

**TOWN OF THORSBY  
ZONING ORDINANCE**

**Ordinance No. 178**

**Adopted by the Town Council  
Town of Thorsby, Chilton County,  
Alabama**

**March 15, 2010**



# TownCouncil

Dearl Hilyer	Mayor
Tara Hunt Jewell	
Neil Benson	
Willis Britt	
Jean Nelson	
Marvin Crumpton	

# Planning Commission

Glenn Littleton	Chairperson
Jack Allen	
Mary Clark	
Terrie Bailey	
Tanya Maddox	
Walter Graham	
Jean Nelson	
Kathy Johnson	

# Zoning Board of Adjustment

Tommy Bishop	
Marvin Crumpton	
Mike Jones	
Phillip Hayes	
Ken Patterson	



# Approval Page

## Planning Commission

The Planning and Zoning Commission of the Town of Thorsby has reviewed and approved this zoning ordinance. The Planning and Zoning Commission of the Town of Thorsby presents this to the Town Council for their review on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

A public hearing on this proposed ordinance was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

## Town Council

The Town Council has reviewed and adopted this zoning ordinance.

The ordinance number is \_\_\_\_\_.

The public hearing was held on this proposed ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest



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**ARTICLE 1. Preamble and Enactment Clause**

WHEREAS Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the Town of Thorsby to establish districts within its corporate limits for the purpose of regulating the kind, character, and use of structures and improvements within those Zones, and to provide for the administration, enforcement, and amendment thereof, and

WHEREAS the Town of Thorsby deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the Town to enact such an ordinance, and

WHEREAS the Town Council has appointed the Town of Thorsby Planning and Zoning Commission, hereinafter referred to as the Commission, to recommend the boundaries of the various Zones and the appropriate regulations to be enforced therein, and

WHEREAS the Commission, with the assistance of the Regional Planning Commission of Greater Birmingham, has amended this Ordinance, originally enacted {Insert Date}, and accordingly the Zoning Map thereto, has given due Public Notice of a hearing thereon, has held said Public Hearing and has submitted its final report to the Town Council, and

WHEREAS the Town Council has given due Public Notice of a second hearing related to the adoption of the amended Zoning Ordinance, setting forth Zones, regulations and restrictions, and has held said Public Hearing, and

WHEREAS all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended, with regard to the preparation of the report by the Commission and subsequent action of the Town Council have been met;

NOW, THEREFORE, the public welfare requiring it, the Town Council of the Town of Thorsby, Alabama, does hereby ordain and enact into law the following Articles and Sections.

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**ARTICLE 2. Introduction, Purpose, and Application****Section 2.1. Short Title**

This Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the “Zoning Ordinance of the Town of Thorsby, Alabama”.

**Section 2.2. The Official Zoning Map**

The boundaries of each zoning district are delineated on the Zoning Map(s) of the Town of Thorsby, Alabama, hereinafter referred to as the “Zoning Map”. Said map(s) and all notations, references, revisions, certifications and other information shown thereon shall be considered a part of this Ordinance and shall carry the same force and effect as if fully described therein. Said map(s) shall be retained in the Town Hall.

**Section 2.3. Purpose**

The zoning regulations and districts as set forth herein are made in accordance with the Town of Thorsby Comprehensive Plan for the purposes of guiding development in accordance with existing and future needs, and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the Town of Thorsby. These regulations are designed to lessen congestion on the streets, to secure safety from fire, flood, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the undesirable overcrowding of land; to avoid the undue congestion of population; to protect scenic areas; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other infrastructure necessary to maintaining the quality of life within the community. These regulations are made with reasonable consideration of, among other things, the character or each area and its suitability for particular uses; the promotion of desirable living conditions and the sustainability of neighborhoods; the protection of property against blight and depreciation; securing efficiency in government expenditures; and conserving the value of land, buildings, and structures.

**Section 2.4. Application of Regulations**

No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the applicable regulations of this Ordinance for the Zone in which it is located except as otherwise provided herein. All future development of land, buildings, and structures shall further be in accordance with the applicable provisions of the Town of Thorsby Subdivision Regulations and the Town of Thorsby Design and Construction Specifications.

**Section 2.5. Zoning of Annexed Land**

All land, properties, and areas annexed by the Town of Thorsby, subsequent to the adoption of this Ordinance, shall automatically and immediately upon such annexation, be classified into the CU Zone, and shall accordingly be subject to the provisions and restrictions set forth in Article 6, Section 6.14 of this Ordinance. The Town of Thorsby Planning and Zoning Commission shall then hold a public hearing regarding any such annexed land, property and areas as part of its next regular meeting, and shall make a recommendation to the Town Council regarding the final zoning classification of such areas. After the Commission has recorded and submitted such recommendation to the Town Council, the Council will also hold a public hearing in which it shall act to assign the most appropriate zoning classification to the annexed land, property or areas in question.

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**ARTICLE 3. Terminology****Section 3.1. Generally**

For purposes of interpreting this ordinance, certain words and terms are herein defined.

**Section 3.2. 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, property 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 3.3. Definitions**

Except as defined herein or in the Subdivision Regulations of The Town of Thorsby, Alabama, all other words used in this Ordinance shall have their customary dictionary definition.

**3.3.1. General**  
Definitions

**Access Drive.** A private drive providing vehicular access between a public or private thoroughfare and a parking area within a land development.

**Accessory Building or Structure.** A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building. Unroofed decks and patios shall be considered as accessory buildings within the meaning of this Ordinance. (See also "Deck" and "Patio")

**Accessory Use.** A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building. A sign is considered accessory to the use permitted. Billboards and other off-premise signs are not so considered, but are rather considered separate and distinct business uses or activities.

**Alley.** See "Thoroughfare, Service Street (Alley)."

**Alteration, Alter, 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.

**Animal Equivalent Unit.** One thousand (1,000) pounds of live weight of any animal.

**Applicant.** A landowner or developer, as hereinafter defined, who has filed an

application for development including his heirs, successors and assignees.

**Application for Development.** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a Building Permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**Base Zone or Base Zoning District.** The zoning classification within which a development or structure is located other than an overlay Zone.

**Basement.** That portion of a building which is completely below grade or partially below grade where the average distance between the finished surface of the above floor and the ground level along the perimeter of all exterior walls is less than six (6) feet.

**Block.** A unit of land bounded by thoroughfares or a combination of thoroughfares, public land, public parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

**Buffer.** A landscaped strip of land provided between two or more properties, uses, or buildings to mitigate the incompatible characteristics of adjacent uses and/or buildings. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices as required by the Town of Thorsby Zoning Ordinance.

**Building.** Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory

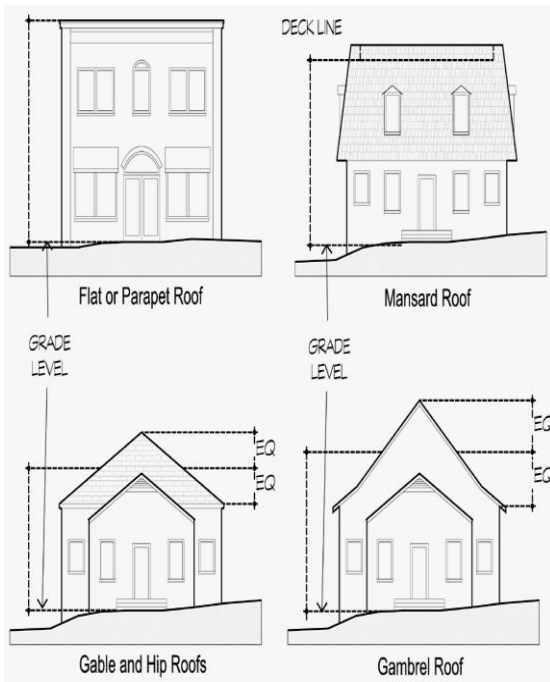


thereto, and including porches, decks, swimming pools, greenhouses, stables, garages, roadside stands, manufactured homes, and similar structures, whether stationary or movable, but excluding fences, walls, signs and awnings. Features, which are structurally essential and connected to the structure, shall be considered as part of the structure within the meaning of this Ordinance.

**Buildable Area.** The areas of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

**Building Frontage.** The side of the building, which abuts on a street; the length, or area of the front of the building measured between the side walls.

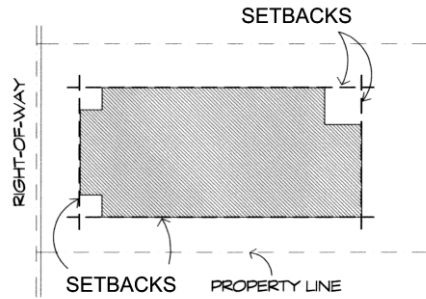
**Building Height.** The vertical distance from average grade level to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.



**DETERMINING BUILDING HEIGHT**

**Building Setback Line.** A line that is the required minimum distance from any Lot Line and that establishes the area within which the principal structure must be erected or

placed. Minimum Front Yard depth is measured from the Front Lot Line.



**SETBACK LINE**

**Caliper.** The diameter of the trunk of a tree measured six inches above grade level.

**Cartway.** The surface of a thoroughfare or alley available for vehicular traffic, including on-street parking.

**Certificate of Occupancy.** A certificate issued by the duly authorized representative of the Town upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

**Town.** Town of Thorsby, Chilton County, Alabama.

**Town Engineer.** An engineer currently licensed and in good standing with the Board as a Professional Civil Engineer in the State of Alabama employed by the Town or engaged as a consultant to the Town.

**Comprehensive Plan.** The official public document prepared in accordance with § 11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Town of Thorsby.

**Concentrated Animal Operation.** A property with more than two (2) animal equivalent units per acre.

**Conditional Use.** A use of unique character and impact which is typically not associated with or permitted in any zoning district but which may be allowed by granting of a conditional use permit by the Town Council according to special conditions to abate potential negative impacts to surrounding properties and neighborhoods. Examples:

airport, correctional facility, landfill, racetrack, stadium, etc.

**Covenant.** “See Deed Restriction”.

**Cul-de-sac.** See “Thoroughfare, Cul-de-sac.”

**Deck.** An elevated structure constructed for use as an outdoor living area. (See also “Patio” and “Accessory Building or Structure”.)

**Dedication.** The deliberate appropriation of land, such as an easement, by its owner for general public use.

**Deed.** A written instrument whereby an estate in real property is conveyed.

**Deed Restriction.** A restriction upon the use of a property placed in a deed running with the land and enforced by private landowners or homeowner or condominium associations.

**Density.** The number of units of occupancy per acre of lot area within a block.

**Design and Construction Specifications.** The Town of Thorsby Design and Construction Specifications.

**Developer.** Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Development Plan.** See “Plan, Development Plan”.

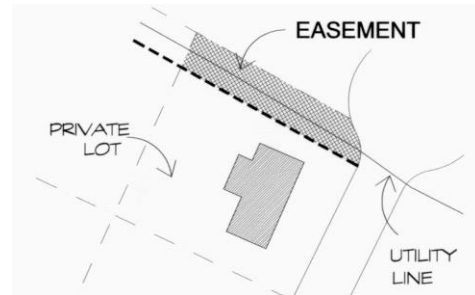
**Driveway.** A private drive providing access between a public or private thoroughfare or access drive and a parking area for a unit(s) of occupancy. (See also “Thoroughfare”).

**Dwelling Unit.** Living quarters consisting of contiguous rooms intended for convenient, long-term occupancy by one family and providing complete, independent facilities for living, eating, cooking, sleeping and sanitation.

**Earthmoving, Grading.** The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six (6) inches or greater from the original elevation.

**Easement.** A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of

the property shall not have the right to make use of the land in a manner that violates the right of the grantee.



**EASEMENT**

**Engineer.** A professional engineer registered by the State of Alabama.

**Erect, Erected, Erection.** Build, construct, reconstruct, move upon, or other physical operation on the premises required for building. When used in reference to signs, “erect” shall include build, construct, attach, hang, place, suspend, and affix

**Erosion.** The removal of soil particles by the action of water, wind, ice, or other geological agents.

**Family.** Any one (1) or more of the following:

A single individual occupying a dwelling unit.

Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit.

Not more than four (4) unrelated persons occupying a dwelling unit.

Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Alabama Department of Human Resources or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and Board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group

of persons occupying the dwelling unit as a family.

**Fence.** A barrier of any material or combination thereof, other than a building, erected to enclose or screen areas of land or used as a means of protection or confinement.

**Fence, Privacy.** A fence intended to provide a visual barrier between common or public areas and a private area or land use. Such fences are characterized by opaque design.

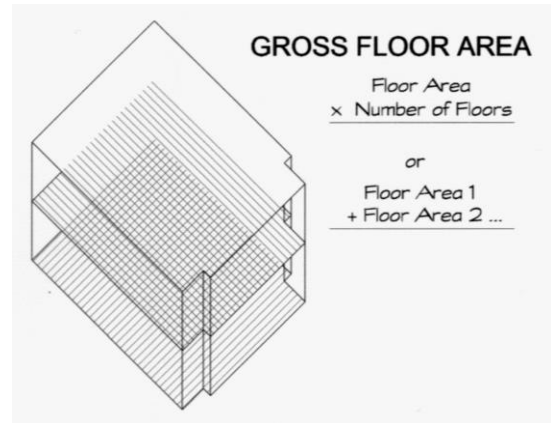


PRIVACY FENCE

**Final Plat.** See “Plan, Final Plat”.

**Floodplain.** An area adjacent to a watercourse, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety and to property.

**Floor Area, Gross.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the faces of exterior walls. The term Gross Floor Area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.



**GROSS FLOOR AREA**

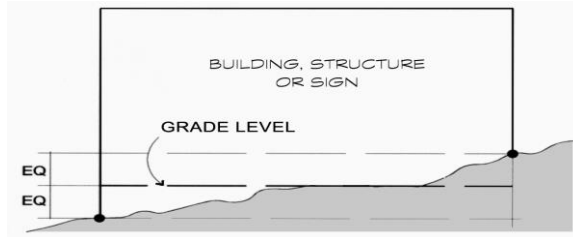
**Fowl.** Winged animals or livestock including chickens, geese, ducks, exotic birds, etc.

**Fowl House.** An enclosed or partially enclosed agricultural structure used for the keeping and raising of two or more chickens or other fowl.

**Fowl Pen.** A small, partially enclosed structure used for the keeping of no more than one chicken or other fowl.

**Gambling Device.** Any device for the reception of money or other thing of value, on chance or skill or upon the action of which, said money or thing of value is staked, bet, won, or lost; or, any device designed primarily for use in a gambling place; but excluding (1) a coin-operated mechanical device played for the amusement that rewards the player with the right to replay said device; (2) vending machines by which full and adequate return is made for the money invested, and in which there is no element of chance or hazard; and (3) games of skill designed and clearly intended for use by minors, those under the age of 18 years old.

**Grade Level.** For buildings, the average level of the finished ground surface at the front building line. For ground signs, the average level of the finished ground surface at the edge of the sign nearest the thoroughfare. For thoroughfares, the ratio of rise-to-run measured along a length of a planned or finished thoroughfare.



### **GRADE LEVEL**

**Greenway.** An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

**Hardship or Unnecessary Hardship.** A unique condition or set of conditions wherein the literal enforcement of the provisions of this Ordinance would deprive a person of rights commonly enjoyed by others in the same Zone and as further established in Article 12.

**Hardship, Personal or Self-Imposed.** A hardship including all other situations not meeting the criteria set forth for proving “unnecessary hardship” in Article 12, including where a person causes or brings about the condition, whether by their own action, inaction, knowledge or lack thereof, etc. Further, such hardships do not represent substantive grounds for the issuance of a Variance.

**Household Pet.** A household pet is any domesticated animal kept for pleasure rather than utility or profit, which is normally kept within a residence. Household pets include, but are not limited to, dogs, cats, fish, gerbils, hamsters, parakeets, parrots, cockatiels, tropical fish, parakeets, and similar small household pets, not raised for commercial purposes and normally kept indoors.

**Impervious Surface.** Any surface or structure composed of non-porous materials, which prevents natural absorption of runoff into the ground.

**Improvements.** Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, streets, sidewalks, curbs and gutters, sewer, and stormwater management facilities.

**Incidental Use.** A secondary or subordinate use of a property on which a primary or

principal use has already been established, but which is not necessary to that principal use, and which is not customarily associated with or considered accessory to the principal use. Such uses shall be considered “Special Exceptions” as defined herein, and shall accordingly be subject to approval by the Zoning Board of Adjustment. Such uses may include but not be limited to home occupations, garage apartments, guesthouses, and day care homes.

**Junk.** Junk shall include scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

**Junk Storage.** The use of land for the open storage of junk, as herein defined.

**Land Development.** Any of the following activities:

The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;

A subdivision of land.

Developments, limited to the following, shall be excluded from this definition:

The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**Landowner.** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any

condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

**Landscape Architect.** A landscape architect registered by the State of Alabama.

**Liquor.** Any beverage containing alcohol other than beer or wine, which contains one-half of one percent or more of alcohol by volume.

**Livestock.** Animals of any kind, including fish and fowl, kept, bred or raised for commercial or other purposes, excluding house pets such as domestic cats and dogs, fish, fowl, and other similar animals kept for personal pleasure in accordance with regulations of the Health Department and applicable animal control authority of (County Name).

**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.

**Local Street.** See "Thoroughfare, Local Street."

**Lot.** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. Lots are classified into the following categories:

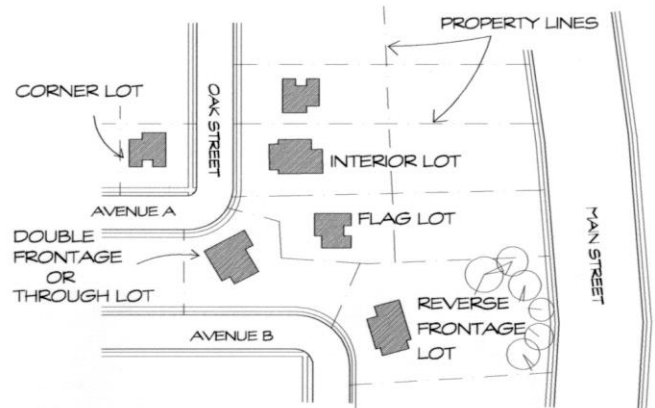
**Corner Lot.** A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such thoroughfares along the frontage of the lot form an interior angle of less than one hundred thirty-five (135) degrees.

**Double-Frontage Lot.** A lot, which is not a Corner Lot and abuts two or more streets.

**Flag Lot.** A lot that does not meet the lot width requirements of its zone.

**Interior Lot.** A lot, which is not a Corner Lot.

**Reverse-Frontage Lot.** A Double-Frontage Lot where the principal structure fronts on the street of lesser classification.



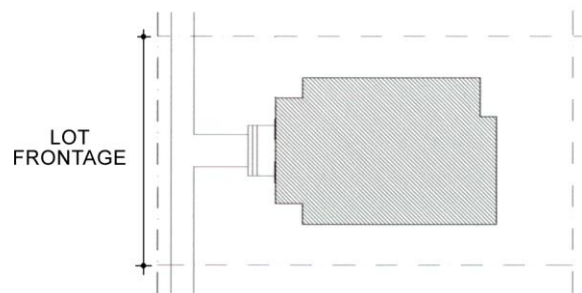
**LOT TYPES**

**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 (County Name), 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 Area.** The area contained within the Lot Lines of the individual parcels of land, excluding space within any street or ultimate right-of-way, but including the area of any easement. Lot area shall be measured to the legal right-of-way line of the street.

**Lot Coverage.** The portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas, and sidewalks.

**Lot Frontage.** Distance measured along the Front Lot Line. When a lot fronts on a curved street, the frontage shall be determined by utilizing the arc length.



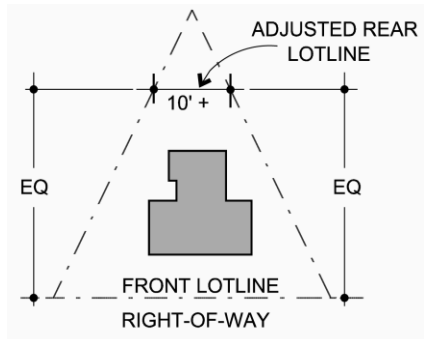
**LOT FRONTAGE**

**Lot Line.** A line of record bounding a lot that divides one (1) lot from another lot or from a

public or private street or any other public space. Lot Lines are classified into the following categories:

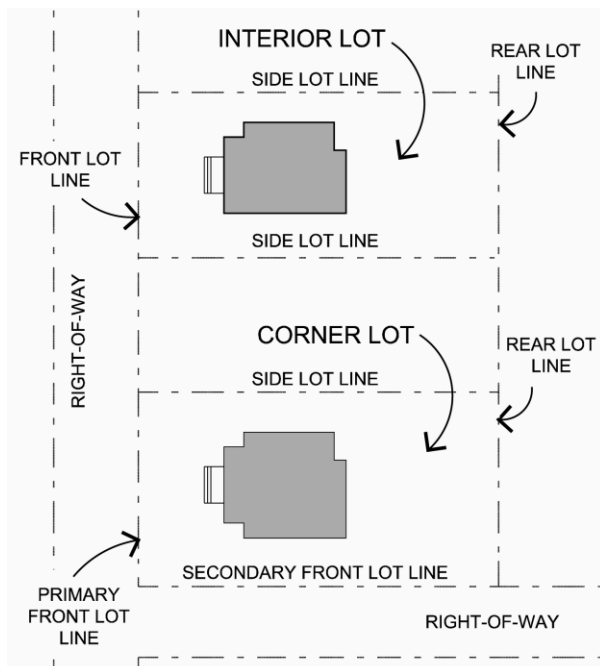
**Front Lot Line.** A Lot Line separating the front of the lot from the street. On Non-residential Corner Lots and all Double-Frontage Lots, all Lot Lines which abut a street shall be Front Lot Lines. For Single-Family Residential Corner Lots, there shall be a "Primary Front Lot Line" and a "Secondary Front Lot Line".

**Rear Lot Line.** A Lot Line, which does not intersect a Front Lot Line and is most distant from a Front Lot Line. Where the Side Lot Lines of an Interior Lot meet in a point, the Rear Lot Line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two Side Lot Lines, which is equidistant to the Front Lot Line.



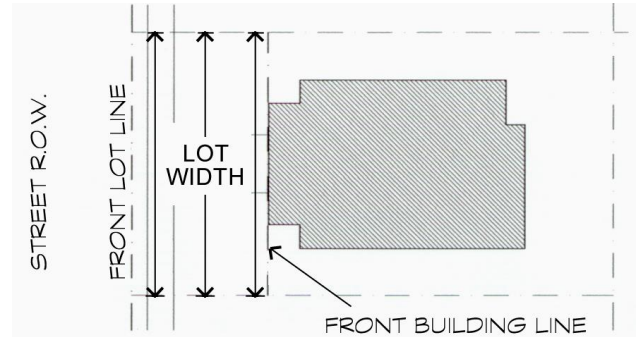
**ADJUSTED REAR LOT LINE**

**Side Lot Line.** Any Lot Line, which is not a front or Rear Lot Line.

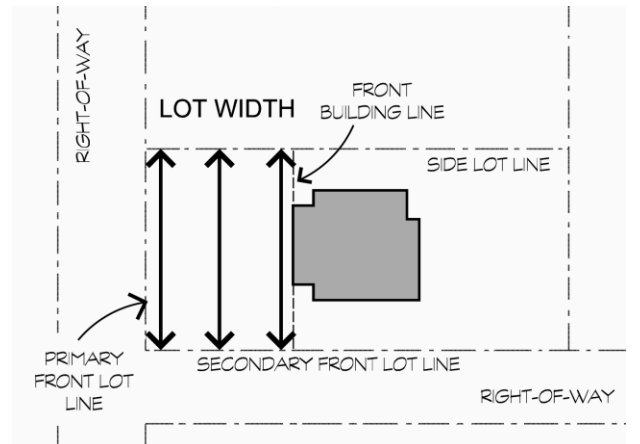


**LOT LINES**

**Lot Width.** In the case of an Interior Lot, the distance between the Side Lot Lines. In the case of a Corner Lot, lot width shall mean the distance between the Side Lot Line and the Secondary Front Lot Line. Such distance shall be measured along a straight line, which is at right angles to the axis of a lot and shall be measured so at any point between the Front Lot Line and the front building line. When a lot abuts on a curved street the width shall be determined by utilizing the arc length.



**LOT WIDTH (INTERIOR LOT)**



**LOT WIDTH (CORNER LOT)**

**Major Street.** See "Thoroughfare, Major Street."

**Nonconforming Lot.** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure or Building.** A structure or part of a structure not complying with the applicable provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure

lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such Nonconforming structures include, but are not limited to, Nonconforming signs.

**Nonconforming Use.** A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation. Any use whether of land or a structure which is permitted as a Special Exception or as a conditional use in the zoning district in which the land or structure is located shall be deemed to be a Nonconforming use unless that use complies with every provision of this Ordinance.

**Open Space.** Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, which is landscaped or left in a natural state as required by the provisions of this Ordinance and the Town of Thorsby Subdivision Regulations and which is intended for natural or scenic preservation and/or passive recreational purposes.

**Open Space, Common.** Land area within a development that is held in common ownership and maintained by a homeowners' association of all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by covenant and the provisions of this Ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

**Ordinance.** Except where otherwise specified, the Zoning Ordinance of the Town of Thorsby.

**Parcel.** A part or portion of land. Parcel, in relationship to land, is a contiguous quantity

of land in the 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.

**Party Wall.** A wall on an Interior Lot Line used or adopted for joint service between two (2) buildings; such walls shall fully comply with fire and all other provisions and standards established for such walls in the Building Code.

**Patio.** An area consisting of natural or man-made material, which is constructed at or near grade level and intended for use as an outdoor living area. (See also "Deck" and "Accessory Building")

**Paved Area or Surface.** Areas or surfaces paved with a hard, all-weather surface. A surface consisting of stone, cinders, aggregate, gravel, sand, or similar material, whether compacted or not, shall not be considered a paved area or surface.

**Pervious Surface.** Any surface composed of porous materials that allow absorption of runoff into the ground. Also referred to as "Permeable Surface".

**Plan.** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, thoroughfares, sidewalks and parking facilities, common open space and public facilities. A plan shall be categorized as one of the following classifications:

**Plan, Development Plan.** A complete set of drawings prepared for a Rezoning request, zoning approval or as otherwise required by this Ordinance. Such plan shall provide all information as necessary to determine conformance of the proposed development with the Zoning Ordinance and Design and Construction Specifications where applicable.

**Plat, Final.** A complete and exact subdivision plan including all supplementary data prepared for official recording as required by statute. A Final Plan becomes a Record Plan when it has been recorded with the (County Name) Tax Assessor.

**Plat, Preliminary.** A tentative subdivision plan including all required supplementary data, indicating the proposed layout of a

subdivision or land development as a basis for consideration prior to preparation of a final plan.

**Planned Unit Development (PUD).** A development approach, which may include mixed uses and densities within one development site and which may include multiple phases of development described in a master plan for the development. An overlay zoning district which includes provisions and special application and review requirements for large-scale, phased developments consisting primarily of, but not limited to, residential subdivisions.

**Planning Commission or Commission.** The Town of Thorsby Planning and Zoning Commission.

**Plat.** A map or plan of a subdivision or land development, whether preliminary or final.

**Premises.** A lot, together with all buildings and structures thereon.

**Principal Building or Structure.** The primary structure developed on a property, which is intended to be the largest and closest to the street of all structures permitted on one property except in the AG Agricultural Zone, where farm structures shall be considered accessory structures and may be greater in Gross Floor Area than the principal residence.

**Principal Use.** The primary or dominant operation, business or other such use of and taking place on a lot, parcel or premises, as distinguished from accessory or incidental uses.

**Private Drive.** A service road or access drive serving as and maintained solely for access to cluster or multi-family developments or other developments to which access to the public may be limited.

**Property Line.** A recorded boundary of a lot. However, for the purposes of this Ordinance, any Lot Line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

**Public Hearing.** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Code of Alabama.

**Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and as amended.

**Public Notice.** Notice published prior to a Public Hearing by the Board of Adjustments, Commission or Town Council. Notice for a hearing before the Commission shall be posted in four (4) public locations seven (7) days prior to such hearing. Notice for a hearing before the Board of the Council shall be posted in four (4) public locations fifteen (15) days prior to such hearing. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Public notice for Rezoning, Special Exception, conditional use and/or Variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

**Record Plat.** See "Plan, Final Plat."

**Rezoning.** The change of a zoning classification for property as approved by the Town Council according to the provisions of this Ordinance.

**Down Zoning.** A change in the zoning classification of a property to a district with greater restrictions on land uses, density and intensity.

**Lateral Rezoning.** A change in the zoning classification of a property to a district with comparable restrictions on land uses, density, and intensity.

**Upzoning.** A change in the zoning classification of a property to a district with lesser restrictions on land uses, density, and intensity.

**Right-Of-Way.** The total width of any land reserved or dedicated as a street, pedestrian way, or for other public or private use.

**Right-of-Way Line.** The legal boundary of the area dedicated and/or improved for a thoroughfare, alley, or pedestrian way typically corresponding with the Front Lot Line of adjacent properties.

**Riparian Zone.** An area of trees and other vegetation which can intercept surface runoff, subsurface flow and deeper groundwater flows for the purpose of removing or buffering the effects of nutrients, pesticides or other chemicals from upland land use, which could otherwise enter bodies of water.



**Runoff.** That part of precipitation that flows over the land.

**Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**Service Street.** See, "Thoroughfare, Service Street (Alley)"

**Setback.** The distance between the building line and a Lot Line; the distance between adjacent buildings or structures; or the distance between other site improvements as may be required by this Ordinance.

**Setback Line.** See "Building Setback Line."

**Shared Parking.** The provision of off-street parking areas shared amongst contiguous uses developed with the intent to maximize efficiency in parking lot design and accessibility; encourage pedestrian access and safety; support access management and other goals of the Comprehensive Plan; and to reduce the number of required spaces for individual uses.

**Sign.** See Article X of the Town of Thorsby Zoning Ordinance.

**Special Exception.** A condition of use permitted in a particular Zone pursuant to the provisions of Article XII.

**Special Exception Use.** A use of unique character which may be integral to surrounding neighborhoods or districts but which may require special consideration and case-by-case criteria to ensure consistency with and to abate potential negative impacts to surrounding properties. Such uses shall require a Special Exception Permit granted by the Zoning Board of Adjustment upon review of development plans and specific criteria required by the Board pursuant to Article XII.

**Specified Anatomical Area(s).** (1) Less than completely and opaquely covered human genitals, public region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even where completely and opaquely covered.

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

**Spot Zoning.** The reclassification of property to a Zone in conflict with the Town of Thorsby Comprehensive Plan; or the upzoning of property, of less than two acres, into a Zone not contiguous with any properties of the same Zone as requested or other Zones of an equally or more intense nature, with the exception of such cases conforming to the Comprehensive Plan and further excluding Rezoning to an Institutional Zone.

**Stormwater Management.** A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

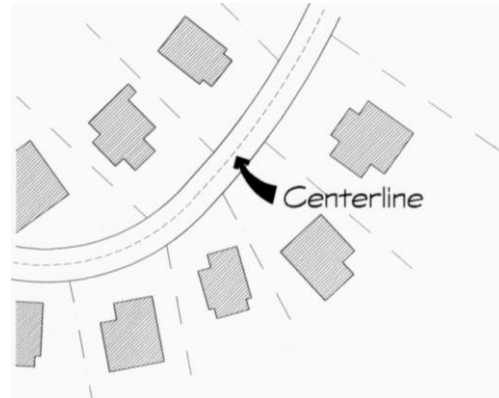
**Stormwater Management Facilities.** Those controls and measures used to affect a stormwater management program.

**Story.** That part of a building between the surface of any floor and the next floor above it, or in its absence, the finished ceiling or roof above it.

