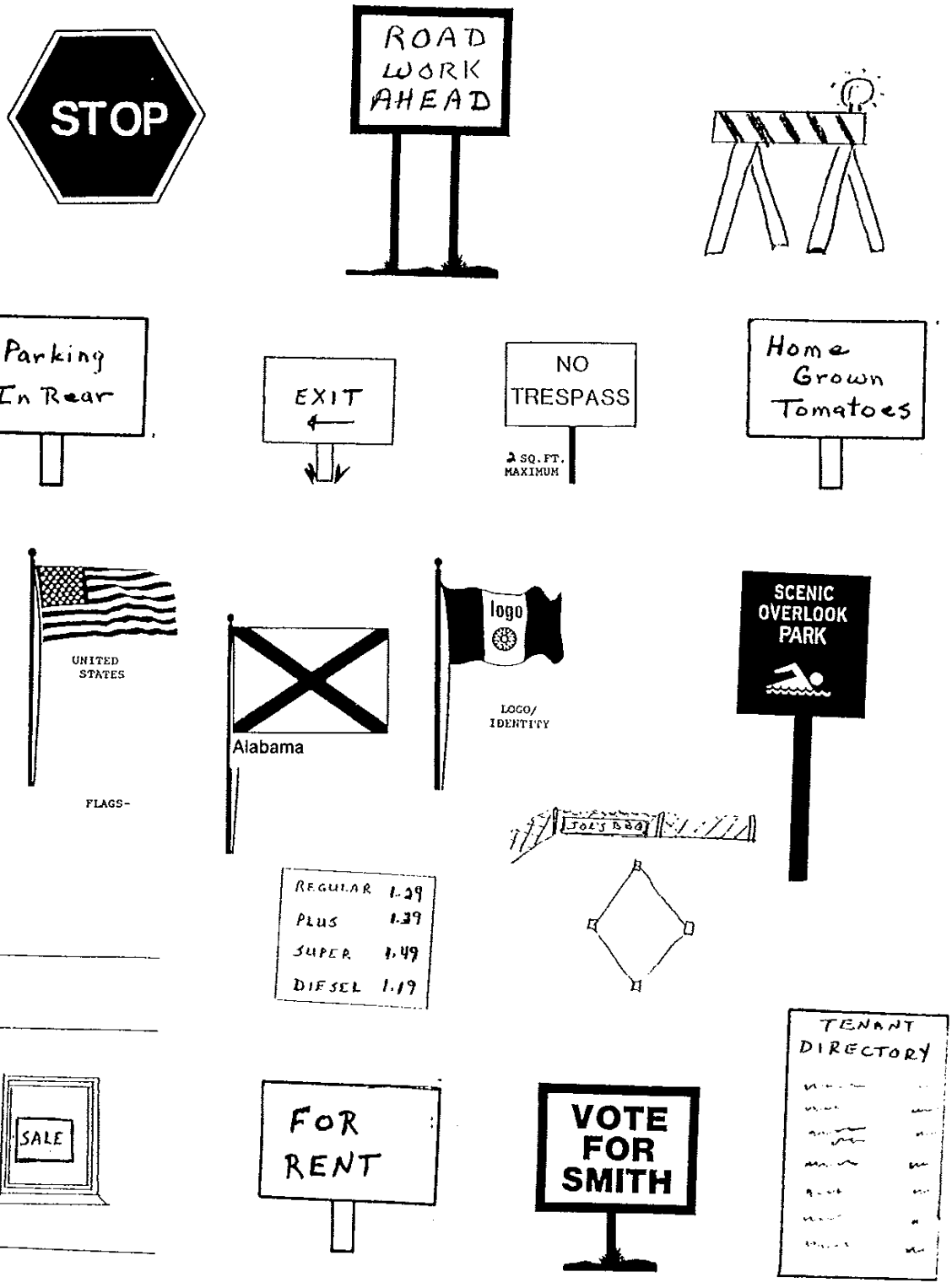
TEMPORARY SUBDIVISION DEVELOPMENT

TEMPORARY SUBDIVISION
ENTRANCE SIGN



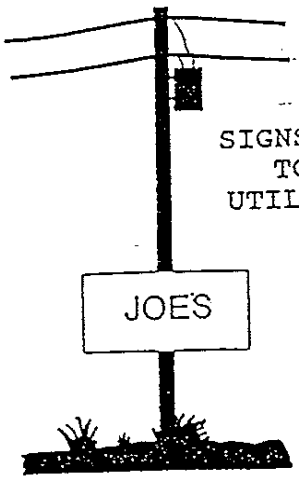
PERMANENT SUBDIVISON
ENTRANCE SIGN

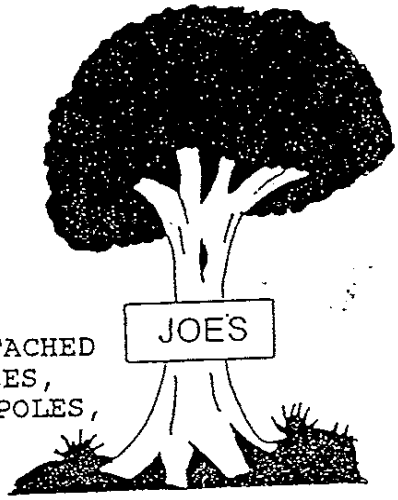
EXEMPT SIGNS



PROHIBITED SIGNS

SIGNS IN IMITATION OF AN OFFICIAL TRAFFIC SIGN INCLUDING THE WORDS "STOP", "GO", "CAUTION", ETC.

