

## **Cahaba Homestead Village Overlay District Overview of Development Standards and Review Process**

The City of Trussville proposes to regulate development within the Cahaba Homestead Village Overlay District (the “District”) through two coordinated ordinances:

- **Cahaba Overlay District Ordinance** – establishes what type of property use is allowed.
- **Design Review Ordinance (“DRB”)** – establishes how projects are reviewed for aesthetic purposes.

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### **1. Overlay District Ordinance – “What is Allowed?”**

This ordinance sets the **baseline development rules** for the District, including:

- Permitted residential and public uses.
- No change to lot size and minimum square footage.
- No change to present setbacks and dimensional requirements.
- Requirement that review of construction plans be conducted by the DRB in accordance with the standards established in Section 3 below.

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### **2. Design Review Ordinance – “How Projects Are Reviewed?”**

This ordinance establishes the **Design Review Board (DRB)** and the approval process:

- Applicants must submit plans for construction, renovation, or demolition for projects in the District, all commercial zoning districts, and all industrial zoning districts.
- The DRB reviews projects before permits are issued
- For projects in the District, the DRB focuses on aesthetic compatibility with requirements set forth in Section 3.
- Decisions are issued in writing and may be appealed to the City Council.

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### **3. Overlay District Standards Reviewed by the DRB**

Within the District, the DRB applies specific design standards, including:

#### **Building Form & Scale**

##### **Maximum height:**

1-story: 23 feet

2-story: 32 feet

Maximum of two stories.

Compatibility with surrounding structures.

##### **Roof Design**

Roof types limited to gable or hip.

Ridge orientation generally parallel to the street.

Roof pitch between 8:12 and 10:12.

Roofing materials on street facing side shall be metal shingles or equivalent appearance.

##### **Exterior Materials**

Permitted: wood or cement fiberboard in plank or shake shingle or brick.

Prohibited: vinyl, aluminum, stucco, stone, exposed block, plywood, etc.

Siding exposure between 6–9 inches.

##### **Windows & Doors**

No arched openings on street-facing elevations.

Window proportions: height should exceed width.

##### **Site & Visibility Considerations**

Solar panels, skylights, and utilities placed out of street view where possible.

Garages and accessory structures shall be located behind primary structures.

##### **Demolition & Replacement**

DRB review of plans for replacement structures required prior to demolition.

Replacement structures must comply with all District standards.

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### **4. How the Ordinances Work Together?**

- The **Overlay District Ordinance** defines the **rules for development**.
- The **Design Review Ordinance** ensures those rules are **visually and architecturally met**.
- Nonconforming structures would remain in their current state until such nonconformity be destroyed by any means to an extent of more than 50 percent of replacement cost at the time of destruction.

Ordinance No. 2026-####-XXX

**An Ordinance to Repeal Appendix A, Article VI, Section 30 of the Code of Ordinances and Replace it with the Ordinance Below regarding the Cahaba Homestead Village Historic Overlay District.**

BE IT ORDAINED by the City Council of the City of Trussville, Alabama, that Appendix A, Article VI, Section 30 of the Code of Ordinances be and is hereby repealed in its entirety.

BE IT FURTHER ORDAINED by the City Council of the City of Trussville, Alabama, that the following replaces Appendix A, Article VI, Section 30 of the Code of Ordinances:

**Intent.** The Cahaba Homestead Village (“Village”) is a historically significant, mixed-use area of the City of Trussville within the Survey of Cahaba, in which certain protections are desired. The Village, established in the 1930’s, consists of single-family homes, duplexes, and multiplexes, as well as parks, schools, and public buildings. The Village was added to the National Register of Historic Places in 2006. The Cahaba Homestead Village Historic Overlay District (“District”) is established to address the mixed land uses within the Village and to maintain the aesthetic integrity of the Village, including the uses of the parcels contained within the Village. A map and legal description of the District is attached as Exhibit A. The District shall be overlaid on the Village to apply home design standards and promote the use of the District for the welfare of the present and future residents of the City of Trussville. The general intent for the District includes, among others, the following purposes:

