

*Town of Trinity
Zoning
Ordinance*

*Ordinance 2006-04
Amendment*

ZONING ORDINANCE TABLE OF CONTENTS

ARTICLE I AUTHORITY, PURPOSE AND SCOPE

Section 10.0 Authority	5
Section 10.1 Short Title	5
Section 10.2 Purpose	5
Section 10.3 Applicability and Compliance	5
Section 10.4 Minimum Requirements	5
Section 10.5 Conflict with Other Requirements	5
Section 10.6 Severability	5
Section 10.7 Repeal of Conflicting Ordinances	5
Section 10.8 Adoption of Zoning Map	6

ARTICLE II DISTRICTS, MAP BOUNDARIES AND ANNEXED PROPERTY

Section 21.0 Establishment of Use Districts	6
Section 21.1 R-1 Low Density Residential Districts	6
Section 21.2.R-2 Medium Density Residential District	6
Section 21.3 R-3 Medium Density Residential District	6
Section 21.4 A-0 Very Low Density Residential and General Agricultural	6
Section 21.5 B-1 Local Business District	6
Section 21.6 B-2 General Business District	7
Section 21.7 B-3 Highway Business District	7
Section 21.8 M-1 General Industrial District	7
Section 21.9 M-2 Heavy Industrial District	7
Section 22.0 Establishment of Overlay Districts	7
Section 22.1 H Historic Overlay District	7
Section 22.2 FH Flood Hazard Overlay District	7
Section 22.3 PUD Planned Unit Development Overlay District	7
Section 23.0 District Boundaries	7
Section 24.0 Annexed Property	8

ARTICLE III DEFINITIONS

Section 30.0 Generally	8
Section 31.0 Interpretations of Certain Words and Terms	8
Section 32.0 Definitions	8
Section 32.1 General Definitions	8
Section 32.2 Use Definitions	11

**ARTICLE IV
APPLICATION OF REGULATIONS**

Section 40.0 Uses	18
Section 41.0 Lots and Yards	18
Section 42.0 Projections into Required Yards	18
Section 43.0 Height	19
Section 44.0 Reduction in Lot Area	19
Section 45.0 Structures	19
Section 46.0 Future Street Lines	19
Section 47.0 Fences	19

**ARTICLE V
GENERAL PROVISIONS**

Section 50.0 Off-Street Parking Requirements	19
Section 50.1 Generally	19
Section 50.2 Residential	20
Section 50.3 Non-Residential	20
Section 50.4 Existing Parking	21
Section 50.5 Design	21
Section 50.6 Required Front Yard	21
Section 51.0 Off-Street Loading and Unloading	21
Section 52.0 Frontage Requirements	21
Section 53.0 Corner Visibility	21

**ARTICLE VI
USE DISTRICT REGULATIONS**

Section 60.0 Generally	21
Section 60.1 Use Limitations	21
Section 60.2 Classification of Uses	21
Section 60.3 Unclassified Uses	21
Section 61.0 District Area, Yard Height, and Setback Regulations	23
Section 62.0 Uses Allowed	26
Section 63.0 Supplemental Use Regulations	30
Section 63.1 Family Care Home	30
Section 63.2 Mini Warehouse	30
Section 64.0 Manufactured Home Park	30
Section 64.1 General Requirements	30
Section 64.2 Space Requirements	31
Section 64.3 Accessory Uses	32
Section 64.4 Other Requirements	32
Section 65.0 (Reserved)	33
Section 66.0 Home Occupations	33
Section 66.1 Purpose	33

Section 66.2 Objectives	33
Section 66.3 Definitions	33
Section 66.4 Prohibitions	34
Section 66.5 Requirements	35
Section 66.6 Permits and Expiration and Revocation of Permits	36

ARTICLE VII OVERLAY DISTRICT REGULATIONS

Section 70.0 Generally	36
Section 71.0 Historic Overlay District	36
Section 71.1 Designation of Districts	36
Section 71.2 Certificate of Appropriateness Required	37
Section 71.3 Action on Request for Certificates	37
Section 72.0 Flood Hazard Overlay District	37
Section 72.1 Designation of Districts	37
Section 72.2 Development in Designated Floodways	37
Section 72.3 Development in Special Flood Hazard Areas	37
Section 73.0 Planned Unit Development (PUD) Overlay District	38
Section 73.1 Designation of Districts	38
Section 73.2 Application Requirements	38
Section 73.3 Permitted Uses and Development	38

ARTICLE VIII EXCEPTIONS AND MODIFICATIONS

Section 80.0 Lot of Record	39
Section 81.0 Front Yard Setback Modifications	39
Section 82.0 Nonconforming Use	39
Section 82.1 Change in Use	39

ARTICLE IX ADMINISTRATION, ENFORCEMENT AND PERMITS

Section 90.0 Enforcing Officer	39
Section 91.0 Permit Required	39
Section 92.0 Plans	40
Section 93.0 Site Plan Review	40
Section 93.1 Site Plan Requirements	40
Section 93.2 Site Plan Review and Approval	41
Section 94.0 Certificate of Occupancy Required	41
Section 95.0 Penalties	41
Section 96.0 Remedies	41

**ARTICLE X
BOARD OF ADJUSTMENT**

Section 100.0 Establishment and Membership	42
Section 101.0 Meetings, Procedure, and Records	42
Section 102.0 Powers and Duties	42
Section 103.0 Administrative Appeal	43
Section 103.1 Stay of Proceedings	43
Section 103.2 Hearing	43
Section 103.3 Board Action	43
Section 104.0 Variances	43
Section 104.1 Intent	43
Section 104.2 Application	43
Section 104.3 Notice	43
Section 104.4 Variance Criteria	44
Section 104.5 Conditions	44
Section 105.0 Special Exceptions	44
Section 105.1 Notice	45
Section 105.2 Review of Application	45
Section 105.3 Conditions	45
Section 106.0 Re-Hearings	45
Section 107.0 Appeals	46

**ARTICLE XI
AMENDING THE ORDINANCE**

Section 110.0 Petition for Change	46
Section 111.0 Action of Petition	46
Section 112.0 Fees	46
Section 113.0 Limit on Initiation for Ordinance Amendment	46

ORDINANCE NO. 2005-04

ZONING ORDINANCE OF THE TOWN OF TRINITY, ALABAMA

BE IT ORDAINED by the Town Council for the Town of Trinity, Alabama, as follows:

ARTICLE I. AUTHORITY, PURPOSE AND SCOPE

Section 10.0. STATUTORY AUTHORITY. This Ordinance has been drafted, subjected to public review, recommended by the Trinity Planning Commission, and adopted by the Trinity Town Council under the authority of Title 11, Chapter 52, of the *Code of Alabama*, 1975 Compilation, as amended.

Section 10.1. SHORT TITLE. This Ordinance shall be known as the *Zoning Ordinance of the Town of Trinity, Alabama*, and the Zoning Map which is a part of this Ordinance shall be known as the *Trinity Zoning Map*.

Section 10.2. PURPOSE. The specific purpose of this Ordinance is to influence the use of property within the Town of Trinity in accordance with Title 11, Chapter 52, of the *Code of Alabama*, 1975 Compilation, as amended; and generally to implement and support the Comprehensive Plan and the developmental policies of the Town Council of the Town of Trinity.

Section 10.3. APPLICABILITY AND COMPLIANCE. The provisions of this Ordinance shall apply to all property located within the Corporate boundary of the Town of Trinity. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

Section 10.4. MINIMUM REQUIREMENTS. The provisions of this Ordinance shall be considered minimum requirements to promote the public health, safety, and welfare.

Section 10.5. CONFLICT WITH OTHER REGULATIONS. In any situation in which there is a conflict between the provisions of this Ordinance and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

Section 10.6. SEVERABILITY. If any clause, portion, provision, or section of this Ordinance is held to be invalid by any court of competent jurisdiction, such holding shall not render invalid any other clause, portion, provision, or section.

Section 10.7. REPEAL OF CONFLICTING ORDINANCES. On the effective date of this Ordinance, all other local ordinances or parts of ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this

Ordinance full force and effect. Specifically, ~~Ordinances Number 73-2 and 2004-23~~ of the Town of Trinity, Alabama, and all ordinances amending same, are hereby repealed, except that this repealer should not effect any matters concerning such ordinances while the same were in effect.

Section 10.8 ADOPTION OF ZONING MAP. The map herein referred to, identified by the Title "*Trinity Zoning Map*," shall be further identified by the signature of the Mayor of the Town of Trinity, Alabama and attested by the Town Clerk with a reference imprinted on it to its adoption on the date of the adoption of this ordinance. The *Trinity Zoning Map* and all explanatory matter thereon are hereby adopted and made a part of this ordinance by reference. Said map shall be filed and maintained in the office of the Town Clerk. At any time as any territory is re-zoned or new territory annexed in the City is initially zoned, such re-zoning or new zoning shall be indicated on the *Trinity Zoning Map*, together with the effective date of such zoning signed by the Mayor and attested by the Clerk. Alternatively, a new map indicating all property as zoned or re-zoned from time to time may be utilized so long as the same is signed by the Mayor, attested by the Clerk, and the dates upon which the initial adoption and the most recent revisions to the zoning map became effective are indicated thereon.

ARTICLE II. DISTRICTS, MAP, BOUNDARIES AND ANNEXED PROPERTY

Section 21.0 ESTABLISHMENT OF USE DISTRICTS. For the purposes of this ordinance, there are hereby established, and the Town is divided into, several use districts, whose names and purposes are set out below and which are shown on the zoning map.

Section 21.1. R-1: LOW DENSITY RESIDENTIAL DISTRICT. The purpose of this District is provide and preserve land for use for single family dwelling units on relatively large lots in areas that are geographically defined and protected from the encroachment of incompatible uses.

~~**Section 21.2 R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT.** The purpose of this District is to provide and preserve land for single family dwelling units. These Districts should be located in areas that have good accessibility to central community facilities, or where a transition from different density residential or nonresidential development is desirable.~~

~~**Section 21.3 R-3: MEDIUM DENSITY RESIDENTIAL DISTRICT.** The purpose of this District is to provide and preserve land that is and can be used for the construction of multi-family dwelling units. These Districts should have access to services and facilities appropriate for such residential development.~~

^{21.4}
~~**Section 21.4 A-O: LOW DENSITY RESIDENTIAL AND GENERAL AGRICULTURAL DISTRICT.** The purpose of the District is in part to preserve land for urban use at some point in the future when the demand for land for development and the availability of services warrant such development and property can be rezoned to a more intensive use. Until such time, agricultural and low-density residential uses will be permitted.~~

^{21.7}
~~**Section 21.5 B-1: LOCAL BUSINESS DISTRICT.** The purpose of this District is to encourage and allow relatively small-scale convenience retail, service, office, and similar activities~~

See Ord.
#2006-04
Amending
Text

~~that serve people and businesses at the neighborhood and community level.~~

^{21.8}
Section 21.6 B-2: GENERAL BUSINESS DISTRICT. The purpose of this District is to provide space for a variety of both small and large-scale retail and service facilities, and small to medium wholesale uses. These facilities are generally clustered into groups of similar and related activities; and are often designed to accommodate an integrated complex of retail and service facilities on a single site and sharing common parking.