**Street.** See "Thoroughfare".

**Street, Private.** A thoroughfare not offered for dedication or whose dedication was not accepted by the Town .

**Street Centerline.** The center of the surveyed street right-of-way, or where not surveyed, the center of the Cartway.



**STREET CENTERLINE**

**Street Right-Of-Way Line.** The line dividing a lot from the legal street right-of-way, not just the Cartway.

**Structural Alterations.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**Structure.** Any man-made object having an ascertainable stationary location on or in

land or water, whether or not affixed to the land.

**Subdivision.** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

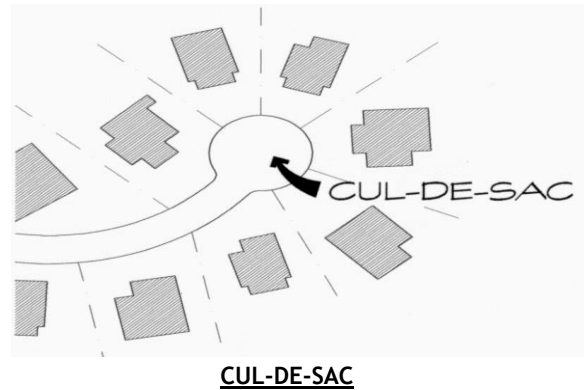
**Supplemental Use Regulations.** Detailed regulations and restrictions provided by means of specific minimum criteria, which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria necessary to implement the Comprehensive Plan.

**Temporary Building or Structure.** Portable, mobile, or transportable temporary contractors' construction buildings, the use, of which is incidental to the construction operations being conducted on the same or adjoining lot.

**Thoroughfare.** A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. Thoroughfares shall conform to one of the following categories:

**Access Road.** A minor thoroughfare one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties. Also referred to as a Frontage Road or Service Road.

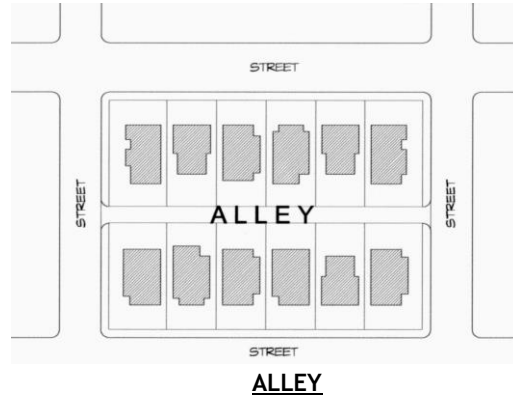
**Cul-de-sac.** A local thoroughfare terminating in a vehicular turnaround at one end.



**Local Road or Street.** A thoroughfare used primarily to provide access to abutting properties.

**Major Road or Street.** A thoroughfare, which provides for inter-community travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on local streets.

**Service Street (Alley).** A strip of land over which there is a publicly or privately owned right-of-way, and on which no parcel fronts, which provides access for two (2) or more properties typically along the side or rear of such properties.



**Tract.** See "Lot"

**Unit of Occupancy.** A building, or a portion of a building, which is used as a dwelling unit or used as an independent non-residential use involving the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

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

**Variance.** Relief or an adjustment to the literal requirements of the Zoning Ordinance

granted pursuant to the provisions of Article XIII.

**Watercourse.** A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.

**Watershed.** All the land from which water drains into a particular watercourse.

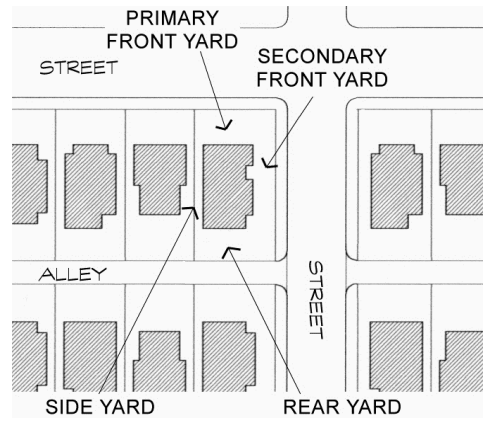
**Wetland.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands which are periodically irrigated for agricultural purposes are not considered to be wetlands as the term is used herein.

**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 Lines and the principal building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

**Front Yard.** A space extending the full width of the lot between the principal building and the Front Lot Line(s). Non-residential Corner Lots shall be considered as having two Front Yards; however Single-Family Residential Corner Lots shall have the Yards described below:

**Primary Front Yard.** The yard abutting the thoroughfare on which adjacent dwellings commonly front.

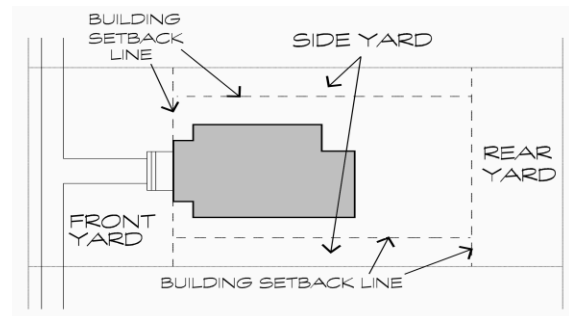
**Secondary Front Yard.** The yard fronting on a public thoroughfare not meeting the definition of the "Primary Front Yard".



**YARDS OF SINGLE -FAMILY CORNER LOTS**

**Rear Yard.** A space extending across the full width of the lot between the principal building and the Rear Lot Line.

**Side Yard.** A space extending from the Front Yard to the Rear Yard between the principal building and the Side Lot Lines. On a Corner Lot, the Side Yard is the area between the principal building and the Side Lot Line and bounded by the Front Yard and Rear Yard.



**YARDS ON INTERIOR LOTS**

**Zone, District or Zoning District.** The zoning classification established, defined, and regulated by this Ordinance, in which a property is located or requested to be located.

**Zoning Approval.** Certification, being issued by the Zoning Officer under the procedures required by this Ordinance, stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the Zone in which it is located or is to be located. Such approval is required before issuance of a Building Permit.

**Zoning Officer.** The municipal official designated to administer and enforce this Ordinance. For the purposes of this ordinance, the term "Zoning Officer" may

also include a designated representative of the Zoning Officer such as the Town Building Inspector.

**3.3.2.** Use Definitions.

**Accessory Dwelling.** A dwelling unit (other than a manufactured 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 a non-residential use. Accessory dwellings also include secondary dwelling units permitted on residential lots such as garage apartments and granny flats or mews.

**Age-Restrictive Uses.** Any one of the following areas of sales, service or entertainment:

**Adult Bookstore.** Any establishment or place which has a substantial or significant portion of its stock in trade consisting of either: Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas; or Instruments, devices or paraphernalia which are designed primarily for use in connection with Specified Sexual Activities or conduct; or To which the public is permitted or invited wherein coin or slug operated electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to present material distinguished or characterized by an emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Theatre.** Any theatre, auditorium or other place of assembly (1) presenting any form of audio or visual material, characterized by emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

**Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment.**

Any other business or club which primarily offers its patrons or members retail goods,

commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying Specified Sexual Activities or Specified Anatomical Areas.

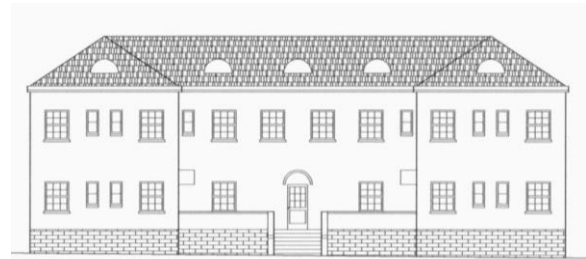
**Agriculture.** The tilling of soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

**Animal Hospital.** See “Veterinary Clinic”.

**Apartment.** An individual dwelling unit within a building consisting of five or more attached multi-family dwellings.

**Apartment Building.** A building consisting of five or more attached, multi-dwelling units, whether as part of an apartment complex or on an individual lot.

**APARTMENT BUILDING**



**Apartment Complex.** A cluster of detached apartment buildings on one lot and in which, typically, individual entrances are provided for each dwelling unit.

**Arcade.** A commercial building in which there are three or more amusement game machines, commercial recreation machines, or other games on the premises and available to the public; or a place or facility where games and/or game machines are played for amusement only. For the purposes of this Ordinance, the term “Arcade” shall refer to those establishments as defined herein that cater to children and young adults. Any such premise which includes bingo games, gambling devices, adult arcade devices, or similar equipment or operations shall be considered an Age-Restrictive Use.

**Assisted Living Facility.** A building, establishment, complex, or distinct part thereof which:

Accepts primarily aged persons for domiciliary care, not nursing or medical care;

Provides on site to its residents private lockable residential spaces; meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs;

Other than supervision of self medication, medical services are not a service provided by the facility. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents;

Provides linkages with hospitals, community services and makes transportation available; and

Provides timely assistance to residents for response to urgent or emergency needs.

**Automobile Gas Station.** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which excludes accessory facilities for rendering services, such as lubrication, washing and minor repairs.

**Automobile Repair Service, Major.** A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

**Automobile Repair Service, Minor.** A place of business engaged in the repair and maintenance of automobiles and light trucks 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.

**Automobile Sales, Major.** A sales establishment offering new or used automobiles and light trucks where sales inventory total exceeds 30 vehicles.

**Automobile Sales, Minor.** A sales establishment offering new or used automobiles and light trucks where sales inventory total does not exceed 30 vehicles.

**Automobile Service Station.** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing and minor repairs.

**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.

**Bars and Taverns.** Business establishments offering for sale alcoholic beverages for on-premise consumption not otherwise meeting the food sales requirements for "Pub Restaurants" and excluding "Adult Theatres".

**Bed and Breakfast.** A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for short periods of time as further defined by the Supplemental Use Regulations.

**Billboard.** A freestanding, off-premise sign located on a lot not containing a building designed with the intent to be viewed by motorists.

**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 which 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.

**Church.** See "Place of Worship".

**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.

**Community Center.** A building(s) arranged for community gathering for social, cultural, or community service purposes, including community meeting rooms, community recreation centers, YMCAs, YWCAs, and similar uses.

**Community Service Club.** A building or group of 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.

**Condominium or Condominium Building.** One or more dwelling units other than detached single-family residences under individual ownership conforming to the provisions of State Law 1059, HB No. 107, 1973 Regular Session of the Legislature of the State of Alabama and for which a condominium association is legally established.

**Conservation Subdivision.** A subdivision of single-family detached dwellings, wherein portions of the site containing environmental features are left substantially undeveloped for preservation and/or recreation but where the developer may otherwise build the maximum number of lots, permissible under the base zoning district for the entire site, by clustering such dwellings on the portion(s) of the site not containing said environmental features.

**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.

**Convenience Store.** A retail store containing less than 4,000 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), excluding automotive fuel service islands.

**Cottage Subdivision.** A subdivision of four to twelve single-family detached dwellings, wherein the individual dwellings front on a common open space and are provided access by a shared service drive.

**Country Club.** Land and buildings containing recreational facilities and clubhouse 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, including but not limited to nursery schools and kindergartens.

**Day Care Home.** See "Family Day Care Home".

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



**DUPLEX**

**Dwelling.** Any building or portion thereof 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.

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

**Family Day Care Home.** A care facility, licensed by the State of Alabama Department of Human Resources, which is a family home and which receives no more than six children for care during only part of the day.

**Farm.** A 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.

**Farm, Commercial.** Agricultural use of property primarily for the purpose of generating income or as the principal occupation of the resident(s) or user(s) thereof.

**Farm, Hobby.** Agricultural use of property from which generated income is incidental to the total household income of the resident(s) thereof.

**Farmer's Market.** A permanently-located, enclosed or partially unenclosed facility for the sale of fresh produce, including fruits, vegetables, plants and flowers and similar agricultural products, but excluding livestock and poultry.

**Flea Market.** A permanent, enclosed or partially unenclosed facility for the sale of fresh produce, arts and crafts, antiques, and other goods, but excluding livestock and poultry. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales".

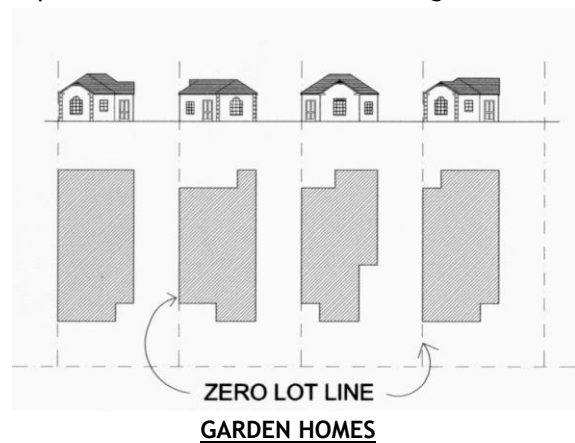
**Funeral Home.** A commercial establishment engaged in funeral and undertaking services for human burial.

**Garage Apartment.** A single-unit apartment located above a garage sited behind the principal dwelling unit on a single-family residential lot.

**Garage, Private.** An accessory building designed or used for the storage of a vehicles owned by the occupant of the building to which it is accessory.

**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.

**Garden Home.** A detached, single-family dwelling, constructed on a small lot, in which there may be a zero-Lot Line setback, but that is otherwise constructed to the fire separation standards of the Building Code.



**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.

**Granny Flat, Mews Apartment.** A freestanding, single-unit (usually single-story) apartment building located behind the principal dwelling unit on a single-family residential lot.

**Group Home.** A dwelling shared as a residence by persons who reside together as a single housekeeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, homes for abused women or children, group care agencies, and similar residential living arrangements for handicapped persons, but shall not include Boarding houses, homes for the developmentally disabled, nursing homes, substance abuse treatment facilities, or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises.

**Guest House.** An accessory structure on a residential lot used for temporary occupancy by guests of the occupants of the principal dwelling to whom no compensation is made for such occupancy.

**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 two-acre or larger tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding poultry and swine and other livestock, as an accessory use to the principal dwelling and where any income derived from such use is incidental only to the income of the residents.

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

**Home Instruction.** Instruction in the 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.

**Home Occupation, Minor.** A home occupation which:

Has no exterior evidence of the home occupation;

Does not generate traffic in excess of 20 (twenty) trips in one (1) day in addition to trips generated by the residence. (A "trip" is a vehicle traveling in one direction to or from a source. In other words, twenty (20) trips equal ten (10) round trips);

Does not create a need for off-street parking beyond normal dwelling needs; and

Is operated by and employs family members residing on the premises of the home occupation.

**Home Occupation, Major.** A home occupation which:

Has no exterior evidence of the home occupation with the exception of signs permitted by Article X of this Ordinance; is conducted within a single family dwelling including a single family detached dwelling, a single family semi-detached dwelling, or a single family attached dwelling;

Accommodates the off-street parking needs of both the dwelling and home occupation; and

Involves or employs no more than one (1) person who is not a family member residing on the premises in the operation of the home occupation.

**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.

**Independent Living Facility.** A residential building or complex, which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided.

**Industrial Park.** A tract of land developed for industrial use(s), the control and administration of which are vested in a single body. Such controls include regulation of permitted uses on site and otherwise in accordance with Alabama Legislative Act 1978, No. 604.

**Institution or Institutional Use.** A structure or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services, as categorized below:

**Low Intensity:** Civic, service, and fraternal organizations; cultural facilities; day care centers; dormitories; elementary schools; group homes with more than 6 residents; nursing homes rest homes, and other homes for the aged.

**Medium intensity:** Government buildings up to 12,500 sf; health institutions up to 50,000 sf; junior high and middle schools; religious institutions up to 750 seats; stadiums and arenas up to 5,000 seats; other institutions up to 50,000 sf.

**High intensity:** Government buildings greater than 12,500 sf; health institutions greater than 50,000 sf; religious institutions greater than 750 seats; high schools, universities, colleges, junior colleges; other institutions greater than 50,000 sf

**Junk Yard or Salvage Yard.** A property on which junk, as herein defined, is stored for a period of thirty (30) days or longer and is salvaged, collected, and/or dismantled for resale, including the holding of two or more vehicles, remaining inoperable for thirty (30) days or longer, from which parts have been or are intended to be removed for re-use or resale.

**Kennel.** An establishment for the Boarding or breeding of dogs, cats and other 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.

**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 (Class A, B, C).** (See also individual definitions below) A residential unit that is not constructed in accordance with the standards set forth in the Standard Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the Standard Building Code. The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within this ordinance, when the term single-family dwelling is used it shall not include a manufactured home unless otherwise specified.

**Manufactured Home, Class A.** (double wide, pitched roof built after 1976) A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.

The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.

The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of

shingle that is commonly used in standard residential construction.

All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.

The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction

The manufactured home is set up in accordance with the standards set by the Alabama Manufactured Home Institute. Screening of the foundation area shall be by a continuous, permanent masonry foundation or skirting, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.

Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.

The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

**Manufactured Home, Class B.** A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

**Manufactured Home, Class C.** A manufactured home built before 1976 that does not meet the definition of a Class A or Class B manufactured home. Class C Manufactured Homes shall not be allowed in the Town of Thorsby, except as existing structures permitted prior to the adoption of this ordinance.

**Manufactured Home Park.** Any parcel of ground upon which one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of

whether a charge is made for accommodations.

**Manufactured Home Subdivision.** A subdivision designed and/or intended for the sale of lots for placing Class A Manufactured Homes and in accordance with the requirements of the Town of Thorsby Subdivision Regulations.

**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.

**Modular Home.** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which meets the standards of the Standard Building Code.

**Motel.** A building or group of buildings used for the temporary occupancy of transients in which direct ingress and egress to and from all rooms is from the exterior of the building and in which individual units contain no facilities for cooking. A motel is open to the transient public in contradistinction to a

rooming house or Boarding house, which are herein separately defined

**Multiplex.** A building containing three or four attached multi-family dwellings.



### **MULTIPLEX**

**Night Club.** A business establishment offering for sale alcoholic beverages for on-premise consumption and also offering entertainment such as music, dancing, and live music performances.

**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.

**Office.** A building, room or other space where professional, clerical, administrative and similar activities are performed.

**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.

**Outdoor Storage.** The keeping of goods and materials, other than that necessary to and in association with construction under a valid Building Permit, and vehicles, belonging to persons other than the property owner that are not wholly enclosed within a building or structure, and that are retained on the same premises for more than twenty-four (24) hours.

**Patio Home.** See "Garden Home".

**Personal Service.** A retail establishment engaged in providing services involving the care 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.

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

**Portable Building.** Mobile or transportable factory-built buildings or structures used for other than residential, instructional, recreational, medical or dining purposes or for civic, social or religious functions.

**Private Club.** A building or premises, or portion thereof, owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service customarily carried on as a business.

**Pub Restaurant.** Any place or premises in which foods, refreshments, and malt or brewed beverages and/or table wines are offered for sale for consumption within the building in which the establishment is located, which meets the requirements for such use in the Supplemental Use Regulations.

**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, Active.** The use of land for sports and other recreational activities, which typically require improvements and maintenance of the land for playing fields and include related structures and equipment.

**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.

**Recreation, Passive.** The use of open space for leisure activities and recreation other than sports. Such activities typically require only minor land improvement and facilities and include but shall not be limited to picnicking, walking, hiking, biking, playgrounds, wildlife observation, fishing, and the incidental use of open fields or grassed areas for “pick-up” games.

**Recreational Vehicle.** A vehicular, either motorized or non-motorized, built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers attached to the bed of pickup trucks.

**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, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

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

**Restaurant, Standard.** An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served. Also referred to as “Dine-in Restaurant.”

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

**Rooming or Boarding House.** A building other than a hotel or motel where lodging for more than three persons not of the immediate family is provided for definite periods and for compensation.

**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.** A 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 establishments (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.

**Specialty Shop.** A small-scale retail business dealing in goods or services associated with a specific, distinctive area of interest to a particular clientele and excluding any retail businesses otherwise defined as “adult-oriented”.

**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.

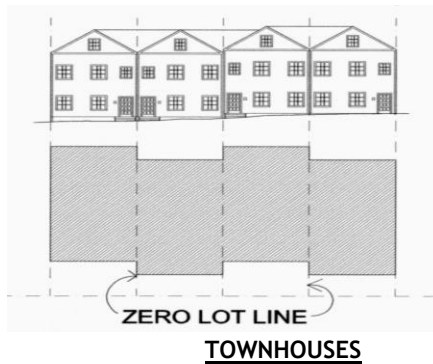
**Studio.** A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

**Telecommunications Tower.** A tower used for the transmission of wireless communication signals to the general public or private receivers, other than building-mounted antennae and distributed repeater, or micro cell antenna systems, amateur radio towers and towers used by a public facility.

**Temporary Shelter.** A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

**Therapeutic Massage Clinic.** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State of Alabama. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Townhouse.** A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by “fire walls” as required by the Building Code.



**Upper-Story Dwelling.** A dwelling located in the upper story of a building where the ground floor is devoted to non-residential use. Also referred to as “Residential in a Mixed-Use Building”.

**Vehicle and Equipment Repair, Major.** A place of business engaged in the repair and maintenance of heavy trucks (over one ton), travel trailers, recreational vehicles, boats, 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.

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

**Veterinary Hospital or Clinic.** 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.

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

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

**Wireless Communications Service.** Building-mounted antennae and distributed, repeater, or micro cell antenna systems used for the transmission of wireless communication signals to the general public, excluding “Telecommunications Towers”.

**3.3.3.** Abbreviations

- ABC - Alcoholic Beverage Control Board, State of Alabama.
- Ac - Acre(s).
- ATM - Automated Teller Machine.
- Bldg - Building.
- Ft - Foot or Feet.
- GFA - Gross Floor Area.
- Lf - Linear feet.
- Max. - Maximum.
- Min. - Minimum.
- PUD - Planned Unit Development.
- R.O.W. - Right of Way.
- Sf - Square feet.
- Percentage - Percent
- § - Section or Subsection.

**ARTICLE 4. Establishment of Districts****Section 4.1. Zoning Districts**

In order to carry out the intent and purposes of this Ordinance, the Town of Thorsby, Alabama, is hereby divided into the following zoning districts; the location, boundaries and area of which are and shall be shown and depicted on the official Zoning Map:

**4.1.1. Agricultural Zones**

AG Agricultural Zone, See §6.2

**4.1.2. Residential Zones**

RR Rural Residential Single Family Residential Zone, see § 6.2

RL Low Density Single Family Residential Zone, See §6.3

RM Medium Density Single Family Residential Zone, See §6.4

RI Residential Infill Single Family Zone, See §6.5

RP Planned Unit Zone, See §6.6

**4.1.3. Commercial Zones**

NC Neighborhood Center Commercial Zone, See §6.7

TC Town Center Commercial Zone, See §6.8

HC Highway Commercial Zone, See §6.9

**4.1.4. Institutional Zones**

NI Neighborhood Institutional Zone, See §6.10

CI Community Institutional Zone, See §6.11

**4.1.5. Industrial Zones**

I-1 Light Industrial Zone, See §6.12

I-2 Heavy Industrial Zone, See §6.13

I-3 Mining and Manufacturing Zone, See §6.14

**4.1.6. Other Zones**

CU Current Use Zone, See §6.15

**Section 4.2. Interpretation of District Boundaries**

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

**4.2.1. Line Segments**

Where any district boundaries are indicated as approximately following the centerlines of streets and alleys, lot or Lot Lines, stream centerlines, or corporate limit lines, said lines shall be considered such boundaries.

**4.2.2. Scale**

In un-subdivided property where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.

**4.2.3. Features**

Where physical or cultural features existing on the ground are at Variance with those shown on the Zoning Map, or in circumstances not covered by the preceding rules, the Zoning Board of Adjustment shall interpret the district boundaries.

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## **ARTICLE 5. General Regulations**

### **Section 5.1. Uses in General**

In each district, only the uses specifically listed as “Permitted Uses”, “Uses Permitted subject to Supplemental Use Regulations”, or “Special Exception Uses” shall be allowed. Uses Permitted subject to Supplemental Use Regulations” shall be allowed only in conformance with the requirements of the standards specified for such uses in Article 7. “Special Exception Uses” are exceptions for which no permit shall be issued except with written approval of the Zoning Board of Adjustment, and which shall further be subject to such conditions as said Board may require to preserve and protect the character of the district concerned, including any applicable Supplemental Use Regulations as referenced in Article 7. Any use or structure existing at the time of enactment or subsequent amendment of this Ordinance but not in compliance with its provisions shall hereafter be considered a “nonconforming use”, and shall be subject to the stipulations, regulations, and other provisions set forth in Article 8 of this Ordinance.

### **Section 5.2. Accessory Uses**

Unless otherwise prohibited or restricted, a Permitted Use also allows uses, buildings, and structures that are accessory to a principal use or structure, as defined in this Ordinance, if located on the same site or building plot. However, such Accessory Uses, buildings, and/or structures shall not be established or erected prior to the establishment or construction of the principal use or building except in AG Agricultural Zones that are in a recorded subdivision. Furthermore, said accessory uses, buildings, and structures shall be in compatible with the character of the principal use as well as with that of the Zone in which it is located.

### **Section 5.3. Incidental Uses**

Unless otherwise prohibited or restricted, certain uses, buildings, and structures that are incidental to the principal use or structure, as defined by this Ordinance, will be permitted on the same site or building plot as said principal use or structure subject to prior approval by the Board. However, such incidental uses, building, and/or structures shall not be established or erected prior to the establishment or construction of the principal use or building. Furthermore, said incidental uses, buildings, and structures shall be compatible with the character of the principal use as well as that of the Zone in which it is located.

### **Section 5.4. Temporary Uses**

Temporary uses shall be permitted only on appeal to and upon approval of the Board. All such uses and/or occupancy permits shall be for one year or less unless otherwise specified by the Board.

### **Section 5.5. Use Exemptions**

The following uses are permitted in any district provided the parties in question have complied with all existing laws and regulations governing such installations: poles, wires, cables, conduits, pipelines, utility vaults, laterals and other similar distribution facilities, and thoroughfares and ways of any description. All such uses shall be subject, however, to the securing of any proper and necessary “use” and “building” permits; and it is further stipulated that no structure or facilities associated with any kind of extraction shall be considered exempt under the provisions of this section.

### **Section 5.6. Unclassified Uses**

The Zoning Officer is empowered to make interpretations so as to categorize any unclassified use into a listed use classification of most similar impact and characteristics. As provided herein, the Zoning Officer is empowered to make an interpretation of the most appropriate Zone under which the unclassified use may be permitted. In the event the Zoning Officer receives an application for a use that is not listed or that does not appropriately fit a use classification provided within this Ordinance, the following procedure shall apply:

- 5.6.1.** If compatible with the existing Zone intent, the unclassified use shall be permitted as a Conditional Use by the Commission.



**5.6.2.** If the unclassified use would not be compatible with the existing Zone, the Zoning Officer shall determine the most appropriate Zone and inform the applicant of such determination. Upon such determination, said applicant may request Rezoning of the subject property to the Zone most appropriate for the desired use. Contingent on approval of the Rezoning request, the use may be permitted as a Conditional Use by the Commission.

**5.6.3.** Following final action on the unclassified use per the above paragraphs, the Commission may initiate an amendment to the Ordinance to list the newly permitted use in the most appropriate Zones along with any conditions or Supplemental Use Regulations applicable to such use.

### Section 5.7. One Main Building on a Lot

For single-family Residential Zones, every building hereafter erected or moved shall be located on a lot, tract, or parcel. In no case, shall there be more than one principal residential building, and its accessory or duly permitted incidental structures, on any lot, tract, or parcel. Accessory dwellings and guest houses may be permitted as incidental uses only by Special Exception of the Board and shall conform to the requirements of §12.2.

### Section 5.8. Area and Dimensional Requirements

Any structure hereafter erected or altered shall be on a lot or parcel meeting the area and dimensional requirements of the Zone within which the property is located. No required yard or other lot requirement for a building or structure shall be occupied by or counted as a requirement for another building or structure.

#### **5.8.1.** Measurement of Front Yard Setbacks

Except as modified by §5.8.2, front setbacks shall be measured as described herein:

- A) Setbacks in Residential Zones. Front setbacks in Residential Zones, where sidewalks are required, shall be measured from the sidewalk. In the absence of a sidewalk, the Commission may require an easement sufficient to meet the planting strip and sidewalk requirements of such Zone. In these cases, the setback shall be measured from the easement line. In all other cases, the setback shall be measured from the Front Lot Line.
- B) Setbacks in Non-residential Zones. Front setbacks in Non-residential Zones, where sidewalks are required, shall be measured from the sidewalk. Front setbacks in Non-residential Zones, where sidewalks are not required shall be measured from the Front Lot Line.

#### **5.8.2.** Yards and Building Setbacks from Thoroughfares

- A) When any required yard abuts a thoroughfare with a dedicated right-of-way of forty (40) feet or more in width, the setback shall be the setback as required in the applicable Zone and shall be measured from the Front Lot Line.
- B) When any required yard abuts a thoroughfare with a dedicated right-of-way of less than forty (40) feet in width or a thoroughfare without a dedicated right-of-way, the setback shall be not less than twenty-five (25) feet plus the setback as required in the applicable Zone. The setback shall be measured from the centerline of the existing thoroughfare.
- C) The setback requirements along denied access highways and railroad rights-of-way shall be no less than fifteen (25) feet.
- D) Setbacks along routes identified in the Major Street Plan will be sufficient to accommodate future development as identified in the Major Street Plan.

#### **5.8.3.** Accessory Structures

Structures associated with accessory or incidental uses shall be located wholly to the rear of the principal building, except in AG Zones that are not in a recorded subdivision. In all cases, such accessory or incidental structures shall be set back no less than five feet from the Side Lot Line and no less than five feet from the Rear Lot Line. In addition, the following restrictions shall apply to

the size and number of structures that may be permitted on any one lot, parcel or property in applicable Zones:

- A) Accessory dwellings shall be limited in area by the requirements provided for such uses in each Zone. Other accessory and incidental structures shall be limited by the yard setback and impervious surface requirements of each Zone.
- B) In all Residential Zones, except AG, the height of accessory and incidental structures shall be no greater than the height of the principal building.
- C) In an AG Zone on lots containing more than five acres, there shall be no limitation to the size or number of accessory structures permitted; provided, however that all other applicable requirements of this Ordinance are met.

**5.8.4.** Distance between Buildings

Except where otherwise provided, the following restrictions shall govern the minimum space required between structures.

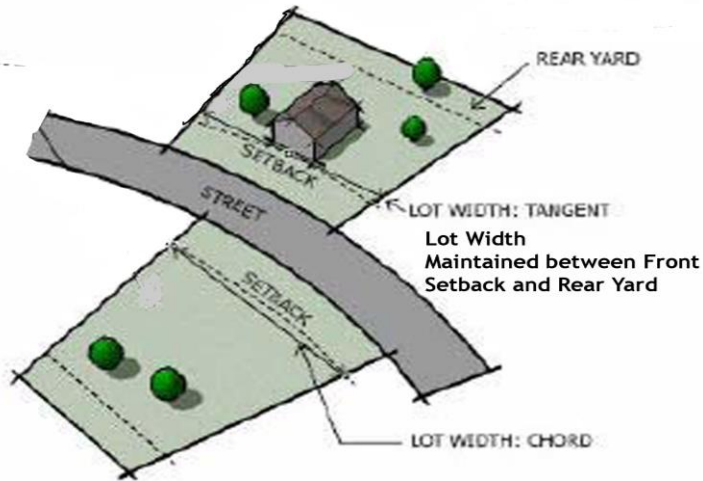
Between primary dwellings	25Ft
Between primary and accessory dwellings	15 Ft Unless Attached
Between primary dwellings and accessory structures	15 Ft Unless Attached
Between dwellings and non-residential buildings	35 Ft Plus The Required Residential Side Yard
Between manufactured homes or trailers and the nearest primary dwelling (except a manufactured home or trailer) located on the same property under separate ownership	75 Ft

**5.8.5.** Height Limitations

Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; nor shall they apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, silos, flag poles, radio towers, masts, aerials, and similar structures.