To preserve and protect the following:

- A. The architectural value and appearance of buildings and other structures, in a historically significant area of the City of Trussville,
- B. To promote these attractions to residents and visitors,
- C. To regulate exterior design and materials used within the district to ensure compatibility with the design of structures within the District,
- D. To preserve green spaces and harmonious sight lines throughout the District,
- E. To support uses of land that favorably impact property values in the District, including retaining and enhancing the architecture of the District, and
- F. To promote the use of the District for the education, pleasure, and welfare of the present and future citizens of Trussville.

**Uses permitted.** The following uses are permitted without any further action:

- 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, as allowed under the Federal Land Grant documents.
- Customary accessory structures and buildings
- Public Utility Service

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The replacement of any Duplexes or Multiplexes shall not exceed the number of units in the original structure. Any replacement structure constructed within the District shall be constructed within such areas as designated within this Section. However, this Section will not restrict Duplexes and Multiplexes from converting to single-family dwellings as long as the street facing elevations are consistent with the setbacks and square footage requirements as set forth within this ordinance. “Duplexes” are defined as a house divided into two separate dwelling units, with a separate entrance for each. “Multiplexes” are defined as a detached structure that consists of 3 or more separate dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street.

**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:

- Home Occupation, subject to Article VIII, Section 5.0
- Public Utility Facility

**Dimensional Requirements.**

Lot Size	Minimum Square Feet	Dwelling Square feet Minimum
Single – Family Residential	20,000	895
Duplex (each unit)	15,000	1,150
Multiplex (each unit)	15,000	750

Setbacks:	Front Yard	40’
	Rear Yard	40’
	Side Yard	15’
* Corner lots shall observe front yard setbacks on all sides abutting streets or rights – of – way		

*Accessory Structures.* See Article VII, Section 6.0, for accessory structure requirements.

Setbacks:	Rear	10’
	Side	8’
* Corner lots shall observe front yard setbacks on all sides abutting streets or rights – of – way		

**Buffer Requirements.**

All Public Utility Facilities shall require a buffer of no less than twelve (12) feet on all side and rear property lines.

**Cahaba Project Overlay District Requirements for Lots Zoned Residential.** See Ordinance 2026-###-###. The Design Review Board maintains sole authority and responsibility for considering the aesthetics and architectural plans submitted.

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**Nonconformance.** Within the District, there exist lots, structures, uses of land and structures, and characteristics of use that were lawful before the 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 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 than 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 District.
- D. Should such nonconformity be abandoned or discontinued for more than one calendar year, it shall thereafter conform to the regulations for the 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 District.
- F. 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.

**Additional Requirements (when applicable).**

- A. Off-Street Parking and Loading Requirements, Article IX
- B. Special Use Regulations, Article VIII
- C. Supplemental Regulations, Article VII
- D. Sign Regulations, Article XI
- E. General Regulations, Article III

Ordinance No. 2026-####-XXX

An Ordinance to Repeal Division 7, Article IV, Chapter 2 of the Code of Ordinances and Replace it with the Ordinance Below regarding the Design Review Committee.

BE IT ORDAINED by the City Council of the City of Trussville, Alabama, that Chapter 2, Article IV, Division 7 – Design Review Committee of the City *Code of Ordinances* be and is hereby repealed in its entirety.

BE IT FURTHER ORDAINED by the City Council of the City of Trussville, Alabama, that the following replaces Division 7, Article IV, Chapter 2 of the Code of Ordinances:

Section I. Definitions.

“Applicant” shall mean a person who submits a written Application for approval of the Design Review Board as provided in this Ordinance. An “Applicant” may be either a person or an entity.

“Application” shall mean a formal written request requesting approval for an entity or individual to proceed with a Major Renovation, Minor Renovation, or Demolition of certain affixed structures on land within the City. The Application shall be the entirety of all paperwork, plans, drawings, designs, written communications, or any other document, photograph, or the like submitted by the Applicant to the DRB for consideration by the DRB.