^{21.9}
Section 21.7 B-3: HIGHWAY BUSINESS DISTRICT. The purpose of this District is to provide land to accommodate those uses, which tend to require a high degree of visibility and vehicular access, and/or serve the traveling public. The location and design of developments in these Districts shall minimize traffic hazards and adverse impacts on adjoining areas.

^{21.10}
Section 21.8 M-1: GENERAL INDUSTRIAL DISTRICT. The purpose of this District is to accommodate warehousing operations and manufacturing, processing, assembly and similar operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor or glare.

^{21.11}
Section 21.9 M-2: HEAVY INDUSTRIAL DISTRICT. The purpose of this District is to accommodate larger scale manufacturing and assembly operations that tend to rely on substantial inputs of raw materials and components and the subsequent shipment of finished goods.

Section 22.0 ESTABLISHMENT OF OVERLAY DISTRICTS. For the purposes of this ordinance, there are hereby established several overlay districts, whose names and purposes are set out below and which are shown on the zoning map.

Section 22.1 H HISTORIC OVERLAY DISTRICT. This district is intended to provide for, protect and enhance those areas containing structures and other resources recognized as having historic significance.

Section 22.2 FH FLOOD HAZARD OVERLAY DISTRICT. This district is intended to account for the presence of flood hazards and to protect persons and property from flooding.

Section 22.3 PUD PLANNED UNIT DEVELOPMENT DISTRICT. This district is intended to provide the opportunity for appropriate development of tracts of land sufficiently large to allow comprehensive development planning and design and to provide flexibility in the application of certain of the regulations of this ordinance in a manner consistent with its general purposes.

Section 23.0 DISTRICT BOUNDARIES. The boundaries of the above districts are hereby established as shown on the map. Unless otherwise shown on said map, the boundaries of districts shown thereon are intended to follow lot lines, centerlines of streets or alleys, the centerline of railroad tracks, or the corporate limit lines as they exist at the time of enactment of this ordinance or amendments thereto. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on said map, the Board of Adjustment shall determine said boundaries as set forth in Article X.

Section 24.0 ANNEXED PROPERTY. Unless otherwise initially classified, any property hereafter annexed to the Town shall be classified A-O Low Density and General Agricultural District.

ARTICLE III. DEFINITIONS

Section 30.0 GENERALLY. For purposes of interpreting this ordinance, certain words or terms are herein defined.

Section 31.0 INTERPRETATION OF CERTAIN WORDS AND TERMS. Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine.

Section 32.0 DEFINITIONS. Except as defined herein or in the *Subdivision Regulations of Trinity, Alabama*, all other words used in this ordinance shall have their customary dictionary definition.

Section 32.1 GENERAL DEFINITIONS:

Accessory Structure and Use. Any detached minor building or structure, or a portion of the main building or structure, the use of which is incidental to the main use of the premises. Accessory use is one which is incidental to the main use of the premises, and in no case include an accessory dwelling. A sign is considered accessory to the use permitted. A billboard is not so considered, but is rather considered a separate and distinct business use or activity.

Alteration, Altered. 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 building or structure; or any increase in the interior accommodations of a building or structure.

Building. Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Code. The Building Code of the Town of Trinity.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory building, and other structures.

Building, Height of. The vertical distance from the lowest point of the foundation at grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Build-to Line. A line contiguous or parallel to the property line to which the facade(s) of the main and/or accessory structure(s) shall extend.

Dwelling Unit. Any portion of a building used, intended or designed as a separate abode for a family.

Family. One or more persons related by blood, marriage, adoption, or guardianship, plus a maximum of one unrelated person, occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

Gross Floor Area. The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

Loading, Off-Street. Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a street.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Morgan County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

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

Manufactured Housing Unit. A structure, transportable in one or more sections which, in the traveling mode, is eight feet or more in width and 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the *National Manufactured Housing Construction and Safety Standards Act of 1974*. *H.U.D. seal required*

Mobile Home A structure designed as a movable dwelling, built upon its own permanent chassis; transported on its own chassis (normally by towing) in one or more sections, occupiable with or without a foundation, and containing within it all of the normal utility systems, and adequate provisions for connecting those utilities to approved public or private utility systems and manufactured prior to June 15, 1976.

Modular Home. A dwelling constructed on-site in accordance with the *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 and bears an insignia issued by the Alabama Manufactured Housing Commission verifying compliance. A modular home is not a manufactured home in that the latter (manufactured home) is constructed in a plant in accordance with the *National Manufactured Housing Construction and Safety Standards Act of 1974* and does not meet the requirements of the *Building Code*.

Nonconforming Use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.

Parcel. A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner. The words lot, parcel, and tract can be used interchangeably.

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than 180 square feet, a minimum width of nine feet, and a minimum length of 18 feet, exclusive of driveways and maneuvering area.

Setback Line. A line parallel to the property line between which line and the property line no structure may be erected.

Street. A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps, and signs, but not including utility poles, overhead wires and fences.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Section 32.2 USE DEFINITIONS.

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.

Apartment. Five or more attached, multi-family dwellings within a building.

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

Bed and Breakfast Inn. A dwelling unit where lodging for persons not of the immediate family is provided for compensation for definite periods.

Billboard. A freestanding, off-premise sign located on a lot not containing a building.

Broadcast Studio. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

Business or Professional Office. A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

Business Support Service. A place of business that supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Combination Dwelling. A dwelling unit (other than a mobile home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial, or industrial establishment.

Commercial Greenhouse. A private establishment that grows and sells plant material on a wholesale and retail basis.

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

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

Communication Tower and Site. A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations and/or towers used for the transmission of wireless communication signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility, including accessory facilities for equipment storage and operations.

Community Center. Buildings arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

Convenience Store. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including, not more than one automotive fuel service island.

Construction Service. A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

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

Day Care Center. A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

Day Care Home. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less persons.

Duplex. A building designed for or occupied exclusively by two families living independently of each other.

Dwelling. Any building or portion of a building in which people live.

Dwelling, Multi-Family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling, Single Family. A building designed for or occupied exclusively by one household or family.

Emergency Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, and amusement parks.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- sale of feed, grains, fertilizers, pesticides, and similar farm support goods;
- provision of warehousing and storage facilities for raw farm products; and
- provision of veterinary services to large animals.

Family Care Home. A child care facility which is a family home and which receives not more than six children for care, which meet or exceed the minimum requirements of Section 11-52-75.1 Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone, Code of Alabama, 1975 as amended, and is licensed by the State of Alabama.

Farm. A ten-acre or larger tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following farming activities:

- forages and sod crops;
- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, 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 transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
- bees and apiary 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.

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

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

General Retail Business, Enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

General Retail Business, Unenclosed. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

Heavy Industry. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

Hobby Farm. A three-acre or larger tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding swine and other livestock, personally useful to the occupants of a dwelling on the same tract.

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

Home Occupation: Any use conducted in a residential district and subject further to the following restrictions:

1. The use is conducted entirely within the principal building (dwelling unit).
2. The use is carried on by the regular inhabitants of the principal structure and no others.
3. The use is clearly incidental and secondary to the use of the permitted dwelling for residential purposes.
4. The appearance of the dwelling is not altered by as to accommodate the home occupation.

Home Instruction. Instruction in the arts, excluding dance or performance arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

Hospital. An establishment which provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

Hotel. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a rooming house or boarding house, which are herein separately defined.

Kennel. The keeping of more than five dogs over six months of age, or the boarding or raising of

small household pets, for commercial purposes.

Laundry Service. A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service.

Liquor Lounge. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments that sell or serve only beer or wine as an incidental activity on the premises or establishments which sell liquor, beer, or wine in packages for Off-premises consumption.

Livestock Sales. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

Maintenance Service. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services

Manufactured Home Park. A parcel of land under single management that has been planned and improved for the provision of space and services for manufactured homes for transient and/or non-transient use, not platted or otherwise divided by fee simple or condominium ownership. Wherein facilities and amenities, including roads, clubhouse or recreation facilities shall be privately owned, or owned in common by the residents of the park.

Manufacturing, General. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Manufacturing, Light. The manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out patient basis.

Medical Support Service. A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

Mini-Warehouse. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

Multiplex. Three or more attached, single-family dwellings within a building.

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.

Open Air Market. Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

Patio Home. A detached, single family dwelling, constructed on-site in accordance with the *Building Code*, which occupies a small lot and has an enclosed yard area with a porch or patio.

Personal Service. A retail establishment engaged in providing services not involving the car of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses, ~~but not including massage service.~~ Amend Definition with Ord 2005-09 11/14/05

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

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

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

Public Utility Facility. Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participant within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

Recreational Vehicle. A self-propelled vehicle used for recreational activities such as camping or travel.

Rehabilitation Facility. An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

Research Lab. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

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

Restaurant, Fast Food. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

Restaurant, Standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guest are seated and served.

Restaurant, Take Out. An establishment where food and drink are prepared and purchased for consumption off the premises.

Salvage Yard. A place of business engage in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

Sanitary Landfill. State-approved site for solid waste disposal.

School. Public or non-profit school.

Shopping Center, Major. A group of commercial establishments (as permitted in the district) located on a lot of ten or more acres planned and developed in a unified design with shared parking and driveway facilities and under common management authority.

Shopping Center, Minor. A group of commercial establishment (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

Stable. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

Townhouse. A single family dwelling constructed in a series of or group of attached units with property lines separating each unit as defined by the *Building Code*.

Transmission Tower. A tower used for the transmission of wireless communication signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

Upper-Story Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.

Vehicle and Equipment Repair, Major. A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

Vehicle and Equipment Sales, Major. A place of business engaged in the sale or rental of heavy trucks (over one ton), Construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

Warehousing, Wholesaling, and Distribution, Enclosed. A place of business engaged in warehousing, wholesaling, or distribution services within a building.

Warehousing, Wholesaling, and Distribution, Open. A place of business engaged in open air warehousing, wholesaling, or distribution services.

Vehicle Repair Service. A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Sales or Rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

Vehicle Service Station. A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

ARTICLE IV. APPLICATION OF REGULATIONS

Section 40.0 USES. In each use district no use other than the types specified as "permitted" or permitted by "special exception," shall be allowed. Uses specified as "permitted" shall be permitted as of right. The Board of Adjustment may authorize uses specified as "permitted by special exception," subject to such conditions as the Board may specify.