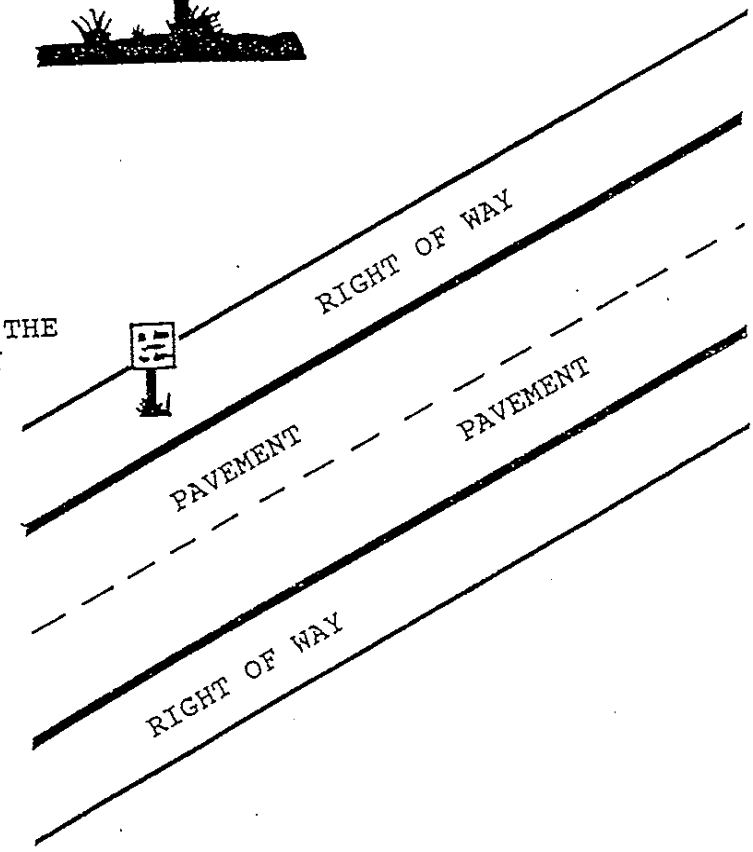




SIGNS ATTACHED TO TREES, UTILITY POLES, ETC.

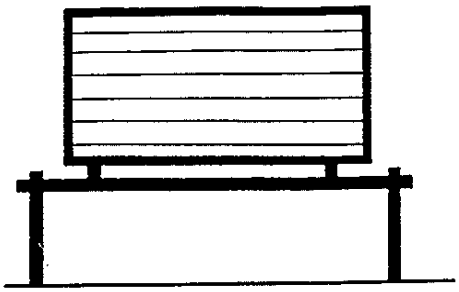
ANY SIGN IN THE RIGHT OF WAY

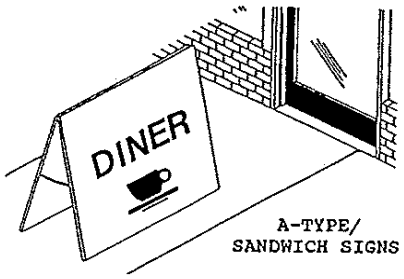
ROW



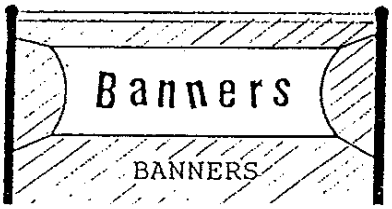
PLEASE REFER TO THE APPROPRIATE SECTION OF THE SIGN REGULATIONS FOR A COMPLETE LIST.