**5.8.6.** Exceptions and Modifications

- A) Conformity of Front Setbacks to Existing Patterns in any residential district, where a majority of the existing residences along one block include less than the minimum required Front Yard setback of the applicable Zone, the Front Yard setback may be reduced to be in line with the predominant pattern on that block.
- B) Conformity of Setbacks to Record Plat. Any lot established in a recorded subdivision, prior to the adoption of this Ordinance, shall be subject to the yard setbacks approved in that recorded plat.
- C) Required Lot Width and Lot Frontage
  - (1) For cul-de-sacs, the lot width at the building line shall be no less than the minimum lot width required by the applicable zone; and the minimum street frontage shall be no less than forty (40) feet measured along the arc of the curve.
  - (2) On lots located on the outside curve of a street, the lot width shall be measured along a line tangent to the midpoint of the setback projected to the side lot lines. On lots located on the inside curve of a street, the lot width shall be measured along the chord of the setback arc where it intersects the side lot lines



#### MINIMUM LOT WIDTH ON CURVED THOROUGHFARES

- D) Irregularly Shaped Subdivision Lots The lot width at the building line shall be no less than the minimum lot width required by the applicable Zone. Flag Lots, irregularly-shaped lots that do not meet the lot width requirement at the Front Lot Line, may be permitted by the Commission in the AG, RE, RL and RM Zones only and the minimum lot frontage shall be no less than 75% of the minimum lot width required by the applicable Zone.
- E) Other Residential Exceptions In cases of practical difficulty or unnecessary hardship, the Building Inspector may grant the following exceptions to yard requirements in a residential district:
- F) An allowance of up to five feet for uncovered front or rear stoops or steps.
- G) Chimneys, bay windows, etc., no more than 10 feet in width, may project up to 30 inches into required rear or Side Yards.
- H) Uncovered rear decks may project no more than 15 feet into the required Rear Yard.

#### Section 5.9. Buffers

In cases where a buffer yard is required or deemed necessary by the planning commission for the protection and/or separation of uses on abutting properties, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the Commission in individual cases.

##### 5.9.1. General Requirements

- A) Where a conflict exists between the buffer requirements for a use and a zoning district, the use requirements shall control.
- B) One-hundred (100) percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when new use is developed abutting an existing more intensive use developed prior to the approval of these standards and for which no buffer is in place. In this case, the new use shall be responsible for providing a minimum of fifty (50) percent of the required buffer.
- C) If the land use relationships between two (2) abutting lots change so that a lesser buffer would be required, the width of the buffer may be reduced accordingly.
- D) If the required buffer abuts a public alley, up to one-half of the alley width can be used to satisfy the buffer width requirement.
- E) Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required buffer yards.
- F) Where desirable and upon the receipt of a written agreement between the affected property owners, the Commission may permit a public entryway along a fence, which is provided as part of required buffer, to allow pedestrian access to and from an abutting residential use.
- G) Nothing in the buffer requirements shall prevent to developer from providing vehicular of pedestrian cross access between properties.
- H) Half of the width of any required cross property access roads and sidewalks in HC, TC and NC districts on property less than 10 acres may be used toward the buffer requirement. The entire width of any required cross property access roads and sidewalks in HC, TC and NC districts on property greater than 10 acres may be used toward the buffer requirement.

#### 5.9.2. Design Requirements.

The width of a required buffer may be reduced by twenty-five (25) percent if a wall, fence, or berm is provided that meets the following standards:

- A) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof, as may be approved by the Commission. No more than twenty-five (25) percent of the fence surface shall be left open, and the finished side of the fence shall face the abutting property. A chain-link fence with plastic, metal, or wooden slats shall not be permitted.
- B) Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicated that land to be set aside for the required full buffer width to the Town for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Parks and Recreation Department.
- C) Walls and fences shall be a minimum of six (6) feet high.
- D) Berms shall be a minimum of four (4) feet high with a maximum slope of three to one (3:1). Berms in excess of six (6) feet high shall have a maximum slope of four to one (4:1) as measured from the exterior Lot Line.
- E) Berms shall be landscaped and stabilized to prevent erosion.
- F) Shrub requirements may be reduced by fifty (50) percent if a fence or wall is built. If a berm is constructed, shrub requirements may be reduced by twenty-five (25) percent. However, the number of trees is not modified by the reduction of buffer width.

#### 5.9.3. Planting Requirements



Shrubs shall be evergreen and at least thirty (30) inches tall when planted with an average height of five (5) to six (6) feet to be expected as normal growth within four (4) years. However, twenty-five (25) percent of the shrubs may vary from the above standard. The permitted variations are that:

- A) Shrubs may be deciduous; shrubs may be two (2) feet tall when planted, provided an average height of three (3) to four (4) feet is expected as normal growth within four (4) years.
- B) Shrubs planted on a berm may be of a lesser height, provided the combined height of the berms and plantings is a least six (6) feet after four (4) years.



**5.9.4. Buffer Maintenance**

- A) Buffer strips shall be maintained in perpetuity by the owner
- B) Ground cover shall be regularly maintained as necessary to prevent overgrowth during the spring and summer months, and all areas shall be kept free of debris and refuse during all seasons
- C) Grass-type ground covers shall be kept in a healthy condition and mowed no less than once every three weeks during summer months. Existing natural vegetation used to meet buffer requirements may be preserved in a natural state; however, upon a determination by the Building Inspector that the condition of a buffer area constitutes a health or safety hazard, such condition shall be remedied by the owner per the recommendations of the Building Inspector
- D) Failure to comply with these maintenance requirements shall constitute a violation of this Ordinance and shall be subject to the remedies and penalties provided herein.

**5.9.5. Minimum Buffer by Use**

	Existing or Zoned Uses in Place and Adjoining the Property					
	Detached Residential Use or Zoning	Attached Residential Use or Zoning	Institutional Use or Zoning Institutional (see definitions in Article 3)	Office Use or Zoning	Business Use or Zoning	Parks and Greenways
Requested Zoning District			Low /Medium /High			
Attached Residential	Type of Buffer Required					
Attached Multi-Family Manufactured Housing Parks	C	C	None	None	None	None
Institutional (see definitions in Article 3)						
Low Intensity	C	C	None	None	None	C
Medium Intensity	C	C	C	None	None	C
High Intensity	B	B	B	None	None	C

<b>Office</b>						
Clinics/Offices ≤ 50,000 sf	C	C	C	None	None	C
Clinics/Offices ≥ 50,000 sf	B	B	B	None	None	C
<b>Business</b>						
Amusement Outdoor Entertainment Retail	C	C	C	None	None	C
Retail Shopping Centers Restaurants ≤ 50,000 sf	B	B	C	None	None	C

  	<b>Existing or Zoned Uses in Place and Adjoining the Property</b>					
	Detached Residential Use or Zoning	Attached Residential Use or Zoning	Institutional Use or Zoning Institutional (see definitions in Article 3)	Office Use or Zoning	Business Use or Zoning	Parks and Greenways
Requested Zoning District			Low /Medium /High			
Retail Shopping Centers Restaurants ≥ 50,000 sf	B	B	C	None	None	C
<b>Industrial</b>						
Airport	A	A	A	A	A	B
Heavy Manufacturing	A	A	A	B	B	B
Light Manufacturing	A	A	A	C	C	B
Warehousing and Storage	A	A	A	C	C	B
Other Industrial Uses	A	A	A	B	B	B

**5.9.6.**

**Buffer Requirements by Type of Buffer and Site Acreage**

TYPE OF BUFFER	SITE AREA (IN ACRES)											
	1 or less	1 ≥ 2	2 ≥ 3	3 ≥ 4	4 ≥ 5	5 ≥ 6	6 ≥ 7	7 ≥ 8	8 ≥ 9	9 ≥ 10	> 10	
<b>A</b>	width (ft)	40	50	55	60	65	70	75	80	85	90	100
	trees per 100 lf	9	9	9	10	10	10	10	11	11	11	12
	shrubs per 100 lf	60										

TYPE OF BUFFER	SITE AREA (IN ACRES)											
	1 or less	1 ≥ 2	2 ≥ 3	3 ≥ 4	4 ≥ 5	5 ≥ 6	6 ≥ 7	7 ≥ 8	8 ≥ 9	9 ≥ 10	> 10	
<b>B</b>	width (ft)	25	30	35	40	45	50	55	60	65	70	75
	trees per 100 lf	6	6	7	7	8	8	9	9	10	10	11
	shrubs per 100 lf	40										
<b>C</b>	width (ft)	10	13	17	21	25	29	33	37	41	45	50
	trees per 100 lf	3	4	5	5	6	6	7	7	8	8	9
	shrubs per 100 lf	20										

**Section 5.10. Screening**

**5.10.1. Generally**

- A) For the purposes of this article, fences and walls shall have the same meaning.
- B) Screening is intended to provide both visual and physical separation of conflicting uses on-site and between adjacent properties.
- C) Screening shall be designed to be compatible with the surrounding environment and shall not dominate the view.

**5.10.2. Uses to Be Screened**

- A) Service entrances, maintenance areas or utility structures associated with a building or development;
- B) Garbage collection, including dumpsters, recycle bins and/or refuse handling areas;
- C) Water meters, gas meters, electric meters and air conditioning/mechanical units;
- D) Loading docks or spaces;
- E) Outdoor storage of materials, stock and equipment; and
- F) Any other uses for which screening shall be required by the Planning Commission

#### 5.10.3. Safety Provisions

- A) Screening shall not compromise safety by blocking vision at intersections or obstruct the visibility of vehicles entering or leaving driveways.
- B) Fences and screens shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.
- C) Fences and screens shall not impede or divert the flow of water in any drainage way.

#### 5.10.4. Design Requirements

- A) Fences designed for screening shall be made of masonry, ornamental metal, vinyl, or durable wood, or a combination thereof. Untreated wood, chain-link (without vinyl coating), plastic, or wire shall not be permitted. Fences fronting public streets shall have masonry columns located fifty (50) feet on center maximum.
- B) Solid fences shall not create a stockade appearance. This can be accomplished in a number of ways, including adding an evergreen screen on both sides of the fence or by undulating the plan of the fence. Fences over one hundred (100) feet long should have no more than fifty (50) percent of their length in a straight line, unless the entire fence is set back five (5) feet or more from the Lot Line, with evergreen planting in the setback area.
- C) The minimum height for screening shall be whatever is sufficient to visually separate the uses and shall meet the following standards:
  - (1) Fences or walls located in a required front, rear or side yard shall not exceed six (6) feet in height. The minimum height needed is preferred.
  - (2) Fences or walls used to screen service or loading areas shall not exceed eight (8) feet in height.
  - (3) Fences or walls used to screen dumpsters shall be at least two (2) feet higher than the container.
  - (4) Berms used for screening shall be a minimum height of four (4) feet with a maximum slope of three to one (3:1). Berms in excess of four (4) feet shall have a maximum slope of four to one (4:1) measured from the Lot Line.
  - (5) Shrubs used for screening shall be evergreen; at least thirty (30) inches high when installed; spaced closely together so as to create a hedge, but not farther than five (5) feet on center; and be shrub species that shall attain an average normal growth height of five (5) to six (6) feet within four (4) years.
  - (6) Trees used for screening shall be evergreen and at least six (6) feet in height when installed.
- D) No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face the abutting property.
- E) Dumpsters, trash refuse, and recyclable containers shall be set on concrete pads sized as recommended by the disposal company and screened by the



combination of opaque fence or masonry wall and plant material on three (3) sides. Opaque gates, designed to compliment the walls and/or fences, shall be installed for access. Such containers shall be located to the rear or side of the principle building where feasible and other such consideration shall be given to a location where the containers can be adequately screened from the public view.

### Section 5.11. Fences and Walls

Fences and walls within individual residential lots, not otherwise required as buffers or screens, shall be constructed within the Lot Lines of the dwelling and comply with the height restrictions of the applicable Zone. A fence permit shall be required for construction of a fence or wall on the lot of an existing dwelling in accordance with §11.2. Fences and walls shall further be subject to the following:

#### 5.11.1. Front Fences and Walls

The following requirements shall apply to fences and walls, excluding retaining walls, provided within a required Front Yard and otherwise fronting on a public thoroughfare:

- A) Front fences and walls shall be no taller than four feet from grade at the fence line except as otherwise permitted in individual cases by the Commission for estate lots.
- B) Along the secondary frontage of Corner Lots, a wooden or vinyl fence or wall, intended as a privacy screen, shall be permitted to be taller than four feet. However, such fence shall not exceed twenty-five (25) feet in length unless masonry columns are provided within the design of the fence at regular intervals less than twenty-five (25) feet.
- C) Front fences and walls shall be constructed of masonry, ornamental metal, or durable wood, or a combination thereof.
  - (1) Chain-link fencing is prohibited within required Front Yards. Upon approval by the Commission in individual cases, vinyl-coated chain-link fencing may be permitted to enclose a Rear Yard along the secondary frontage of Corner Lots.
  - (2) Wooden privacy fences shall be erected with support members located on the interior side.
  - (3) The style of fences and walls should be compatible with the architectural style of the home and harmonious with the general character of the neighborhood. For example, "split-rail" fences are more appropriate in rural areas and historic neighborhoods and less appropriate in high-density residential areas and neighborhoods developed after World War II.
- D) Front fences shall be set back from an adjacent sidewalk by a planting strip of no less than three feet in width; however, front walls may be permitted to abut a sidewalk upon approval in individual cases by the Commission.

#### 5.11.2. Rear and Side Fences and Walls

The following requirements shall apply to all other fences and walls on residential lots:

- A) Fences and walls shall be constructed of masonry, ornamental metal, or durable wood, or a combination thereof. Chain-link fencing shall also be permitted.
- B) Fences and walls shall be set back from the edge of pavement of an alley by a planting strip of no less than three (3) feet.

#### 5.11.3. Design and Construction Specifications

All lot improvements incidental to new construction or reconstruction of a use on a property shall conform to the requirements of the Design and Construction Specifications where applicable.



**ARTICLE 6. Regulations by Zoning District**

**Section 6.1. AG Agricultural Zone**

A district intended for larger lot or land areas on which the primary use is of an agricultural nature and ordinarily for generating profit.

**6.1.1. Permitted Uses**

Single-Family Dwellings (Site Built)	Apiaries And Aviaries
Farm Support Businesses	Greenhouses And Nurseries (Wholesale Only)
Customary Accessory Buildings Or Structures In Accordance With Article 5	Dog Kennels With Outside Runs

**6.1.2. Uses Permitted to Supplemental Use Regulations**

Agricultural Uses §7.3	Temporary Outdoor Sales §7.20
Minor Home Occupations §7.8	Accessory Dwellings §7.2
Cemeteries §7.6	Manufactured Homes §7.29

**6.1.3. Special Exception Uses**

Bed And Breakfasts §7.5	Kennels (Excluding Animal Shelters) §7.10
Major Home Occupations §7.8	Telecommunications Towers §7.17
Manufactured Home Parks §7.16	Public Utility Facility §7.28

**6.1.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

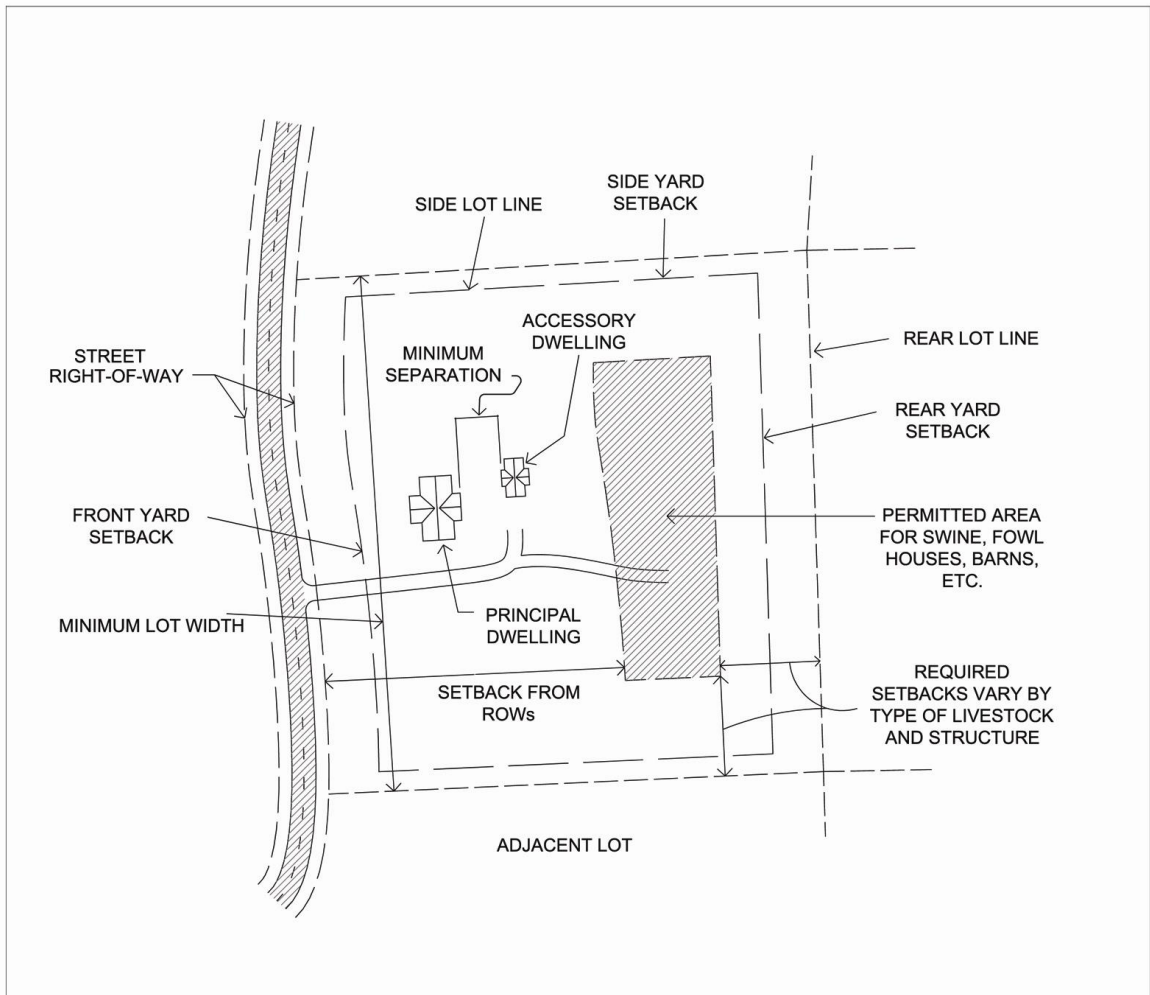
Maximum Building Height	2 stories
Minimum Floor Area (Residence)	900 sf
Minimum Lot Size	10 acres or more
Minimum Lot Width	200 ft
Maximum Lot Coverage (Impervious Surfaces)	30%
Minimum Front Yard Setback	100 ft
Minimum Rear Yard Setback	50 ft
Minimum Side Yard Setback	20 ft
Minimum Setback Between Structures On Same Lot	15 ft
Fences and walls	3ft minimum and 7 ft maximum, subject to

	\$5.11
Buffers and Screening	See \$5.9 and \$5.10

**6.1.5.** Requirements for Keeping of Livestock (Refer also to \$7.3)

Minimum setback of agricultural structures shall be:

- A) Livestock barns - 100 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 150 ft to the nearest existing residence on any adjoining property
- B) Fowl houses - 100 ft from adjoining Lot Lines, 150 ft from nearest thoroughfare rights-of-way, 300 ft to the nearest existing residence on any adjoining property
- C) Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Lines or within 300 ft of any thoroughfare or street right-of-way.



**Section 6.2. RR Rural Residential Single Family Zone**

A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard, and house size requirements.

**6.2.1. Permitted Uses**

The primary use of properties shall be residential, with any non-residential uses to be permissible only after the primary (residential) use has been established.

Single-Family Dwellings (Site Built)	Customary Accessory Buildings Or Structures In Accordance With Article 5
	Household Pets

**6.2.2. Uses Permitted Subject to Supplemental Use Regulations**

Minor Home Occupations §7.8	Conservation Subdivisions §7.11
Accessory Dwellings §7.2	Hobby Farms §7.30

**6.2.3. Special Exception Uses**

Public Utility Service §7.27	Major Home Occupations §7.8
Bed And Breakfasts §7.5	Public Utility Service §7.27

**6.2.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

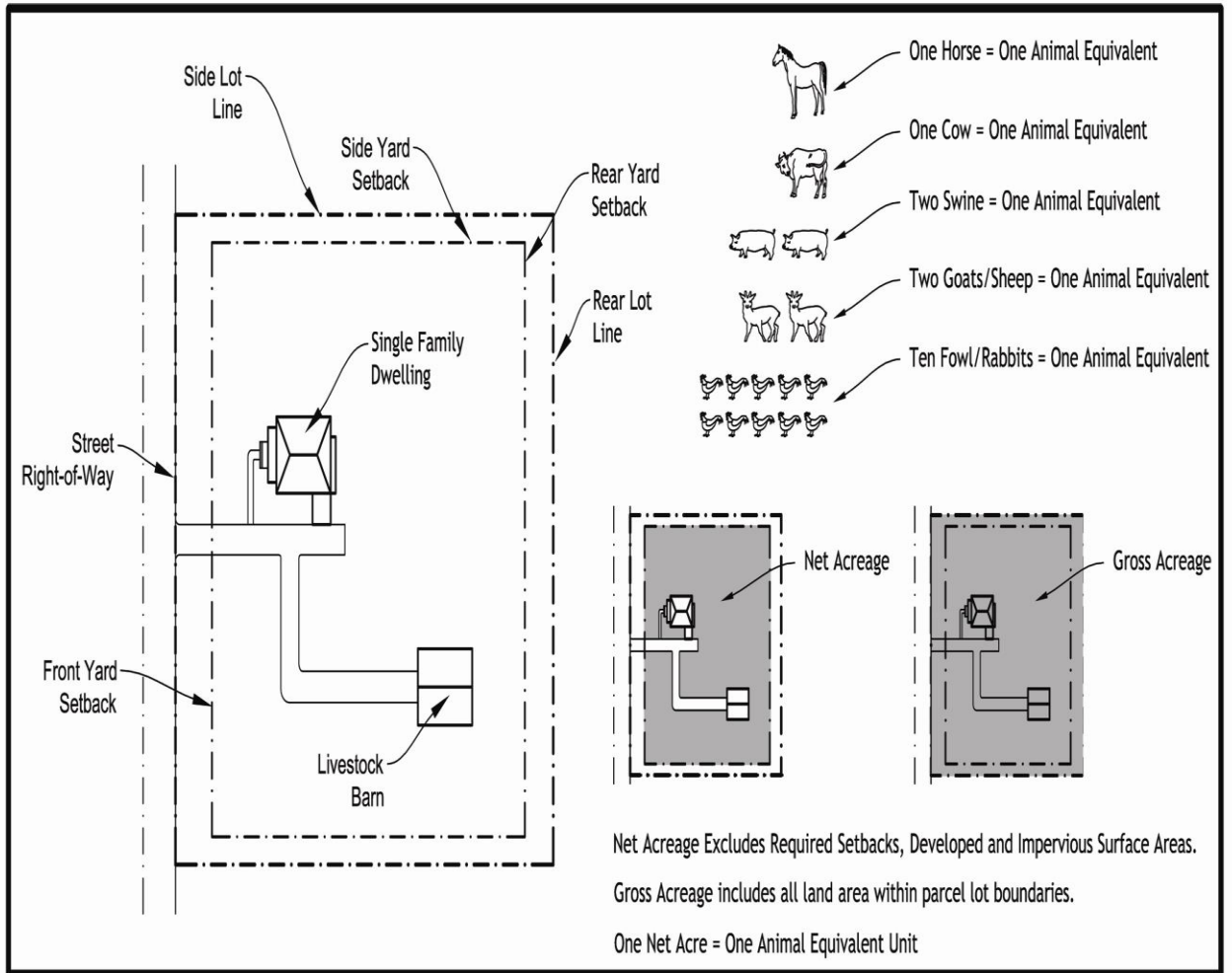
Maximum Building Height	2 Stories
Minimum Floor Area	1,600 Sf For One-Story Dwellings Or 2,200 Sf Total For Two-Story Dwellings
Minimum Lot Size	5 Acres
Minimum Lot Width	200 Ft
Maximum Lot Coverage (Impervious Surfaces)	30%
Minimum Front Yard Setback	45 Ft (Includes Both Street Sides Of Corner Lots)
Minimum Rear Yard Setback	35 Ft
Minimum Side Yard Setback	20 Ft
Minimum Setback Between Structures On Same Lot	15 Ft
Fences And Walls	3ft Minimum And 7 Ft Maximum, Subject To §5.11
Buffers And Screening	See §5.9 And §5.10

**6.2.5. Requirements for Keeping of Livestock**

- A) Minimum setback of agricultural structures shall be:
- (1) Livestock barns - 100 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 120 ft from the nearest existing residence on any adjoining property
  - (2) Fowl houses - 150 ft from adjoining Lot Lines, 300 ft from nearest thoroughfare rights-of-way, 300 ft from the nearest existing residence on any adjoining property
  - (3) Fowl pens shall not be located within any required yard.
  - (4) Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Line or within 300 ft of any thoroughfare right-of-way.
  - (5) The maximum number of animals permitted on one property in an RE Zone shall be one animal equivalent units, as determined by the following assignment of animal equivalent units, for the first “net” acre, which excludes required setbacks and developed and impervious surface areas. A maximum of one animal equivalent unit shall be allowed for each additional net acre. No more than twenty (20) individual animals per property shall be permitted. Keeping of livestock in quantities greater than provided herein shall be permitted only in an AG Zone.

Animal Equivalent Units		
horse = 1 unit	sheep = 0.5 units	all fowl = 0.1 units
cow = 1 unit	goat = 0.5 units	
swine = 0.5 units	rabbit = 0.1 units	

- (6) The Commission as needed shall determine equivalents for animals not listed. Offspring shall not be counted until they are weaned. Animals, which are not weaned, shall be counted when they reach half their adult weight based on industry standards.
- (7) Piles of feed or bedding shall be located no closer than fifty (50) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.
- (8) Manure shall be stored for removal and disposed of in accord with all applicable county, state, and federal regulations. No manure piles shall be located closer than fifty (50) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.



## Area Calculations for Animal Equivalent Units

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**Section 6.3. RL Low Density Single Family Zone**

A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard, and house size requirements.

**6.3.1. Permitted Uses**

Single-Family Dwellings (Site Built)	Customary Accessory Buildings Or Structures In Accordance With Article 5
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**6.3.2. Uses Permitted Subject to Supplemental Use Regulations**

Minor Home Occupations §7.8	Conservation Subdivisions §7.11
Accessory Dwellings §7.2	

**6.3.3. Special Exception Uses**

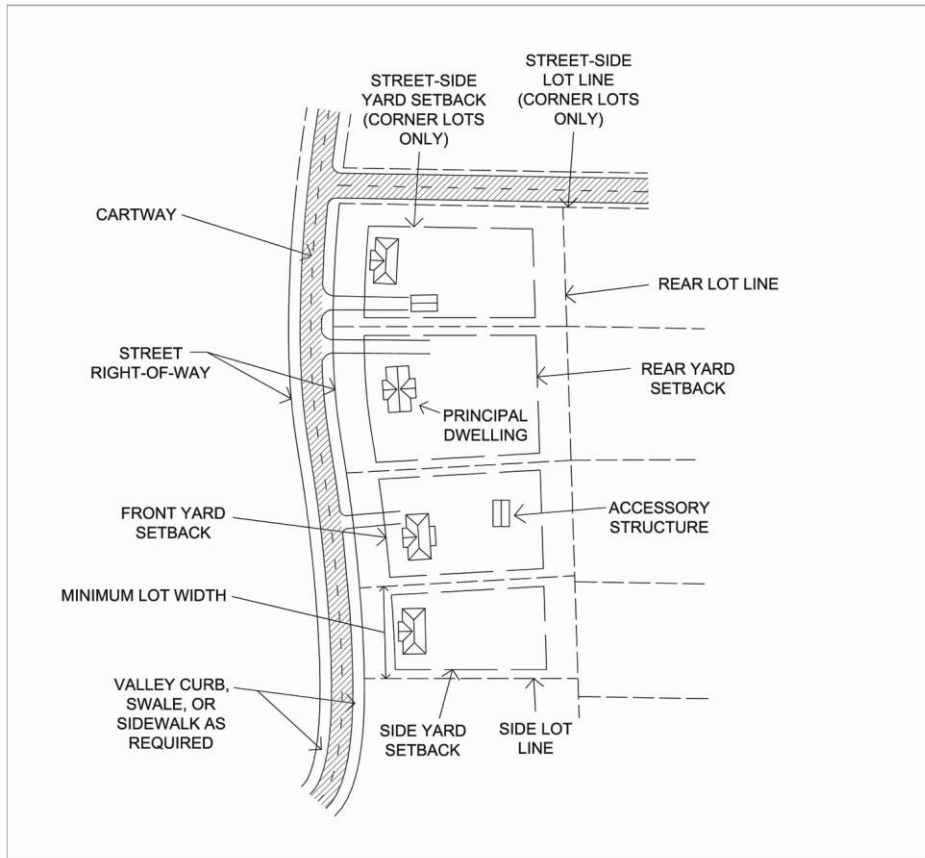
Public Utility Service §7.27	Major Home Occupations §7.8
Day Care Home §7.7	

**6.3.4. Area and Dimensional Requirements.** The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum building height	2 stories
Minimum floor area	1,600 sf for one-story dwellings or 2,200 sf total for two-story dwellings
Minimum lot size	1 Acre
Minimum lot width	100 ft
Maximum lot coverage (Impervious surfaces)	40%
Minimum Front Yard setback	35 ft
Minimum Rear Yard setback	35 ft
Minimum Side Yard setback	20 ft
Corner Lots	Primary Front Yard - 35 ft minimum Secondary Front Yard - 25 ft minimum
Minimum Setback between structures on same lot	10 ft
Fences and walls	3ft minimum and 7 ft max. , subject to §5.11
Buffers and Screening	See §5.9 And §5.10

For Permitted Accessory Dwellings	
Maximum floor area	33% of floor area of principal dwelling
Rear Yard setback	35 ft or 10 ft for accessory dwellings above garages when accessible by an existing or proposed alley

Maximum density	1 accessory dwelling per principal dwelling with a minimum lot size of 20,000 sf in sewered areas only
Setback from principal dwelling	20 ft



**Section 6.4. RM Medium Density Single Family Zone**

A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of neighborhood environments characterized by a density of approximately three dwellings per acre, excluding permitted accessory dwellings. If the lots are not currently served by sanitary sewer service the developer must provide sewer service for lots below the thresholds required by the Chilton County Health Department for septic systems.