Section 41.0 LOTS AND YARDS. In each use district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of a size at least the area and width specified in Section 61.0. No lot or yard required for a building or structure shall during its life be occupied by or counted as all or part of a lot or yard for another building or structure.

Section 42.0 PROJECTIONS INTO REQUIRED YARDS. Projections into required yards may be allowed as follows:

- a. Architectural features, chimneys, eaves, and similar features may project up to two feet into any

- required yard, but no closer than three feet to any lot line.
- b. Terraces, steps, uncovered porches, and similar features less than three feet above the ground may project into the required yard, but no closer than three feet to any lot line.
 - c. Within residential districts only, satellite dish antennas and other ground mounted antennas may be located within the required rear yard only, but no closer than ten feet from any lot line, measured from the closest edge of the structure, and subject to all height limitations of this ordinance.

Section 43.0 HEIGHT. In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements. Height limitations shall apply to satellite dish antennas in residential districts, but shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers and water tanks.

Section 44.0 REDUCTIONS IN LOT AREA. No lot shall be reduced in area so that yards and other open space total less than the minimum area required under this ordinance.

Section 45.0 STRUCTURES. It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes. Excepting in manufactured home parks; no accessory structures shall be constructed or moved upon a lot (except in A-O districts) until the construction of the main building has actually commenced.

Section 46.0 FUTURE STREET LINES. On any lot which may be reduced in area by widening a public street to a future street line as indicated on the Town's Major Street Plan, the required minimum lot area, lot width, and yards shall be measured by considering the future street line as the lot line of such lot.

Section 47.0 FENCES. Height on residential properties. Fences or walls may be erected, placed or maintained along a side or rear lot on residentially zoned property, or adjacent thereto, to a height not exceeding eight (8) feet above the ground. Fences or wall located in a required front yard shall not exceed four (4) feet, and in the first ten (10) feet from the right-of-way the height shall not exceed two-and-one-half (2½) feet.

Height on nonresidential properties. No fence or wall erected, placed, maintained, or grown along a lot line on any non-residentially zoned property shall exceed a height of eight (8) feet.

Prohibited materials. Barbed wire shall not be used as fencing for any residential property.

ARTICLE V. GENERAL PROVISIONS

Section 50.0 OFF-STREET PARKING REQUIREMENTS. Off-street parking standards shall be in accordance with the following requirements:

Section 50.1 GENERALLY. No off-street parking required for a building or structure shall be occupied by or counted as off-street parking for another building or structure. Whenever combined uses shall be made of the same property, the requirements for each shall apply. Whenever a structure or use may qualify under two or more classifications, the one with the larger requirement shall govern.

Section 50.2 RESIDENTIAL. For new structures or converted structures that are increased in capacity, two off-street parking spaces for each dwelling unit shall be provided and maintained on the premises.

Section 50.3 NON-RESIDENTIAL. For new structures or converted structures that are increased in capacity, off-street parking requirements shall be as follows:

- a. **SCHOOL:** One parking space for each eight seats in the main assembly room or three spaces for each classroom, whichever is greater.
- b. **COMMUNITY BUILDING, AUDITORIUM, AND PLACE OF WORSHIP OR PUBLIC ASSEMBLY:** One parking space for each eight seats in the main assembly area.
- c. **HOTEL, MOTEL:** One parking space for each guest room plus one space for each employee per shift.
- d. **BED AND BREAKFAST INN:** One parking space for each guest room or unit offered for rent plus one parking space.
- e. **RESTAURANT OR OTHER EATING PLACE:** One parking space for each 250 square feet of gross floor area.
- f. **PROFESSIONAL AND MEDICAL OFFICE AND BUILDING:** Three parking spaces plus one additional space for each 400 square feet of gross floor area over 1000 square feet.
- g. **INDUSTRIAL USE, AND WHOLESALE USE, STORAGE BUILDING, WAREHOUSE, TRUCK TERMINAL, AND SIMILAR USES:** One parking space for each employee, plus two parking spaces.
- h. **MANUFACTURED HOME PARK AND SUBDIVISION:** Two parking spaces for each mobile home.
- i. **SHOPPING CENTER:** One parking space for each 250 square feet of gross leasable floor area.
- j. **NURSING HOME:** One parking space for each six beds.
- k. **PRIVATE CLUB OR LODGE:** One parking space for each two members.
- l. **FOOD STORE AND MARKET:** One parking space for each 250 square feet of gross floor area.
- m. **ANY USE NOT OTHERWISE SPECIFIED:** One parking space for each 250 square feet of gross floor area.

Section 50. 4 EXISTING PARKING. Any use existing as of the effective date of this ordinance that does not meet the parking requirements of this ordinance, or of an amendment thereto, shall be deemed a nonconforming use.

Section 50. 5 DESIGN. No parking space shall be so located or designed as to require the vehicle parked therein to back directly onto a public street, with the exception of those at single and two family residences. All parking areas shall be surfaced with a suitable, hard surface, permanent type of pavement.

Section 50. 6 REQUIRED FRONT YARD. No off-street parking shall be permitted in the required front yard of "R" Districts except upon a driveway providing access to a garage, carport or parking area for a dwelling.

Section 51. 0 OFF-STREET LOADING AND UNLOADING. In each business district and in each industrial district, each structure erected or altered after the effective date of this ordinance shall be provided with off-street loading and unloading facilities suitable to the use.

Section 52. 0 FRONTAGE REQUIREMENT. All lots shall front on a public street.

Section 53.0 CORNER VISIBILITY. In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between 3½ and 15 feet above street level shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad.

ARTICLE VI. USE DISTRICT REGULATIONS

Section 60. 0 GENERALLY. Each of the use districts as defined and established Section 21.0 shall be subject to specific regulations regarding uses permitted, uses permitted by special exception, uses not permitted, required lot area and width, yard setbacks, and maximum building height.

Section 60. 1 USE LIMITATIONS. Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this ordinance and other applicable codes, ordinances and regulations.

Section 60. 2 CLASSIFICATION OF USES. This ordinance recognizes the limitations of a finite listing of use classifications as utilized in Section 62.0. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Adjustment per Section 102.2.

Section 60. 3 UNCLASSIFIED USES. In the event the Building Inspector receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed in Section 62.0, the following procedure shall apply:

- a. If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Adjustment pursuant to Section 102.4.
- b. If the unclassified use would not be compatible with the intent of the use district, the building inspector shall make a determination as to the most appropriate use district and require the property be rezoned or special exception be granted by the board of adjustment pursuant to section 102.4 before granting approval.
- c. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

[This space intentionally left blank]

See Exhibit "A" pg 1
 Ord.#06-04 Amending
 Section 61.0

Section 61.0 DISTRICT AREA, YARD, HEIGHT, AND SETBACK REGULATIONS. The following regulations govern the minimum lot size, minimum lot width at building line, yard setback, and height for each district, subject to Section 43.0: Height; Section 63.0: Supplemental Use Regulations; Section 81.0: Front Yard Setback Modifications; and Section 64.0 Manufactured Homes.

Table 6-1: Dimensional Regulations for Residential Districts

	R-1	R-2	R-3			A-O
	Single Family	Single Family	Patio/ Garden	Townhouse/ Duplex	Multiplex	
Minimum Lot Area [a]	12,500 sf	7,500 sf	3,400 sf per unit	5,000 sf per unit	2,500 sf plus 1,600 sf per unit over 4 units	1 acre/ 1 acre per dwelling unit
Minimum Lot Width At Building Line	90 ft	75 ft	40 ft	75 ft	100 ft	200 ft
Minimum Depth of Front Yard [b]	35 ft	35 ft	15 ft	30 ft	25 ft	50 ft
Minimum Depth of Rear Yard [c]	40 ft	40 ft	40 ft	35 ft	25 ft	50 ft
Minimum Depth of Side Yard	10 ft	10 ft	7 ft	10 ft	10 ft	25 ft
Minimum Depth of Side Yard on Street	20 ft	20 ft	15 ft	30 ft	25 ft	50 ft
Max. Building Area (Percent of Lot)	25%	30%	50%	30%	30%	10%
Max. Height of Principal Structure	45 ft	45 ft	45 ft	45 ft	45 ft	45 ft
Max. Height of Accessory Structure	See note [c]					
Min. Livable Floor Area (heated)						
1 Story	1300 sf	1000 sf	900 sf	850 sf per unit	750 sf per unit	1000 sf
1½ - 2 story:	1500 sf	1200 sf				1300 sf
1 st floor - Min.	1000 sf	800 sf				1000 sf

Notes:

- [a] Subject to minimum lot sizes required by the health department in the event no sewer is available
- [b] Accessory structures shall be permitted in the rear yard only and shall not cover more than thirty (30) percent of the rear yard, and be located a minimum of five (5) feet from the rear lot line and a minimum of ten (10) feet from the side lot line. Side yard on street require twenty (20) feet from side lot line.
- [c] Accessory structure shall not exceed the height of the principal use structure.
- [d] When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.
- [e] A carport, porte-cochere, porch or structure part thereto, attached to or situated within five(5) feet of the main structure as defined in section 32.1 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.
- [f] Except as herein provided, no accessory building shall be located closer than ten (10) feet to a principal building or to any other accessory building on the same lot.