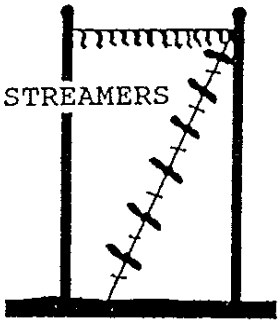
PORTABLE/TEMPORARY SIGNS

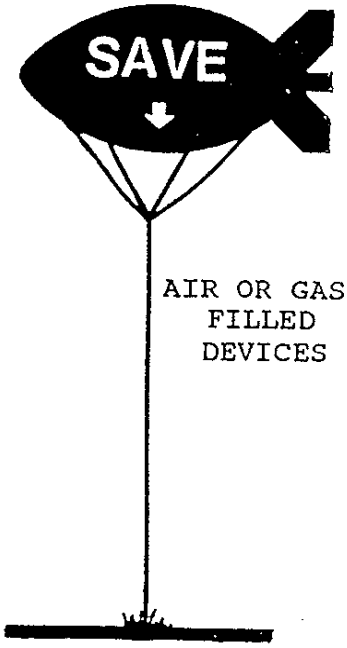




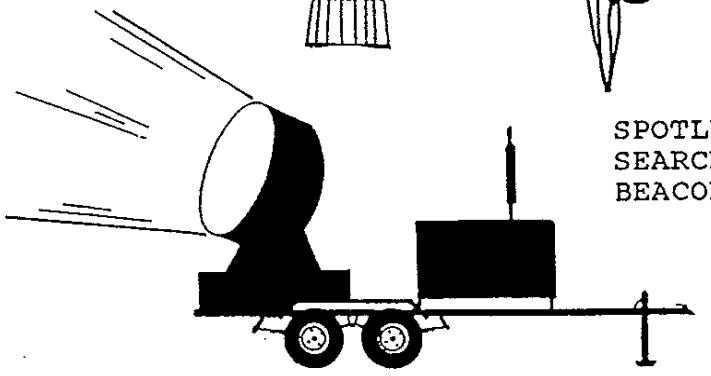
TEMPORARY SPECIAL EVENT SIGNS





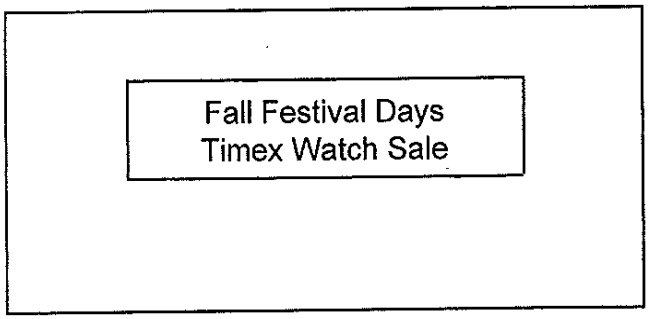


BALLOONS
HOT AIR OR
COLD AIR

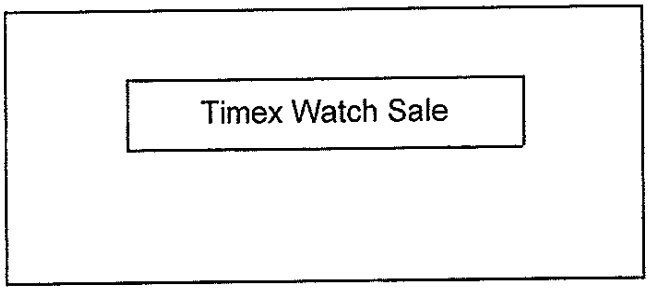


SPOTLIGHTS,
SEARCHLIGHTS,
BEACONS

CITY-WIDE EVENT
TEMPORARY SIGNS

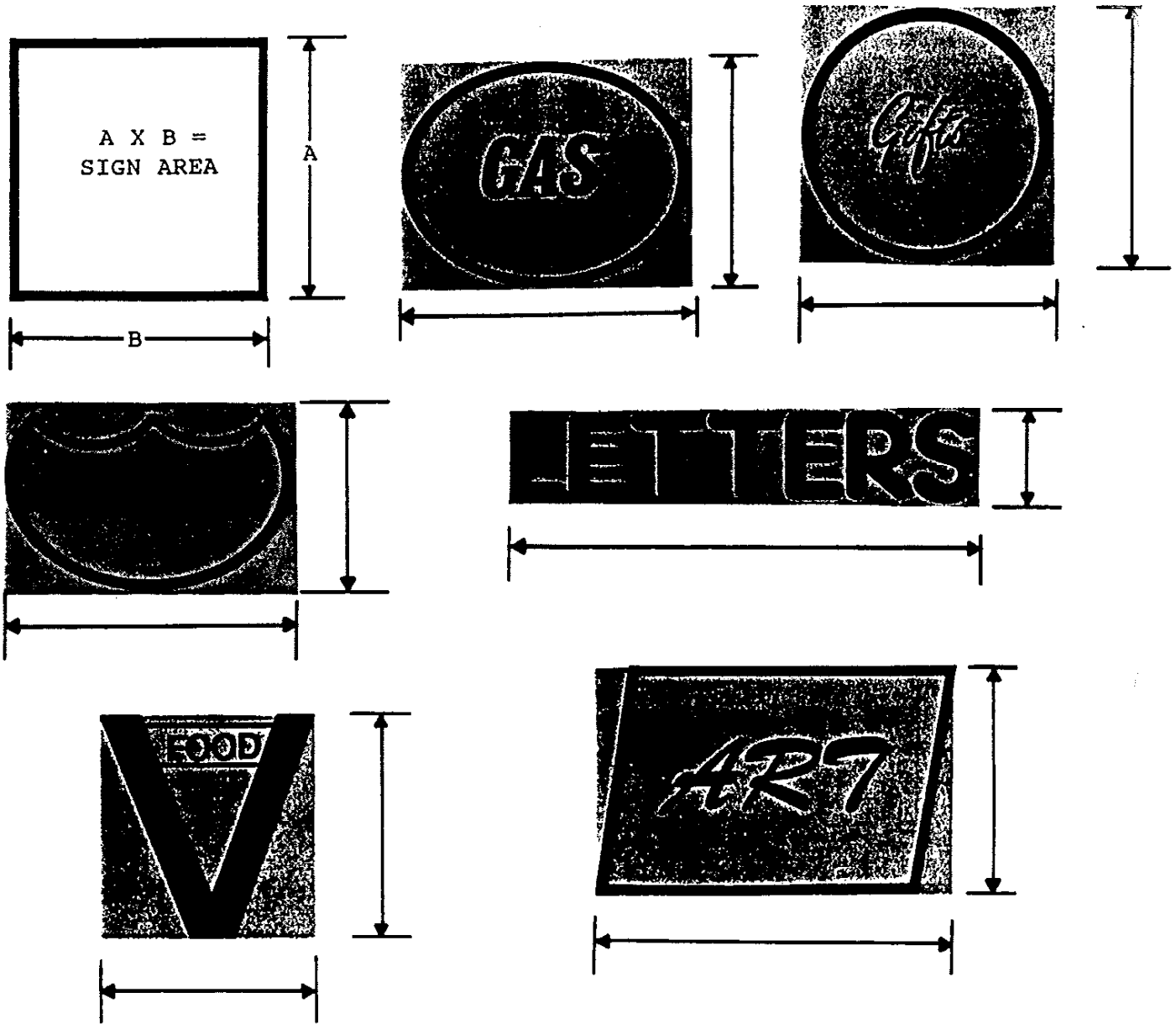


Correct



Incorrect

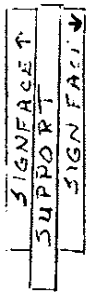
HOW TO DETERMINE THE AREA OF A SIGN



DOUBLE FACED SIGNS

Double faced signs - The area of a double faced sign is computed based on the area of one side only.

Sign face read from this direction →



←Sign face read from this direction

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Playtime

Letters

THIS IS THE BUSINESS NAME.