“Chief Building Official” shall mean the individual appointed by the Mayor to serve as the chief building official for the City or his or her designee.

“Design Review Board” or “DRB” shall mean the board of the City created under this Ordinance for the purpose of reviewing submitted Applications and plans for entities or persons seeking to conduct Major Renovations, Minor Renovations, or Demolitions of certain affixed structures on land in certain areas of the City as provided below.

“Major Renovation” shall mean a renovation of 50% or more of a structure, as determined by the Chief Building Official of the City.

“Minor Renovation” shall mean anything that is not a Major Renovation or Demolition.

“City” shall be the City of Trussville, Alabama.

“City Council” shall mean the five elected members serving as City councilors of the City of Trussville, Alabama.

“Cahaba Homestead Village Historic Overlay District” shall mean the district as set forth in Article \_\_, Section \_\_ of the City of Trussville Zoning Ordinance. .

“Day” shall mean one calendar day unless otherwise specified.

“Inspections Department” shall mean the City’s Engineering and Inspections Department.

“Demolition” shall mean the process of razing, tearing down, or deconstructing any structure that is considered permanently affixed to land.

“Mayor” shall mean the person elected as mayor of the City of Trussville, Alabama.

“Permit” shall mean the written authorization and consent to proceed with the specific action contained in the Application.

“Quorum” shall mean the minimum number of board members that must be present to conduct business. In the case of the Design Review Board, the minimum number of voting members to conduct business shall be at least four (4). For quorum purposes, a member recusing under Article III, Section G shall not count in determining a quorum.

“Exterior” shall be deemed to include all of the outer surfaces of the building visible from a public streetway or place.

## Section II. Creation, Members, Terms.

- A. There is hereby created a Design Review Board ("DRB") which is authorized to hear and approve matters identified within this Ordinance.
- B. The DRB shall be composed of seven (7) members, each of whom shall serve without compensation, all of whom shall reside in the corporate limits of the City of Trussville ("City").
- C. The initial members shall be appointed as follows:
  - a. Four (4) members nominated by the Mayor and approved by the City Council;
  - b. One (1) member directly appointed by the Mayor without City Council approval; and
  - c. One (1) member of the planning and zoning board shall be chosen and selected by the planning and zoning board in accordance with its rules and procedures.
  - d. One (1) member directly appointed by the City Council without approval of the Mayor;
  - e. Thereafter, the members shall serve staggered three (3) year terms except for the Mayor's direct appointment, the Council's direct appointment, and the planning and zoning board member appointment.
    - i. The terms of the member appointed by the Mayor and the member planning and zoning board shall run with the respective terms of the Mayor and the planning and zoning board member. The Council's direct appointed member shall serve for the four-year term of the appointing Council. After the expiration of the term of the Mayor and the planning and zoning board member, a new member shall be appointed by the Mayor and the planning and zoning board.
    - ii. Except as provided in Section II, C. e. iii., whenever the term of a member expires or a vacancy otherwise occurs, the vacancy shall be filled in the

same manner as the original appointment, with outgoing members continuing to hold office until their successors have been appointed.

iii. To establish the stagger of the four (4) citizen members:

1. two (2) initial citizen members shall serve a three (3) year term as designated in the appointment;
2. one (1) initial citizen member shall serve a two (2) year term as designated in the appointment; and
3. one (1) initial citizen member shall serve a one (1) year term.

iv. At least one (1) of the of the four members selected by the Mayor and the Council shall have a background in either architecture or construction.

f. In addition to these seven members, the chief building official or his/her designee shall serve in an ex officio and advisory capacity only with no right to vote on any matters. The chief building official or his or her designee shall be responsible for preparing the agenda for each meeting of the DRB subject to review and approval by the DRB.

g. Members, other than the member selected solely by the Mayor or Council may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, malfeasance in office, or missing three consecutive monthly meetings. The Mayor or Council may for like cause remove the member or selected by them. .