See Exhibit A" pg 2
Ord # 06-04 Amending
Section 61.0

Table 6-2: Dimensional Requirements for Commercial Districts

	B-1	B-2	B-3
Minimum Lot Area [h]	[a]	5,000 sf	15,000 sf
Minimum Lot Width At Building Line	[a]	50 ft	75 ft
Minimum Depth of Front Yard	25 ft	25 ft	20 ft
Minimum Depth of Rear Yard	20 ft [b]	20 ft [b]	20 ft [f]
Minimum Depth of Side Yard	15 ft [c]	15 ft [d]	30 ft [e]
Minimum Depth of Side Yard on Street	25 ft	25 ft	40 ft
Max. Building Area (Percent of Lot)	75%	35%	35%
Max. Height of Structure	65 ft	35 ft	40 ft

Notes:

- [a] Lots must be of sufficient size to provide adequate parking and loading space as outlined in this Ordinance.
- [b] 20 ft rear yard buffer strip required where yard abuts residential district; see also [g].
- [c] 5 ft yard buffer strip required where yard abuts a residential district; see also [g].
- [d] 25 ft yard buffer strip required where yard abuts a residential district; see also [g].
- [e] 20 ft fire lane shall be required on one side of the main structure or single freestanding structure.
- [f] 50 ft buffer strip required where rear yard abuts residential district; see also [g].
- [g] 5 ft of all buffer strips shall be densely planted and maintained with shrubs and trees.
- [h] Subject to minimum lot sizes required by the health department in the event no sewer is available

[This space intentionally left blank]

Table 6-3: Dimensional Regulations for Manufacturing Districts

	M-1	M-2
Minimum Lot Area [a]	1 acre	4 acres
Minimum Lot Width At Building Line	200 ft	400 ft
Minimum Depth of Front Yard	50 ft	50 ft
Minimum Depth of Rear Yard	50 ft	75 ft
Minimum Depth of Side Yard	30 ft	75 ft
Minimum Depth of Side Yard on Street	50 ft	50 ft
Max. Building Area (Percent of Lot)	50%	50%
Max Height of Structure	65 ft	65 ft
Other Requirements	<p>A 50 ft buffer strip shall be required where a rear yard abuts a residential district. Five (5) feet of this buffer strip shall be densely planted and maintained with trees and shrubs.</p> <p>A 5 ft buffer strip, densely planted and maintained with trees and shrubs shall be required on three (3) sides of the property.</p>	

Notes:

[a] Subject to minimum lot sizes required by the health department in the event no sewer is available

[This space intentionally left blank]

Section 62.0 USES ALLOWED. Uses allowed in each district are determined from the following table:

USES	ZONING DISTRICTS									
	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	
Airport								C	C	
Animal Hospital					C					
Animal Shelter					C					
Apartments			Y	C			C			
Assisted Living Facility					Y					
Bank/ Financial Service					Y	Y	Y	Y	Y	
Bed and Breakfast Inn			E		C	C				
Broadcast Studio					Y		Y	C	C	
Business Support Service					Y	Y	Y	Y	Y	
Business/Prof. Office					Y	Y	Y	Y	Y	
Car Wash					Y	C	E	E	E	
Cemetery					C		C			
Community Center					R	R	R			
Communication Tower **										
Community Service Club				C				C	C	
Construction Service					Y			Y	Y	
Convenience Store					Y	Y	Y			
Country Club					C		C			
Day Care Center					Y	Y	E	E	E	
Day Care Home			E							
Duplex			Y	Y						
Emergency Care Home			E							
Entertainment, Indoor					Y	Y	Y			
Entertainment, Outdoor					C		C			
Family Care Home			E							

Ord #06-04 Amending Section 62.0

USES	ZONING DISTRICTS									
	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	
Farm Support Business					Y		Y	C		
Farming, Forestry				Y						
Funeral Home					Y		Y			
Garden Center/ Nursery					Y	Y	Y	C		
Heavy Industry										C
Heliport								Y	Y	
Hobby Farm	C			C						
Home Improvement Ctr.					Y		Y	C		
Home Instruction	C	C	C	C						
Home Occupation*	C	C	C	C						
Hotel					Y		Y			
Kennel				C						
Landfill, Inert										C
Landfill, Sanitary										C
Laundry Service					C	C	Y	Y		
Maintenance Service					Y		C	Y	Y	
Manufactured Home				C						
Manufactured Home Park				C						
Manufacturing, General								C	Y	
Manufacturing, Light								Y	Y	
Medical Clinic					Y	C	Y			
Medical Support Service					Y	C	Y			
Mini-warehouse					C			E	E	
Modular Home	Y	Y	Y	Y						
Motel					Y		Y			
Multiplex			Y							
Nursing Care Facility					C					
Open Air Market					C	C	C			

See Exhibit 15 pg 3
Ord #06-04 Amending Section 62.0

USES	ZONING DISTRICTS									
	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	
Patio Home		Y	Y							
Personal Services					Y	Y	Y			
Place of Worship	C	C	C	C	C	C	C			
Public Assembly Center					C	C	C			
Public Facility	R	R	R	R	R	R	R	R	R	R
Public School	R	R	R	R						
Public Utility Facility	R	R	R	R	R	R	R	R	R	R
Recreation, Indoor					Y	C				
Recreation, Outdoor					C		C			
Recreational Vehicle Park					C		C			
Rehabilitation Facility					Y		C			
Research Lab					C		C	Y	Y	
Resource Extraction										C
Restaurant, Fast Food					C	Y	Y			
Restaurant, Standard					Y	Y	Y			
Restaurant, Take Out Only					C	Y	Y			
Retail, General, Unenclosed					Y	E	Y			
Retail, General, Enclosed					Y	Y	Y			
Rooming/Boarding House			E				Y			
Salvage Yard										C
School, Commercial					Y		Y	E	E	
Shopping Center					C	C	C			
Single Family Dwelling	Y	Y	Y	Y						
Townhouse			Y							
Transmission Tower **										
Vehicle Sales or Rental					Y		Y	C		
Vehicle Repair Service					Y	C	Y	C		
Vehicle Sales and Service					Y		Y			

USES	ZONING DISTRICTS									
	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	
Vehicle Service Station					Y	Y	Y	C		
Vehicle/Equipment Major, Sales and/or Repair					C		Y	Y	Y	
Warehousing/ Wholesale/ Distribution, Enclosed								Y	Y	
Warehousing/ Wholesale/ Distribution, Unenclosed								C	C	

Notes:

A blank cell indicates the use is not permitted.

Y - The use is permitted by right.

E - The use requires action by the Board of Adjustment as a special exception.

C - The use is conditional and requires review by the Planning Commission and action by the Town Council.

R - The use is subject to statutory review by the Planning Commission and Town Council in accordance with Section 11-52-11 of the *Code of Alabama, 1975*, as amended.

* - A Home Occupation may not occupy more than 25% of the building(s) on the property.

** - Communication Towers, Communication Tower Sites and Transmission Towers are further subject to the provisions of a separate ordinance of the Town of Trinity regulating the siting of wireless telecommunication facilities.

[This space intentionally left blank]

Section 63.0 SUPPLEMENTAL USE REGULATIONS. In addition to the requirements of Sections 61 and 62, the following supplemental use regulations shall apply.

Section 63.1 FAMILY CARE HOME. It is the intent of this subsection to regulate the operation of family care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

- a. The childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- b. The childcare activity must be clearly incidental to the use of the structure as a residence.
- c. Child care services shall be provided to a maximum of six non-resident children at any one time.
- d. The appearance of the premises shall not be altered, nor the childcare activity structured, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
- e. The family childcare home shall be operated within the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the childcare activity.
- f. No sign shall be permitted in connection with the family childcare activity.
- g. The total number of persons engaged in the operation of the family childcare home shall not exceed four. Up to two persons other than those residing in the dwelling may engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.
- h. Off-street parking shall be provided on-premises and as required by Section 50 or as otherwise necessary.
- i. The operation of a family child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care home premises.
- j. The family child care home shall at all times possess a valid and appropriate license issued by the State of Alabama, a copy of which shall be furnished to the Building Inspector on request. Revocation or expiration of such license shall automatically void any zoning authorization or certificate.

Section 63.2 MINI-WAREHOUSE.

- a. No storage space shall exceed 400 square feet in area and one story in height.
- b. Each storage space shall be served by a paved driveway of 15 feet minimum width for each direction of travel.
- c. The entire site shall be enclosed by security fencing of eight feet minimum height and be kept lit with security lighting throughout.

Section 64.0 MANUFACTURED HOME PARKS. All manufactured homes shall be located within manufactured home parks, as specified herein. A site plan meeting the minimum standards as set forth below is required to be submitted for approval of a manufactured home park:

Section 64.1 GENERAL REQUIREMENTS. The minimum park size shall be five acres. Manufactured home parks shall not be platted or otherwise divided for fee simple or condominium ownership. All facilities, including roads, shall be privately owned, or owned in common by the

residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within the park. There shall be set aside a recreation area or areas within the manufactured home park that shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size of the manufactured home park as determined by the Planning Commission.

Section 64.2 SPACE REQUIREMENTS.

- a. Each manufactured home shall be placed upon an individual lot that conforms in size to the requirements of the zone in which it is located. No manufactured home and/or accessory building shall cover more than forty percent (40%) of the total lot area.
- b. Each lot shall provide at least two (2) parking areas, each measuring twenty (20) feet by ten (10) feet, and maintained with an all-weather wearing surface such as asphalt or concrete. All off-street parking spaces shall have access to an interior street within the park. No direct access shall be allowed between the manufactured home lots and any exterior street.
- c. Manufactured homes shall front upon a paved roadway having a minimum right-of-way of fifty (50) feet, and a paved surface of at least twenty-two (22) feet in width. This roadway shall be an all-weather surface of concrete or asphalt and built to the standards of the Town. Cul-de-sacs shall have a paved surface with a minimum radius of eighty (80) feet.
- d. Street lighting shall be provided throughout the manufactured home park with lighting units so spaced and equipped with luminaries placed at such heights as will provide an average luminance of four (4) lumens per square meter reaching the ground surface, and the luminance ratio shall be set at a maximum of six (6) to one (1).
- e. A manufactured home park shall be located on a well-drained piece of property, and shall be graded to ensure adequate drainage and treatment of surface water runoff.
- f. A sanitary sewer collection system shall be extended to every lot in the manufactured home park. The connection from the individual manufactured homes shall be made under and/or within five (5) feet of the manufactured home, and shall be equipped with a seal. Where no sewer is available, each manufactured home shall be served by an individual septic system approved by the County Health Department.
- g. Every manufactured home lot shall be provided with an individual branch service line with a minimum diameter of 3/4 inches, and delivering potable water. A cut-off shall be installed on each branch, as well as a back flow prevention device approved by a nationally recognized testing agency. All connections to the water distribution system shall be under, and/or within five (5) feet of the mobile home. Each lot shall have a water meter; and the service line from the meter to the manufactured home shall be buried a minimum depth of twelve (12) inches in the ground.
- h. Every manufactured home lot within the park shall be provided with individual electrical service. Each such service shall be mounted on a treated wooden pole or a metal pedestal; and shall be equipped with a circuit breaker, or a switch and fuses, housed in a panel

approved for exterior use. The power supply wiring from the service to the manufactured home shall be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual manufactured home. The supply cable should be encased in metal or plastic pipe and buried to the depth required by the Town's current regulations. A primary service line shall not be located across the top of any manufactured home.

- i. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations of the Town. Fire hydrants shall be located no more than one thousand (1000) feet apart and no manufactured home shall be greater than five hundred (500) feet from any fire hydrant.

Section 64.3 ACCESSORY USES. The following accessory uses are allowed:

- a. Clubhouse, laundry, swimming pool, and other similar facilities for the common use of the residents of the park.
- b. No more than one (1) dwelling unit of conventional construction, containing at least 600 square feet of floor space and intended for the use of a resident manager.
- c. Storage areas for boats, recreational vehicles, and other types of vehicle that exceed thirty (30) feet in length shall be fenced and landscaped. Storage of such vehicle shall not be allowed upon individual home lots or on the internal roads in the park.