**6.4.1. Permitted Uses**

Single-Family Dwellings (Site Built)	Parks And Playgrounds
Customary Accessory Buildings Or Structures In Accordance With Article 6	

**6.4.2. Uses Permitted Subject to Supplemental Use Regulations.**

Minor Home Occupations §7.8	Conservation Subdivisions §7.11
Accessory Dwelling §7.2 on Lots of No Less Than 20,000 Sq Ft	

**6.4.3. Special Exception Uses**

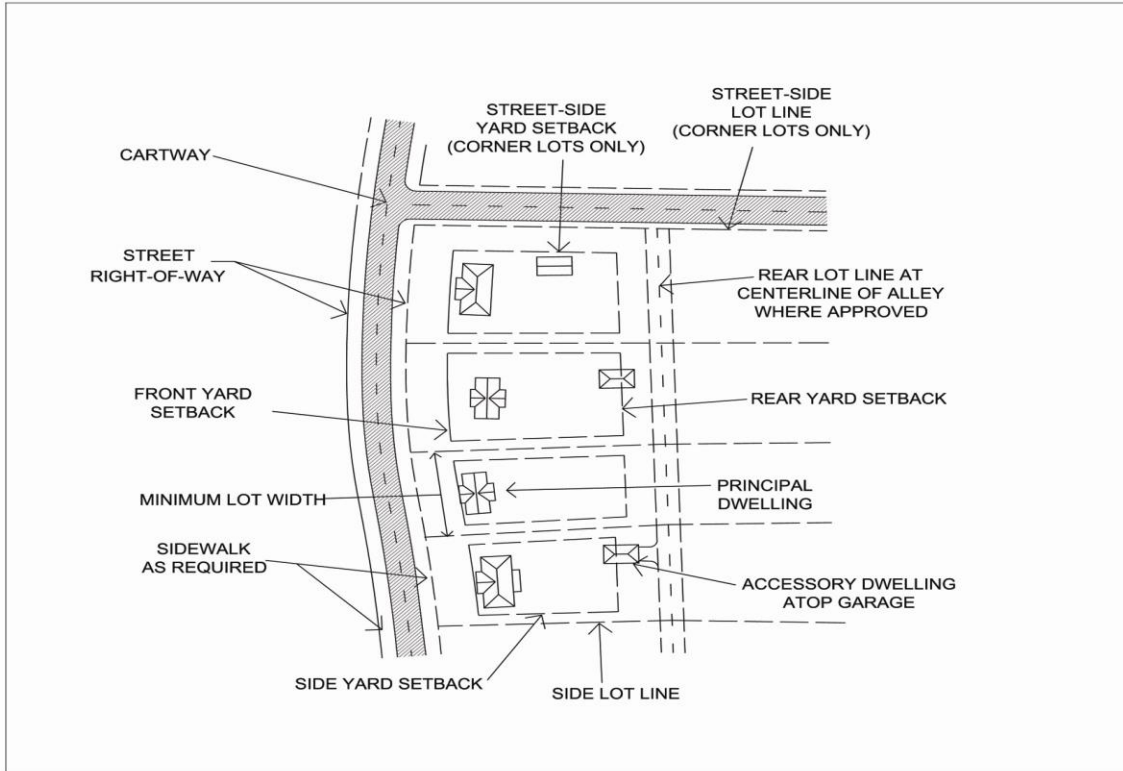
Public Utility Service §7.27	Major Home Occupations §7.8
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**6.4.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum building height	2 stories
Minimum floor area	1,600 sf for one-story dwellings or 2,200 sf total for two-story dwellings
Minimum lot size	15,000 sf
Minimum lot width	85 ft
Maximum lot coverage (Impervious surfaces)	50%
Minimum Front Yard setback	30 ft
Minimum Rear Yard setback	35 ft
Minimum Side Yard setback	10 ft
Corner Lots	Primary Front Yard - 30 ft minimum Secondary Front Yard - 25 ft minimum
Fences and walls	3ft minimum and 7 ft maximum, subject to §5.11
Buffers and Screening	See §5.9 And §5.10
For permitted accessory dwellings	
Maximum floor area	33% of floor area of principal dwelling

Rear Yard setback	35 ft or 10 ft for accessory dwellings above garages when accessible by an existing or proposed alley
Maximum density	1 accessory dwelling per principal dwelling with a minimum lot size of 20,000 sf in sewered areas only
Setback from principal dwelling	20 ft



**Section 6.5. RH High Density Single Family Zone**

A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of neighborhood environments characterized by a density of approximately three dwellings per acre, excluding permitted accessory dwellings. If the lots are not currently served by sanitary sewer service the developer must provide sewer service for lots below the thresholds required by the Chilton County Health Department for septic systems.

**6.5.1. Permitted Uses**

Single-Family Dwellings (Site Built)	Parks And Playgrounds
Customary Accessory Buildings Or Structures In Accordance With Article 5	

**6.5.2. Uses Permitted Subject to Supplemental Use Regulations.**

Minor Home Occupations §7.8	Conservation Subdivisions §7.11
Accessory Dwelling §7.2 on Lots of No Less Than 20,000 Sq Ft	

**6.5.3. Special Exception Uses**

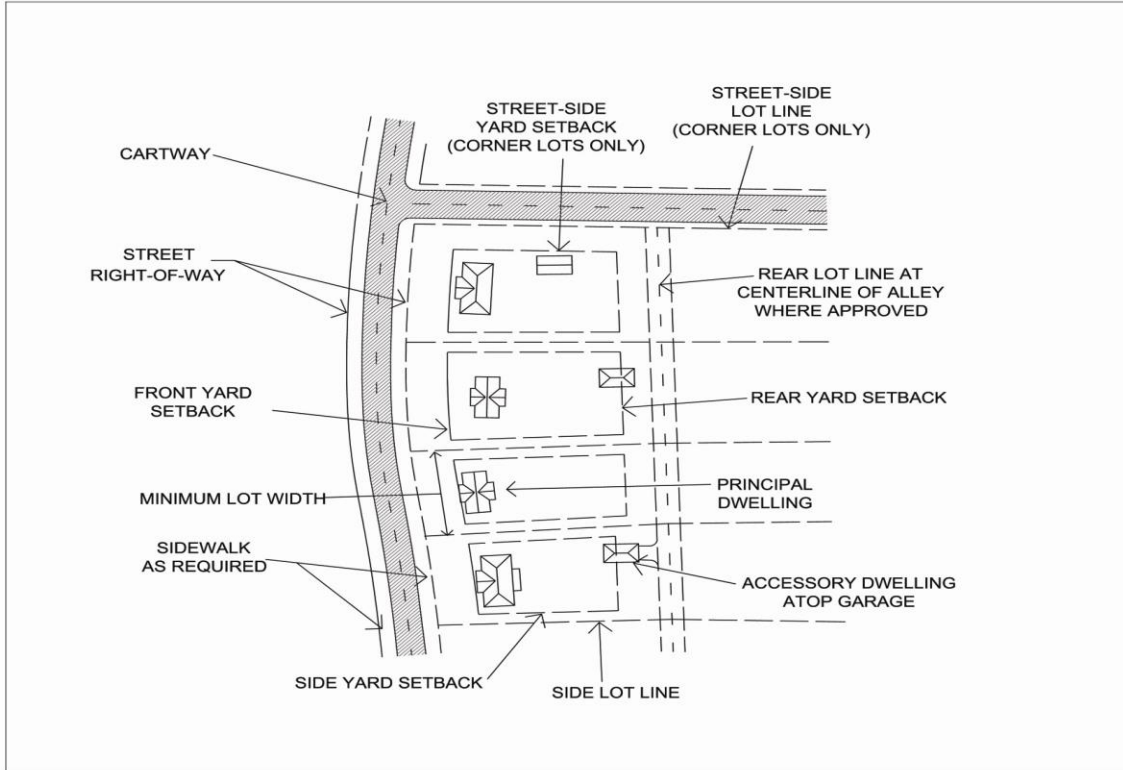
Public Utility Service §7.27	Major Home Occupations §7.8
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**6.5.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum building height	2 stories
Minimum floor area	1,200 sf for one-story dwellings or 1,600 sf total for two-story dwellings
Minimum lot size	8,500 sf
Minimum lot width	70 ft
Maximum lot coverage (Impervious surfaces)	50%
Minimum Front Yard setback	30 ft
Minimum Rear Yard setback	35 ft
Minimum Side Yard setback	10 ft
Corner Lots	Primary Front Yard - 30 ft minimum Secondary Front Yard - 25 ft minimum
Fences and walls	3ft minimum and 6 ft maximum, subject to §5.11
Buffers and Screening	See §5.9 And §5.10
For permitted accessory dwellings	
Maximum floor area	33% of floor area of principal dwelling

Rear Yard setback	35 ft or 10 ft for accessory dwellings above garages when accessible by an existing or proposed alley
Maximum density	1 accessory dwelling per principal dwelling with a minimum lot size of 20,000 sf in sewered areas only
Setback from principal dwelling	20 ft



**Section 6.6. RI Infill Single Family Zone**

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district. This district intended exclusively for single-family residential. It is intended for vacant lots of record that existed prior to the adoption of this ordinance that do not meet the minimum lot sizes of this code. If the lots are not currently served by sanitary sewer service the developer must provide sewer service for lots below the thresholds required by the Chilton County Health Department for septic systems.

**6.6.1. Standards**

- A) When any lot(s) has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel size, said lot(s) shall be found to be legally nonconforming and shall not be subject to requirements for variance to minimum lot size.
- B) Legal nonconforming lots of record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district are met.
- C) Once one (1) or more nonconforming lots of record have been combined into a single lot or parcel that either fully conforms with the standards of the zoning district or decreases the nonconformity, or is combined with a conforming lot or parcel, the individual lots shall lose their status as lots of record, and shall not thereafter be divided from one another except in the case that all the resulting lots are in full compliance with this Ordinance.

**6.6.2. Permitted Uses**

Single-Family Dwellings (Site Built)	Customary Accessory Buildings Or Structures In Accordance With Article 5
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**6.6.3. Uses Permitted Subject to Supplemental Use Regulations**

Minor Home Occupations §7.8	
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**6.6.4. Special Exception Uses**

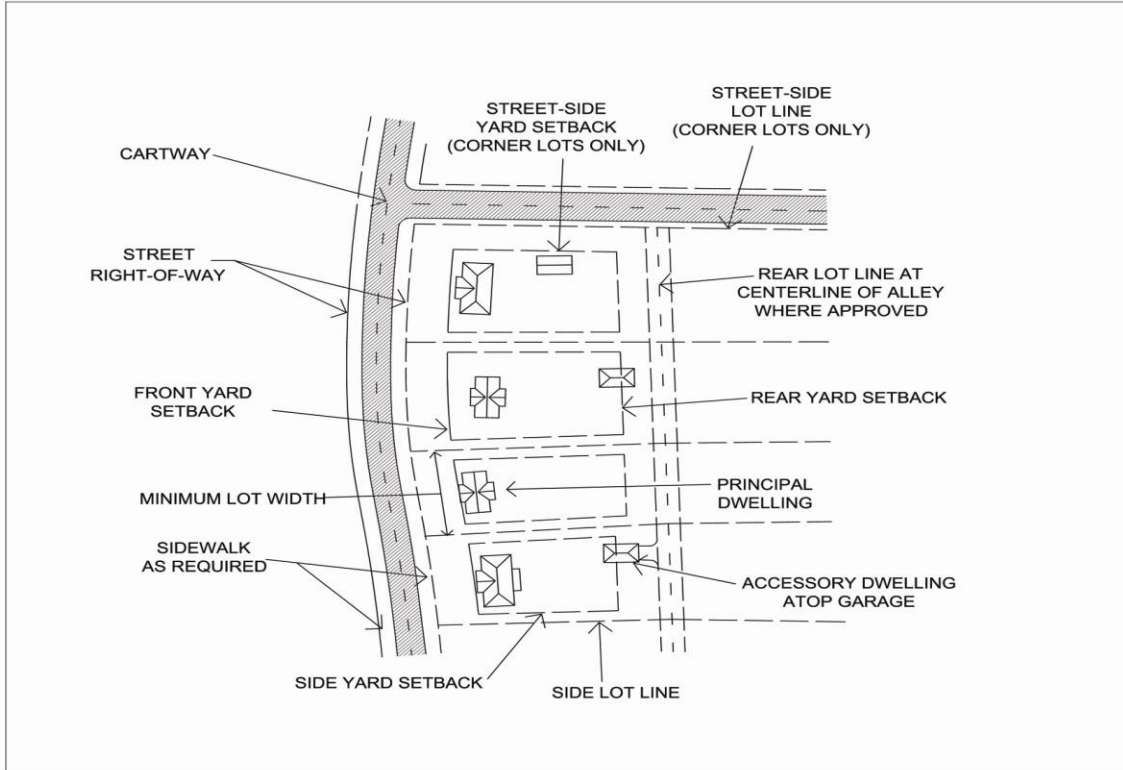
None	
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**6.6.5. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum building height	2 stories
Minimum floor area	800
Maximum lot coverage (Impervious surfaces)	50%
Minimum Front Yard setback	15% of Lot Depth
Minimum Rear Yard setback	25% of Lot Depth

Minimum Side Yard setback	10% of Lot Width
Corner Lots	Primary Front Yard - 15% of Lot Depth Secondary Front Yard - 15% of Lot Width
Fences and walls	3ft minimum and 6 ft maximum, subject to §5.11
Buffers and Screening	See §5.9 And §5.10





**Section 6.7. RP Planned Unit Zone**

**6.7.1. Intent**

A district intended to provide flexibility of design and types and densities for either residential neighborhoods or commercial developments. The minimum acreage required to be considered for RP zoning is 20 acres for residential PUDs and 3 acres for mixed-use PUDs.

The base-zoning district shall determine which PUD type is applicable. If the base-zoning district is AG, RR, RL, RM, or NI than the Residential PUD shall apply. If the base-zoning district is NC,TC, or HC or CI than the Mixed Use PUD shall apply. The districts shall be called RP Residential or RP Mixed Use and abbreviated as RPR or RPM.

**6.7.2. Residential PUD Permitted Uses**

All Single-Family Dwellings (Site Built) permitted under this code RE, RL, and RM.	Neighborhood Institutional §6.9
Neighborhood Commercial §6.6	Customary Accessory Buildings Or Structures In Accordance With Article 5

**6.7.3. Residential PUD Uses Permitted Subject to Supplemental Use Regulations**

Accessory Dwellings §7.2 On Lots Of No Less Than 20,000 Sf Only	Apartment And Condominium Buildings §7.4
Minor Home Occupations §7.8	Conservation Subdivisions §7.11
Garden Homes §7.12	Townhouses §7.13
Multiplexes §7.15	Manufactured Home Parks §7.16
Camper Parks §7.21	Cottage Subdivisions §7.25

**6.7.4. Residential PUD Special Exception Uses**

Public Utility Facility §7.27	

**6.7.5. Mixed Use PUD Permitted Uses**

Neighborhood Commercial §6.7	Town Center Commercial §6.8
	Customary Accessory Buildings Or Structures In Accordance With Article 5

**6.7.6. Mixed PUD Uses Permitted Subject to Supplemental Use Regulations**

Apartment And Condominium Buildings §7.4	Townhouses §7.13
Multiplexes §7.14	Cottage Subdivisions §7.25

Independent Living Facilities §7.23	Upper Story Dwellings §7.24
	Customary Accessory Buildings Or Structures In Accordance With Article 5

**6.7.7.** Mixed Use PUD Special Exception Uses

Public Utility Facility §7.27	

**6.7.8.** Area and Dimensional Requirements

Internal stability, safety, attractiveness, order, and efficiency in the use of land shall be required through the provision of adequate light, air, and open space for dwellings and other facilities, and through consideration for the proper functional relationship of all dwellings, structures, and/or uses within the Planned Unit Zone. The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

**6.7.9.** RP Residential Use Area and Dimensional Requirements

General Setback Requirements	<p>No building or structure shall be located closer than 25 feet from any boundary of the planned unit zone</p> <p>No building or structure in the LRP district shall be located closer than 20 feet to a dedicated street right-of-way, except as otherwise provided in §6.5.14</p> <p>No building or structure shall be located closer than 10 feet from a pre-existing private drive.</p> <p>Parking areas for all attached and multi-family dwellings shall be located to the side or rear of the principal building(s) or otherwise behind the front building line. Such parking shall be prohibited within any required front setback.</p>
Frontage Requirements	All buildings shall front on a public or private thoroughfare, for which such thoroughfare shall be separated from off-street parking areas by a planting strip of no less than five feet in width
Minimum Building Separation	<p>20 Ft Front-To-Back</p> <p>15 Front-To-Side</p> <p>30 Ft Front-To-Front</p> <p>20 Ft Back-To-Back</p> <p>20 Ft Side-To-Back</p> <p>10 Ft Side-To-Side (Except As Provided For Townhouses, See §7.14)</p> <p>10 Ft In Any Other Configuration</p>
Fences And Walls	3ft minimum and 7 ft Maximum, Subject To §5.11
Buffers And Screening	See §5.9 And §5.10

**6.7.10.** RP Mixed Use Area and Dimensional Requirements

Front Yard Setback	20 Ft
Rear Yard Setback	35 Ft
Side Yard Setback	10 Ft

**6.7.11.** RP Parking Area and Dimensional Requirements

Setback For Parking	<p>Parking areas shall be provided to the side or rear of the principal building or otherwise behind the front building line for all lots with frontage greater than or equal to 90 feet.</p> <p>Parking areas shall be provided to the rear of the principal building or otherwise behind the front building line and accessed for the rear for all lots with frontage less than or equal to 90 feet.</p>
Fences And Walls	3ft minimum and 7 ft Maximum
Buffers And Screening	See §5.9 and §5.10

**6.7.12.** RP Permitted Accessory Structures Area and Dimensional Requirements

Maximum Floor Area	50% Of Floor Area Of Principal Dwelling
Rear Yard Setback	15 Ft, Or 5 Ft For Accessory Dwellings Above Garages When Accessible By An Existing Or Proposed Alley
Maximum Density	1 Accessory Dwelling Per Principal Dwelling In Sewered Areas Only
Setback From Principal Dwelling	15 Ft Except Where Directly Attached To The Principal Building

**6.7.13.** RP Minimum Common Open Space Area and Dimensional Requirements

Under 50 Dwelling Units:	100 Sf Per Dwelling Unit
50-99 Dwelling Units	200 Sf Per Dwelling Unit
100-499 Dwelling Units	225 Sf Per Dwelling Unit
Over 500 Dwelling Units	250 Sf Per Dwelling Unit
Commercial Structures	100 Sf per 1000 Sq Feet of Floor Space
The Above Ratios Of Open Space Shall Include All Accessory Structures.	
* Any undeveloped lots, existing at the time of adoption of this ordinance, shall be subject to the	

lot sizes and setback requirements as set forth in the approved plat map. However, any subdivision of land taking place after adoption of this ordinance shall be developed in accordance with the requirements of this section.

**6.7.14.** Application Procedure

No permits shall be issued, nor shall any on-site development or re-development work be undertaken, until a site development plan has been properly submitted and duly approved in accordance with the procedures outlined herein, including properties already zoned RPR or RPM(Planned Unit Zone).

A) Pre-Application Conference. Before filing any application for any RP zoning, the prospective applicant shall submit, to the Town staff, plans, sketches, and basic site information for consideration and comments as to the proposed development's relation to the surrounding area and the general development objectives regarding said area. These materials shall be submitted to the office of the Town clerk at least 10 days prior to the date set for the pre-application conference to allow adequate review time. Only after this pre-application conference, shall a formal application for rezoning to RP be initiated. In addition to the information normally required for a rezoning request, Materials required for application for RP Zoning shall be required and submitted together with the request. Required application materials" are listed in §6.5.16. Final application materials shall be reviewed by the building inspector, Town clerk, and any other appropriate parties prior to the commission hearing at which the proposal is to be heard.

B) Action on Petition. After presentation of the RP proposal to the commission, said commission may take action immediately or postpone action for no longer than 60 days to allow further review of materials and request changes to the proposed development. In the event the commission finds the proposal to be nonconforming to the intents and purpose of this ordinance, as well as in consideration of the best interests of the area affected and the Town as a whole, the reasons for such determination shall be set forth as public record in said commission's recommendation for denial. Upon a recommendation for approval, all materials and plans and any modifications made thereto in the review and hearing processes, shall be considered binding on the subsequent development of the property while zoned RP.

**6.7.15.** Conformance to the Approved Plan

A) Deviation from the development plan. To facilitate minor adjustments to the approved development plan as may be required by the Town engineer or other circumstances unforeseen at the time of zoning approval; the building inspector is authorized to approve alterations to the final development plan, which, in said officer's estimation, are incidental in scope. Such modifications shall not allow increases in land use intensity or in development density. All other changes in the development plan shall be reviewed by the commission, which shall determine the most appropriate course of action regarding said changes. The building inspector and the commission reserve the right to require further review, hearings, or complete re-submission under the procedures applicable to the initial approval of the RP zoning with regard to any changes that may substantially alter the proposal as originally approved.

B) Plan violation. Any deviation from the development plan not approved in conformance with this subsection shall constitute a violation of the approval establishing the RP zoning and shall subject the applicant/developer to the procedures and penalties set forth in Article 11 of this ordinance.

C) Failure to begin construction. Construction of the approved development plan must begin within one year from the time of its final approval. If the

development is to be constructed in stages, the construction of each stage shall begin within one year of the construction start times for each stage as described in the development schedule submitted as part of the requirements for the application. In all cases, progress towards completion of the development shall proceed in accordance with said development schedule; and failure to comply with this provision shall constitute a violation of the development plan, and the provisions and procedures of §6.5.12, Subsection 2 shall apply accordingly.

**6.7.16.** Materials Required For Application for RP Zoning. Listed below is the additional information required when applying for RP planned unit zone as required herein. Exceptions may be made regarding the extent of the materials required where the Building Inspector determines at the pre-application conference that there are special, unique, or unusual circumstances that warrant such exceptions. In such cases, the applicant shall be permitted to submit required materials in phases as the project's planning and development progresses. However, such allowance shall in no way exempt the applicant from submitting all of the materials required for application for RP Zoning.

- A) Written Documentation
- (1) Legal description of the total site, including statement of present and proposed ownership;
  - (2) A statement of development objectives, including a description of the character of the proposed development, consistency with the comprehensive plan, and relationship to surrounding neighborhoods and other existing developments;
  - (3) A development schedule indicating the approximate start date when construction can be expected to begin and be completed, and any applicable phasing of the construction;
  - (4) A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the development, including land areas, dwellings, etc.; and
  - (5) Plan for or intended manner of permanent care and maintenance of open spaces,
  - (6) A pattern book that includes, but it not limited to, illustrations of elevations and floor plans for dwelling units and non-residential buildings, and amenities structures, building materials, square footage of structures, street lighting details, and typical streetscapes, shall accompany a PUD request.
- B) Development Plan
- (1) Development name;
  - (2) Legal title, quarter-quarter section(s), township, and range;
  - (3) Scale, north arrow, and vicinity map;
  - (4) Boundary survey and dimensions of property;
  - (5) Delineation of all designated flood hazard areas, wetlands, and contiguous areas of 5,000 sf and greater with slopes greater than 20%;
  - (6) Delineation of proposed land use areas;
  - (7) Proposed lot lines and dimensions;
  - (8) Estimated percentages of acreage to be devoted to each land use type including any sub-categories within residential, commercial, institutional, recreational, etc.
  - (9) Number of all existing and proposed residential structures, including:
    - (a) Locations of different housing types,
    - (b) Building locations and orientations,

- (c) Number of units and stories, floor-to-floor heights, and total heights per building, and Floor areas of dwelling units;
- (10) Number of all existing and proposed non-residential structures, including:
  - (a) Types of uses proposed,
  - (b) Building locations and orientations, and
  - (c) Number of stories, floor-to-floor heights, total heights per building, and all floor areas;
- (11) Location and size of all areas to be conveyed, dedicated, or reserved as common open space, public parks, recreational areas, and similar public and semi-public uses;
- (12) Location of utilities, above-ground utility structures, and easements;
- (13) Circulation plans, including:
  - (a) Location and dimension of thoroughfares, alleys, driveways, and access points,
  - (b) Notations of proposed ownership of thoroughfares,
  - (c) Location, dimensions, and capacities of parking areas,
  - (d) Service and loading zones, and
  - (e) Sidewalks, greenways, and all pedestrian and bicycle paths; and
- (14) Location and design for drainage and on-site treatment of stormwater, including:
  - (a) Curbs and gutters, inlets, culverts, and access to public storm sewer system;
  - (b) Drainage ways, vegetative swales;
  - (c) Detention and retention elements, and
- (15) A general landscape plan indicating treatments and materials used for private and common open spaces and the landscape treatment of the perimeter of the development including materials and techniques to be used.

C) Additional Information. Any additional information determined by the building inspector and/or Town engineer to be reasonable and necessary for evaluating the character and potential impact of the proposed development.

**6.7.17.** Setback and Setback Modifications

A) Setbacks for residential uses shall conform to the underlying use as spelled out in the code.

B) Setbacks for commercial uses are not required if all parking is at the rear of the structure.

C) Reduction for Common Open Space. Site-built dwellings located on internal thoroughfares, shall be permitted to be set back no less than 10 feet from the front lot line when such dwellings front on or directly face a common open space of 40 or more feet in width where adjacent to such dwellings.

D) Townhouses. For townhouses fronting on internal thoroughfares, townhouses shall only be required to be set back from the right-of-way and/or front lot line as necessary to provide the required sidewalk and planting strip. However, in such cases, entry level shall be no less than three (3) feet above grade level. Under the same circumstances, but where the entry level is less than three (3) feet above grade level, such townhouses shall be set back no less than ten (10) feet from the required sidewalk. All parking and access shall be at the rear of the structure.

**6.7.18.** Common Open Space Requirements

For all developments other than conservation subdivisions, a common open space or network of such open spaces shall be provided; and the common open space shall be protected in perpetuity by a binding legal document recorded with the deed as required in the subdivision regulations.

Common open spaces shall be located and arranged on the site according to the following guidelines:

- A) No more than twenty-five (25%) percent of the required common open space should be unbuildable, whether due to existing steep grades or other natural constraints or land disturbing activities. Common open space areas should be naturally of such condition or improved to a condition to be suitable for the passive recreational use of the residents, including such uses as trails, playgrounds, picnic areas, etc. This guideline should not be interpreted to require the removal of any existing trees or other natural vegetation from common open space areas.
- B) Common open spaces should be located and distributed throughout the development to be accessible to the largest practicable number of lots. Non-adjoining lots should be provided safe, convenient access to the open space through trails, sidewalks or other pedestrian ways.
- C) Common open spaces should be located between the front, side, or rear of opposing blocks, clusters, or lots and should not be located along the perimeter of the site in such a manner as to be adjacent only to the rear of dwelling units.
- D) Where common open spaces are located between the fronts of opposing dwellings, whether separated by a thoroughfare or not, the commission may approve a reduction in the front yard setback of lots directly facing said open space. Except as may otherwise be approved for attached dwellings, this shall not allow a reduction of the front yard setback to less than ten (10) feet.
- E) Where common open spaces are located between the rear lot lines of opposing dwellings, whether separated by an alley or not, the commission may approve a reduction in the rear yard setback of such lots. Except as may otherwise be permitted for attached dwellings, this shall not allow a reduction of the rear yard setback to less than ten (10) feet.

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**Section 6.8. NC Neighborhood Center Commercial Zone**

A district intended for limited, small-scale commercial businesses and offices that, by the nature of such operations, are compatible with and serve the daily needs of surrounding neighborhoods and that provide convenient access for pedestrians and bicyclists.

**6.8.1. Permitted Uses**

The following uses shall be permitted provided that the Gross Floor Area of each use/tenant does not exceed 3,000 square feet:	
Artist’s Studio	Ice Cream / Soda Parlors, Coffee Shops
Barber / Beauty Shops And Salon/Day Spas	Laundromat
Convenience Stores (With No Gas Pumps Or Automotive Repair Services)	Markets And Delicatessens
Drug Stores	Parks And Playgrounds
Florist, Gift, And Other Specialty Shops	Shoe Repair And Alterations Shops

The Following Uses Shall Be Permitted Provided That The Gross Floor Area Of Each Use/Tenant Does Not Exceed 5,000 Square Feet:	
Business Offices (Accountant, Realtor, Etc.)	Professional Offices (Doctor, Dentist, Lawyer, Etc.)
Private Training Schools (Music, Dance, Business, Vocational, Etc.)	

**6.8.2. Uses Permitted Subject to Supplemental Use Regulations**

Daycare Facilities §7.7	Upper-Story Dwelling §7.24
Kennels (But Excluding Animal Shelters) §7.10	Wireless Communication Services §7.28

**6.8.3. Special Exception Uses**

Bed And Breakfasts §7.5	Public Utility Facility §7.27
	Group Homes §7.18

**6.8.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	2 Stories
Maximum Lot Coverage (Impervious Surfaces)	80%

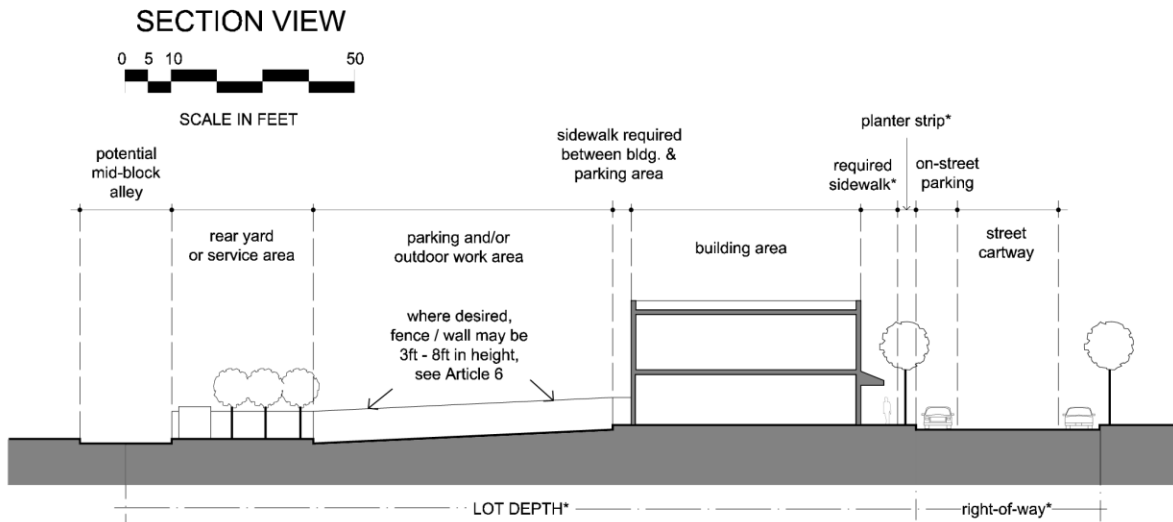
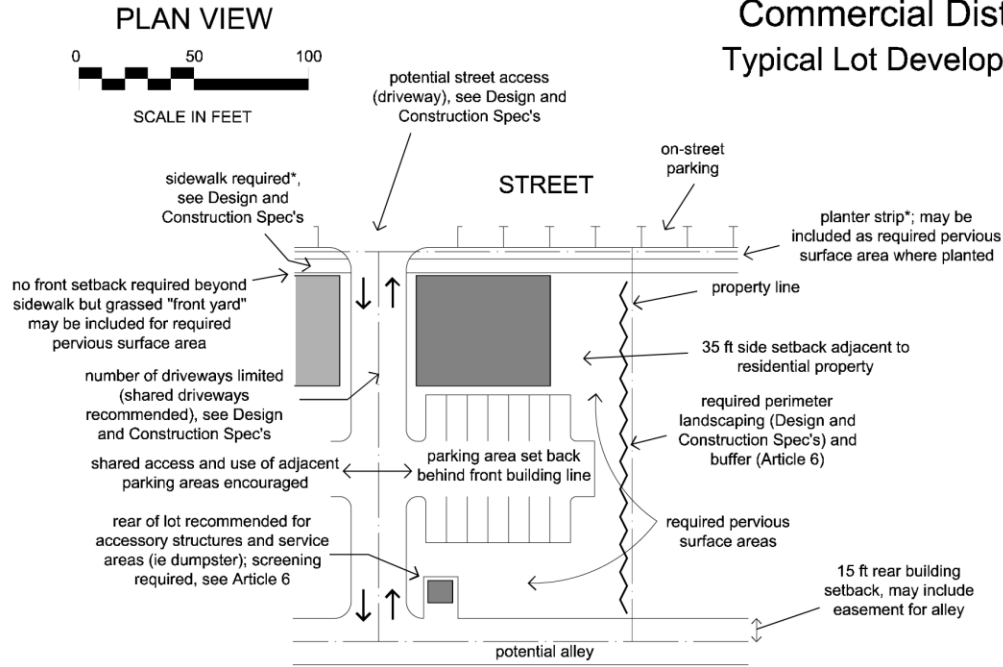
Minimum Front Yard Setback	No Setback Required Except As Necessary To Provide Sidewalks And Planter Strips (Refer To Design And Construction Specifications)
Minimum Rear Yard Setback	50 Feet Where Adjoined By A Residential Zone 25 Feet Where Adjoined By A Non-Residential Zone
Minimum Side Yard Setback	35 Feet Where Adjoined By A Residential Zone No Setback Required Where Adjoined By A Non-Residential Zone*
Minimum Setback Between Structures On Same Lot	15 Ft
Fences And Walls	3ft Minimum And 8 Ft Maximum, Subject To §5.11
Buffers And Screening	Subject To §5.9 And §5.10

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**6.8.5.** Additional Requirements

- A) No drive-through windows shall be permitted.
- B) No open or outdoor storage or repair areas of any kind shall be permitted. Dumpsters, utility appurtenances, loading and service areas, etc. shall be screened in accordance with §5.10.
- C) Parking may be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5
- D) Outdoor seating areas may be permitted forward of the building line provided a continuous, unobstructed path of no less than five feet is maintained along the sidewalk fronting on the property.