SAM'S FLORIST

COUNT AS ONE

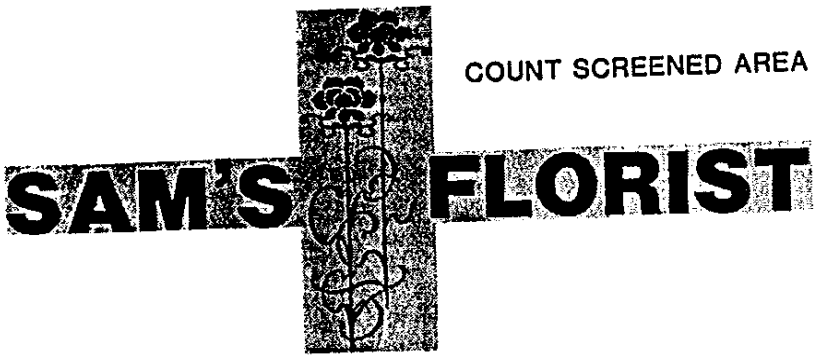
THIS IS THE BUSINESS NAME.

SAM'S

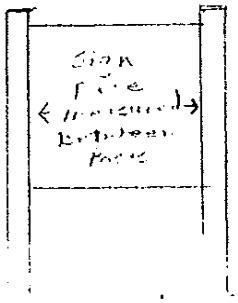
THIS IS THE PRODUCT.