D. Member recusal. Any member of the DRB who shall be employed by an Applicant to design or construct a structure subject to this Ordinance or who shall have any proprietary, tenancy, familiar, or personal interest in such Application shall recuse himself or herself and shall not participate during the consideration of the Application and any subsequent vote thereon. Each member may exercise his or her discretion in the matter. In the event of an objection from an Applicant alleging a conflict of interest on the part of a member of the DRB, the DRB shall vote on whether to require that member to recuse during the consideration of the Application after consideration of all relevant factors presented by the Applicant and the member. The member that is the focus of the objection shall be recused from any vote determining their own status.

### Section III. Organization and Meetings.

- A. The DRB shall elect from among its members a chairman, vice-chairman, and secretary each of whose terms shall be one (1) year with eligibility for re-election.
- B. The DRB shall adopt bylaws and rules for the transaction of its business. The City Clerk shall maintain a public record of its resolutions, transactions, findings, and determinations.
- C. All meetings shall be conducted in compliance with the provisions of the Alabama Open Meetings Act.
- D. The DRB may contract with advisors and consultants for such services as it may require, with the approval of the Mayor and consent of the City Council, who shall be responsible for approving any expenditure. Such request shall be in writing, signed by

the chairman of the DRB and attested to by its secretary following a vote of the board to make the request.

- E. Alternatively, in the event the Mayor and City Council elect to budget the DRB an amount for the DRB's use, the expenditures of the DRB shall not exceed the amount appropriated to the DRB by the City. The DRB shall comply with all existing City ordinances, policies, procedures, and requirements for making expenditures pursuant to this section.

#### Section IV. Duties

- A. The DRB shall review all construction proposals and Demolition Permitting requests for all zoning districts other than A-1, R-1, R-2, R-3, R-4, R-5, R-6, R-CP, R-G, R-T, and R-MP.
- B. The responsibilities of the DRB shall be limited to the following:
  - a. review of proposed design plans for new construction, renovations, signage, and the architectural compatibility of those plans with the surrounding area,
  - b. to develop architectural standards and design guidelines which focus on the aesthetic impact of the proposal, including architectural style and design, colors, textures, materials, height, orientation, proportions, landscaping, use of the property, and overall compatibility with surrounding properties, subject to review and approval by the City Council, and
  - c. to develop rules and regulations for the review of design standards and ensuring compliance with those guidelines, subject to review and approval by the City Council.
- C. The DRB shall not consider nor exercise any control over matters governed by the City's:
  - a. zoning ordinance,
  - b. subdivision regulations,
  - c. building codes, or
  - d. stormwater ordinances.
  - e. The DRB shall not consider interior designs or plans. Except for the requirements of the Cahaba Homestead Village Historic Overlay District, it shall not impose any architectural style, traditional or modern, as a condition precedent to approval.
- D. This Ordinance shall not apply to any property owned by the City, any property of which is considered as a public nuisance as defined by Chapter 38, Art. II of the City's Code of Ordinances, or any property owned by any public utility or local, state, or federal governmental body.
- E. Further, the DRB shall advise and recommend to property owners, developers, City departments, or the City Council how to comply with the committee guidelines and how to develop projects to promote compatibility and conformity with surrounding uses and applicable design standards.

Section V. Procedure for review of plans—Application; submission.