Section 64.4 OTHER REQUIREMENTS:

- a. All lots shall be clearly staked or otherwise identified; and shall have a permanent marker giving a street address of a minimum height of three (3) inches so that they may easily be read from the street. All individual utility meters shall also be numbered for easy identification by service personnel.
- b. All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufacturing Housing Commission.
- c. All manufactured homes shall be skirted with a weather-resistant material. All skirting shall be adequately vented.
- d. Axles and tow bars removed. Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed from the property or stored in a location on the lot where they will not be seen.
- e. Access to exterior entrances. Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance shall be served by a stairway (not less than three feet in width) leading to a landing or porch not less than five (5) feet in depth (as measured outward from the exterior of the structure) or less than eight (8) feet in length (centered along the entranceway) and a 36 inch railing in height along all

exterior edges of the landing and stairway. Rails shall not allow a 4 inch passage and shall not be constructed horizontal. A stairway with exterior railings shall be erected at all other exterior entrances.

Section 65.0 RESERVED

Section 66.0 HOME OCCUPATIONS

Section 66.1 PURPOSE. The purpose of this section is to establish guidelines for the operation of home occupations in the town. It is intended that the operation of these activities be compatible with the integrity of the surrounding area by not creating adverse impacts such as additional traffic, public inconvenience or noise.

Section 66.2 OBJECTIVES. The objectives of this section are:

- a. To maintain the integrity of and to ensure the safety, peace, comfort and convenience of the town's residential neighborhoods.
- b. To have strict and enforceable criteria for the conduct of home occupations in residential neighborhoods in the town.
- c. To make reasonable provisions to allow for the conduct of home occupations in the town.

Section 66.3 DEFINITIONS. As used herein the following items shall have following meanings:

a. *Home Occupations:* Any use conducted in a residential district and subject further to the following restrictions:

1. The use is conducted entirely within the principal building (dwelling unit)
2. The use is carried on by the regular inhabitants of the principal structure and no others.
3. The use is clearly incidental and secondary to the use of the permitted dwelling for residential purposes.
4. The appearance of the dwelling is not altered so as to accommodate the home occupation within the dwelling.
5. The home occupation is not conducted in a manner which would cause the dwelling to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or emission of sounds or vibrations that carry beyond the premises so as to disturb the peace of the neighborhood.

6. Examples of home occupations include, but are not limited to the following:

-
- i. Artists and sculptors;
 - ii. Authors and composers;
 - iii. Home crafts for off-site sales
 - iv. Office of sole proprietor business, including professionals;
 - v. Individual tutoring;
 - vi. Home Instruction
 - vii. Computer services;

b. *Commercial common carriers*: Those delivery services which commonly deliver packages to residential and or small business, customarily to the front door, and do not carry freight in excess of one hundred fifty (150) pounds.

Section 66.4 PROHIBITIONS.

- a. The council finds that the following uses by their nature have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of residentially zoned property for residential purposes. Therefore, the uses specified below shall not be permitted and are hereby prohibited as home occupations:
 1. Minor or major auto repair
 2. Barber shops, beauty shops and hair trimming and nail salons;
 3. Carpentry work;
 4. Dance instruction;
 5. Dental and orthodontic offices;
 6. Medical, physical or massage therapy, chiropractic, eye care or other healthcare offices;
 7. Painting of vehicles, trailers or boats;
 8. Photo developing and photo studios;
 9. Private schools with organized classes;
 10. Television or other appliance repair;
 11. Upholstering;

12. Massage parlors; spas or other facilities involving treatment of the human body
13. Small engine repairs;
14. Welding shop;
15. Funeral chapel or home;
16. Gift shops;
17. Rental business;
18. Catering;
19. Veterinary offices;
20. Kennels or animal boarding facilities; and
21. Other uses similar to those enumerated in this listing or likely to have similar impacts on the neighborhood.

Section 66.5 REQUIREMENTS Applicable to All Home Occupations.

- a. There shall be no more than one (1) room of the residential dwelling used for home occupation, and the home occupation shall be conducted entirely in the residential dwelling.
- b. There shall be no advertising, signage, display, or other evidence of the home occupation on the residential lot or structure.
- c. There shall be no business of selling stocks of merchandise, supplies or products on the premises.
- d. There shall be no storage or display of goods visible from outside the structure where the home occupation is licensed.
- e. There shall be no hazardous or highly explosive or combustible material used or stored on the premises.
- f. There shall be no activity allowed that would interfere with radio or television or other communication signals in the area.
- g. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property boundaries.
- h. There shall be no more than one (1) party, meeting or event for the purchase of merchandise sales in association with a home occupation, conducted in each three (3)

successive months in an calendar year.

- i. There shall be no deliveries from suppliers made to the premises except that commercial common carrier deliveries shall be permitted.
- j. There shall be no home occupations allowed in any multi-family dwelling.

Section 66.6 PERMITS AND EXPIRATION AND REVOCATION OF PERMITS.

- a. It shall be unlawful to conduct any home occupation without a permit issued by the Town Council after review of the application for same by the Planning Commission.
- b. The Town Council shall issue such permits upon proper application provided all criteria for the conduct of a home occupation set out in this ordinance are satisfied and no prohibition or restriction set out herein with respect to home occupations will be violated by the conduct of such activity on the affected property.
- c. The privilege of pursuing or engaging in any home occupation shall be personal to the original permit holder and shall not be transferable to any subsequent owner or occupants of the affected property without approval of the Town Council in the manner provided herein for original applications.
- d. The Town Council shall have the authority to revoke any permit for a home occupation granted pursuant hereto in the event it is reasonably satisfied, after notice to and opportunity be heard by a permit holder, that any provision of this ordinance with respect to the conduct of home occupations or the use of the affected property has been violated.

ARTICLE VII. OVERLAY DISTRICT REGULATIONS

Section 70.0 GENERALLY. Each of the overlay districts defined and established in Section 22.0 shall be subject to specific regulations pertaining to special characteristics as follows.

Section 71.0 HISTORIC OVERLAY DISTRICT. A Historic Overlay District may overlay, or include, properties located in one or more use districts. The Planning Commission shall, in accord with this ordinance, apply additional regulation, in the form of design and development review guidelines, to govern such activities within such districts, and those guidelines shall be applied in addition to other regulations required in the underlying use districts. Those guidelines shall include the Secretary of the Interior's *Standards for Rehabilitation*, and the Alabama Historical Commission's *Design Guidelines*, which include "Rehabilitation Guidelines for Existing Buildings," "Rehabilitation Guidelines for Site and Landscape" with its listings of plant materials recommended and not recommended for historic districts, "Guidelines for New Construction," and "Guidelines for Other Changes." The Planning Commission may, from time to time and subsequent to a public hearing, add to those guidelines in a manner not inappropriate to the purposes of this district.

Section 71.1 DESIGNATION OF DISTRICTS. Before the Town Council shall designate or amend the boundaries of any Historic Overlay District(s), the Planning Commission, with the advice and counsel of the Alabama Historical Commission, shall first submit a report to the Town

Council outlining the boundaries thereof and indicating the structures and other resources located therein that are contributing to the district(s) and/or have historic significance.

Section 71.2 CERTIFICATE OF APPROPRIATENESS REQUIRED. Any alteration, construction, reconstruction, or demolition within this district costing at least \$500.00 when considered in aggregate shall require a Certificate of Appropriateness issued by the Planning Commission indicating compliance with the applicable design and development review guidelines adopted for the district before such work may be commenced. Denial of any Certificate of Appropriateness may be appealed to the Town Council.

Section 71.3 ACTION ON REQUEST FOR CERTIFICATE. The Planning Commission shall have 60 days within which to act on the request for a Certificate of Appropriateness. If the Planning Commission fails to act within the 60 day period, it shall be deemed to have approved the request.

Section 72.0 FLOOD HAZARD OVERLAY DISTRICT. A Flood Hazard Overlay District may overlay, or include, properties located in one or more use districts. Regulations to govern activities within such districts, as outlined herein, shall be applied in addition to other regulations required in the underlying use districts. The more restrictive of such regulations shall apply.

Section 72.1 DESIGNATION OF DISTRICTS. This district has been devised and designated in response to flood hazard information as provided by the Federal Emergency Management Agency and its Floodway, Flood Boundary and Floodway maps for the Town and adjacent unincorporated area, which information has been accounted for in the development of this ordinance and map. Before the Town Council shall amend the boundaries of a Flood Hazard Overlay District, the Planning Commission shall first submit a report to the Town Council outlining the boundaries of such district and the source and nature of such new information.

Section 72.2 DEVELOPMENT IN DESIGNATED FLOODWAYS. No structure or other development that could constitute an obstruction to the discharge of base flood waters shall be permitted in the floodway unless, following appropriate engineering studies, the Planning Commission shall find that:

- a. The proposed structure is in the public interest and will not significantly increase the water surface elevation during discharge of the base flood; and
- b. The proposed structure is not habitable, is designed to avoid damage due to flooding and is designed to avoid interruption of utility service due to flooding.

Section 72.3 DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS. All uses permitted in the underlying use district shall be permitted, subject to a finding by the Planning Commission that the proposed use shall not be inconsistent with the principles of reasonable flood plain management, and provided that:

- a. The first floor, including the basement, of all new structures shall be raised to a point above the base flood elevation.
- b. The first floor of all substantially improved structures shall be raised to a point above the base flood elevation, excepting in those instances when it is determined by the Planning Commission that it is not economically feasible to so elevate the first floor of an existing

structure, the proposed improvements may be permitted, provided that the structure is flood proofed to a point above the elevation of the base flood.

Section 73.0 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT. Planned Unit Development overlay districts shall be for the purpose of providing optional methods of land development that encourages imaginative solutions to environmental design problems. A unified building and site development program providing for coordinated open space, development and architectural treatment shall characterize areas so established. A Planned Unit Development Overlay District may overlay, or include, properties located in one or more use districts. The Planning Commission shall, in accord with this ordinance, apply additional regulation, in the form of design and development review guidelines, to govern development of land within such districts, and those guidelines shall be applied in lieu of or in addition to, as the case may be, other regulations required in the underlying use districts. The Planning Commission may, from time to time and subsequent to a public hearing, add to those guidelines in a manner not inappropriate to the purposes of this district.

Section 73.1 DESIGNATION OF DISTRICTS. A Planned Unit Development Overlay District may be established for any tract with a minimum site area of five acres whose development could be undertaken as an integral unit under single ownership or control. Before the Town Council shall designate or amend the boundaries of any Planned Unit Development Overlay District(s), the Planning Commission shall first submit a report to the Town Council, which shall include the conceptual site plan required by Section 73.2 and shall, in addition, outline the boundaries of the proposed overlay district and indicate the Commission's specific intent for development within the overlay district and how implementation of the Comprehensive Plan would be furthered by such development.