FLOWERS, PLANTS, & DECORATIONS

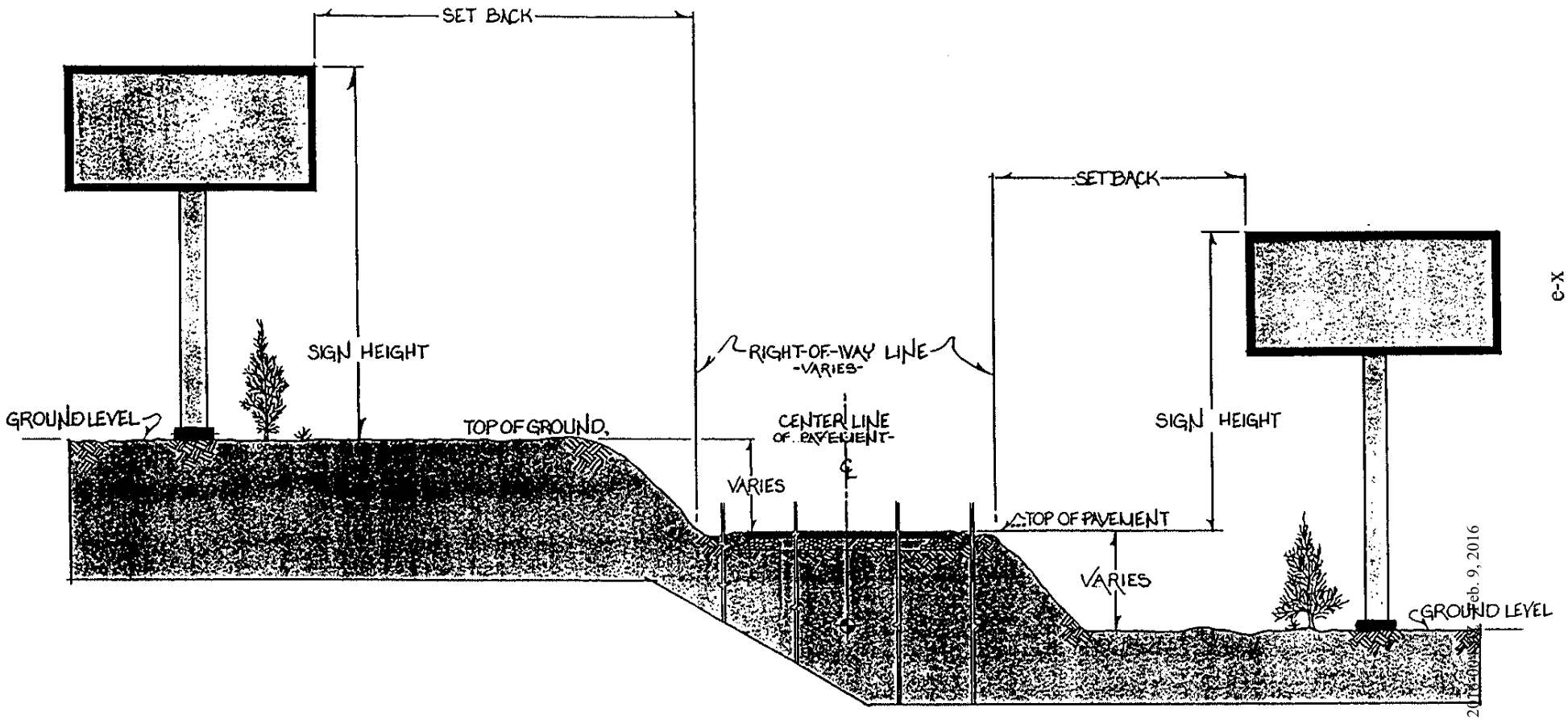
COUNT AS TWO



COUNT SCREENED AREA



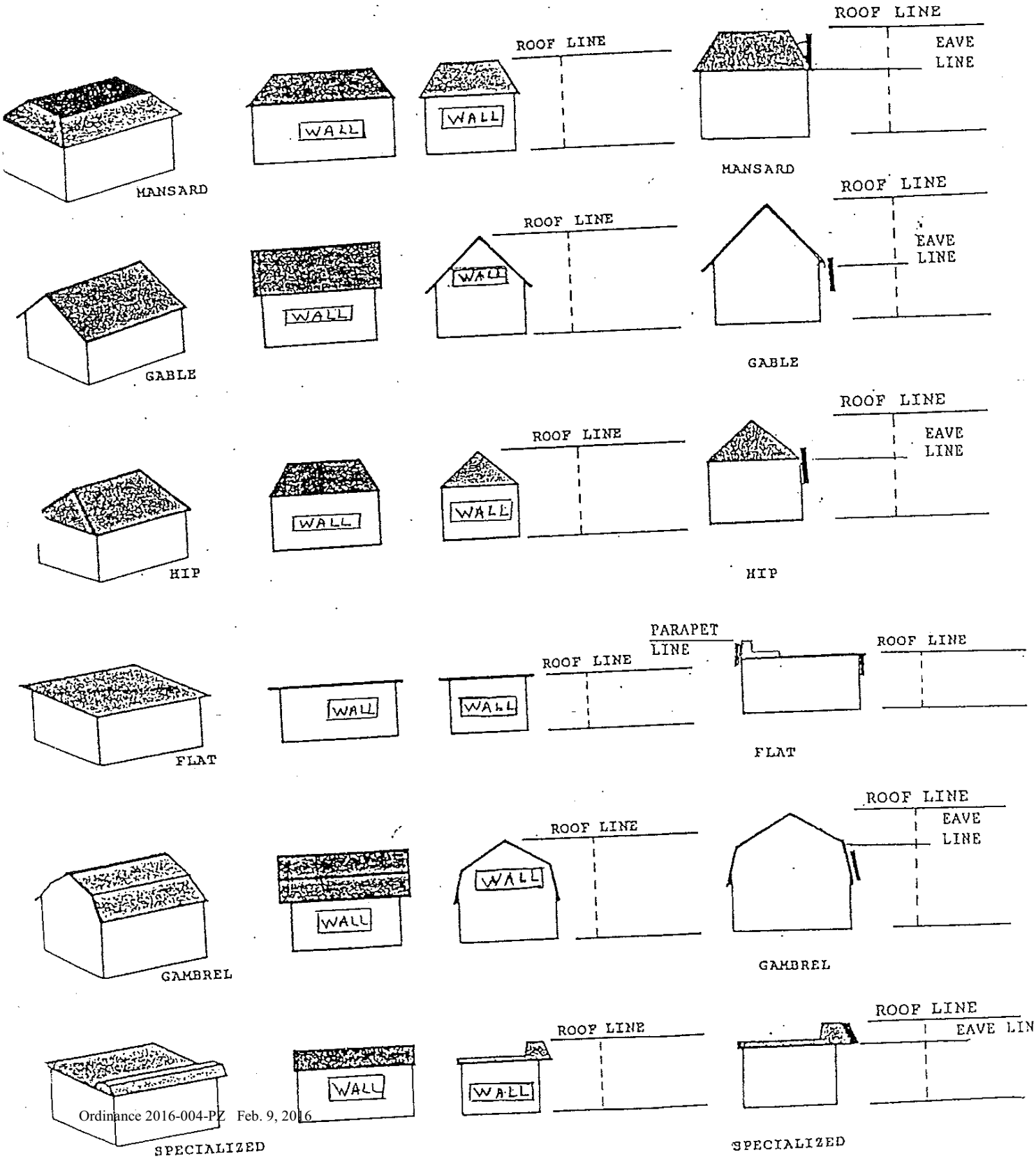
HOW TO DETERMINE THE HEIGHT OF A SIGN

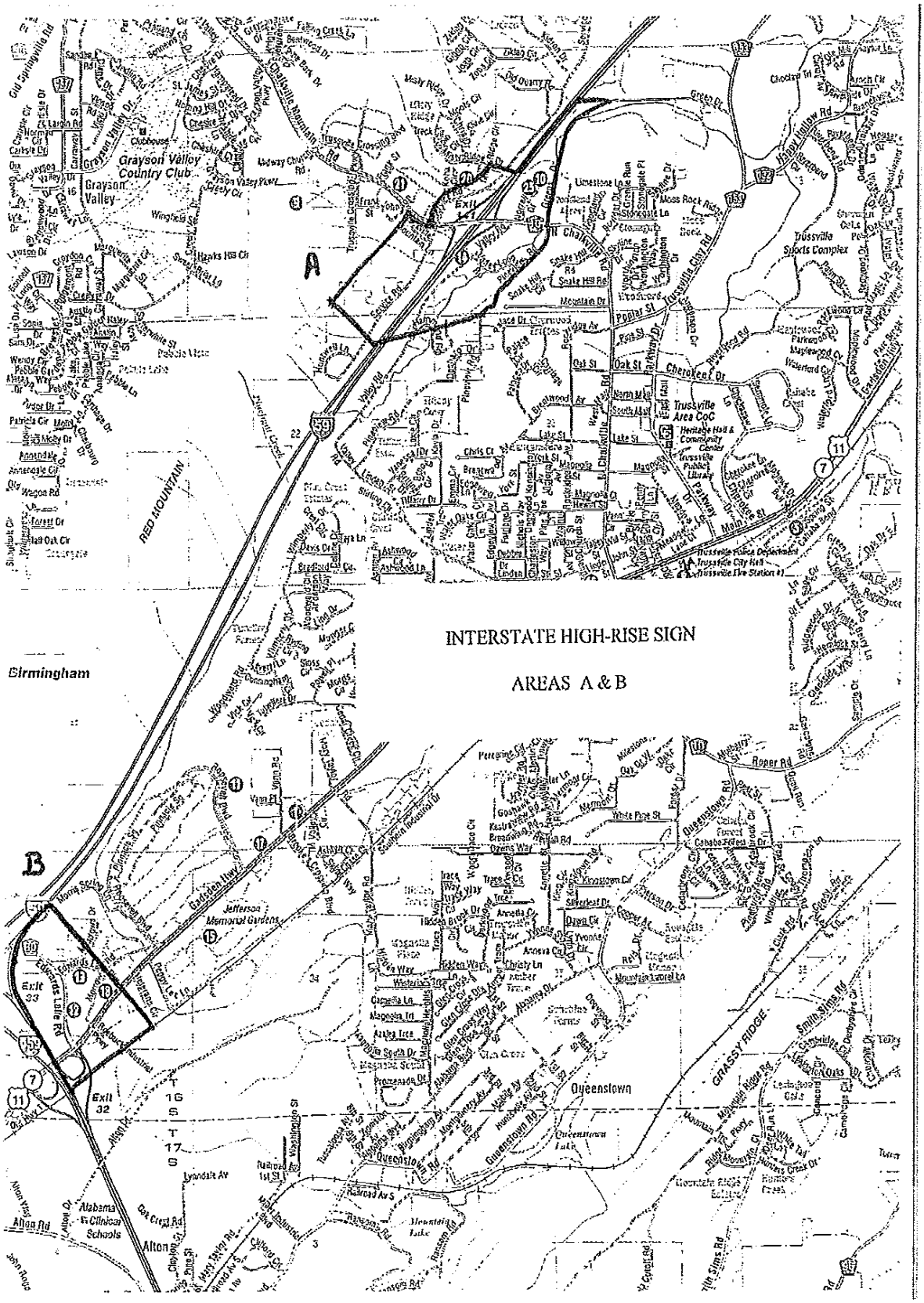


e-x

Ordinance 20 Feb. 9, 2016