A. *Permit Application.*

- a. As provided herein in Section VI, A., when an Applicant shall submit a building or Demolition Permit request, the Applicant shall also submit with the Application for Permit the plans for the alteration of appearance, for construction, for renovation, and/or for Demolition of a building or structure within the City.
- b. The Application and application fee (as hereinafter defined in subsection d) shall be submitted to the City Clerk's office who shall then promptly forward the Application and supporting documentation to the City's Engineering and Inspections department.
- c. The Application and supporting documentation must be filed with the City Clerk's office no less than fourteen (14) days prior to the DRB's next regular meeting. In the event an Application is submitted within fourteen (14) days of a regular meeting, the Application shall not be placed on that meeting's agenda but rather carried over to the next regular scheduled meeting in order to provide the necessary review and consideration time.
- d. The Applicant shall pay an application fee established by the City Council to offset the administrative costs to the City in considering the application. The application shall not be submitted for review to the DRB until the application fee is paid.
  - i. Any fee charged for processing the Application shall not exceed the amount approved by the City Council.
  - ii. Any fee charged and collected by the DRB shall be received by the City Clerk and deposited by the City's finance department into an account which shall be used only for the Inspection Department's costs and expenses.

B. *Submission of plans.* Every Application shall be accompanied by detailed plans for the proposed building, construction and / or Demolition (See Section VI. A.).

C. *Review and decision.*

- a. The DRB shall perform a review of such Application and shall render its decision in writing to the Chief Building Official. The DRB may perform an informal review of the Application at a work session prior to formal consideration by the DRB.
- b. Provided a Quorum is present, a simple majority of the members present at a meeting shall be necessary to approve the Application. The approval of the Application shall be provided in writing by the DRB to the Chief Building Official and City Clerk which shall be included as part of the Application.
- c. In the event the DRB denies the Application, the reasons for denial shall be set forth in writing either within the minutes or in separate written statement and shall be included in the Application packet. The DRB shall state with specificity the reasons for its denial of an Application and provide the necessary recommendations which may make the Application comply with this Ordinance.

- d. Submittal of an amended or new Application that incorporates the recommendations from a previously denied Application shall qualify the Application for reconsideration by the DRB.

Section VI. Same—Specific criteria for presentation.

A. *Submissions on the project.* Applicants must prepare and submit the following for presentation to the DRB:

a. For new construction or for Major Renovations of existing structures:

- i. A set of plans and renderings showing all exterior elevations including the following:
  - 1. Overall dimensions;
  - 2. Type of materials to be used on walls, roofs, windows, trim, and doors;
  - 3. Elevation details where necessary; and
  - 4. Screening for utilities.
- ii. Site plans, with dimensions, proposed fences, accessory buildings, parking facilities, exterior lighting, landscaping, and any other relevant information to support the plan.
- iii. Renderings of signs, with lettering, that identify the colors and lighting to be used.
- iv. Any other requirements the Chief Building Official or his or her designee may require.

b. For Minor Renovations:

- i. Drawings or photograph showing the main (front) elevation of the building.
- ii. Drawings or photographs of the area of the building to be altered or repaired if not the front elevation. (If the rear or side elevations affect the scene visible from the street and are to be altered, a photo showing the building's relationship to the neighboring structures and street scene is necessary.)
- iii. Either a written description or drawing of the work to be done, including materials to be used.
- iv. Either a written description or drawing of site plan explaining fencing, screening, accessory buildings, and any other relevant information to support the plan.

c. For Demolition Permits:

- i. Photograph(s) of the building to be demolished.
- ii. Building plans for any replacement structure to be constructed on the subject property after the demolition of the current structure