Section 73.2 APPLICATION REQUIREMENTS. The owner or owners of a tract of land may petition the Town Council for an amendment to the official zoning map creating a Planned Unit Development Overlay District only after the development plan has been approved and the Planning Commission has rendered favorable recommendation on the amendment. As such, Planned Unit Developments shall be subject to a Planning Commission development plan review process as set forth in Section 93.0, *et seq.*, and such site plan shall accompany each application for rezoning to the PUD Overlay District. The development plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The plan shall show, in schematic detail, the concept for use and development of the entire PUD overlay district, including the location of the proposed uses and major buildings, the proposed residential density, housing types, dimensional standards for all lots, layout of roads, location of all entrances, and layout and configuration of all common open spaces. The plan shall be accompanied by a brief narrative text describing the general design and architectural policies for the PUD, treatment of environmentally sensitive lands, and proposed time frame for phased development.

Section 73.3 PERMITTED USES AND DEVELOPMENT. Development of the PUD shall be in substantial accord with the approved conceptual site plan required in Section 73.2, and with all other site plan and subdivision approval procedures as required by this ordinance and the Subdivision Regulations. There shall be permitted a mix of uses within a single development and within lots as shown on the Final Subdivision Plat as required by the Subdivision Regulations. Such mix shall reflect and appropriately account for the relative land areas and development densities called for in the underlying use districts, but may relocate, within the spirit of this

ordinance and the Comprehensive Plan, such uses within the planned unit development. The purpose of this limitation is to ensure that this overlay district is not used, intentionally or unintentionally, to create higher density development than called for by the underlying use districts. Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use shall be applicable to the special district.

ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS

Section 80.0 LOT OF RECORD. When the owner of a lot of record at a time of adoption of this ordinance does not own sufficient land to enable strict conformance to the yard and other requirements of this ordinance, one building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet in width.

Section 81.0 FRONT YARD SETBACK MODIFICATIONS. Where a new structure is to be built between two existing structures with front yards greater or less in depth than required, the owner should use the setbacks of adjacent buildings as a guide, and the Board of Adjustment shall account for same in its review of variance requests. No new building shall be erected closer to the street than the average front yards so established by existing buildings.

Amend Ord 07-01
~~* **Section 82.0 NONCONFORMING USE.** Any nonconforming use or structure may be continued but except upon approval of the Board of Adjustment as provided in Article X, such use shall not be:~~

- ~~a. re-established after discontinuance for one year;~~
- ~~b. extended except in conformity to this ordinance; or~~
- ~~c. rebuilt, altered or repaired after damage exceeding 75% of its fair market value immediately prior to damage.~~

~~**Section 82.1 CHANGE IN USE.** A nonconforming use may be changed to another non-conforming use provided that the Board of Adjustment shall find that the proposed use is equally as, or more appropriate to, the district as the existing nonconforming use.~~

ARTICLE IX. ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 90.0 ENFORCING OFFICER. The provision of this ordinance shall be administered and enforced by the Building Inspector. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

Section 91.0 PERMIT REQUIRED. It shall be unlawful to commence excavation for any purpose in all but A-O Districts, or in any district for the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the

moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure and not exceeding \$500.00 in cost) of any structure, including accessory structures, signs and advertising structures, until the Building Inspector has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this ordinance. Application for any and all building permit required under this ordinance shall be made to the Building Inspector on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the ordinance. The Town Council may from time to time set fees it finds appropriate to various types of permits.

Section 92.0 PLANS. It shall be unlawful for the Building Inspector to approve any plans or issue any building permit for excavation of construction until he has inspected such plans in detail and found same to be in conformity with this ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Building Inspector to ascertain whether the proposed development is in conformance with the provisions of this ordinance:

- a. The actual shape, proportion, and dimensions of the parcel or lot to be built upon
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and or any buildings or other structures already on the lot, and all other information concerning the lot and its surroundings as may be required for ascertaining whether the provisions of this ordinance are and will be observed.
- c. The existing and intended use of all buildings and other structures.

Section 93.0 SITE PLAN REVIEW. New construction and substantial site development expansion of all multiplexes, patio homes, planned unit developments, townhouses, apartments, manufactured home and mobile home parks and subdivisions, institutional uses, commercial uses, and industrial uses shall require submission and approval by the Planning Commission of a site plan prepared by an architect, landscape architect or professional engineer licensed in the State of Alabama.

Section 93.1 SITE PLAN REQUIREMENTS. The following shall be the minimum information required for a site plan, five copies of which shall be submitted for review and approval.

- a. Cover sheet with name and location of the development; name, address, and signature of the owner; name, address, and seal of the architect, landscape architect, or professional engineer; vicinity map; zoning and existing and proposed land use of the site; and date, scale, and north arrow.
- b. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
- c. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
- d. Public and private utilities, including sewage disposal system and water system.

- e. Fire lanes and hydrants.

Section 93.2 SITE PLAN REVIEW AND APPROVAL. The Building Inspector shall review the site plans for general completeness and compliance with this ordinance and shall forward copies of the plans to the Town Engineer, Fire Chief, and Police Chief for their review and comment. The Building Inspector shall provide the applicant with a decision for approval or disapproval within thirty (30) days of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve months of approval.

Section 94.0 CERTIFICATE OF OCCUPANCY REQUIRED. The owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this ordinance, shall secure a Certificate of Occupancy. Within three days after the owner or owner's agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, the Building Inspector shall make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, state such refusal in writing with the cause. The Board of Adjustment shall hear appeals from the decision of the Building Inspector.

Section 95.0 PENALTIES. Any person violating any provision of this ordinance shall be fined upon conviction not less than \$100.00 plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of a fine shall not constitute an exemption from compliance with the provisions of this ordinance.

Section 96.0 REMEDIES. In case 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 Inspector of the Town of any other appropriate authority or any adjacent or neighboring property owner within 500 feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

- a. Institute an injunction or mandamus, or
- b. Take other appropriate action or proceedings to stay or prevent occupancy of such building, structure, or land.

ARTICLE X. BOARD OF ADJUSTMENT

Section 100.0 ESTABLISHMENT AND MEMBERSHIP. The Board of Adjustment heretofore established is hereby continued, and its members shall be appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. All members of the Board shall be citizens and residents of the Town.

Section 101.0 MEETINGS, PROCEDURES AND RECORDS. Meetings of the Board shall be held

at the call of the chairman at such times and places as the board may determine. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and 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 of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 102.0 POWERS AND DUTIES. The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

- a. **Interpretation of Boundaries.** To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Section 23.0.
- b. **Appeals.** To hear and decide appeals where an aggrieved party whose property rights are directly affected alleges there is an error in any order, requirement or determination made by a Town official, other than the Planning Commission or Town Council, acting under the authority of this Ordinance. This provision shall not be construed to empower the Board to declare this ordinance or any portion invalid, but is to be strictly construed as a device by which an aggrieved party can obtain relief from any order, requirement or determination of a Town Official acting under the authority of this ordinance where the aggrieved party alleges the Town official has made an error in his or her interpretation or application of the provisions of this ordinance. No person shall be considered aggrieved unless he or she has an ownership, equitable or fiduciary interest in the property directly affected by the Town official's actions. The Board shall have no authority to review any action of the Town Council or Planning Commission.
- c. **Variances.** To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship, but where the spirit of the Ordinance can be observed and substantial justice done.
- d. **Special Exceptions.** To hear and decide special exceptions upon which the Board is required to act for uses as shown in Tables 4-5 in Article IV of this Ordinance.

Section 103.0 ADMINISTRATIVE APPEAL. Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Inspector relating the provisions of this Ordinance. Any such appeal shall be filed with the Building Inspector in writing on forms prescribed by the Board and made available by the Building Inspector. within fifteen (15) days of the date of the action being appealed. The Building Inspector shall forthwith transmit to the Board papers constituting the record upon which the action appealed was taken.

Section 103.1 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Inspector's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

Section 103.2 HEARING. The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the scheduled Board hearing the Building Inspector shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Building Inspector, which is being appealed, and the time, date, and location of the Board hearing.

Section 103.3 BOARD ACTION. The Board may affirm, reverse wholly or in part, or modify the Building Inspector's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Building Inspector.

Section 104.0 VARIANCES. Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

Section 104.1 INTENT. It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

Section 104.2 APPLICATION. An application for a variance shall be filed with the Building Inspector or Chair of the Board at least thirty (30) days before the scheduled hearing date before the Board. The property owner or the authorized agent of the owner on a form made available by the Building Inspector shall file the application.

Section 104.3 NOTICE. At least fifteen (15) days prior to the scheduled hearing of the Board, the Building Inspector shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

Section 104.4 VARIANCE CRITERIA. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

- a. The granting of the variance will not permit the establishment of a use that is not permitted in the district in which the property is located.
- b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which

circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

- c. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered.
- d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- e. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.
- f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
- g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 104.5 CONDITIONS. The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

Section 105.0 SPECIAL EXCEPTIONS. All uses permitted by special exception as listed in Section 62.0 shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector.

Section 105.1 NOTICE. At least fifteen (15) days prior to the scheduled hearing of the Board of Adjustment, the Building Inspector shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.

Section 105.2 REVIEW OF APPLICATION. The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and ordinances of the

Town. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. The location and accessibility of off-street parking and loading areas.
- c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
- d. The screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- f. The availability, location, and capacity of utilities.
- g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

Section 105.3 CONDITIONS. The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Section 106.0 RE-HEARINGS. All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision, or decision on an application for a variance or a special exception shall be reheard, and no further application shall be accepted once a decision has been rendered except under one or more of the following conditions:

- a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- b. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Building Inspector, or any other Town officials.
- c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section. If the Board finds that one or more of the qualifying conditions exist, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Section 107.0 APPEALS. Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

ARTICLE XI. AMENDING THE ORDINANCE

Section 110.0 PETITION FOR CHANGE. A proposed change of district boundaries or regulations of this ordinance may be initiated by the Town Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this ordinance.

Section 111.0 ACTION ON PETITION. Any proposed amendment, modification or repeal shall first be submitted to the Planning Commission for its recommendation and report. The Planning Commission shall have 60 days within which to submit its recommendations to the Town Council. If the Planning Commission fails to submit a report within the 60-day period, it shall be deemed to have disapproved the proposed amendment and the Town Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of the *Code of Alabama*. Any party or parties wishing to comment on a proposed amendment shall appear and speak at the public hearing.

Section 112.0 FEES. A fee in the amount of \$100.00 to partially defray the cost of processing the petition shall accompany every petition for amendment by other than the Town Council or Planning Commission.