WALL SIGNS WITH VARIOUS ROOF TYPES





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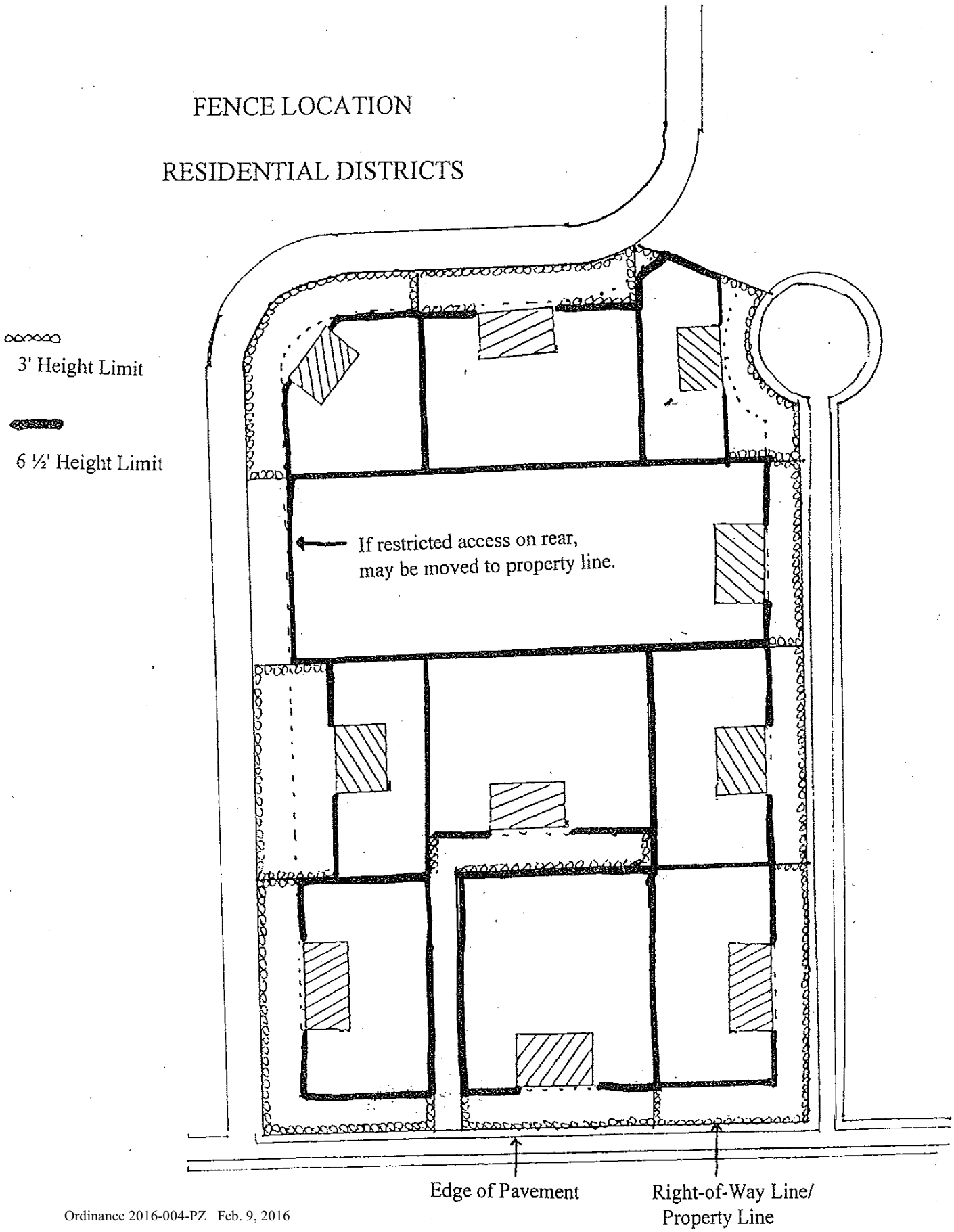
FENCE LOCATION

RESIDENTIAL DISTRICTS



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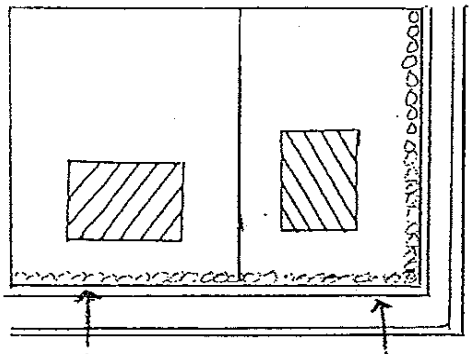
FENCE LOCATION