## NC: Neighborhood Center Commercial District Typical Lot Development



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Thoroughfare Design criteria.

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**Section 6.9. TC Town Center Commercial Zone**

A district intended for a mix and density of uses appropriate to the development of an active, sustainable, centralized town center area with balanced accessibility for motorists, pedestrians, and bicyclists.

**6.9.1. Permitted Uses**

All uses permitted by right in NC Zones, but with no limitations on Gross Floor Area of individual uses except as provided within this Section, and the uses listed below:

Bakeries	Cafes And Restaurants (Not Serving Alcoholic Beverages For On-Premise Consumption)	Low And Medium Intensity Institutional Uses
Banks And Financial Institutions	Bus Station	Private Clubs/Lodge Halls
Clinics And Similar Health-Care Facilities	Radio Stations (Excluding Towers)	Garden Shops And Nurseries, Farmer's Market
Hotels	Funeral Homes	Printing, Reprographic, And Publishing Businesses
Laundries And Dry Cleaning Pick-Up Stations	Salon/Day Spas	Commercial Gym
Retail And Service Establishments	Libraries And Reading Rooms	Indoor Entertainment
Sales Of Alcoholic Beverages For Off-Premise Consumption Only	Museums	Public Assembly Halls
Parks And Playgrounds		

**6.9.2. Uses Permitted Subject to Supplemental Use Regulations**

Daycare Facilities §7.7	Veterinary Clinics (With No Outside Runs) §7.19	Upper Story Dwellings §7.24
Pub Restaurants §7.32	Temporary Outdoor Sales §7.20	Wireless Communication Services §7.28

**6.9.3. Special Exception Uses**

Public Utility Facility §7.27	Gasoline And Service Stations	Group Homes § 7.18
Boarding Houses § 7.31		

**6.9.4. Area and Dimensional Requirements**

Maximum building height	2.5 stories
Maximum lot coverage (Impervious surfaces)	85%

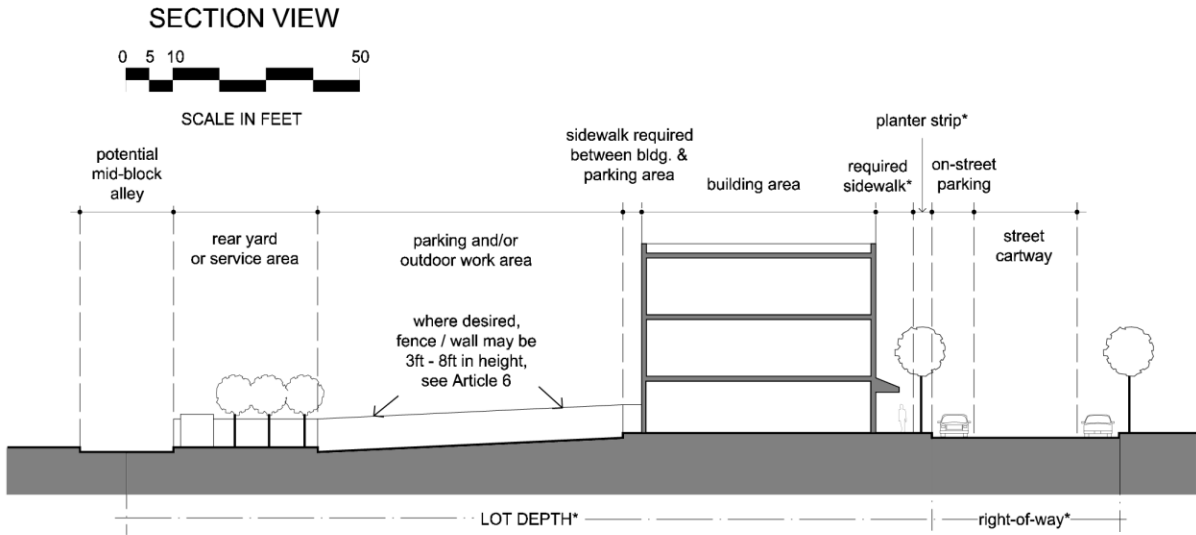
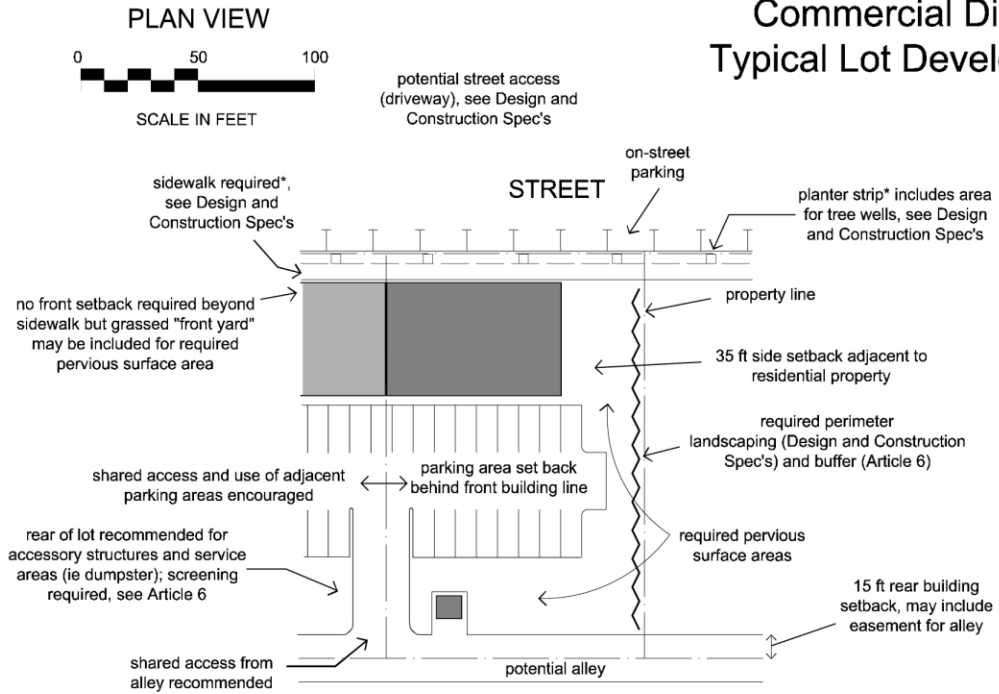
Minimum Front Yard setback	no setback required except as necessary to provide sidewalks and planter strips (Refer to Design and Construction Specifications)
Minimum Rear Yard setback	35 feet where adjoined by a Residential Zone 15 feet where adjoined by a non-Residential Zone
Minimum Side Yard setback	35 feet where adjoined by a Residential Zone no setback required where adjoined by a non-Residential Zone*
Minimum Setback between structures on same lot	15 ft
Fences and walls	3ft minimum and 8 ft maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10
For Permitted Upper Story Residential Uses	
Minimum Gross Floor Area per unit	600 sf

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**6.9.5.** Additional Requirements

- A) No open or outdoor storage or repair areas of any kind shall be permitted except storage involving finished goods or items sold on-site at retail. Such storage shall not include heavy equipment or bulk materials and shall only be permitted behind the front building line. Repair and work yards, dumpsters, utility appurtenances, loading and service areas, etc shall be located behind the front building line and screened from public view in accordance with the provisions of §5.10.
- B) Parking shall be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5.
- C) Outdoor seating areas may be permitted forward of the building line provided a continuous, unobstructed path of no less than five feet is maintained along the sidewalk fronting on the property.

# TC: Town Center Commercial District Typical Lot Development



\* Sidewalks and plantar strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Throughfare Design criteria.

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**Section 6.10. HC Highway Commercial Zone**

All uses permitted by right in NC and TC Zones, but with no limitations on Gross Floor Area of individual uses except as provided within this Section, and the uses listed below A district intended for large footprint buildings. Typically located along higher volume roadways.

**6.10.1. Permitted Uses**

Bakeries	Cafes And Restaurants	Low And Medium Intensity Institutional Uses
Banks And Financial Institutions	Bus Station	Private Clubs/Lodge Halls
Clinics And Similar Health-Care Facilities	Radio Stations (Excluding Towers)	Garden Shops And Nurseries, Farmer’s Market
Hotels	Funeral Homes	Printing, Reprographic, And Publishing Businesses
Laundries And Dry Cleaning Pick-Up Stations	Salon/Day Spas	Commercial Gym
Retail And Service Establishments	Libraries And Reading Rooms	Indoor Entertainment
Liquor Stores	Museums	Public Assembly Halls
Parks And Playgrounds	Hotels	Automotive Sales And Rental
Gasoline And Service Stations	Automotive Repair Service	Park And Ride Lot
Boat Or Recreational Vehicle Sales And Rental	Boat Or Recreational Vehicle Sales And Rental	Flea Market
Car Wash		

**6.10.2. Uses Permitted Subject to Supplemental Use Regulations**

Daycare Facilities §7.7	Veterinary Clinics And Hospitals §7.19	Upper Story Dwellings §7.24
Pub Restaurants §7.32	Temporary Outdoor Sales §7.20	Wireless Communication Services §7.28
	Mini-Warehouses §7.15	Public Utility Facilities §7.27

**6.10.3. Special Exception Uses**

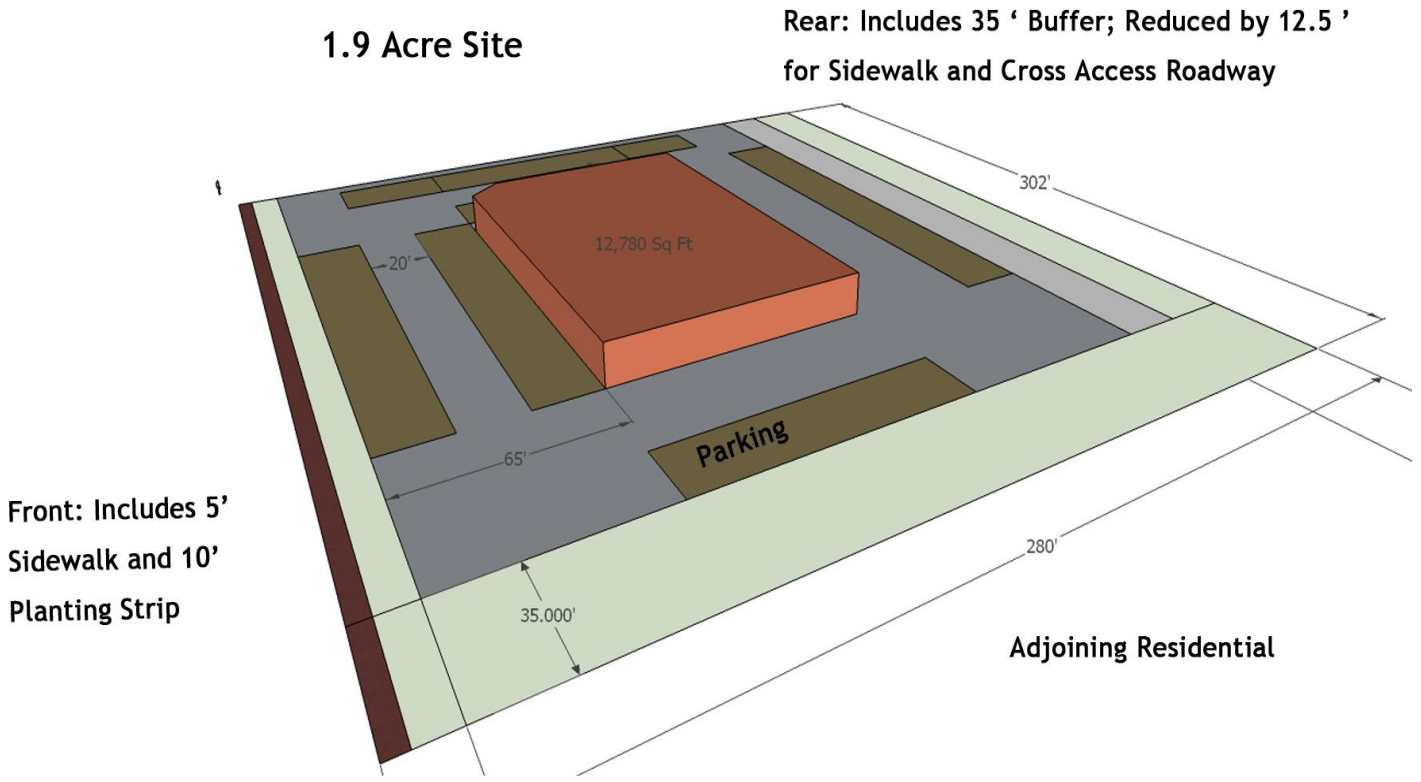
Manufactured Home Sales	Heavy Equipment Sales or Rental	Truck Stop or Terminal
Drive In Theater	Major Vehicle Sales or Rentals	

**6.10.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	No maximum
Maximum Lot Coverage (Impervious Surfaces)	80%
Minimum Front Yard Setback	No Setback Required Except As Necessary To





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**Section 6.11. NI Neighborhood Institutional Zone**

A district providing for the development of land for non-profit and semi-public uses, services and other similar institutional facilities or functions that are generally considered acceptable and reasonably compatible in predominantly residential areas.

**6.11.1. Permitted Uses**

Libraries	Schools	Public Parks and Playgrounds
Lodges, Fraternal And Social/Youth Organizations And Other Non-Profit Membership Clubs	Places Of Worship, With No More Than 500 Seats In The Main Sanctuary	Other Low-Intensity Institutional Uses

**6.11.2. Uses Permitted Subject to Supplemental Use Regulations**

Day Care Facilities §7.7	Assisted Living Facilities §7.22	Temporary Outdoor Sales §7.20
Cemeteries, Adjoining A Place Of Worship Only §7.6	Independent Living Facilities §7.23	

**6.11.3. Special Exception Uses**

Public Utility Facilities §7.27		
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**6.11.4. Area and Dimensional Requirements**

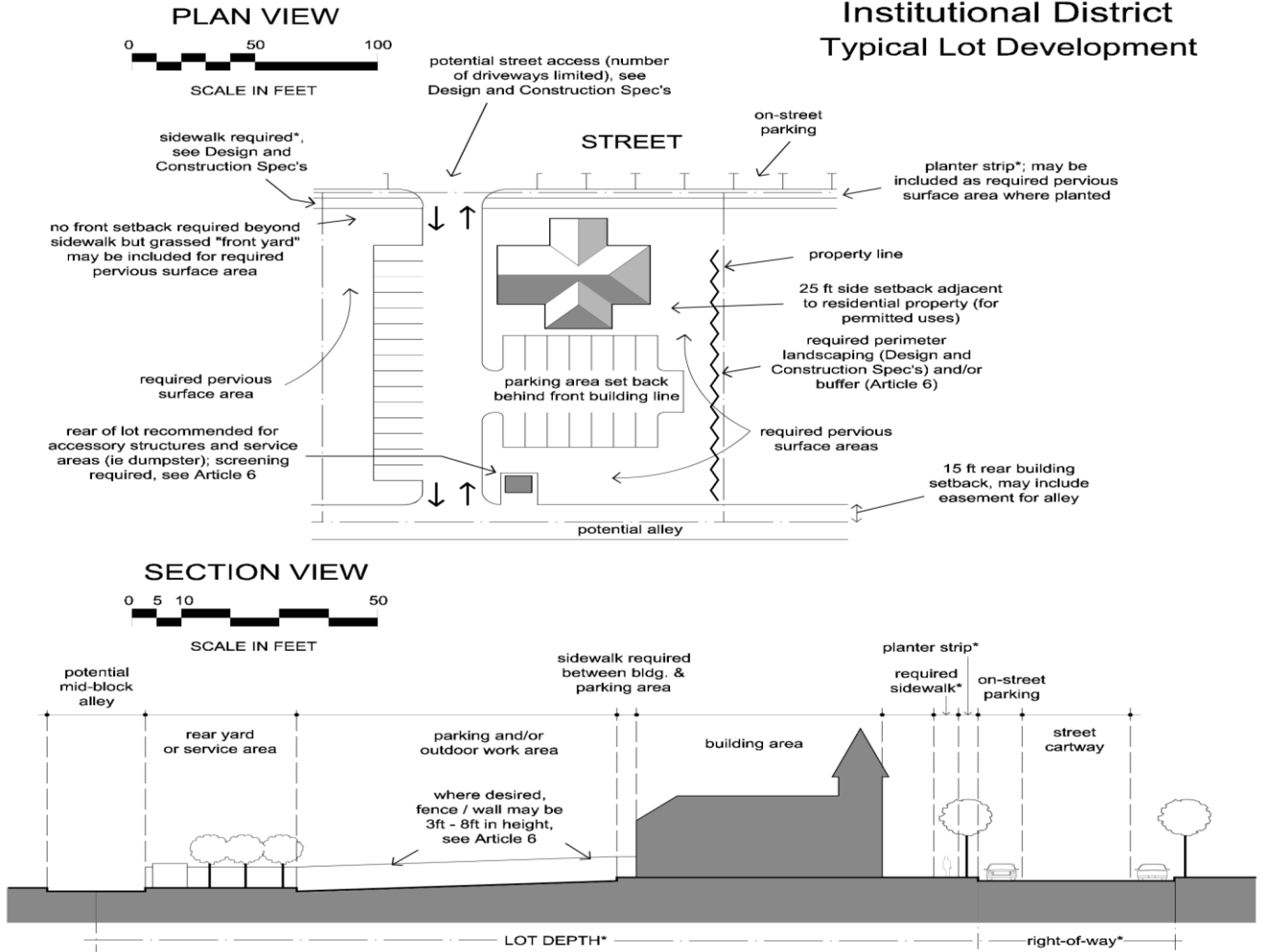
The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	2 Stories
Maximum Lot Coverage (Impervious Surfaces)	60%
Minimum Front Yard Setback	25 Feet Where Adjoined By A Residential Zone No Setback Required, In Other Cases, Except As Necessary To Provide Sidewalks And Planter Strips (Refer To Town of Thorsby Design And Construction Specifications)
Minimum Rear Yard Setback	25 Feet Where Adjoined By A Residential Zone 15 Feet Where Adjoined By A Non-Residential Zone
Minimum Side Yard Setback	25 Feet Where Adjoined By A Residential Zone No Setback Required Where Adjoined By A Non-Residential Zone*
Minimum Setback Between Structures On Same Lot	15 Ft
Fences And Walls	3ft Minimum And 8 Ft Maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10

**6.11.5. Additional Requirements**

No open or outdoor storage areas of any kind shall be permitted. Dumpsters, utility appurtenances, loading and service areas, etc shall be located behind the front building line and screened from public view in accordance with the provisions of §5.10. Parking shall be provided to the rear or side of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5

**NI : Neighborhood Institutional District  
Typical Lot Development**



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Throughfare Design criteria.

**Section 6.12. CI Community Institutional Zone**

A district providing for the development of land for non-profit, public and semi-public uses, services and other similar institutional facilities or functions that are generally considered to be more intense and accordingly less compatible in predominantly residential areas.

**6.12.1. Permitted Uses**

All uses permitted by right in NI Zones, but with no limitations on Gross Floor Area of individual uses except as provided within this Section, and the uses listed below:

Post Office	Fire Stations	Municipal Buildings
Libraries	Schools	Public Parks And Playgrounds
Lodges, Fraternal And Social/Youth Organizations And Other Non-Profit Membership Clubs	Places Of Worship	Other Low-Intensity Institutional Uses
Museums	Hospitals	Stadiums And Places Of Assembly Operated By Non-Profit Organizations Or Public Agencies
Community Centers And Other Public Service Facilities		

**6.12.2. Uses Permitted Subject to Supplemental Use Regulations**

Day Care Facilities §7.7	Assisted Living Facilities §7.22	Temporary Outdoor Sales §7.20
Cemeteries, Adjoining A Place Of Worship Only §7.6	Independent Living Facilities §7.23	

**6.12.3. Special Exception Uses**

Public Utility Facilities §7.27	High-Intensity Institutional Uses, Not Listed In §512.01	
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**6.12.4. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	3 Stories
Maximum Lot Coverage (Impervious Surfaces)	75%
Minimum Front Yard Setback	35 Feet Where Adjoined By A Residential Zone No Setback Required, In Other Cases, Except As Necessary To Provide Sidewalks And Planter Strips (Refer To Town of Thorsby Design And Construction Specifications)

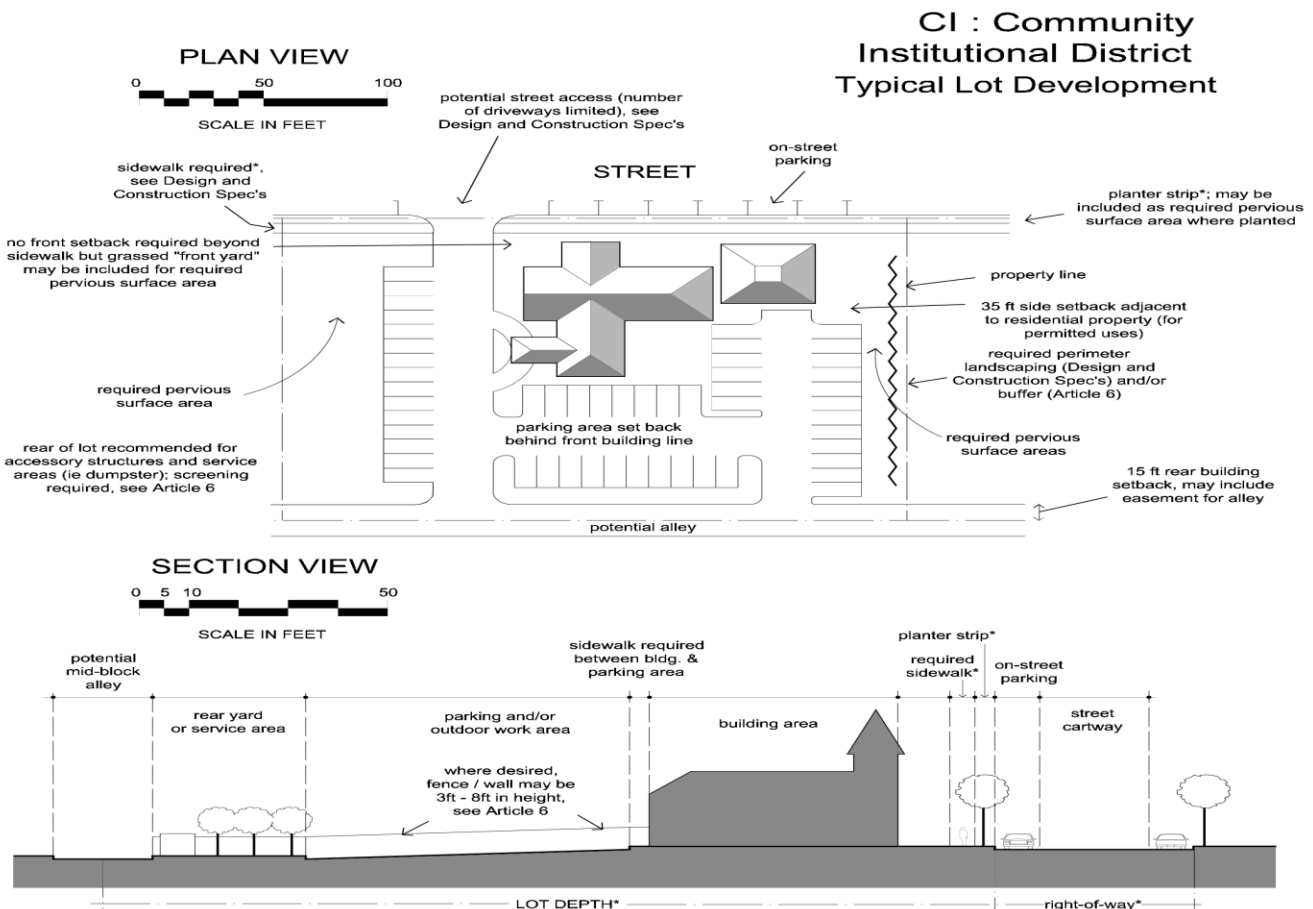
Minimum Rear Yard Setback	35 Feet Where Adjoined By A Residential Zone 15 Feet Where Adjoined By A Non-Residential Zone
Minimum Side Yard Setback	35 Feet Where Adjoined By A Residential Zone No Setback Required Where Adjoined By A Non-Residential Zone*
Minimum Setback Between Structures On Same Lot	15 Ft
Fences And Walls	3ft Minimum And 8 Ft Maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**6.12.5. Additional Requirements**

Open and outdoor storage areas shall not include heavy equipment or bulk materials and shall only be permitted behind the front building line. Repair and work yards, dumpsters, utility appurtenances, loading and service areas, etc. shall be located behind the front building line and screened from public view in accordance with the provisions of §5.10.

Parking shall be provided to the rear or side of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Thoroughfare Design criteria.



**Section 6.13. LI Light Industrial Zone**

A district providing for industrial uses that are determined to be least offensive or detrimental to adjoining properties in terms of health, safety, comfort, aesthetics, the general welfare of, and overall compatibility with, the surrounding area.

**6.13.1. Uses Permitted Subject to Supplemental Use Regulations**

All of the following uses shall be subject to the provisions of §710 Industrial Uses, except as otherwise noted.

Fabricating, Processing, Assembling And Manufacturing Uses Excepting Those Determined To Be Especially Detrimental To Health And Safety Beyond The District By Reason Of Emission Of Odor, Dust, Gas, Fumes, Smoke, Noise, Vibration Or Waste Material	Distribution Yards For Gasoline/Fuel Oil Tank Trucks, Provided That All Bulk Storage Tanks And Loading Platforms Shall Be Set Back No Less Than 150 Feet From Adjoining Lot Lines	Wholesaling, Warehousing, Lumber Yards And Other Businesses To Which Outdoor Storage Is Accessory Or Incidental, Including Bulk Material Storage Yards, But Provided That The Operation Does Not Involve The Storage Of Any Materials Of An Explosive Or Toxic Nature
Bottling And Distribution Plants	Laundry And Dry-Cleaning Plants	Research Labs
Contractor And Building Material Yards	Truck Or Bus Terminal Facilities	
Automobile Repair Services, Major And Minor	Vehicle And Equipment Repair, Major	Vehicle And Equipment Sales, Major
Animal Shelters §7.10	Mini-Warehouses, Mini-Storage §7.15	Temporary Outdoor Sales §7.20
Wireless Communication Services §7.28		

**6.13.2. Special Exception Uses**

Telecommunications Towers §7.17	Public Utility Facility §7.27
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**6.13.3. Area and Dimensional Requirements**

The Following Regulations Govern Lot Area, Setbacks, Building Size, and Density, As Subject to the Applicable Provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

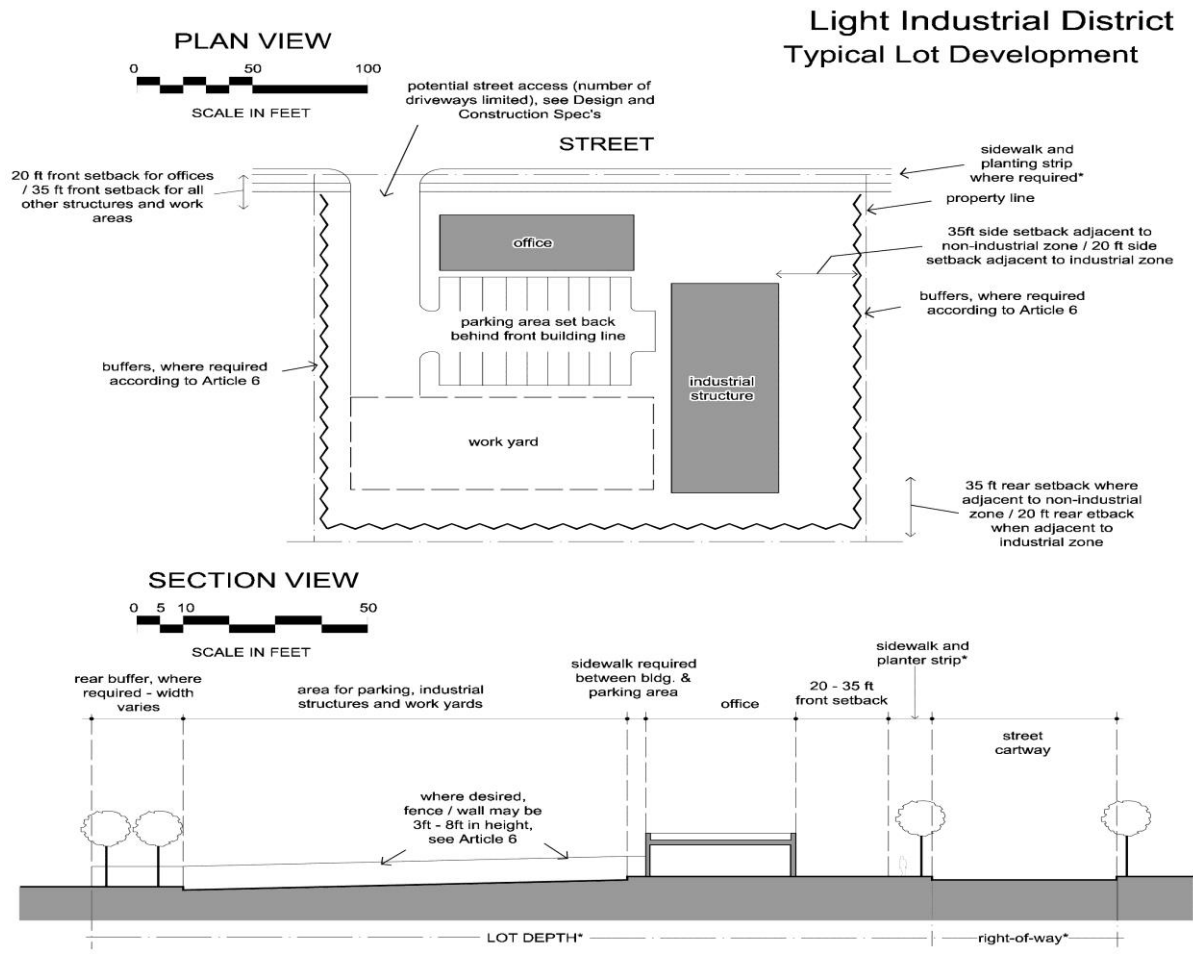
Maximum Building Height	3 Stories
Maximum Lot Coverage (Impervious Surfaces)	Determined By Required Yards And Buffers
Minimum Front Yard Setback	20 Feet For Office / Administrative Buildings Only 35 Feet For All Other Structures And Work Yards
Minimum Rear Yard Setback (For All	35 Feet When Adjoining Or Abutting A Non-Industrial

Structures And Work Yards)	Zone 20 Feet When Adjoining Or Abutting An Industrial Zone
Minimum Side Yard Setback (For All Structures And Work Yards)	20 Feet For Office / Administrative Buildings Only 35 Feet When Adjoining Or Abutting A Non-Industrial Zone 20 Feet When Adjoining Or Abutting An Industrial Zone
Fences And Walls	3ft Minimum And 8 Ft Maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10

**6.13.4. Additional Requirements**

Storage, Repair And Work Yards, Dumpsters, Utility Appurtenances, Loading And Service Areas, Etc. Shall Be Located Behind The Front Building Line And Screened From Public View In Accordance With The Provisions Of §5.10.

