

ORDINANCE NO. 2017-014-PZ

**AN ORDINANCE TO AMEND THE TRUSSVILLE ZONING
ORDINANCE NO. 2000-034-PZ (AS PREVIOUSLY AMENDED)**

BE IT ORDAINED by the City Council of the City of Trussville, Alabama that the City of Trussville Zoning Ordinance No. 2000-034-PZ (as previously amended) be amended as follows:

SECTION 1. That section found in Article VI, Section 19B.4, C. Conditional Uses in the Trussville Zoning Ordinance 2000-034-PZ shall be and is amended as follows:

19B.4 Use Regulations.

- 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 and recommendation.

Requests for Conditional Use must include the following:

- i. An application shall be completed by the property owner or applicant. If the property owner is not the applicant, a letter from the owner to the City shall be required indicating the owner's consent to the application, and naming the applicant as his/her representative. The applicant shall submit ten (10) paper copies and an electronic copy of a complete conditional use application packet to the City Clerk at least twenty-one (21) days prior to the Planning and Zoning Board meeting at which the conditional use is to be considered, accompanied by the established fee to defray the cost of processing the application, which shall contain as a minimum, the following information:
 - a. Scale plan with topography and flood plain information.
 - b. The location, size, dimensions, and zoning classification of the site.
 - c. The use, location, size and height of all existing and proposed structures on the site, including fences, walls and dumpster location.
 - d. The location and number of parking spaces, driveways, loading areas, and points of ingress and egress.
 - e. All easements and rights-of-way, and location of storm drainage facilities, hydrants, and utility poles.
 - f. The set back and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required to determine street views and/or separation.
 - g. The location and dimensions of all exterior graphic displays.
 - h. Exterior lighting plan.

- i. The location, dimensions, area, and character of all required buffers and greenbelts.
- j. Landscape plan.
- 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 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.

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.

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.

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 imposed by the City Council.

SECTION 2. Repealer: All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Trussville, Alabama which are inconsistent with the provisions of this Ordinance are repealed to the extent of the conflict.

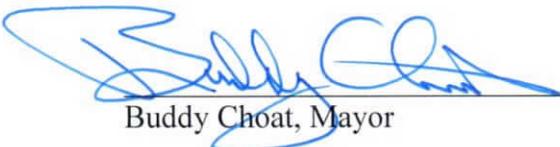
SECTION 3. Severability: If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. Effective Date: This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED AND APPROVED this the 14th day of March, 2017.



Brian Plant, Council President



Buddy Choat, Mayor

Attest: 

Lynn B. Porter, City Clerk