- B. *Cahaba Homestead Village Historic Overlay District Standards.* It is the intention that all future restoration, repair, remodeling or additions will be compatible with the character of the Cahaba Homestead Village Historic Overlay District and maintain its architectural and historic integrity. By studying the standards, the Applicant for a Permit for work in the district can be guided in the preparation of the required plans to be submitted. The DRB will use the following criteria for its evaluation of such plans:
- a. Height: The height for any residential or accessory structure shall not exceed 23 feet for 1 story structures and 32 feet for 2 story structures from first floor elevation to ridge of the main roof or to the tallest portion of the roof structure. No structure shall exceed 2 stories above grade. The height of residential structures surrounding the Mall shall not exceed the height of the original structure.
  - b. Roof shape: The roof shape shall be gable or hip. The front roof ridge shall be parallel to the street in front of the house. The totality of street facing gables shall not exceed 50% of the length of the roof.
  - c. Roof pitch: The main roof pitch shall be within an 8:12 to 10:12 slope. Ancillary roofs, such as porch roofs, may be as low as 1:12 but shall not exceed the pitch of the main roof.
  - d. Roofing materials: All roofs visible from the street facing side of the structure shall be covered with metal shingles or material that has the appearance of metal shingles. Standing seam metal roofing may be used for low-pitch porch roofs or for roofs not visible from the street facing side of the primary structure. Screw down metal roofing is not permitted except on accessory structures. Corner lots shall use metal shingles for all roofs visible from any street.
  - e. Exterior siding materials. All portions of the house shall have siding that is between 6 to 9 inches in exposure. Acceptable siding materials include wood or cement fiber board in plank or shake shingle and brick. All brick shall be modular or queen size. Non-conforming siding materials, including vinyl, aluminum, stucco, stone, board & batten, exposed concrete block, and plywood or oriented strand board, are not permitted.
  - f. Exterior doors and windows. No arched windows or doors shall be on street facing elevations. Windowpanes shall be taller than they are wide.
  - g. Solar Panels, Skylights, and Utility Systems. Solar panels, skylights, and other external utility systems should be installed to the rear or side of a building where they will not be visible from the street. Solar panels/skylights shall be installed flat and not alter the slope of the roof.
  - h. Accessory structures. Attached garages shall be situated behind the house so that they are not visible from the street facing elevation of the primary structure. Accessory structures shall be in compliance with Article VII, Section 6.
  - i. Parking lots in the Cahaba Homestead Village Historic Overlay District is considered a site improvement and requires a Permit from the Inspections Department and the approval of the DRB.

- j. In the event the DRB considers it necessary to make a change in the standards for the Cahaba Homestead Village Historic Overlay District, the DRB shall submit its requested changes in writing along with its reasons for the requested change to the City Council for the City Council's review and approval.
  - k. Specific rules governing decisions. Before approving the Application for any proposed building located or to be located in the Cahaba Homestead Village Historic Overlay District, the DRB shall find:
    - i. In the case of a proposed alteration or addition to an existing building or the construction of a new building, that such building will be in compliance with the requirements of the Cahaba Homestead Village Historic Overlay District.
    - ii. In the case of the proposed Demolition of a building in the Cahaba Homestead Village Historic Overlay District, the DRB shall consider the following items prior to the issuance of a Demolition permit by the Inspections Department:
      - 1. Building plans of any replacement structure to be constructed on the subject property after the demolition of the current structure to ensure compliance with the standards of the Cahaba Homestead Village Historic Overlay District;
    - iii. In the event that the DRB decides that the Applicant's building plans are not in compliance with the requirements of the District, the DRB shall provide written recommendations in accordance with Section VII(F). The Applicant may resubmit revised plans to the DRB incorporating the suggested changes at any subsequent meeting;
    - iv. In the event the DRB does not issue a determination on an Application within the time set forth in Section VII (C), the Inspections Department shall issue a Demolition Permit.
    - v. If such Demolition Permit is not applied for and acted upon within the time allowed under section 14-13 of the Code of Ordinances of the City of Trussville, a new application must be submitted for approval to the DRB prior to the issuance of a new Demolition Permit.
    - vi. This provision regarding the DRB's review of Demolition permits shall not apply to any property determined to be a nuisance under Chapter 38, Article IV of the Code of Ordinances of the City of Trussville.
- C. Residential structures constructed after the Cahaba Project was transferred to the City of Trussville shall be exempt from Section VI (B) for all repair and remodeling projects.

Section VII. Notification and Building Permit.

- A. Upon receiving the written findings of the DRB, the Inspections Department shall notify the Applicant of the decision of the board. If the DRB approved the plans, and if all other

requirements of the City have been met including the payment of all Permit fees, the Inspections Department shall issue the Permit.