Parking Shall Be Provided To the Rear or Side of the Front-Most Building or Otherwise Behind the Front Yard Setback. Parking Areas in Existence at the Time of Adoption of This Requirement Shall Be Exempt from This Requirement In Accordance With §8.5



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Throughfare Design criteria.

**Section 6.14. HI Heavy Industrial Zone**

A district providing for more intensive types of industrial uses that, by the nature of their products and/or operation, can be expected to have relatively greater detrimental impacts on adjacent properties and the surrounding area.

**6.14.1. Uses Permitted Subject to Supplemental Use Regulations**

All of the following uses shall be subject to the provisions of §710 Industrial Uses, except as otherwise noted.

Cement Plants	Fixed Plants For Processing Stone, Chert, Gravel, Clay, Slag, Coal, Or Iron Ore	Iron And Steel Mills
Railroad Shops, Roundhouses, And Yards	Timbering, Saw Mills, And Timber Processing Facilities	Auto Dismantling, Junk Yards And Salvage Yards §7.26
Animal Shelters §7.10	Mini-Warehouses, Mini-Storage §7.15	Other Heavy Manufacturing Uses
High-Intensity Institutional Uses	Wireless Communication Services §7.28	

**6.14.2. Special Exception Uses**

Telecommunications Towers §7.17	Public Utility Facility §7.27
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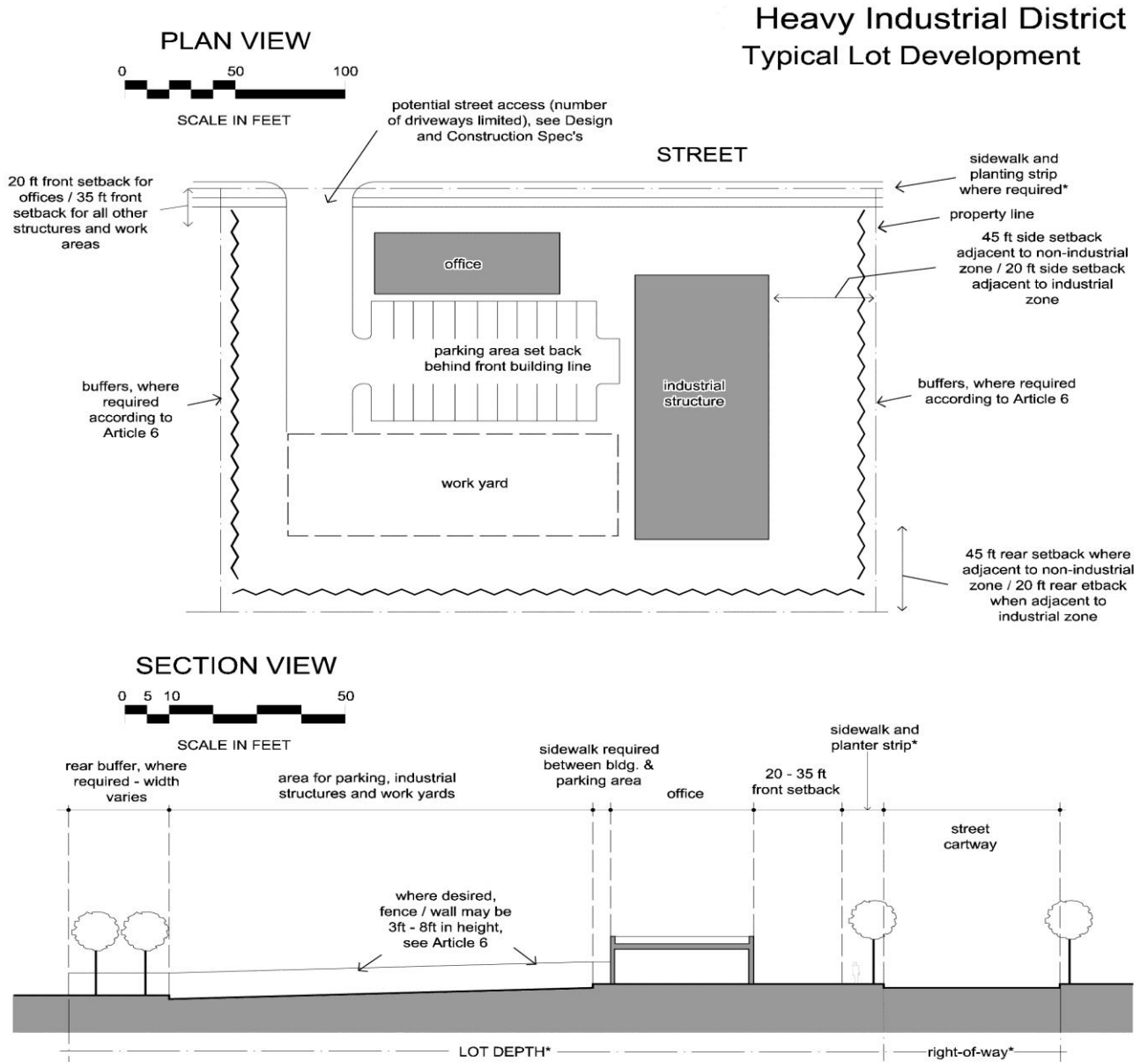
**6.14.3. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	3 Stories
Maximum Lot Coverage (Impervious Surfaces)	Determined By Required Yards And Buffers
Minimum Front Yard Setback	20 Feet For Office / Administrative Buildings Only 35 Feet For All Other Structures And Work Yards
Minimum Rear Yard Setback (For All Structures And Work Yards)	45 Feet When Adjoining Or Abutting A Non-Industrial Zone 20 Feet When Adjoining Or Abutting An Industrial Zone
Minimum Side Yard Setback (For All Structures And Work Yards)	20 Feet For Office / Administrative Buildings Only 45 Feet When Adjoining Or Abutting A Non-Industrial Zone 20 Feet When Adjoining Or Abutting An Industrial Zone
Fences And Walls	3ft Minimum And 8 Ft Maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10

**6.14.4. Additional Requirements**

- A) Storage, repair and work yards, dumpsters, utility appurtenances, loading and service areas, etc. shall be located behind the front building line and screened from public view in accordance with the provisions of §5.10.
- B) Parking shall be provided to the rear or side of the front-most building or otherwise behind the Front Yard setback. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Throughfare Design criteria.

**Section 6.15. MM Mining and Manufacturing Zone**

A district providing for mining, extraction and processing of materials and other natural resources, and for manufacturing operations that are more extensive or large-scale in nature than industrial uses classified in other industrial Zones and, as such, are most likely to have substantial detrimental impacts on adjoining properties and the surrounding area.

**6.15.1. Uses Permitted Subject to Supplemental Use Regulations**

All of the following uses shall be subject to the provisions of §710 Industrial Uses, except as otherwise noted.

Any uses permitted in an i-2 heavy industrial zone except auto dismantling, junk and salvage yards	Extraction of gas, minerals and other similar natural resources	Surface or strip mining
Subsurface and underground mining operations, quarrying, dumping of spoilings, tailings and other such waste, non-residential mobile buildings and /or other facilities that may be accessory or appropriate to the conduct of such uses as permitted herein		

**6.15.2. Special Exception Uses**

Any other industrial uses not specifically addressed in this Zone and not determined to be comparable to the uses permitted in other Zones and:

Telecommunications Towers §7.17	Public Utility Facility §7.27
Wireless Communication Services §7.28	

**6.15.3. Area and Dimensional Requirements**

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum building height	3 stories
Maximum lot coverage (Impervious surfaces)	determined by required yards and buffers
Minimum Front Yard setback	30 feet for office / administrative buildings only 40 feet for all other structures and work yards
Minimum Rear Yard setback (for all structures and work yards)	50 feet when adjoining or abutting a non-industrial Zone 20 feet when adjoining or abutting an industrial Zone
Minimum Side Yard setback (for all	20 feet for office / administrative buildings only

structures and work yards)	50 feet when adjoining or abutting a non-industrial Zone 20 feet when adjoining or abutting an industrial Zone
Fences and walls	3ft minimum and 8 ft maximum, Subject To §5.11
Buffers	Subject To §5.9 And §5.10, also see §515.04.A.

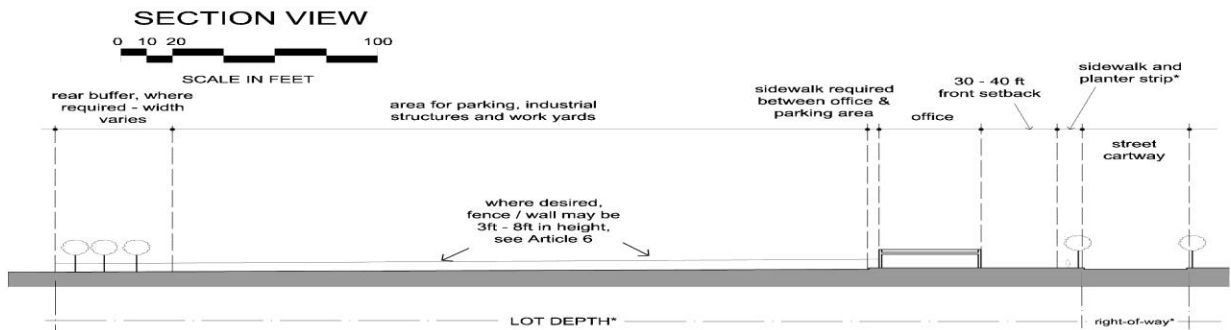
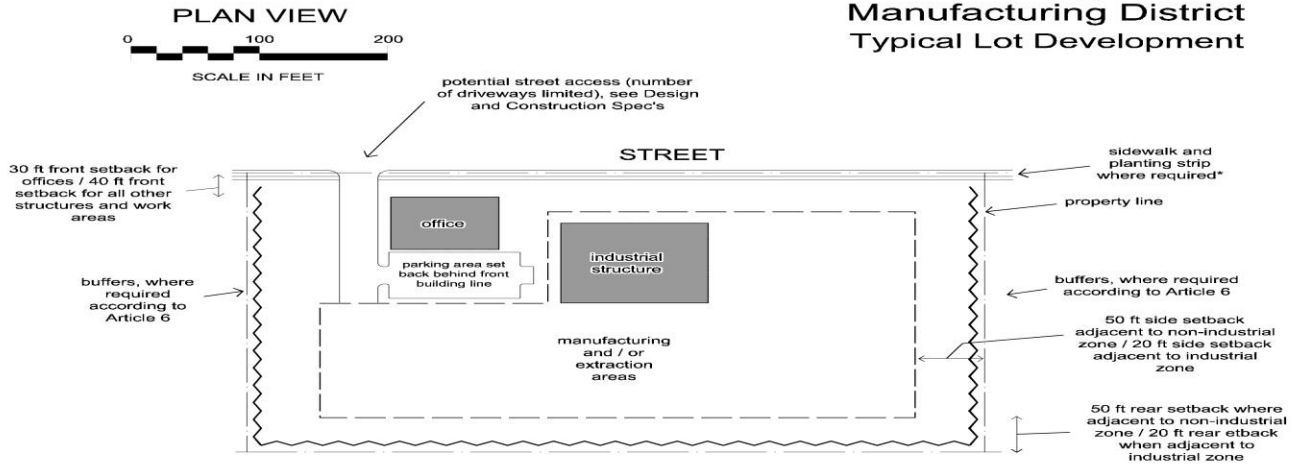
**6.15.4.** Additional Requirements. Where existing vegetation within required setback and/or buffer areas is deemed by the Commission to be sufficient for accomplishing the general intent and purpose of a required buffer (§10.4), said areas may be retained undisturbed and in their natural state. In any case, however, all buffer Zones shall be maintained in a manner consistent with the provisions of §5.9.

A) No extraction of minerals, coal, ore, etc. by the surface stripping method will be permitted within one hundred feet of any Lot Line or public road right-of-way. No buildings, structures or other facilities accessory or incidental to strip mining will be permitted within fifty (50) feet of any Lot Line or public right-of-way, other than a building used solely as an administrative office. Exceptions to these setback requirements shall be made on those portions of the property adjoining or abutting another property used for strip mining. In such cases, there shall be no setback from such adjoining properties.

B) Storage, repair and work yards, dumpsters, utility appurtenances, loading and service areas, etc. shall be located behind the front building line and screened from public view in accordance with the provisions of §5.10.

C) Parking shall be provided to the rear or side of the front-most building or otherwise behind the Front Yard setback. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §8.5

## Mining and Manufacturing District Typical Lot Development



\* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Thoroughfare Design criteria.

**Section 6.16. CU Current Use Zone**

A district intended to help the Town avoid the unnecessary, uncontrolled, and/or scattered conversion of open space land to developed uses. The CU district intends to avoid the creation of land use and zoning conflicts arising in the future as a result of inappropriate zoning practices in the past and present, whether by the Town or by another jurisdiction. CU districts provide a means for properly zoning land in accordance with its actual use, in consideration of its compatibility with the surrounding area and with proper regard to the Town’s Comprehensive Plan.

**6.16.1. Permitted Uses**

Any Existing Use(s) Established And Operating On A Property As Of The Date The CU Zoning Was Applied To Said Property	Accessory Buildings And Structures That Are Customarily Incidental And Subordinate To Or Reasonably Necessary For The Continuance Of Any Of The Permitted Principal Uses Existing At The Time Of Application Of The CU Zoning
Conservation / Management For Watershed, Fish And Wildlife Habitat, Hunting And Fishing, Or Any Other Purposes That Promote The Preservation Of Land And The Environment In Its Natural State	No Use

**6.16.2. Uses Permitted Subject to Supplemental Use Regulations.**

Agricultural Uses §7.3	Silviculture And Tree Farming, §7.3
Forestry, Which Shall Be Defined For The Purposes Of This District As, Any Land Having An Established Tree Coverage At Such Density So As To Preclude Any Other Use Or Development Without Clearing Or Cutting §7.3	

**6.16.3. Area and Dimensional Requirements**

None	
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**6.16.4. Additional Requirements**

- A) Continuation of any existing use(s) established and operating on any and each parcel or property in a CU Zone shall remain at the same general level of intensity and density of such use(s) as was present at the time of zoning to the CU Zone.
- B) Except as provided for in this Section, no increase in said intensity or density of use shall be permitted, including new construction, grading, fill, improvements, road-cutting or other modifications of the existing surface features of the property.

**6.16.5. Exceptions to these Regulations**

- A) In accordance with the appeal procedures set forth in §12.2, the Zoning Board of Adjustment may, upon appeal, authorize greater intensities or densities of use on particular parcels within a CU Zone through the granting of a Variance.
- B) In accordance with the appeal procedures set forth in §12.2, the Zoning



Board of Adjustment may, upon appeal, authorize otherwise prohibited additional uses, or greater intensities or densities of use on particular parcels within a CU Zone through issuing of a Special Exception Permit. However, in addition to the requirements of § 12.2, any appeal involving the permitting of additional uses and/or uses prohibited in a CU Zone shall further require the applicant to make an affirmative showing that:

C) In view of the available alternatives within the Town, the public interest would be best served by permitting such additional use at the proposed location; and

D) The same public interest cannot be reasonably served by the currently lawful use of other lands within or outside the CU Zone.

E) Conditions on Variances and Special Exception Permits.

F) Every Variance and Special Exception permit shall include such conditions as the Zoning Board of Adjustment shall determine necessary to ensure that any additional use or greater intensity or density of use, authorized will be accomplished with the minimum possible modification of and impact on the existing surface features of the particular parcel, and without impairment of the uses for which the neighboring lands are reasonable adapted.

G) A Variance or Special Exception permit shall expire after one (1) year unless the additional use or greater intensity or density of use permitted thereby has substantially commenced.

H) Rezoning. Any owner of an interest in land in the CU Zone may, as an additional alternative, seek rezoning in accordance with Article 11 of this Ordinance. However, nothing in this section shall be construed or otherwise used to grandfather or otherwise make legal any currently illegal or nonconforming use(s) that are not listed as being permitted in §6.16.1 or §6.16.2.

**ARTICLE 7. Supplemental Use Regulations**

The uses identified in Article 6 as subject to supplemental use regulations shall comply with all applicable standards for applicable uses as defined within this Article.

**Section 7.1. Applicability and Enforcement**

After the effective date of this ordinance, any existing building proposed for a change in use that under this Ordinance is subject to Supplemental Use Regulations, shall be required to obtain a Certificate of Occupancy from the Building Inspector stating that the structure, lot, and proposed use complies with all standards for the stated use. A Certificate of Occupancy required for a new building shall similarly reflect the Building Inspector's satisfaction that all requirements have been met for a use subject to Supplemental Use Regulations.

**Section 7.2. Accessory Dwellings**

**7.2.1.** The Gross Floor Area of the accessory dwelling shall be at least 600 square feet.

**7.2.2.** If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.

**7.2.3.** If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.

**7.2.4.** Accessory Dwelling in AG District

A) The owner of the property for family shall use the manufactured homes for residential purposes or accessory dwellings for persons employed on the premises and they shall not be used for rental purposes.

B) Density. Accessory Dwellings in AG districts may not exceed the following density.

10 Acres to 20 Acres	1 Accessory Dwelling
20 Acres to 40 Acres	2 Accessory Dwellings
40 Acres to 80 Acres	3 Accessory Dwellings

More than three accessory dwellings must seek rezoning

**Section 7.3. Agricultural Uses**

**7.3.1.** Setbacks

A) Poultry houses for housing more than five hundred (500) birds shall not be located closer than three hundred (300) feet from all Lot Lines and thoroughfare right-of-way lines.

B) Structures for housing more than twenty-five (25) head of livestock shall not be located closer than one hundred (100) feet from all Lot Lines and thoroughfare right-of-way lines.

C) If the owner of the proposed structure owns the land on the other side of the thoroughfare opposite the location of the proposed structure, such structure need only be set back from the thoroughfare right-of-way line the distance as required in the district where it is to be located; provided however, that the structure shall not be closer than one hundred (100) feet to any Lot Line.

D) Piles of feed or bedding shall be located no closer than one hundred fifty (150) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.

E) Manure shall be stored for removal and disposed of in accord with all applicable county, state, and federal regulations. No manure piles shall be located

closer than one hundred fifty (150) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.

**7.3.2.** The Board of Adjustments may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, if the Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

**7.3.3.** All concentrated animal operations shall require a nutrient management plan prepared by the USDA - NRCS that is approved by the Chilton County Soil & Water Conservation District prior to the commencement of such operation.

**7.3.4.** All agricultural practices shall comply with the USDA - NRCS Field Office Technical Guide's Standards and Specifications for such practices.

**7.3.5.** Prior to the issuance of a Building Permit for any manure storage facility, the applicant shall provide the Building Inspector with a letter from the Chilton County Soil and Water Conservation District or the USDA-Natural Resources Conservation Service (NRCS) approving the construction of the facility.

**7.3.6.** Stables and Corrals

- A) The minimum area for stable and corral uses shall be one (1) acre.
- B) No more than one (1) horse or pony shall be permitted for each one (1) acre and no more than one (1) additional horse or pony are permitted for each additional acre.
- C) All stables shall be located a minimum of one hundred (100) feet from all Lot Lines.

## Section 7.4. Apartment and Condominium Buildings

**7.4.1.** Apartment and Condominium Buildings

- A) Mailboxes and laundry rooms shall also be within the same building.
- B) Parking areas for tenants shall be setback behind the front building line and shall further be setback no less than 15 feet from the building. A sidewalk of no less than 4 feet in width shall be provided between the building and parking area.
- C) No less than 10% of the site area shall be improved and maintained as open space for the passive recreational use of tenants.
- D) All utilities shall be placed underground; public water and sewer must be available to the site.

**7.4.2.** Apartment Complexes.

- A) Minimum Lot size: 12,000 square feet.
- B) All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 4 feet in width shall be provided between all buildings and parking areas.
- C) Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- D) No less than 20% of the site area, and not less than 2,400 square feet, shall be improved and maintained as open space for the passive recreational use of tenants.
- E) All utilities shall be placed underground; all apartment complexes shall be served by public water and sewer.

## Section 7.5. Bed and Breakfasts.

**7.5.1.** Bed and breakfast establishments shall only be permitted in single-family detached dwelling units. The owner/operator shall be the primary resident occupant of the establishment.

**7.5.2.** No cooking facilities shall be permitted in any bed and breakfast guest room.

**7.5.3.** There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.

**7.5.4.** Rooms shall be rented on a nightly basis for periods not to exceed one (1) week.

**7.5.5.** Not more than one (1) non-family member of the owner shall be employed within the establishment.

## Section 7.6. Cemeteries

**7.6.1.** Minimum Site Area: 2 acres

**7.6.2.** All gravesites shall be set back no less than 30 feet from all Lot Lines. All columbaria and mausoleums shall be setback no less than 50 feet from all Lot Lines.

**7.6.3.** No gravesite shall be located closer than 150 feet from a water line or underground water supply.

**7.6.4.** All zoning requests must be accompanied by a site plan subject to Town review and approval.

## Section 7.7. Day Care Facilities

Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

**7.7.1.** Application of Regulations

The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24)-hour day for children less than sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include Family Day Care Homes and Day Care Centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.

**7.7.2.** General Provisions

The following general provisions apply to all day care facilities.

A) All child day care facilities shall comply with all applicable State and Town of Thorsby regulations.

B) The operator of a Day Care Facility shall allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.

C) Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the Front Yard.

D) Day care facilities utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Chilton County Health Department certifying that the system is properly designed to accommodate the use and show that there are no apparent signs of system failure.

E) Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and principal arterial and minor arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.

F) The expansion of a Family Day Care Home to a Day Care Center shall require Rezoning to a district in which a Day Care Center is permitted. When applying for Rezoning, the applicant shall submit a plan showing any existing or proposed

outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, on-lot sewage disposal facilities, parking spaces, and the child or adult drop-off circulation pattern.

**7.7.3.** Family Day Care Homes

In addition to the other provisions of this Section, Family Day Care Homes shall comply with the following:

- A) The facility must have a current State registration certificate. Proof of registration renewal must be supplied to the Town every two (2) years.
- B) Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article 10.
- C) Family Day Care Homes shall only be permitted in single-family detached dwellings.

**7.7.4.** Day Care Centers

- A) In addition to the other provisions of this Section, Day Care Centers shall comply with the following: The facility must have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the Town every year.
- B) A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
- C) If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
- D) Play equipment shall be located at least ten (10) feet from an abutting Lot Line.
- E) All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

**7.7.5.** Application and Permitting Procedure

Any individual proposing a Family Day Care Home shall submit an application for a Family Day Care Home Permit to the Building Inspector who will review the application for compliance with the Zoning Ordinance. If the application demonstrates compliance with the Zoning Ordinance, the Building Inspector shall grant the permit.

**7.7.6.** Inspections

The Building Inspector, or a person designated by the Building Inspector or Town Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

**Section 7.8. Home Occupations**

**7.8.1.** Background and Intent

The Town recognizes the need to establish regulations pertaining to home-based occupations to afford opportunities for residents to work from home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. It is the intent of this Section to establish regulations, which will permit home occupations in a manner that will preserve the peace, quiet and tranquility of residential neighborhoods, and to ensure the compatibility of such uses with other uses permitted within the same Zone.

**7.8.2.** Classifications of Home Occupations

All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article 3 of this Ordinance.

**7.8.3.** Minor Home Occupations. To the extent that such uses are consistent with the definition of a "minor home occupation", minor home occupations shall include but are not limited to the following uses:

- A) Professional office uses including realtors and insurance sales
- B) Artists, craftsmen and sculptors;
- C) Cake baking and decorating;
- D) Dance instruction;
- E) Dress making, sewing, tailoring contract sewing (maximum one machine);
- F) Grooming of dogs and cats;
- G) Gun repair;
- H) Computer programming and word processing;
- I) Laundry and ironing services;
- J) Mail order or phone order;
- K) Music composing or instruction;
- L) Photography;
- M) Millinery;
- N) Saw, scissors, and blade sharpening;
- O) Telephone related services;
- P) Television, radio, electronics, and small appliance repair;
- Q) Tutoring (limited to a maximum of four (4) students at any one time);
- and
- R) Wallpapering

**7.8.4.** Major home occupations shall include the following:

- A) Any use listed above as a minor home occupation that exceeds the standards specified in § 7.8.6.
- B) Any home occupation that satisfies the definition of a "major home occupation" as defined in Article 3 of this Ordinance.

**7.8.5.** Uses Not Permitted as Home Occupations

The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and values of a residentially Zoned area for residence purposes and are more suited to non-Residential Zones. Therefore, the following uses shall not be permitted as home occupations in residential districts, except as otherwise permitted within AG Zones.

- A) Ambulance services;
- B) Animal Boarding/kennels or veterinary services;
- C) Appliance repair (major appliances);
- D) Gift or antique shop;
- E) Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
- F) Helicopter service;
- G) Limousine, hearse, or cab service;
- H) Locksmith;
- I) Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
- J) Mortician or funeral home;
- K) Palm reading/fortune telling;
- L) Material or metal fabrication shops or machine shops;
- M) Photo development;
- N) Private club;
- O) Private school with organized classes;
- P) Production woodworking and cabinet making;
- Q) Rental services, businesses, or sales from site (except direct distribution);
- R) Restaurants or taverns;
- S) Towing;
- T) Welding shop;
- U) Well drilling; and
- V) Other similar uses, which may, in the opinion of the Building Inspector, result in an adverse impact on a residential neighborhood.

**7.8.6.** All dwellings containing a home occupation shall comply with the following:

- A) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted.
- B) A maximum of twenty-five (25) percent of the Gross Floor Area of the dwelling, excluding attics, garages, and basements, shall be used for any home occupation(s).
- C) Not more than one (1) major home occupation shall be permitted within any single dwelling unit.
- D) No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
- E) Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined.
- F) The home occupation shall be conducted entirely within the dwelling or accessory building. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.
- G) Deliveries from commercial suppliers shall comply with all applicable State regulations and shall not restrict traffic circulation.
- H) A home occupation shall not produce noise, obnoxious odors,

vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.

I) There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.

J) Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior sales meeting, that are not made on the premises and that do not relate to services performed on the premises.

K) Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.

L) "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.

M) The size of commercial vehicles used for the home occupation shall not exceed twenty (20) feet in overall length or seven (7) feet in height and shall not have a load capacity in excess of one (1) ton.

#### 7.8.7. Application and Permitting Procedure

Home occupations shall be subject to the following application and approval process:

A) Minor Home Occupations - No application required.

B) Major Home Occupations - All major home occupations shall be subject to the following application and approval process:

- (1) The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a Special Exception from the Board.
- (2) If a Special Exception is granted, the applicant shall submit an application for a Major Home Occupation Permit to the Building Inspector. After confirming that the conditions of the Board have been satisfied, the Building Inspector shall issue the permit. Such review of the application may require the Building Inspector to visit the dwelling if deemed necessary.
- (3) Major Home Occupation Permits shall expire one year from the date of issuance, and once granted may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted to the Building Inspector with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.
- (4) The annual fee for a Major Home Occupation Permit shall be established by the Town Council.

#### 7.8.8. Inspections

The Building Inspector, or a person designated by the Building Inspector or Town Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

### Section 7.9. Industrial Uses

All industrial uses shall conform to the following standards:

7.9.1. All industrial operations shall be in compliance with all State and Federal Government regulations as required by the most recent regulations made available by these governmental bodies, including but not limited to noise, air pollution, vibration, radiation, and the pollution of groundwater, surface water, and soils.

7.9.2. Odor. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any Lot Line shall not be permitted.



- 7.9.3.** Toxic Gases. All industrial uses shall emit no noxious, toxic, or corrosive fumes or gases.
- 7.9.4.** Glare and Heat. All industrial uses shall carry on no operations that would produce heat or glare beyond the Lot Line of the lot on which the industrial operation is located.
- 7.9.5.** Waste Products. Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No potentially dangerous effluent shall be discharged.
- 7.9.6.** Screening. Where any industrial parcel is contiguous to a residential or commercial Zone or to a public right-of-way, all outdoor storage areas shall be screened from such districts and said public right-of-way by a landscape screen or other visual barrier with plantings. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier. An alternative visual barrier shall be a six (6) foot high opaque fence or wall with plantings of trees, shrubs, and/or vines along the outside surfaces of the fence or wall.
- 7.9.7.** Landscaping. Any part or portion of the site that is not used for buildings, other structures, loading or parking spaces, aisles, sidewalks and designated storage areas, shall be provided with an all-season ground cover.
- 7.9.8.** Access and Traffic Control. Access to and from the site shall be designed in a manner conducive to safe ingress and egress. The developer shall be responsible for the construction of any necessary traffic control devices or additional lanes required by the Alabama Department of Transportation. All entrances and exits shall conform to the applicable driveway regulations of this Ordinance.

#### Section 7.10. Kennels and Animal Shelters.

- 7.10.1.** Kennels and animal shelters shall not be located within two hundred (200) feet of an R1 or R2 Zone.
- 7.10.2.** Not more than twenty (40) animals shall be housed or Boarded at any one time. Overnight Boarding areas shall be completely enclosed within the building.
- 7.10.3.** Outdoor runs shall be located to the rear of the building and all such areas visible from a public right-of-way shall be enclosed with a wooden privacy fence or similar weather-resistant, durable, and opaque material. Fences (or walls) shall be less than neither four feet nor greater than eight feet in height.
- 7.10.4.** All waste material shall be stored in closed containers and screened from all streets and adjoining properties by a fence, wall, or plant screen at least as high as the containers.
- 7.10.5.** Emission of any offensive odors is not permitted at any time.

#### Section 7.11. Conservation Subdivision

The intent of conservation subdivisions is to provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties.