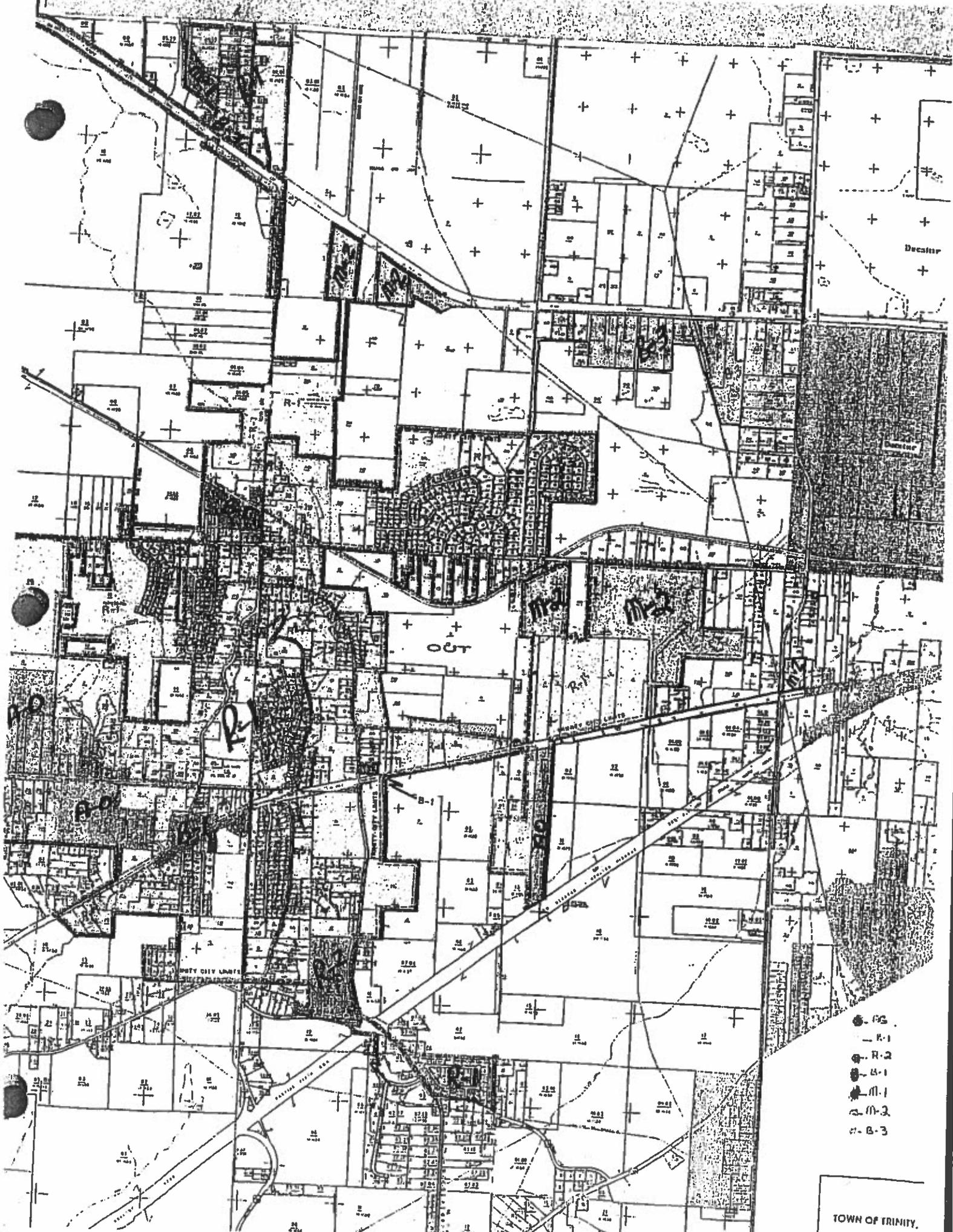
Section 113.0 LIMIT ON INITIATION FOR ORDINANCE AMENDMENT. No action shall be initiated for an amendment to this ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Town Council.

ADOPTED, following a public hearing and recommendation from the Trinity Planning Commission
on August 8, 2005.

Vaughn Goodwin
Mayor

Barbara L. Jones
Town Clerk

**My Commission Expires
4-19-09**



Decatur

Decatur

OUT

- R-1
- R-2
- B-1
- M-1
- M-2
- B-3

TOWN OF TRINITY.

*Town of Trinity
Zoning
Ordinance*

*Ordinance 2006-04
Amendment*

ORDINANCE NO. *File-04*

AN ORDINANCE AMENDING ORDINANCE NUMBER 2005-04 OF THE TOWN OF TRINITY, ALABAMA (ZONING ORDINANCE OF THE TOWN OF TRINITY, ALABAMA) SO AS TO PROVIDE FOR ADDITIONAL RESIDENTIAL DISTRICTS DESIGNATED AS R-4 AND R-5 AND AMENDING THE USES FOR R-3 AND R-3 DISTRICTS

WHEREAS, the Town Council of the Town of Trinity, Alabama has determined that in order to better facilitate controlled development of the Town it would be expedient to amend the provisions of the Zoning Ordinance of the Town of Trinity, Alabama to add additional districts more specific than those generally covered by R-3 Districts currently.

NOW, THEREFORE, be it ORDAINED by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

SECTION 1. All references herein to "The Zoning Ordinance" shall mean *The Zoning Ordinance of the Town of Trinity, Alabama*, being Ordinance Number 2005-04 of said Town.

SECTION 2. The entire language of Section 21.2 of *The Zoning Ordinance* is hereby stricken and deleted and the following language substituted for same so that hereafter said Section 21.2 shall read, in its entirety, as follows:

"R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT. The purpose of this District is to provide and preserve land that is and can be used for the construction of single family dwelling units on lots that are slightly smaller than the lots of the "R-1: LOW DENSITY RESIDENTIAL DISTRICT." These Districts should be located in areas that have good accessibility to central community facilities, or where a transition from different density residential district is desirable."

SECTION 3. The entire language of Section 21.3 of *The Zoning Ordinance* is hereby stricken and deleted and the following language substituted for same so that hereafter said Section 21.3 shall read, in its entirety, as follows:

"R-3: HIGH DENSITY RESIDENTIAL DISTRICT (UNATTACHED): The purpose of this District is to provide and preserve land that is and can be used for the construction of high density, unattached, single family residences, such as patio homes or garden homes. These Districts should have access to services and facilities appropriate for such residential development, or where a transition from different residential or nonresidential district is desirable."

SECTION 4. The entire language of Section 21.4 of *The Zoning Ordinance* is hereby stricken and deleted and the following language substituted for same so that hereafter said

Section 21.4 shall read, in its entirety, as follows:

"R-4: HIGH DENSITY RESIDENTIAL DISTRICT (ATTACHED): The purpose of this District is to provide and preserve land that is and can be used for the construction of either duplexes or high density, attached, single family residences, such as town homes. These Districts should have access to services and facilities appropriate for such residential development, or where a transition from different residential or nonresidential districts is desirable."

SECTION 5. The entire language of Section 21.5 of *The Zoning Ordinance* is hereby stricken and deleted and the following language substituted for same so that hereafter said

Section 21.5 shall read, in its entirety, as follows:

"R-5: MULTI-FAMILY RESIDENTIAL DISTRICT: The purpose of this District is to provide and preserve land that is and can be used for the construction of multi-family residences, such as apartments. These Districts should have access to services and facilities appropriate for such residential development and should serve as zones of transition between non-residential districts and other residential districts, except where good planning practice dictates otherwise."

SECTION 6. Section 21.4 of the *Zoning Ordinance* is hereby redesignated as Section 21.6.

SECTION 7. Section 21.5 of the *Zoning Ordinance* is hereby redesignated as Section 21.7.

SECTION 8. Section 21.6 of the *Zoning Ordinance* is hereby redesignated as Section 21.8.

SECTION 9. Section 21.7 of the *Zoning Ordinance* is hereby redesignated as Section 21.9.

SECTION 10. Section 21.8 of the *Zoning Ordinance* is hereby redesignated as Section 21.10.

SECTION 11. Section 21.9 of the *Zoning Ordinance* is hereby redesignated as Section 21.11.

SECTION 12. Section 61.0 of the *Zoning Ordinance* is hereby deleted in its entirety and the language and tables on Exhibit "A" hereto are hereby incorporated and made part hereof by reference so that hereafter said Section 61.0 shall read and appear, in its entirety, as set out on said Exhibit "A" the same as though set out at this point word for word.

SECTION 13. Section 62.0 of the *Zoning Ordinance* is hereby deleted in its

Section 61.0 DISTRICT AREA, YARD, HEIGHT, AND SETBACK REGULATIONS. The following regulations govern the minimum lot size, minimum lot width at building line, yard setback, and height for each district, subject to Section 43.0: Height; Section 63.0: Supplemental Use Regulations; Section 81.0: Front Yard Setback Modifications; and Section 64.0 Manufactured Homes.

Table 6-1: Dimensional Regulations for Residential Districts

	R-1	R-2	R-3	R-4	R-5	A-O
	Single Family	Single Family	Patio/ Garden	Townhouse/ Duplex	Multifamily	
Minimum Lot Area [a]	12,500 sf	7,500 sf	5,000 sf per unit	3,000 sf per unit	2,500 sf plus 1,600 sf per unit over 4 units	1 acre/ 1 acre per dwelling unit
Minimum Lot Width At Building Line	90 ft	75 ft	60 ft	20 ft	100 ft	200 ft
Minimum Depth of Front Yard [b]	35 ft	35 ft	35 ft	30 ft	25 ft	50 ft
Minimum Depth of Rear Yard [c]	40 ft	40 ft	25 ft	25 ft	25 ft	50 ft
Minimum Depth of Side Yard	10 ft	10 ft	10 ft	10 ft end units only	10 ft	25 ft
Minimum Depth of Side Yard on Street	20 ft	20 ft	20 ft	15 ft st side of end units only	25 ft	50 ft
Max. Building Area (Percent of Lot)	25%	30%	30%	50%	30%	10%
Max. Height of Principal Structure	45 ft	45 ft	45 ft	45 ft	45 ft	45 ft
Max. Height of Accessory Structure	See note [c]					
Min. Livable Floor Area (heated)						
1 Story	1300 sf	1000 sf	900 sf	850 sf per unit	750 sf per unit	1000 sf
1½ - 2 story:	1500 sf	1200 sf				1300 sf
1 st floor – Min.	1000 sf	800 sf				1000 sf

OTHER REQUIREMENTS FOR R-4

Additional Requirements Specifically for Townhouses:

- (i) Townhouses must be constructed on an individual lot.
- (ii) No less than four and not more than eight townhouses shall be contiguous.
- (iii) Any private drive access must be maintained by a homeowner's association.
- (iv) Townhouses shall not be more than 2 stories in height.

Additional Requirements Specifically for Duplexes:

- (i) A duplex may be constructed on an individual lot. If so constructed, a duplex shall be considered as two units on one lot.
- (ii) Not more than one duplex shall be constructed on an individual lot.
- (iii) Duplexes shall not be attached on either side to any other dwelling.
- (iv) Any private drive access must be maintained by a private party or homeowner's association.
- (v) Duplexes shall not be more than 2 stories in height.