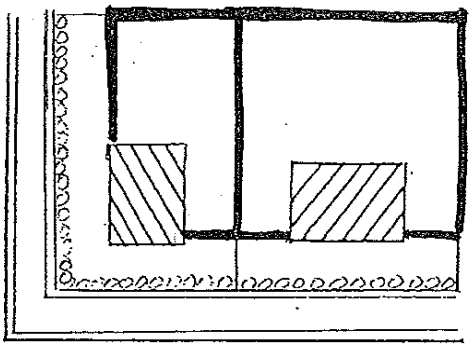
COMMERCIAL DISTRICTS



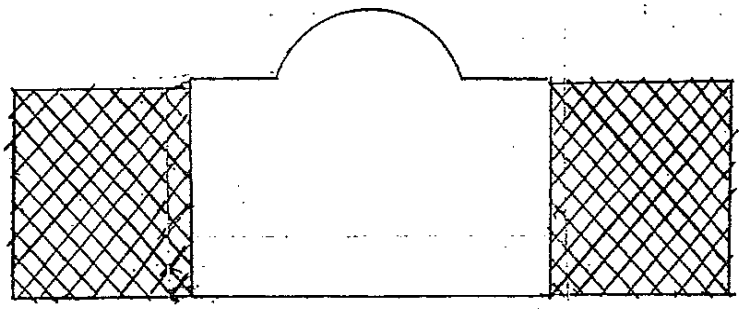
Right-of-Way Line/
Property Line

Edge of
Pavement

C-P

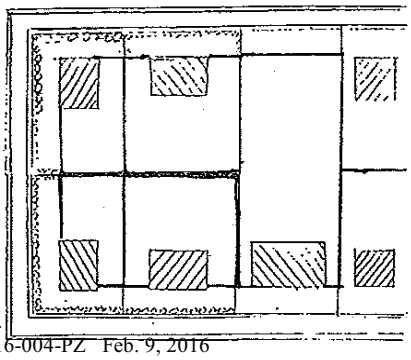


C-1, C-2, C-3, C-4, & C-5



Height Limit
Top of Building

C-2, C-3, C-4, & C-5

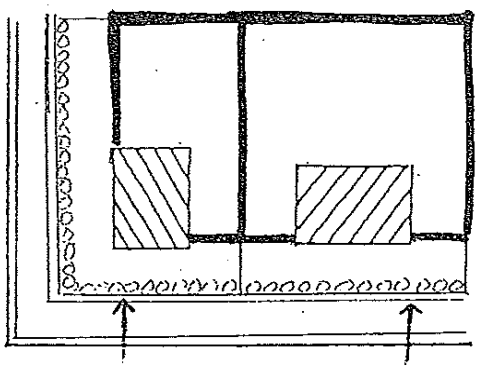


6 ½ Height Limit

3' Height Limit

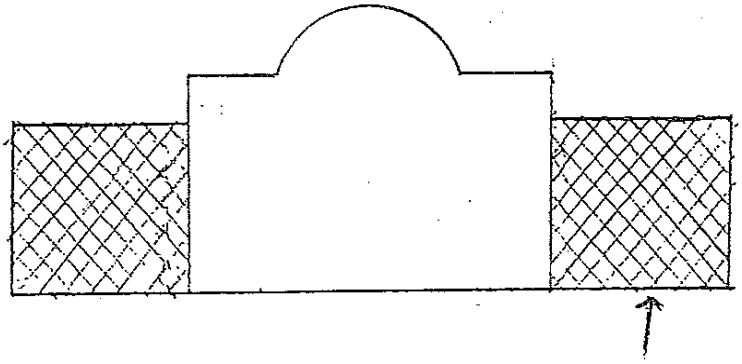
FENCE LOCATION

INSTITUTIONAL DISTRICTS



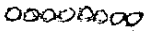
Right-of-Way Line/
Property Line

Edge of
Pavement



6 ½ Height Limit

IN-1 & IN-2

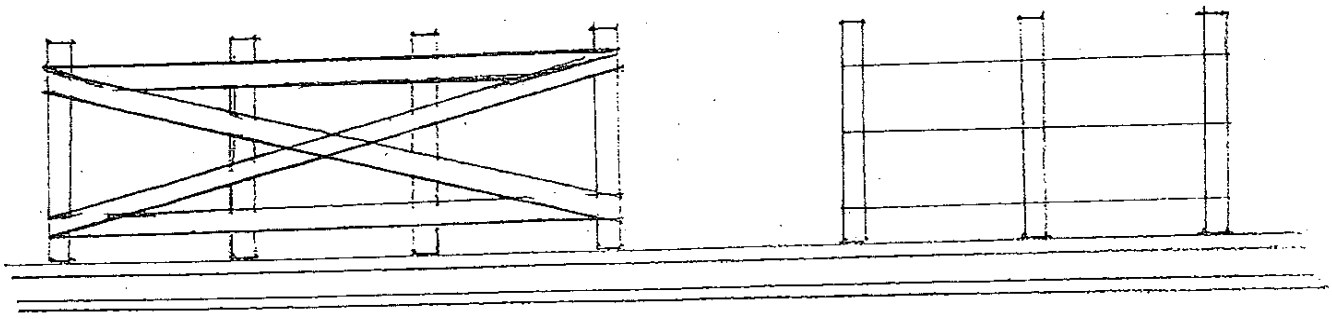


3' Height Limit

6 ½ Height Limit

FENCE LOCATION

AGRICULTURAL DISTRICT



Right-of-Way Line/
Property Line

Edge of
Pavement

4 ½ Height Limit

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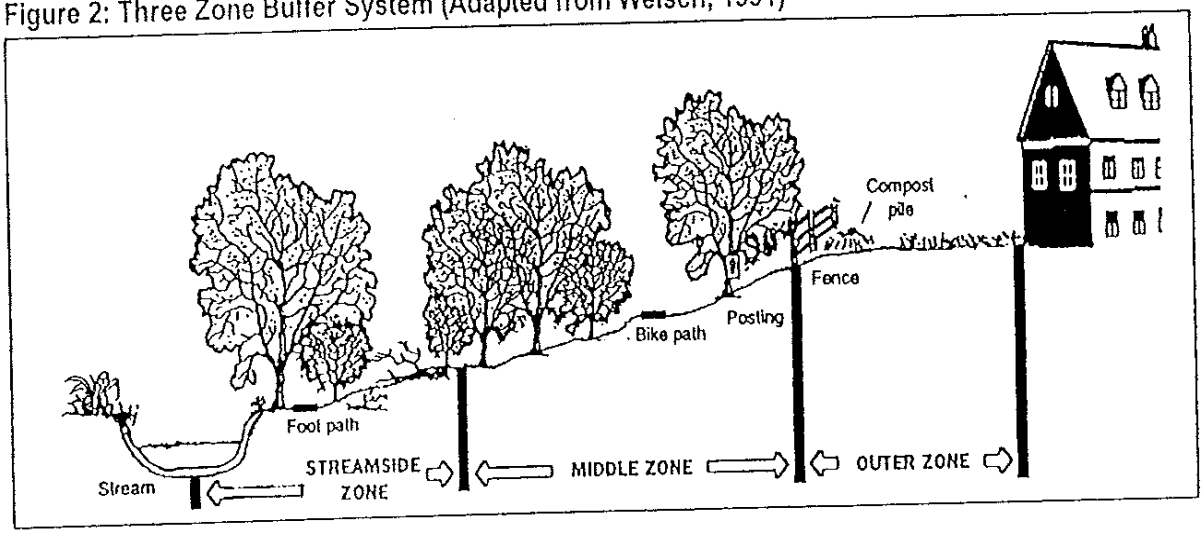
Figure 2: Three Zone Buffer System (Adapted from Welsch, 1991)



CITY OF TRUSSVILLE ZONES		CLOSEST COMPARABLE JEFFERSON COUNTY ZONE
A-1	Agriculture District	A-1 Agricultural District
CP	Preferred Commercial District	CP Preferred Commercial District
C-1	Local Shopping District	C-1 Commercial District
C-2	General Business District	C-1 Commercial District
C-3	Tourist Commercial District	(No comparable zone in terms of uses. These uses are combined in other districts)
I-1	Light Industrial District	I-1 Light Industrial District
I-2	Heavy Industrial District	I-2 Heavy Industrial District
I-3	Industrial District	Combination of I-3, I-3S, & I-5
IN-1	Institutional	INST-1 Institutional
IN-2	Institutional	INST-2 Institutional
IN-3	Institutional	INST-3 Institutional
O	Overlay Zone	None
O-CR	Cahaba River Overlay	None
O-GW	Groundwater/Wellhead Overlay	None
P	Park District	C-2 Outdoor Amusement District
PUD	Planned Unit Development	R-7 Planned Unit Development
Q	Qualified Zone	None
R-1	Single Family Residential	E-2 Single Family Estate
R-2	Single Family Residential	R-1 Single Family Residential
R-3	Single Family Residential	R-2 Single Family Residential

CITY OF TRUSSVILLE ZONES		CLOSEST COMPARABLE JEFFERSON COUNTY ZONE