- 7.11.1.** To enhance quality of life by promoting the creation of accessible green spaces throughout the community;

**7.11.2.** To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;

**7.11.3.** To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;

**7.11.4.** To allow clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community;

**7.11.5.** To encourage street designs that reduce traffic speeds and excessive reliance on main arteries for trips generated;

**7.11.6.** To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and

**7.11.7.** To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.

**7.11.8.** General Regulations

A) Applicability of Regulations. The Conservation Subdivision is available as an option on properties directly affected by the presence of flood hazard areas, severe topography, and areas otherwise affected by Federal, State, or Town environmental regulations. The Applicant shall comply with all other provisions of the Zoning Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

B) Ownership of Development Site. The tract of land to be subdivided and/or developed may be held in single, separate, and multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

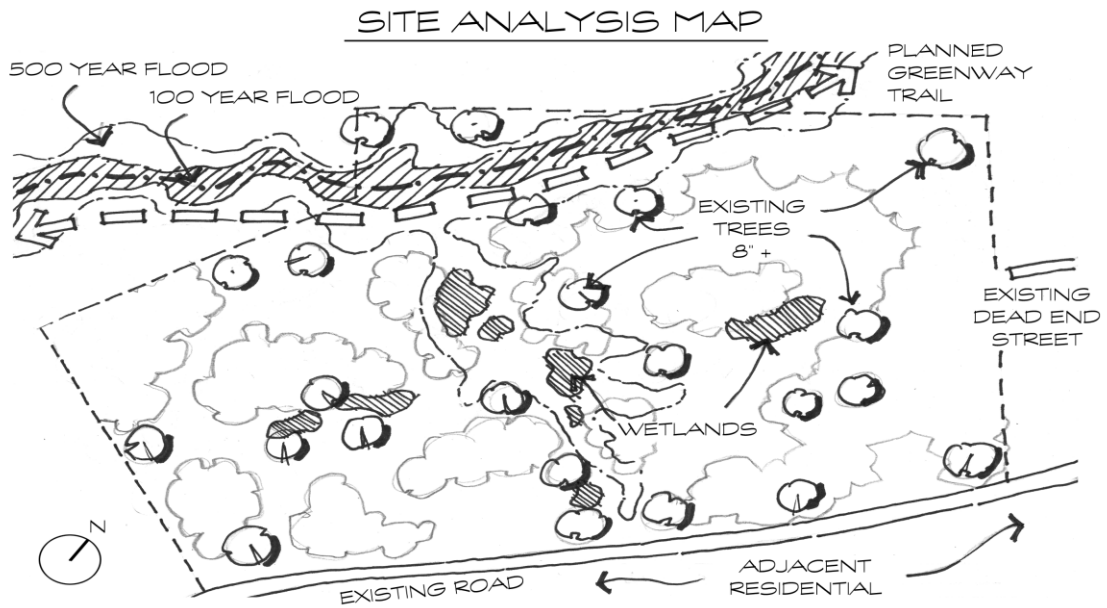
C) Density Determination. The maximum number of lots on the site shall be determined, first by the preparation of a yield plan and then preparation of a conservation subdivision plan. The yield plan is a conventional subdivision plan conforming to the lot requirements of the applicable zoning district, but not including protected open space. The plan does not have to meet the formal requirements for a site design plan, but the design must be reasonably capable of being constructed given site constraints and applicable regulations. Following the preparation of the yield plan, the developer shall prepare a conservation subdivision plan, which yields no more lots than identified within the yield plan. The conservation subdivision plan shall identify open spaces to be protected in accordance with §7.12.4 and may include lots which do not meet the size and setback requirements of the applicable Zone.

**7.11.9.** Application Requirements

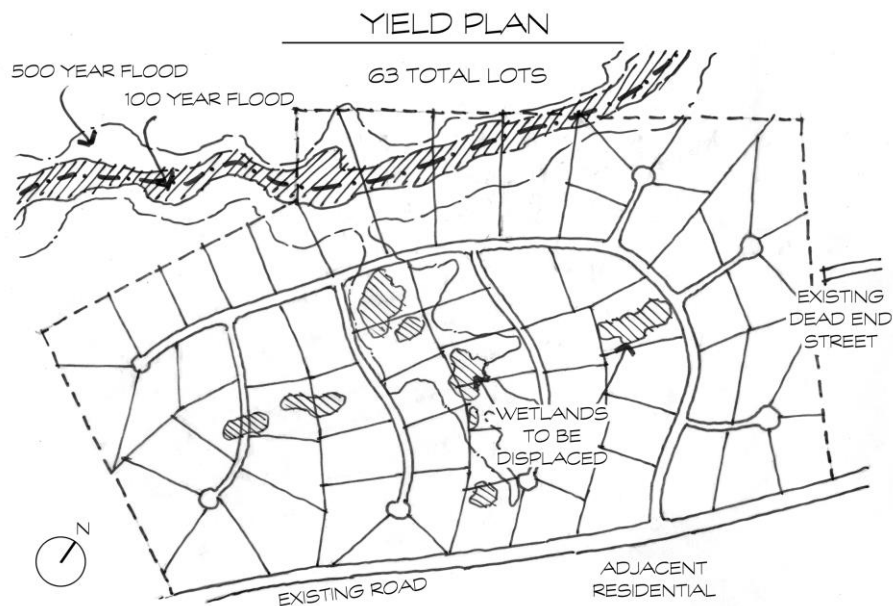
A) Site Analysis Map Required. Concurrent with the submission of a site concept plan, the Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this Article. The preliminary site plan shall include the following features:

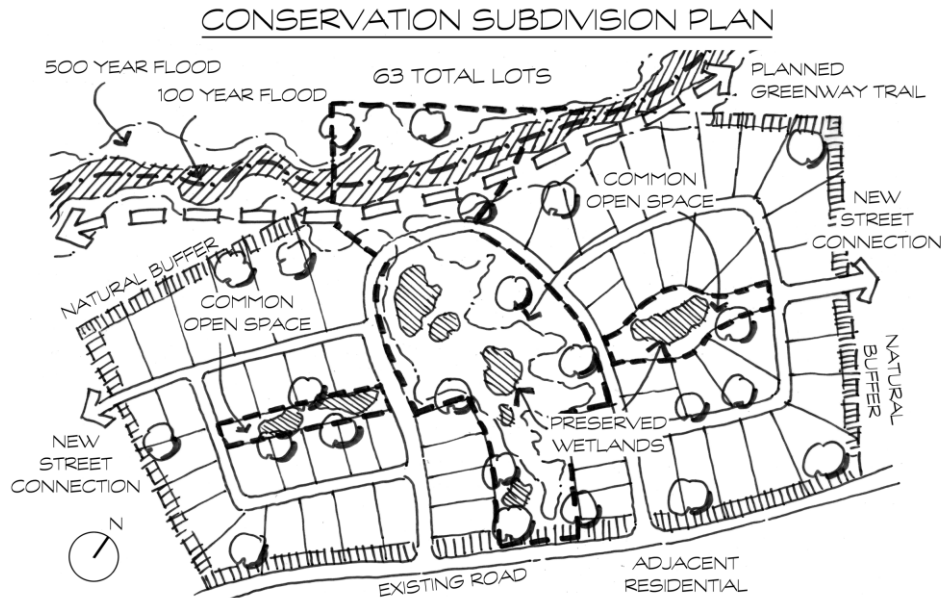
- (1) Property boundaries;
- (2) All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
- (3) All boundaries of applicable regulated buffer areas, easements, and rights-of-way;
- (4) Topographic features of no less than 5-foot intervals;
- (5) All Primary and Secondary Conservation Areas labeled by type, as described in §7.11.10 of this Article;
- (6) General vegetation characteristics;

- (7) General soil types;
- (8) Planned location of protected Open Space;
- (9) Existing roads and structures; and
- (10) Potential connections with existing green space and trails



- B) **Open Space Management Plan Required.** An open space management plan, as described in § 711.10, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- C) **Instrument of Permanent Protection Required.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in § 7.11.10, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- D) **Other Requirements.** The Applicant shall adhere to all other applicable requirements of the underlying Zone and subdivision regulations.





**7.11.10. Open Space.**

A) **Definition.** Open Space is the portion of the conservation development or subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

B) **Standards to Determine Open Space**

- (1) The minimum restricted Open Space shall comprise at least 25% of the gross tract area.
- (2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:
  - (a) The 100-year floodplain;
  - (b) Riparian Zones of at least 75 ft width along all perennial and intermittent streams;
  - (c) Slopes above 25% of at least 10,000 square feet contiguous area;
  - (d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - (e) Populations of endangered or threatened species, or habitat for such species;
  - (f) Existing trails that connect the tract to neighboring areas; and
  - (g) Archaeological sites, cemeteries and burial grounds.
- (3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
  - (a) Important historic sites;
  - (b) Existing healthy, native forests of at least one acre contiguous area;
  - (c) Individual existing healthy trees greater than 8 inches caliper; and
  - (d) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads; and

- (4) Utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  - (5) At least 33% of the Open Space shall be suitable for passive recreational use.
  - (6) At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
  - (7) The Open Space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
- C) The following uses shall be permitted within the Open Space:
- (1) Conservation of natural, archeological or historical resources;
  - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (3) Walking or bicycle trails constructed of porous paving materials;
  - (4) Passive recreation areas, such as open fields;
  - (5) Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
  - (6) Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
  - (7) Easements for drainage, access, and underground utility lines;
  - (8) Other conservation-oriented uses compatible with the purposes of this ordinance.
- D) The following uses shall be prohibited within the Open Space:
- (1) Golf courses;
  - (2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous sections;
  - (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices;
  - (4) Impoundments; and
  - (5) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- E) Ownership and Management of Open Space
- (1) Ownership of Open Space in Residential Subdivisions. A homeowner's association representing residents of the conservation subdivision shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowner's Association.
  - (2) Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities that:

- (a) Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
  - (b) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
  - (c) Provides that any changes to the Plan be approved by the Commission; and
  - (d) Provides for enforcement of the Plan.
- (3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- F) **Legal Instrument for Protection of Open Space**
- (1) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
    - (a) A permanent conservation easement in favor of either:
      - A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
      - A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
      - If the entity accepting the easement is not the Town, then a third right of enforcement favoring the Town shall be included in the easement.
    - (b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
    - (c) An equivalent legal tool that provides permanent protection, if approved by the Town.
  - (2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.
- G) **Tax Assessment of Open Space.** Once a legal instrument for permanent protection has been placed upon the Open Space, the Tax Assessor of Chilton County shall be requested to reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment should be at a value of zero.

## Section 7.12. Garden Homes, Patio Homes

**7.12.1.** Subdivision of lots for garden / patio homes shall be restricted to tracts with a minimum site area of three acres.

**7.12.2.** Each home lot shall meet the following dimensional requirements:

- Minimum Lot Area: 5,500 square feet
- Minimum Lot Width: 50 feet
- Minimum Lot Depth: 110 feet
- Minimum Front Yard: 20 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 15 feet

**7.12.3.** An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a garden / patio home on either side.

**7.12.4.** All driveways and garage access must be located at the rear of the structure and accessed through an alley system.

**7.12.5.** All yard areas behind the front building line shall be fully enclosed by an opaque fence or wall along the side and Rear Lot Lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of ten feet, shall be a hard-surfaced patio or porch. Homes on adjacent lots to the rear or sides may own and maintain common party fences or walls.

**7.12.6.** All utilities shall be placed underground; public water and sewer must be available to all lots.

### Section 7.13. Townhouses

**7.13.1.** Subdivision of lots for townhouses shall be restricted to tracts with a minimum site area of at least 14,000 square feet. The maximum density shall be fourteen dwelling units per acre. Not more than eight contiguous dwelling units shall be permitted.

**7.13.2.** All driveways and garage access must be located at the rear of the structure and accessed through an alley system.

**7.13.3.** Each townhouse lot shall meet the following dimensional requirements:

- Minimum lot area--interior unit: 2,500 square feet
- Minimum lot area--end unit: 4,500 square feet
- Minimum lot width--interior unit: 22 feet
- Minimum lot width--end unit: 45 feet
- Minimum Front Yard: 20 feet
- Minimum Side Yard--end unit: 20 feet
- Minimum Rear Yard: 15 feet

**7.13.4.** A fenced or walled private yard area, no less than 300 square feet in area, shall be provided on all lots of less than 7,000 square feet. Not less than 100 square feet of the private yard area, with a minimum of ten feet, shall be a hard-surfaced patio or porch. Townhouses on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls.

**7.13.5.** All utilities shall be placed underground; public water and sewer must be available to all lots.

### Section 7.14. Multiplexes

**7.14.1.** The minimum lot size shall be 12,000 square feet, and not more than four dwelling units per building shall be permitted.

**7.14.2.** All parking areas shall be located to the rear of the building and set back at least 20 feet from the building.

**7.14.3.** All utilities shall be placed underground; all multiplexes shall be served by public water and sewer.

**Section 7.15. Mini-warehouses, Mini-storage**

**7.15.1.** No storage space shall exceed 400 square feet in area and one story in height.

**7.15.2.** All storage space shall be served by a paved driveway of 12 feet minimum width for each direction of travel.

**7.15.3.** The entire site shall be enclosed by security fencing of eight feet minimum height and be kept lit with security lighting throughout.

**7.15.4.** No storage space shall be used for other than storage purposes.

**Section 7.16. Manufactured Home Parks**

**7.16.1.** All manufactured home parks shall be served by public water and sewer. Manufactured home parks, existing prior to the effective date of this ordinance, shall not be permitted to expand unless public water and sewer is available to the site. A site plan meeting the requirements as set out forth below is required to be submitted for approval of a manufactured home park:

**7.16.2.** Density. The minimum park size shall be 20 acres. The maximum density shall be five manufactured homes per acre, with only one manufactured home per lot if the park is subdivided.

**7.16.3.** General Requirements.

A) There shall be set aside a recreational area or areas, within the manufactured home park, which shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size of the park.

Under 50 Dwelling Units:	100 Sf Per Dwelling Unit
50-99 Dwelling Units	200 Sf Per Dwelling Unit
100-499 Dwelling Units	225 Sf Per Dwelling Unit



- B) Each manufactured home space or lot shall have a minimum area of 6,500 square feet, and a width of not less than 60 feet provided that no lot have less frontage on its access street than is required for a driveway allowing maneuverability of the home onto the lot.
- C) All dwellings shall be oriented so that the front door faces the street of address.
- D) Manufactured homes shall be located with a minimum setback of 20 feet from the access street and five feet from any lot line, provided that no manufactured home shall be closer to any other manufactured home than 25 feet.
- E) Each manufactured home space and lot shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet, and one gravel or better home pad of a size equal to or greater than the dimension of the manufactured home located on the pad, but in no case less than ten feet by 40 feet.
- F) Permanent structures located within any manufactured home lot or space shall be used for storage purposes only, shall have a maximum area of 80 square feet and shall be located not less than six feet from any manufactured home nor closer to any Lot Line than provided herein.
- G) No permanent additions of any kind shall be built onto, or become a part of any manufactured home; provided, however, that this provision shall not be construed to prohibit the addition to the manufactured home of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the manufactured home.
- H) Proper blocking, anchoring, and securing of manufactured homes onto foundations shall be done in compliance with the Building Code and Chilton County Health Department regulations.
- I) With the exception of access and ventilation openings, which shall be covered with wire mesh screen, the space beneath each manufactured home shall be enclosed. All enclosing materials shall be permanently installed and shall be opaque and rust and rot resistant, and shall extend from the lower edge of the exterior walls of the manufactured home to ground surface of the lot upon which it is located.

**7.16.4.** Lot Dimensional Requirements. Each home lot shall meet the following requirements

- Minimum Lot Area:	6,500 square feet
- Minimum Lot Width:	60 feet
- Minimum Lot Depth:	110 feet
- Minimum Front Yard:	20 feet
- Minimum Side Yard:	10 feet
- Minimum Rear Yard:	15 feet

**Section 7.17. Telecommunications Towers**

**7.17.1.** Purpose. The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers. It is the Town of Thorsby’s express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the Town of Thorsby.

**7.17.2.** Applicability. All communication towers and antennae shall meet the minimum requirements as prescribed in this ordinance and any additional

regulations adopted by the Town Council governing the development and construction of communication towers and antennae.

**7.17.3.** Objectives. The proposed locations and design of all communication towers shall duly consider the following public health, safety, and general welfare objectives:

- A) Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees, or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
- B) View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
- C) Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
- D) Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.
- E) Existing Communication Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communication services in the area.
- F) Health Effects. The proposed tower will comply with all applicable federal, state, county, and Town health standards so as not to cause detrimental health effects to persons in the surrounding area.

**7.17.4.** Development Criteria. The Building Inspector and Town Engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. These criteria are considered the minimum necessary to protect the public health, safety, and general welfare. The Commission may also impose higher standards if it deems them to be necessary to further the objectives of this section.

- A) Setbacks
  - (1) Where permitted, the distance between the base of the tower, including guys, accessory facilities and Lot Lines abutting Residential Zones, public parks and roads, must equal twenty percent (20%) of the tower height. Lot Lines adjacent to other uses (e.g. agricultural, industrial) shall require a setback equal to the Rear Yard setback established for the underlying Zone.
  - (2) When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty feet (50').
  - (3) The Site Review by the Commission may reduce the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Commission shall not reduce the setbacks to the detriment of affected residential properties.
- B) Appearance.
  - (1) Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
  - (2) The design of the tower shall be of a type that has the least visual impact on the surrounding area.
  - (3) The design of the tower compound shall, to the greatest extent possible, maximize use of building materials, colors, textures, screening, and

landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

- (4) Where communication towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 feet of residential areas and area of special aesthetic concerns such as commercial revitalization areas, historic districts, and scenic corridors.

C) Lighting. Towers shall not be artificially lighted unless required by FAA or other authority for safety purposes. Where required, the Commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with requirements for "Security Devices" below.

D) Landscaping.

- (1) A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
- (2) The standard buffer shall consist of a minimum eight feet (8') wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the Site Review by the Commission may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
- (3) In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security fencing in combination with four feet of evergreen trees, shrubs, vines and/or other plantings.
- (4) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural, or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Commission.
- (5) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
- (6) Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.
- (7) Security Devices. The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wired, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.
- (8) Access. Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.
- (9) Co-Location. No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would

serve the area that, the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with the requirements of this Section. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.

- (10) Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners' expense. The owner shall provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations, which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.

**7.17.5.** Application. Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.

- A) Statement of Impact on Health, Safety, and Welfare. A brief written statement shall address conformance with the health, safety, and welfare objectives of this guideline.
- B) Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.
- C) Rendering. A rendering of the tower, accessory facilities and compound shall depict colors, materials, and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
- D) Justification for a New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
- E) Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two (2) shared users, in accordance with §7.17.4.
- F) As Built Survey. A qualified professional engineer, licensed in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.
- G) Total anticipated capacity of the structure, including the number and types of antennae that can be accommodated.
- H) Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment.
- I) Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any Residential Zone. Such towers shall be prohibited in any Residential Zone of the Town of Thorsby, Alabama.

**7.17.6.** Exceptions.

Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review by the Building Inspector, as are other types of concealment techniques. Concealment techniques are design methods used to blend

a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal uses, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

### Section 7.18. Group Homes

**7.18.1.** A group home shall only be permitted in a detached dwelling unit situated on a lot having a minimum area of ten thousand (10,000) square feet and shall provide a minimum of three hundred and fifty (350) square feet of habitable floor area for each resident.

**7.18.2.** General Requirements

- A) There shall be no more than six (6) persons permitted to occupy a group home, excluding staff personnel.
- B) Common kitchen and dining facilities may be provided, however, no cooking or dining facilities shall be provided in individual resident's rooms.
- C) A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
- D) A group home shall not be located within two thousand (2000) feet of another group home.
- E) A group home shall comply with all applicable safety, fire, and accessibility and building codes as required by federal, state, and local governments. The applicant shall demonstrate compliance with all State requirements for group homes.
- F) A minimum of four (4) off-street parking spaces shall be provided.
- G) The applicant shall demonstrate that adequate public sewer and water service is available to the proposed group home.

### Section 7.19. Veterinary Clinics, Veterinary Hospitals

**7.19.1.** General Requirements

- A) Veterinary facilities shall not be located within two hundred (200) feet of an RL, RM, or RH Zone.
- B) All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Certificate of Occupancy.
- C) All waste material shall be stored in closed containers that are screened from all streets and adjoining properties by a fence, wall, or plant screen at least as high as the containers.
- D) Emission of any offensive odors is not permitted at any time.

### Section 7.20. Temporary Outdoor Sales

**7.20.1.** Applicability. This section sets standards for temporary outdoor sales activities, including produce stands and seasonal sales. Permanent outdoor retail sales as a principal use shall be subject to all provisions of the Zones in which they occur.

**7.20.2.** General requirements. The following standards apply to all temporary outdoor retail sales activities unless otherwise provided by this section.

- A) Hours of operation: Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Night operations are allowed only when specifically authorized through Conditional Use Permit approval unless otherwise provided by this section.
- B) Parking requirement: None, provided sufficient open area is available to accommodate all employee and customer parking needs on the site, entirely outside of public rights-of-way other than designated on-street parking spaces.
- C) Food sales. The sale of raw or processed foodstuffs is subject to the applicable regulations of the Jefferson County Health Department.
- D) Setback. All sales areas shall be setback from adjacent rights-of-way no less than thirty (30) feet.
- E) Permission of Property Owner. Where the vendor is other than the property owner, the vendor shall provide the Zoning Officer a written agreement signed by the property owner authorizing the temporary use of the property by the vendor for temporary outdoor sales.
- F) Association with an Existing Building. Generally, temporary outdoor sales shall occur only on lots with an existing, occupied building. However, exceptions may be specifically authorized through Conditional Use Permit approval.

**7.20.3.** Produce Stand. A produce stand pursuant to this section is the temporary use of a site for the sale of food and farm produce items from a structure intended for that purpose or from parked vehicles and requires a Conditional Use Permit.

- A) Limitation on use. Produce stands are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants, and cut flowers. Livestock and poultry are prohibited.
- B) Duration of use. Produce stands shall occur no more than three days per week on any site, unless otherwise provided for in the applicable Zone.

**7.20.4.** Seasonal Sales. Seasonal sales include the retail sale of holiday vegetation, including pumpkins and Christmas trees or other similar activity. Seasonal sales shall be of a non-commercial nature and sponsored by a group of persons residing in the Town. Such sales shall not be required to obtain a Conditional Use Permit.

- A) Time limit. The length of time during which seasonal sales may occur is limited to 30 days.
- B) Hours of operation: 8:00 am to 9:00 pm for seasonal sales.

**7.20.5.** Sales from parked vehicles. Sales from parked vehicles are prohibited except in an approved produce stand.

## Section 7.21. Camper Parks

**7.21.1.** General Requirements

- A) No manufactured homes shall be established.
- B) Developer shall furnish a sketch of the layout of camper trailer spaces, tent spaces, driveways, buildings, utilities, and recreational area.
- C) Each camper trailer park shall contain a minimum of five (5) acres.
- D) Sewerage facilities, washroom or toilet facilities, and water supply shall comply with all state and county sanitary regulations governing tourist camps, cabin camps, tent camps, trailer camps, and similar establishments.
- E) The Park shall afford proper drainage and same shall be approved by the county engineer.
- F) Parks shall be restricted to towed campers or travel trailers not exceeding thirty-one (31) feet in length, and to self-propelled vehicles not exceeding forty (40) feet in length.
- G) Parks shall be surrounded by an unoccupied open space or buffer strip 75 feet wide on all sides. The inside twenty (20) feet may be used for a driveway. The buffer shall be in accordance with §5.9 and shall be a Level A buffer and the density shall be according to table §5.9.6.

**7.21.2.** Lot Sizes

- A) Minimum lot area - 1,600 square feet
- B) Minimum lot width - 30 feet

**7.21.3.** Driveways

- A) Minimum - Twenty (20) feet two-way traffic: Twelve (12) feet one-way traffic
- B) Maximum Grade - Six percent (6%)
- C) Minimum curve radius - fifty (50) feet
- D) Surface requirements. Minimum four (4) inch sub-base with clay or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.
- E) Adequate turnarounds shall be provided with no dead end streets.

**7.21.4.** Electrical Requirements

- A) Electrical outlets shall meet the minimum standards of the National Electrical Code.
- B) Washrooms or toilet facilities shall remain lighted at night.
- C) Outdoor lighting is required along pathways to restrooms at a maximum of one hundred (100) feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building Inspector to provide adequate visibility.

**7.21.5.** Camper parks may contain accessory buildings necessary for the operation of the park such as bathhouses, rest room, laundry rooms, offices, recreation buildings, if approved by the Commission. One (1) single family residence is allowed on site for occupancy by the owner operator only, for each one hundred (100) campsites or portion thereof.

**7.21.6.** The Commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience, and general welfare of the residents of the Town.

## **Section 7.22. Assisted Living Facility**

General Standards. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies.

**7.22.1.** Location Standards: Development shall be located on an arterial street, or collector street. Off-site grocery and other commercial and medical conveniences should be within the ability of aged persons to reach them easily: by walking safely to them (within 2,000 feet on level sidewalks) or by transportation

provided by project and facility owners with frequent daily schedule service within a 5-10 minute ride to grocery and other commercial and medical conveniences. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.

**7.22.2.** Site Standards: Requests for an increase in the number of units per building may be approved by the Board of Adjustments where access to public water and sewer is provided.

- A) These facilities should be designed to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
- B) Ten percent of the total parking spaces shall be designated as handicap accessible.
- C) Each unit shall contain at least 400 sq. ft. of Gross Floor Area.

**7.22.3.** Area Regulations: All buildings shall be set back from the street right-of-way and from all Lot Lines as required by the Zone within which the development is located except: Where adjacent to a residential or agricultural Zone, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.

## Section 7.23. Independent Living Facilities

**7.23.1.** Single Building

- A) Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same building.
- B) Parking areas shall be setback no less than 15 feet from the building and a sidewalk of no less than 5 feet in width shall be provided between the building and parking area.
- C) No less than 20% of the site area shall be improved for the passive recreational use of tenants.
- D) All utilities shall be placed underground; and all independent living facilities shall be served by public water and sewer.

**7.23.2.** Complex

- A) Minimum site area: 12,000 square feet.
- B) All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 5 feet in width shall be provided between all buildings and parking areas.
- C) Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- D) No less than 20% of the site area, and not less than 2,500 square feet, shall be improved for the passive recreational use of tenants.
- E) All utilities shall be placed underground; and all independent living complexes shall be served by public water and sewer.

## Section 7.24. Upper-Story Dwellings

**7.24.1.** Generally. Upper-Story dwellings in mixed-use buildings shall be located on a floor level above a use of another type (i.e. institutional, office, retail or service, etc.). In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building Code.



**7.24.2.** Single-Family Dwelling in a Mixed-Use Building. Single-family dwellings in mixed-use buildings are primarily intended for the occupancy of the owner or manager of the associated use or uses within the building. In such cases, the dwelling unit may be accessible from within the associated use. In all other cases, access to the single-family dwelling unit shall be from the exterior of the building or other entrance separate from the use(s) within the ground floor of the building.

**7.24.3.** Multi-Family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

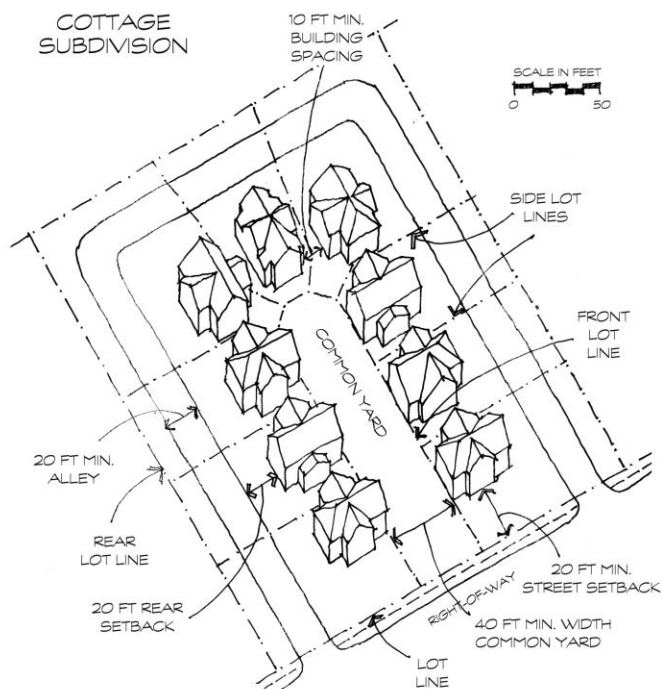
**7.24.4.** Minimum Floor Area. Upper Story Dwellings shall contain a minimum of 600 sf of living space.

### Section 7.25. Cottage Subdivisions.

**7.25.1.** Cottage homes shall be developed in clusters of minimum 4 to a maximum of 12 homes.

**7.25.2.** Cottage homes shall be oriented around and have covered porches or main entry from a common open space.

- A) Common open space shall be maintained by a Condominium or Homeowners' Association.
- B) Common open space shall be at least 250 square feet per cottage home.
- C) Cottage homes shall have a covered porch at least 60 square feet in size.
- D) All structures shall maintain adequate fire separation in compliance with the Building Code.



**7.25.3.** Parking for cottages shall be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces shall:

- A) Be clustered and separated from the common area by landscaping, wall or architectural screen;
- B) Be screened from streets and adjacent residential uses by landscaping, wall or architectural screen; and
- C) Not be permitted within 40 feet of a public street.

**7.25.4.** Setbacks for all structures from Interior Lot Lines shall be an average of 10 feet, but not less than 5 feet, except 15 feet from a public street. Buffers and setbacks from exterior Lot Lines shall be in accordance with the requirements of the applicable Zone.

### Section 7.26. Auto Dismantling, Junk and Salvage Yards

In addition to the buffer requirements of §5.09 and screening requirements of §5.10, auto dismantling, junk and salvage yard operations shall conform to the following requirements:

**7.26.1.** A minimum eight (8) foot wall, privacy fence or other suitable screen shall be provided to block views of all outdoor storage areas from adjacent public streets and neighboring properties.

**7.26.2.** All wrecked cars, cars to be dismantled, and other junk will be stored at all times to the rear (behind) the required screen.

### Section 7.27. Public Utility Facilities

**7.27.1.** Location: Public utility facilities shall be situated on site to minimize visibility from adjacent businesses and dwellings through the use of existing topography and vegetation and further situated to maximize distance between any buildings on adjacent lots. The facility and its perimeter screening shall be setback no less than 50 feet from any non-residential building and no less than 100 feet from any dwelling.

**7.27.2.** Landscaping Buffer and Screening

- A) A landscaped buffer shall effectively screen the view of the facility from adjacent public ways and residential properties.
- B) The required buffer shall consist of a landscaped strip of at least fifteen feet in width along the perimeter of the facility. The buffer strip shall be planted in accordance with the landscaping standards of §604.
- C) For sites within 1,000 feet of a residence, screening shall include a decay-resistant, solid wood fence, brick or masonry walls, or a combination thereof.
- D) All fencing and landscaping shall be maintained by the owner.
- E) In locations where the visual impact of the facility would be minimal, such as remote, agricultural, or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Commission.
- F) Existing mature tree growth on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

**7.27.3.** Security Devices. The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel or wood fence, brick, or masonry wall, or combination thereof shall be installed around the entire perimeter of the facility. Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the facility shall be permitted, if deemed necessary to fully secure the facility.

**7.27.4.** Access. Driveways and parking shall be provided to assure access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.

## Section 7.28. Wireless Communication Services

**7.28.1.** General Requirements. In addition to the submittal requirements for zoning approval, applications for wireless communication services shall include the following:

- A) A network design plan for all of the service provider's existing and planned sites in the Town and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
- B) A qualified electrical engineer licensed by the state of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur. The evaluation shall include the following:
  - (1) The maximum exposure conditions directly adjacent to the antenna and at the closest point the public could come into contact with radiation, including upper floors of residential, institutional, or commercial buildings.
  - (2) The maximum cumulative exposure conditions of all personal wireless services and facilities within the vicinity.
  - (3) Certification shall be provided by the electrical engineer prior to final inspection of the facility that the RF field exposure conditions are per the submitted evaluation.
- C) Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles. When feasible, scaled mock-ups shall be constructed on site.
- D) The Town may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
- E) If the facility is abandoned in the future, the applicant shall be required to remove the wireless communication antennas and equipment from the site.
- F) Wireless communication services and all equipment, such as emergency generators and air conditioners, shall be designed to be in compliance with the Town noise ordinance.

**7.28.2.** Design Requirements. The following specific design requirements shall apply to each type of personal wireless service and facility:

- A) Building Mounted Antennas.
  - (1) Building mounted personal wireless services shall not exceed ten feet above the building surface on which they are located. An additional one (1) foot of height may be added for every ten (10) feet the antenna is set back from the building parapet, to a maximum height of fifteen feet above the surface on which it is located.
  - (2) Building mounted antennas shall be architecturally integrated with the building design in such a manner as to be visually unobtrusive.
  - (3) Building mounted antennas shall be painted to match the existing building.
  - (4) Building mounted antenna equipment facilities shall be screened from public view.