Notes:

- [a] Subject to minimum lot sizes required by the health department in the event no sewer is available.
- [b] Accessory structures shall be permitted in the rear yard only and shall not cover more than thirty (30) percent of the rear yard and be located a minimum of five (5) feet from the rear lot line and a minimum of ten (10) feet from the side lot line. Side yard on street requires twenty (20) feet from side lot line.

Table 6-3: Dimensional Regulations for Manufacturing Districts

	M-1	M-2
Minimum Lot Area [a]	1 acre	4 acres
Minimum Lot Width At Building Line	200 ft	400 ft
Minimum Depth of Front Yard	50 ft	50 ft
Minimum Depth of Rear Yard	50 ft	75 ft
Minimum Depth of Side Yard	30 ft	75 ft
Minimum Depth of Side Yard on Street	50 ft	50 ft
Max. Building Area (Percent of Lot)	50%	50%
Max Height of Structure	65 ft	65 ft
Other Requirements	<p>A 50 ft buffer strip shall be required where a rear yard abuts a residential district. Five (5) feet of this buffer strip shall be densely planted and maintained with trees and shrubs.</p> <p>A 5 ft buffer strip, densely planted and maintained with trees and shrubs shall be required on three (3) sides of the property.</p>	

Notes:

[a] Subject to minimum lot sizes required by the health department in the event no sewer is available

[This space intentionally left blank]

Section 62.0 USES ALLOWED. Uses allowed in each district are determined from the following table:

Zoning Districts											
USES	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	R-4	R-5
Airport								C	C		
Animal Hospital					C						
Animal Shelter					C						
Apartments				C			C				Y
Assisted Living Facility					Y						
Bank / Financial Service					Y	Y	Y	Y	Y		
Bed and Breakfast Inn			E		C	C				E	E
Broadcast Studio					Y		Y	C	C		
Business Support Service					Y	Y	Y	Y	Y		
Business / Prof. Office					Y	Y	Y	Y	Y		
Car Wash					Y	C	E	E	E		
Cemetery					C		C				
Community Center					R	R	R				
Communication Tower **											
Community Service Club				C				C	C		
Construction Service					Y			Y	Y		
Convenience Store					Y	Y	Y				
Country Club					C		C				
Day Care Center					Y	Y	E	E	E		
Day Care Home			E							E	E
Duplex				Y						Y	Y
Emergency Care Home			E							E	E
Entertainment, Indoor					Y	Y	Y				
Entertainment, Outdoor					C		C				
Family Care Home			E							E	E

Zoning Districts											
USES	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	R-4	R-5
Farm Support Business					Y		Y	C			
Farming, Forestry				Y							
Funeral Home					Y		Y				
Garden Center / Nursery					Y	Y	Y	C			
Heavy Industry									C		
Heliport								Y	Y		
Hobby Farm	C			C							
Home Improvement Ctr.					Y		Y	C			
Home Instruction	C	C	C	C						C	C
Home Occupation *	C	C	C	C						C	C
Hotel					Y		Y				
Kennel				C							
Landfill, Inert									C		
Landfill, Sanitary									C		
Laundry Service					C	C	Y	Y			
Maintenance Service					Y		C	Y	Y		
Manufactured Home				C							
Manufactured Home Park				C							
Manufacturing, General								C	Y		
Manufacturing, Light								Y	Y		
Medical Clinic					Y	C	Y				
Medical Support Service					Y	C	Y				
Mini-warehouse					C			E	E		
Modular Home	Y	Y	Y	Y						Y	Y
Motel					Y		Y				
Multiplex											Y
Nursing Care Facility					C						
Open Air Market					C	C	C				

Zoning Districts											
USES	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	R-4	R-5
Patio Home			Y							Y	Y
Personal Services					Y	Y	Y				
Place of Worship	C	C	C	C	C	C	C			C	C
Public Assembly Center					C	C	C				
Public Facility	R	R	R	R	R	R	R	R	R	R	R
Public School	R	R	R	R						R	R
Public Utility Facility	R	R	R	R	R	R	R	R	R	R	R
Recreation. Indoor					Y	C					
Recreation. Outdoor					C		C				
Recreational Vehicle Park					C		C				
Rehabilitation Facility					Y		C				
Research Lab					C		C	Y	Y		
Resource Extraction									C		
Restaurant. Fast Food					C	Y	Y				
Restaurant. Standard					Y	Y	Y				
Restaurant. Take Out Only					C	Y	Y				
Retail. General. Unenclosed					Y	E	Y				
Retail. General. Enclosed					Y	Y	Y				
Rooming / Boarding House			E				Y			E	E
Salvage Yard									C		
School. Commercial					Y		Y	E	E		
Shopping Center					C	C	C				
Single Family Dwelling	Y	Y	Y	Y						Y	
Townhouse										Y	Y
Transmission Tower **											
Vehicle Sales or Rental					Y		Y	C			
Vehicle Repair Service					Y	C	Y	C			
Vehicle Sales and Service					Y		Y				

- [c] Accessory structure shall not exceed the height of the principal use structure.
- [d] When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.
- [e] A carport, porte-cochere, porch or structure part thereto, attached to or situated within five(5) feet of the main structure as defined in section 32.1 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.
- [f] Except as herein provided, no accessory building shall be located closer than ten (10) feet to a principal building or to any other accessory building on the same lot.

Table 6-2: Dimensional Requirements for Commercial Districts

	B-1	B-2	B-3
Minimum Lot Area [h]	[a]	5,000 sf	15,000 sf
Minimum Lot Width At Building Line	[a]	50 ft	75 ft
Minimum Depth of Front Yard	25 ft	25 ft	20 ft
Minimum Depth of Rear Yard	20 ft [b]	20 ft [b]	20 ft [f]
Minimum Depth of Side Yard	15 ft [c]	15 ft [d]	30 ft [e]
Minimum Depth of Side Yard on Street	25 ft	25 ft	40 ft
Max. Building Area (Percent of Lot)	75%	35%	35%
Max. Height of Structure	65 ft	35 ft	40 ft

Notes:

- [a] Lots must be of sufficient size to provide adequate parking and loading space as outlined in this Ordinance.
- [b] 20 ft rear yard buffer strip required where yard abuts residential district; see also [g].
- [c] 5 ft yard buffer strip required where yard abuts a residential district; see also [g].
- [d] 25 ft yard buffer strip required where yard abuts a residential district; see also [g].
- [e] 20 ft fire lane shall be required on one side of the main structure or single freestanding structure.
- [f] 50 ft buffer strip required where rear yard abuts residential district; see also [g].
- [g] 5 ft of all buffer strips shall be densely planted and maintained with shrubs and trees.
- [h] Subject to minimum lot sizes required by the health department in the event no sewer is available

[This space intentionally left blank]

Zoning Districts											
USES	R-1	R-2	R-3	A-O	B-1	B-2	B-3	M-1	M-2	R-4	R-5
Vehicle Service Station					Y	Y	Y	C			
Vehicle/ Equipment Major. Sales and/ or Repair					C		Y	Y	Y		
Warehousing/ Wholesale/ Distribution. Enclosed								Y	Y		
Warehousing/ Wholesale/ Distribution. Unenclosed								C	C		

Notes:

A blank cell indicates the use is not permitted.

Y - The use is permitted by right.

E - The use requires action by the Board of Adjustment as a special exception.

C - The use is conditional and requires review by the Planning Commission and action by the Town Council.

R - The use is subject to statutory review by the Planning Commission and Town Council in accordance with Section 11-52-11 of the *Code of Alabama*, 1975, as amended.

* - A Home Occupation may not occupy more than 25% of the building(s) on the property.

** - Communication Towers. Communication Tower Sites and Transmission Towers are further subject to the provisions of a separate ordinance of the Town of Trinity regulating the siting of wireless telecommunication facilities.

[This space intentionally left blank]

ORDINANCE NO. 07-01

AN ORDINANCE AMENDING ORDINANCE NUMBER 2005-04 OF THE TOWN OF TRINITY, ALABAMA (ZONING ORDINANCE OF THE TOWN OF TRINITY, ALABAMA) BY PROVIDING FOR REBUILDING OR REPLACEMENT OF STRUCTURES CONSTITUTING NON-CONFORMING USES IN THE EVENT OF DESTRUCTION BY NATURAL DISASTER

WHEREAS, the Town Council of the Town of Trinity, Alabama ("Council") has considered the "nonconforming use" elimination provisions of the *Zoning Ordinance of the Town of Trinity, Alabama* ("Zoning Ordinance") in light of the devastating hurricanes of 2005 and prior years, together with the seasonal prevalence of tornadic activity in Northern Alabama; and

WHEREAS, the Council finds it would be in the public interest to amend the Zoning Ordinance to make special provisions for situations where home are lost due to natural disaster.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

SECTION 1. Section 82.0 of Ordinance Number 2005-04 of the Town of Trinity, Alabama is hereby amended by deletion of the entire language of said Section 82.0 and substitution of the following so that hereafter said Section 82.0 shall read, in its entirety, as follows:

"Section 82.0 NONCONFORMING USE. Any nonconforming use or structure may be continued, but with the exception of cases where there is approval to the contrary by the Board of Adjustment as provided elsewhere in this Ordinance, such continued nonconforming use or structure shall not be:

- a. re-established after discontinuance for one year; or
- b. extended or enlarged except in conformity to this Ordinance; or
- c. rebuilt, replaced, altered or repaired after sustaining damage which causes cessation of the use or which exceeds in magnitude 75% of the fair market value of any subject structure immediately prior to the damage. As an exception to this, any such structure may be rebuilt, replaced, altered or repaired as a nonconforming use of the same character and extent as that which existed prior to the damage if such damage was sustained as a direct and proximate consequence of the effects of a natural disaster. Any construction or other action toward repair, replacement, alteration or rebuilding must be commenced with all applicable permits obtained within ninety (90) days of the damage and must proceed in due course thereafter until completed, unless said time is reasonably extended by the Board of Adjustment for good cause shown. The ruling of the Board of Adjustment as to whether the damage was such a product of a natural disaster or such good cause for extension has been shown

shall be final and determinative unless appealed for court review by an aggrieved party."

SECTION 2. Except as amended hereby, Ordinance Number 2005-04 of the Town of Trinity, Alabama shall remain in full force and effect as previously adopted.

SECTION 3. This Ordinance shall be deemed effective upon its adoption and publication according to law.

ADOPTED and APPROVED this 8 day of January, 2007.

Vaughn Goodwin
Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Barbara L. Jones
Barbara L. Jones, Town Clerk

LWM//np1106/trinity ordinance amending 2005-04
T108-06M

My Commission Expires
4-19-09