R-4	Single Family Residential and Duplex	(No zone that allows single family & duplex)
R-5	Multi-Family Residential District	(No zone in which a combination of these uses are permitted)
R-6	Single Family	R-6 Single Family
RG	Garden Home District	RG Garden Home District
RT	Townhouse/Cluster Home District	RT Townhouse District
MP	Mobile Home Park District	R-5-B Mobile Home Park District

TRUSSVILLE ZONES		ST. CLAIR COUNTY ZONE
--	When unzoned property is annexed into the City of Trussville, the City of Trussville shall begin zoning procedures so that the property may be assigned a classification based on the use of the land when annexed. The zoning procedures will be conducted pursuant to and in accordance with the provisions of Article X of this Ordinance and state law.	-- Not Zoned

Zone Districts Utilized by Jefferson County (as of adoption date of this ordinance)

E-1	Estate Single Family District
E-2	Estate Single Family District
R-1	Single Family Residential District
R-1S	Sinble Family Residential District
R-2	Single Family Residential District
R-3	Two Family District (Duplex)
R-4	Multi-Family District
R-5(A)	Mobile Home Subdivision District
R-5(B)	Mobile Home Park District
R-6	Single Family Residential District
R-7	Planned Unit Development - PUD
RT	Residential Townhouse District
RG	Single Family District
A-1	Agricultural District
Inst. 1	Institutional District
Inst. 2	Institutional District
Inst. 3	Institutional District
U-1	Utilities District
U-2	Communiciation Tower District
Cem 1	Cemetery District
PC -1	Pet Cemetery District
Air - 1	Airport District
CC-1	Country Club District
C-P	Preferred Commercial District
C-N	Neighborhood Commercial District
C-1	Commercial District
C-2	Outdoor Commercial District
C-3	Commercial District
C-5	Commercial Adult Entertainment District
I-1	Light Industrial District
I-2	Heavy Industrial District
I-2(A)	Industrial District
I-3	Industrial District
I-3(S)	Strip Mining District
I-4	Industrial Park District
I-5	Sanitary Sewage District
I-5-A	Privately Developed Wastewater Treatment
I-O	Obnoxious Odors District
HW-1	Hazardous Waste District