- B. If the DRB shall disapprove the Application, the Inspections Department shall not issue such Permit. The written findings of the DRB for denying the Application shall be provided to the Applicant.
  - a. The denial of an Application shall not prevent an Applicant from submitting a new Application that addresses the reasons for denial of the Application. (See Section V, C. d.)
  - b. Alternatively, an Applicant may appeal the written denial of the DRB to the City Council. (See Section VIII below.)
- C. If the DRB fails to take any action upon considering the Application within thirty (30) days following submission, the Application shall be deemed to have been approved by the DRB. Upon completion of all other requirements required under the building codes and ordinances of the City of Trussville, a Permit shall be issued as provided in this Ordinance. The Applicant may consent to waive any time period for action by the DRB; provided said waiver is provided to the DRB either in writing or entry upon the minutes of the DRB notating the consent.

#### Section VIII. Appeals.

- A. *Procedure for appeal.* An Applicant aggrieved by a decision of the DRB may within fifteen (15) days appeal the decision of the DRB to the City Council. The Applicant shall file with the City Clerk, a written notice of appeal specifying the Application and property address from which an appeal is sought.
- B. *Transcript of proceedings.* Upon receiving a notice of appeal, the DRB shall transmit to the City Clerk a certified copy of the proceedings in the case which shall include the written findings of the DRB. The City Clerk shall within thirty (30) days place the matter on the City Council's agenda for its consideration. The City Clerk shall issue or cause to be issued notice to the Applicant of the date, time, and location of the meeting at which the City Council shall consider the Applicant's appeal.
- C. The City Council shall follow its own procedures and rules in considering the appeal. In the event of an appeal to the City Council, the DRB's determination shall only be considered as a recommendation by the Council. The City Council shall affirm or overturn the decision of the DRB by resolution. In the event the City Council overturns the decision of the DRB, the City's Inspections Department shall issue the appropriate Permit as soon as is practical following receipt from the City Clerk the City Council resolution overturning the DRB's decision.

#### Section IX. Violations.

The construction of any building, any alteration, any repair, any renovation, or Demolition approved by the DRB shall be performed in strict conformity with the plans approved by the DRB. Failure to do so shall be considered a violation of this Ordinance and may subject the Application or persons engaged in act of construction, alteration, repair, renovation, or

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Demolition subject to the penalties in section 1-5 of the Code of Ordinances of the City, Section 14-14 of the Code of Ordinances of the City, Section 14-77 of the Code of Ordinances, or any other civil or criminal remedy available to the City at law or in equity.

Section X. Exclusion of Properties.

This Ordinance shall not apply to any action by the City brought under Chapter 38, Article III and Article IV of the Code of Ordinances of the City, any City owned property, any property owned by a public utility, any property owned by the state of Alabama, any property owned by Jefferson County or St. Clair County, or any property owned by the federal government.

Section XI. Effective Date.

This Ordinance shall take effect on \_\_\_\_\_, 202\_\_\_\_\_.

Section XII. Publication & Notification.

The City Clerk shall cause a synopsis of this Ordinance to be published in a newspaper of general circulation and to be published by posting as provided by law.

Section XIII. Severability & Repealer. 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. If any part, section or subdivision of this ordinance or document, map, or petition to which it may refer shall be held unconstitutional or invalid as to any portion of the territory annexed herein, such holding shall not be construed to impair or invalidate the ordinance as to the territory not included in or affected by such holding. 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 hereby expressly repealed.

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jaime Melton Anderson, Council President

\_\_\_\_\_  
Ben Short, Mayor  
City of Trussville

Attest: \_\_\_\_\_  
Dan Weinrib, City Clerk

Certification of City Clerk

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, Dan Weinrib, City Clerk of the City of Trussville, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Trussville, Alabama, on the \_\_\_ day of \_\_\_\_\_ 2026.

The above and foregoing ordinance was published on the \_\_\_ day of \_\_\_\_\_ 2026 by posting copies thereof in three public places within the City of Trussville, one of which was at Trussville City Hall.

Witness my hand and seal of office this the \_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Dan Weinrib, City Clerk

**DRAFT**