- B) Distributed, Repeater, or Microcell Antenna Systems
  - (1) Distributed, repeater, or microcell antenna systems mounted on buildings within non-Residential Zones shall conform to the height limit of the Zone within which the subject building is located.
  - (2) Distributed, repeater, or microcell antenna systems mounted on utility poles or other utility structures within the public right-of-way in any Zone shall be limited in height to the height of that particular structure.
  - (3) Distributed, repeater, or microcell antenna systems shall be designed to minimize their visibility on utility poles or other structures.
  - (4) Distributed, repeater, or microcell antenna systems' equipment facilities shall be screened from public view.

**Section 7.29. Manufactured Homes**

Manufactured homes are prohibited in all zoning districts of the Town except in AG district as an accessory dwelling for persons employed on the premises and in RPR and Manufactured Home Parks. Manufactured homes are subject to the following supplemental use regulations.

- 7.29.1. Water and sanitary facilities must be approved by the Town of Thorsby and the Chilton county Health Department.
- 7.29.2. Manufactured homes shall be installed in accordance with the manufacturer's installation instructions and the regulations published by the Alabama Manufactured Housing Commission.
- 7.29.3. With the exception of access and ventilation openings, which shall be covered with wire mesh screen, the space beneath each manufactured home shall be enclosed. All enclosing materials shall be permanently installed and shall be opaque and rust and rot resistant, and shall extend from the lower edge of the exterior walls of the manufactured home to ground surface of the lot upon which it is located.
- 7.29.4. Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and urban Development. Any existing mobile home or trailer not bearing such a seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure in accordance with the regulations established in Article 8 of this ordinance.
- 7.29.5. All exterior entrance must have access. All landings, porches, or decks must be a minimum of five feet in width and all stairways shall have railings. All landings, porches or decks must be constructed of wood or brick or some combination of both.
- 7.29.6. All towing devices must be removed.
- 7.29.7. Exterior finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.
- 7.29.8. The owner of the property for family shall use the manufactured homes for residential purposes or accessory dwellings for persons employed on the premises and they shall not be used for rental purposes.
- 7.29.9. Density. Manufactured homes in AG districts may not exceed the following density.

10 Acres to 20 Acres	1 Accessory Dwelling
20 Acres to 40 Acres	2 Accessory Dwellings
40 Acres to 80 Acres	3 Accessory Dwellings

More than three accessory dwellings must seek rezoning

**Section 7.30. Hobby Farms**

Hobby Farms are an agricultural use of property from which generated income is incidental to the total household income of the resident(s) thereof. They are permitted as a supplemental use in RR districts on lots that exceed 5 acres in size. The following dimensional requirements must also be met.

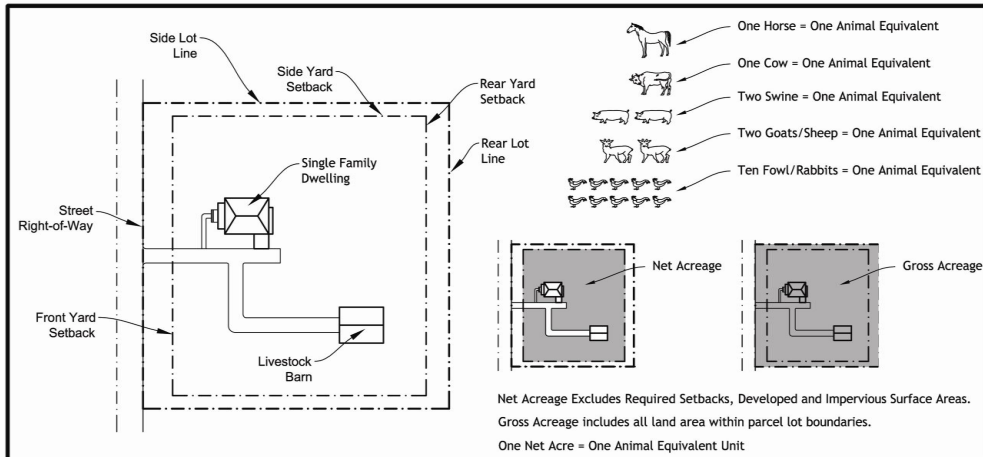
**7.30.1. Requirements for Keeping of Livestock**

- A) Minimum setback of agricultural structures shall be:
- (1) Livestock barns - 100 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 120 ft from the nearest existing residence on any adjoining property
  - (2) Fowl houses - 150 ft from adjoining Lot Lines, 300 ft from nearest thoroughfare rights-of-way, 300 ft from the nearest existing residence on any adjoining property
  - (3) Fowl pens shall not be located within any required yard.
  - (4) Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Line or within 300 ft of any thoroughfare right-of-way.
  - (5) The maximum number of animals permitted on one property in an RE Zone shall be one animal equivalent unit, as determined by the following assignment of animal equivalent units, for the first "net" acre, which excludes required setbacks and developed and impervious surface areas. A maximum of one animal equivalent unit shall be allowed for each additional net acre. No more than twenty (20) individual animals per property shall be permitted. Keeping of livestock in quantities greater than provided herein shall be permitted only in an AG Zone.

Animal Equivalent Units		
horse = 1 unit	sheep = 0.5 units	all fowl = 0.1 units
cow = 1 unit	goat = 0.5 units	
swine = 0.5 units	rabbit = 0.1 units	

- (6) The Commission as needed shall determine equivalents for animals not listed. Offspring shall not be counted until they are weaned. Animals, which are not weaned, shall be counted when they reach half their adult weight based on industry standards.
- (7) Piles of feed or bedding shall be located no closer than fifty (50) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.

Manure shall be stored for removal and disposed of in accord with all applicable county, state, and federal regulations. No manure piles shall be located closer than fifty (50) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.



Area Calculations for Animal Equivalent Units

**Section 7.31. Boarding Houses**

- 7.31.1.** Boarding houses shall only be permitted in single-family detached dwellings and shall be operated by the owner and primary occupant of the dwelling.
- 7.31.2.** At least three (3), but not more than six (6), Boarding rooms shall be available in a boarding house.
- 7.31.3.** Meals may be served for compensation only to Boarders; in no case shall meals be served for compensation to persons who are not Boarders of the establishment. No cooking facilities shall be permitted in any Boarding room.
- 7.31.4.** There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 7.31.5.** Rooms shall be rented on a weekly or monthly basis.
- 7.31.6.** The applicant for a Use permit and certificate of use and occupancy shall demonstrate that adequate public sewer and water service will be provided to the establishment and shall also demonstrate that the Boarding home will comply with all State of Alabama requirements for such uses.

**Section 7.32. Pub Restaurants**

- 7.32.1.** A dining area shall be provided of at least 800 square feet and equipped with tables and chairs accommodating at least 25 persons at one time;
- 7.32.2.** At least one meal shall be served per day of operation;
- 7.32.3.** Such place shall be duly licensed by the ABC Board for the sale of liquor, malt or brewed beverages and/or table wines for on-premises consumption; and
- 7.32.4.** The serving of such food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages and/or table wines being only an incidental part of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute 70 percent or more of the gross receipts of the business.

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**ARTICLE 8. Nonconformities****Section 8.1. Continuance of Nonconforming Uses**

The lawful use of a structure or land existing at the time of the effective date of this Ordinance and subsequent amendments thereto may be continued although such use does not conform to the provisions herein. If no structural alterations are made, a Nonconforming use of a structure may be changed to another Nonconforming use of a more restrictive classification or to a conforming use; however, such use shall not thereafter be changed to a use of a less restrictive classification.

For the purposes of this article, a “use of a more restrictive classification” shall mean a use generally more compatible with its surroundings and/or the Zone in which it located and otherwise of more limited impact to neighboring properties, including traffic, light, noise, odor, etc. This determination shall be made by the Zoning Officer.

**Section 8.2. Discontinued Non-Conformities**

**8.2.1.** In the event a structure or premises occupied or utilized by a nonconforming use that becomes discontinued for a continuous period of six (6) months or longer, the use of said structure or premises shall thereafter conform to the regulations of the Zone in which it is located.

**8.2.2.** In the event the use of a property, on which nonconforming signs exist, becomes discontinued for a continuous period of six (6) months or longer, such sign(s) shall be brought into conformity with the provisions of Article 10 at the time of re-use of the property.

**8.2.3.** In the event the use of a property, on which nonconforming improvements exist, including but not limited to parking areas, driveways, lighting, sidewalks, buffers and screening, and other landscaping, becomes discontinued for a continuous period of six (6) months or longer, such nonconforming improvements shall be brought into conformity with the provisions of this Ordinance and the Design and Construction Specifications at the time of re-use of the property.

**Section 8.3. Structural Extensions and Alterations**

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or otherwise structurally altered unless such use is changed to a use conforming to the use regulations of the Zone in which the structure or premises is located. However, a structure or premises occupied by a nonconforming use may be physically enlarged, extended, reconstructed or structurally altered if and only to the extent necessary to be in compliance with any existing and applicable law or ordinance specifying minimum standards for reasons of health or safety.

**Section 8.4. Use Extensions**

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use conforming to the use regulations of the Zone in which such use is located.

**Section 8.5. New Construction for Conforming Uses.**

A structure or building conforming to the use regulations of the Zone in which it is located but not conforming to other provisions of this Ordinance may be enlarged, extended, or expanded provided that such enlargement, extension or expansion is more in conformance with all regulations of the applicable Zone and any other applicable regulations provided in this Ordinance.

In cases where an existing building, structure or parking area does not conform to the area and dimensional requirements, or other related provisions, of this Ordinance, said building, structure or parking area may be enlarged, expanded, or extended provided that such enlargement, expansion, or extension is more in conformance with all regulations of that Zone and any other applicable regulations of this Ordinance. If such improvements or alterations do not increase conformity with the applicable regulations of this Ordinance, and/or do not bring the existing building, structure or parking area in greater conformity with the provisions of this Ordinance, a Variance shall be required prior to the issuance of a Building Permit for such alteration.



### Section 8.6. Destruction of a Nonconforming Use

Any building or structure, Nonconforming of its own right or occupied by a Nonconforming use, that is damaged by explosion, fire, acts of God or the public enemy to the extent of more than 75% of its fair market value, immediately prior to said damage; shall not be restored except in conformity with the regulations of this Ordinance.

**ARTICLE 9. Parking Regulations**

**Section 9.1. Off-Street Parking**

There shall be permanent off-street parking in the amount specified by this Article at the time of the erection of any building, when any principal building is enlarged or increased in capacity by the addition of dwelling units, guest rooms, seats or floor area, or before conversion from one unit of occupancy to another. Such parking shall be provided within a parking garage, a surface parking lot or in driveways serving single-family detached dwellings. Parking facilities provided in accordance with this Ordinance shall not subsequently be reduced below the requirements of this Article.

- 9.1.1.** Parking Lots to be improved. Parking lots are intended to provide for the off-street parking space required by this Article and shall be improved, in accordance with the requirements of this Article and the applicable standards of the Town of Thorsby Design and Construction Specifications, and maintained in perpetuity by the owner. All parking spaces, excluding those on the lots of one, two, and three family dwellings shall be striped.
- 9.1.2.** Joint Use of Parking Lots. The number of parking spaces required for one use shall not be considered as all or part of the required parking for another use on the same or separate lot except in conformance to §9.3.
- 9.1.3.** Certification of Parking Requirements. Each application for zoning approval shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress between such spaces and adjacent thoroughfares or alleys. This information shall be in sufficient detail to allow an accurate determination of conformance with this Article. Zoning approval for the use of any building, structure, or land where off-street parking is required shall be withheld until the provisions of this Article are fully met.
- 9.1.4.** Free Flow of Traffic and Pedestrian Protection. Ingress and egress for parking facilities shall conform to the requirements of the Design and Construction Specifications. Wherever a reservoir or vehicle standing area is deemed necessary by the Zoning Officer to prevent such blocking of traffic, such reservoir shall be required.
- 9.1.5.** No Backing onto Public Thoroughfares. Except for dwellings in Residential Zones, adequate turning space shall be provided so that no vehicle shall be required to back out into a public thoroughfare.
- 9.1.6.** Use of Setback Space. In non-Residential Zones, parking areas shall be provided behind the front building line of the principal building or structure and the use of required setbacks for parking shall be restricted according to the provisions of the applicable Zone and the buffer requirements of the applicable Zone or use. In Residential Zones, parking shall be permitted on driveways; however, no vehicle parked on a driveway shall extend into the right-of-way or block pedestrian travel on a sidewalk.
- 9.1.7.** Dimensional Requirements of Parking Spaces. Parking space dimensions shall be in accordance with the minimum requirements described in Table 9.1. Compact car spaces may be provided but shall not exceed a ratio of 1 compact car space to 3 standard spaces.

Table 9.1 Dimensional Requirements of Parking Spaces		
Type of Space	Width	Length
Parallel Standard	10 ft	22 ft
Parallel Compact	10 ft	18 ft
Angled / Perpendicular Standard	10 ft	18 ft
Angled / Perpendicular Compact	9 ft	15 ft

## Section 9.2. Parking Requirements by Use

The number of off-street automobile parking spaces shall be required to conform the following thresholds for the various types of uses described in Table 9.2, except as otherwise provided in §9.3 for shared parking. Any fractional space calculated according to Table 9.2 shall be computed as a whole space.

**9.2.1.** Availability of On-Street Parking. In non-residential areas where on-street parking exists or required by the Subdivision Regulations, on-street parking spaces directly abutting the use may be counted toward the parking requirement for the use. On-street handicap parking spaces shall not be counted. No on-street parking space may be counted toward two or more uses.

**9.2.2.** Use Not Specified. Where a use is not specifically identified herein, the parking space requirements of a similar or related use shall apply.

**9.2.3.** Parking Above Maximum Desired. Where a developer prefers to provide “overflow” parking or parking space in excess of the maximum provided herein, such as to meet intermittent high demands for parking (i.e. holiday shopping), such excess space shall be provided upon a pervious parking surface as approved by the Town Engineer.

Type of Use	Minimum	Maximum
Single-family, two-family, and three-family dwellings	2 per dwelling unit	none
Apartments and Condominiums studios and one-bedroom units two-bedroom units three- or more bedroom units	1 per unit 1.5 per unit 2 per unit	1.5 per unit 2 per unit 3 per unit
Places of Worship and Assembly Halls	1 per 325 gross sf or 1 per 5 seats in the main assembly area (whichever is greater)	1 per 275 gross sf or 1 per 3.5 seats in the main assembly area (whichever is less)
Health Club	1 per 120 gross sf	1 per 90 gross sf
Lodging	1 per guestroom plus 1 per 500 sf of common area	1 per guestroom plus 1 per 250 feet of common area
Industrial	1 per 500 sf or 2 spaces per 3 employees on the maximum working shift (whichever is greater)	1 per 400 sf or 3 spaces per 3 employees on the maximum working shift (whichever is less)
Medical Office	1 per 225 gross sf	1 per 190 gross sf
Office	1 per 325 gross sf	1 per 280 gross sf
Restaurants, Pub Restaurants, Bars, and Indoor Entertainment	1 per 125 gross sf	1 per 90 gross sf
General Retail	1 per 250 gross sf	1 per 200 gross sf
Day Care Facilities	1.5 spaces per employee plus adequate area for loading and unloading children	2.25 spaces per employee plus adequate area for loading and unloading children
Elementary and Middle/Junior High Schools	1 per 4 seats in assembly room plus 0.75 per daytime employee	1 per 4 seats in assembly room plus 1 per daytime employee

High School	1 per 4 seats in assembly room plus 1 per daytime employee	1 per 3.5 seats in assembly room plus 1 per daytime employee
Private Club or Lodge	1 per 250 gross sf	1 per 200 gross sf
Assisted Living Facilities	1 per 6 residents	1 per 4 residents
Independent Living Facilities	1 per 4 residents	1 per 3 residents
Outdoor Entertainment/Recreation	as recommended by the Zoning Officer on a case-by-case basis	
Funeral Home	1 per 60 sf per funeral service room	1 per 40 sf per funeral service room
Community Center	10 plus 1 space per 450 sf over 2,000 sf	10 plus 1 space per 375 sf over 2,000 sf

**Section 9.3. Parking Reductions for Shared Parking**

In circumstances involving a combination of uses sharing a common parking area(s) for which compliance with the conventional requirements of Section 9.2 might create total parking in excess of actual need, such shall be determined and certified by the Zoning Officer and subsequently approved by the Commission.

**9.3.1.** Reductions shall only be approved when a written agreement between the owners of such parking areas has been provided to the Zoning Officer and where the parking areas are commonly shared and interconnected by an alley or shared drive and by pedestrian walkways. Reductions shall only be applicable to uses on the same block and where each space to be shared is no greater than 600 ft from an entrance to any of the uses sharing such parking and shall be applied according to the percentage reductions as provided in Table 903A. Such reductions shall be calculated based on the sum of the minimum requirements for all individual uses on the site as required within the Zoning Ordinance. Where more than two different uses are proposed, the total allowable reduction shall be calculated using the smallest possible reduction factor of the various uses proposed, as described below:

**TABLE 9.3**  
**Parking Requirement Reductions for Shared Parking Areas**

Use Mix	Residential	Lodging	Office	Retail
Residential	0%	9.09%	28.57%	16.6%
Lodging	9.09%	0%	41.17%	23.07%
Office	28.57%	41.17%	0%	16.66%
Retail	16.66%	23.07%	16.66%	0%

Example	Proposed Use	Base Requirement
	20 (2 bedroom) residential units	1.5 spaces per 2-bedroom unit - total 30 spaces
	20,000 sf retail	1 space per 1,000 sf leasable area - total 100 spaces
	20,000 sf office	3.0 spaces plus 1.0 spaces per 400 sf above 1,000 sf - total 51 spaces
<b>Total Parking Required</b>		<b>Total Base Requirement: 181 space</b>

Possible Spaces to be shared: 30 Residential 30 Retail 30 office (90 spaces)	Allowable Reduction: 16.66% of 90 spaces = 14 spaces	Reduced total requirement: Total (181) - Reduction (14) = 167 spaces

**9.3.2.** Wherever a use for which highest parking demand occurs at a different time from other uses on the same lot or block, the parking requirement for the combined uses may be reduced in accordance with a recommendation by the Zoning Officer and as approved by the Commission.

**Section 9.4. Parking Lot Landscape Requirements**

All parking lots containing ten or more spaces shall be required to have installed landscaping improvements in accordance with the Design and Construction Specifications and according to the Site Plan approved by the Commission. When existing parking lots, established prior to the effective date of this Ordinance and amendments thereto, are to be expanded by ten (10) or more additional spaces, the parking lot shall be improved in accordance with the provisions of the aforementioned requirements.

**Section 9.5. Off-Street Loading and Unloading Areas**

In each non-Residential Zone, adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The adequacy of such loading and unloading areas shall be determined by the Town Engineer and/or Building Inspector.

## ARTICLE 10. Sign Regulations.

### Section 10.1. Purpose

The purpose of this Article is to establish regulations for the erection and maintenance of signs. It is determined that, while signs are a proper commercial use of private property in certain areas of the Town and within certain Zones, such signs should be reasonably regulated to protect the public safety and general welfare, and to safeguard and promote the aesthetic quality of the Town of Thorsby by establishment of standards for the quantity and design of signage.

### Section 10.2. Applicability

The regulations contained herein shall govern all signs, both presently existing and hereafter erected or displayed; however, said regulations shall not waive or repeal additional requirements of other applicable ordinance. Furthermore, for the purposes of this Article, all signs shall be considered “uses” in their own right and, as such, shall hereafter be subject to the provisions set forth in Article 8: Nonconforming Uses.

### Section 10.3. Definitions

**Banner.** A sign of lightweight fabric or vinyl, or similar material temporarily mounted to a building, structure, or fence at one or more edges. National, state, and municipal flags and the official flag of any institution shall not be considered banners.

**Holiday Decorations.** Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations containing business, product, sales, or service advertising content. Holiday decorations shall not be considered signs.

**Intermittent Light.** Any flashing, traveling, animated, blinking, or fluctuating light, including arrangements that spell messages, simulate motion, or form various symbols or images.

**Lighting, External.** Light reflected from a separate outside source aimed toward it, including silhouettes on a background or reflected light.

**Lighting, Internal.** Light directed outward from a lighting source within a sign, including neon signs.

**Public Notice.** An official announcement, required by federal, state, or local law, of a public proceeding.

**Seasonal Sales and Promotions.** Extended sales activities, which may include special pricing, advertising, events, signage, and other promotions, occurring during a season for no longer than six (6) months, including agricultural and garden products, outdoor furnishings, Christmas trees, pumpkins and other products and services associated with a recurring season.

**Sign.** Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the Alabama Manual on Uniform Traffic Control Devices.

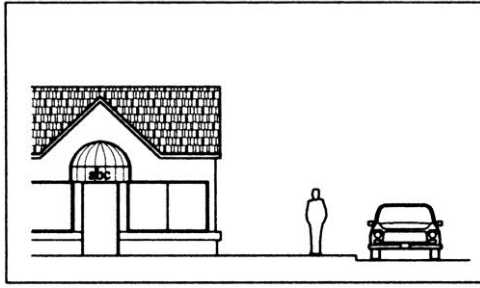
**Sign, Animated.** Any sign or art of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

**Sign Area.** The entire area of a sign within a single contiguous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Permitted copy area for double face signs shall be applied to the area of each of the two sign faces.

**Sign, Auxiliary.** Any sign attached to a building, canopy, appurtenance, or other structure indicating general information, such as trading stamps, credit cards, official notices, or services required by law, or giving directions to offices, restrooms, exits, and like facilities. Auxiliary signs shall not include

advertising content and are typically permanent though content may change.

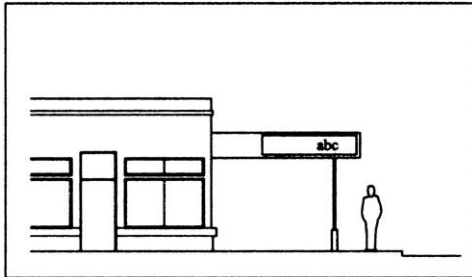
**Sign, Awning.** A sign directly painted or otherwise directly affixed to an awning.



**AWNING SIGN**

**Sign, Building.** A sign painted upon or attached or affixed to a building, including awning, canopy, projecting, and wall signs.

**Sign, Canopy.** A sign directly painted or otherwise directly affixed upon a building canopy.



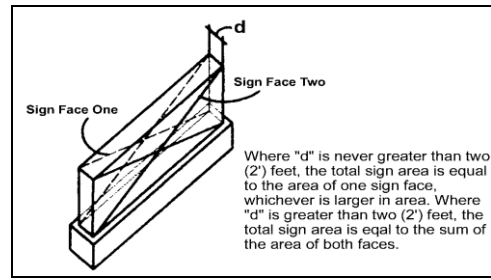
**CANOPY SIGN**

**Sign, Construction.** A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.



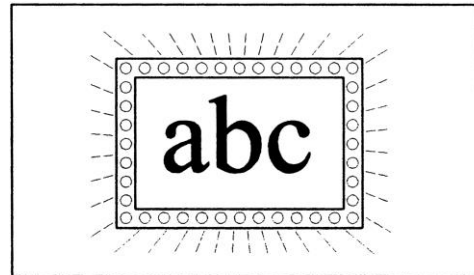
**CONSTRUCTION SIGN**

**Sign, Double-faced.** A sign, both sides of which are visible and used as signs. The sign area of a double-faced sign, where the two sign faces are never greater than twenty-four (24”) inches apart, shall be computed as the area of one sign face, whichever is greater. When the two sign faces are greater than 24” apart, the sign area shall be computed as the sum of both faces.



**DOUBLE-FACED SIGN**

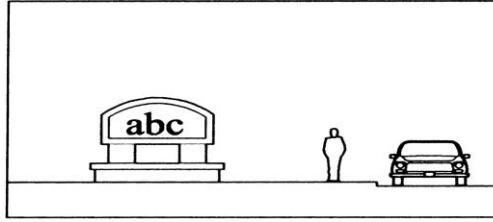
**Sign, Flashing.** A sign with an intermittent, repetitive, or flashing light source.



**FLASHING SIGN**

**Sign, Freestanding.** Any nonmoveable sign not affixed to a building. Any sign that is attached to or part of an upright support that stands removed from any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing allowable area, except as otherwise provided for double-faced signs.

**Sign, Ground.** A freestanding sign in which the sign copy area is attached directly to the base of the sign or otherwise located close to the ground. This is also commonly referred to as a “monument sign”.

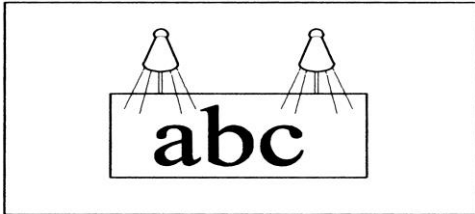


**GROUND SIGN**

**Sign, Holiday.** Signs and displays of a temporary nature acknowledging and promoting a holiday or holiday season and which include business, product, sales, or service advertising content.

**Sign, Identification Sign.** See Sign, Nameplate.

**Sign, Illuminated.** Any sign lit by an internal or external device.

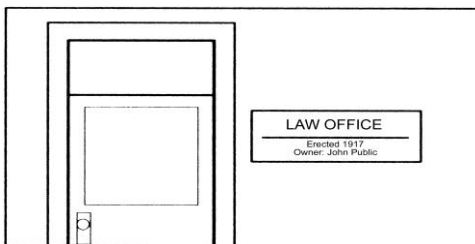


**ILLUMINATED SIGN**

**Sign, Marquee.** Any sign made part of another sign and designed to have changeable copy, either manually or electronically.

**Sign, Monument.** See Sign, Ground.

**Sign, Nameplate.** A wall sign indicating the name and/or address of a business.

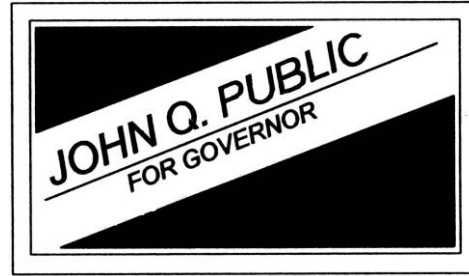


**NAMEPLATE SIGN**

**Sign, Off-Premise.** Any sign advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

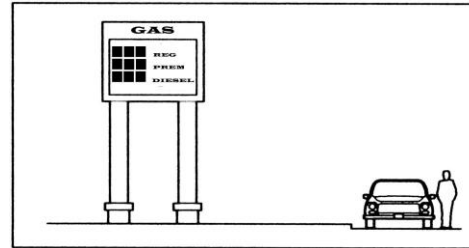
**Sign, On-Premise.** Any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

**Sign, Political.** A sign identifying or urging support for an election issue, political party, or candidate for public office.



**POLITICAL SIGN**

**Sign, Pole.** A freestanding sign mounted above one or more vertical structural members.



**POLE SIGN**

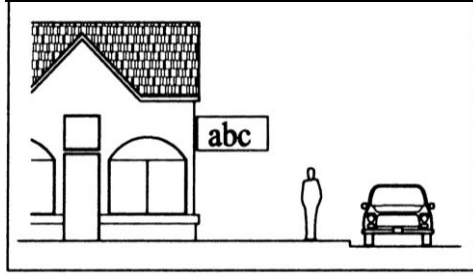
**Sign, Portable.** A sign, which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device, which is set in the ground or to a building, which is set on an approved foundation; or, a sign, which is not secured in a manner approved by the Building Official. This includes, but is not limited to, "A frame" signs and sandwich board signs, trailer mounted signs or signs on skids.



**PORTABLE SIGN**

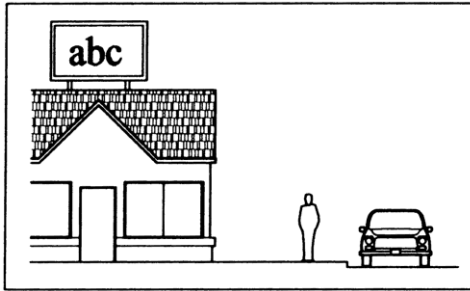
**Sign, Projecting.** A sign attached or affixed to the exterior wall of a building extending more than 12 inches from the face of the building wall or above the top of the building wall.





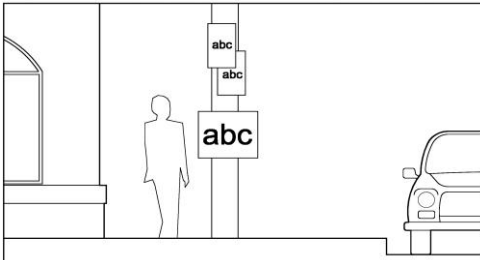
**PROJECTING SIGN**

**Sign, Roof.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.



**ROOF SIGN**

**Sign, Snipe.** A sign attached to utility poles, trees, other signs or structures or objects not specifically designed to accommodate signs.

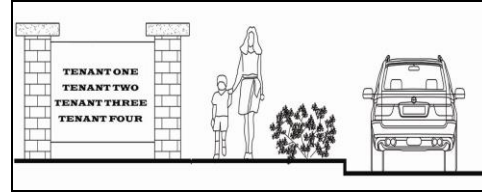


**SNIFE SIGN**

**Sign, Temporary.**

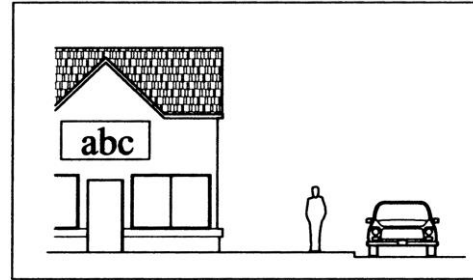
A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed to be displayed for a short period of time.

**Sign, Multitenant.** A ground sign containing the name of a multi-tenant business center and typically containing the names of the tenants within the development.



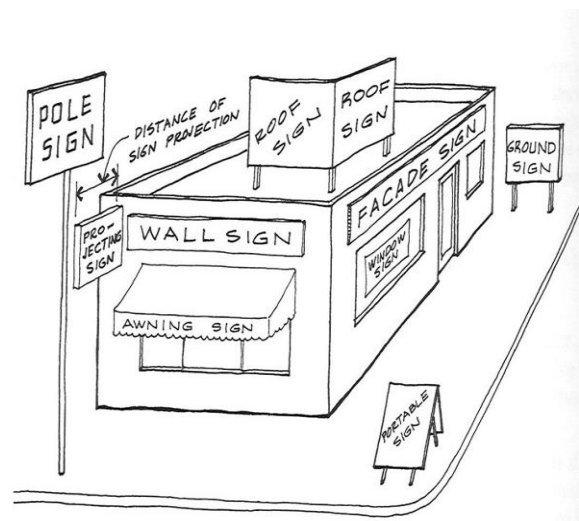
**MULTITENANT SIGN**

**Sign, Wall.** A sign painted upon the exterior wall of a building, or affixed to the exterior wall of a building but not extending more than 12 inches from the face of the building wall or above the top of the building wall.



**WALL SIGN**

**Sign, Window.** Any advertising content, including business identification information, attached to, affixed to, or painted or otherwise imprinted on a window, whether applied to the interior or exterior surface of the glass. This shall also include signage attached to, affixed to, or painted or imprinted on glass doors.



**SIGN TYPES**

## Section 10.4. General Regulations

The following are general regulations that apply to all signs.

- 10.4.1.** No sign shall be erected or maintained which would imitate, resemble, obscure, or otherwise physically interfere or be confused with any official traffic sign, signal, or device, nor obstruct, mislead, confuse or otherwise physically interfere with pedestrian or vehicular traffic flow.
- 10.4.2.** All permanent signs shall display the street number assigned to the location. A multi-tenant sign shall carry the range of street numbers assigned to the properties. Street numbers shall be at least six inches high.
- 10.4.3.** Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.
- 10.4.4.** It shall be unlawful to use a vehicle or trailer as a sign for the purposes of circumventing conformity with these regulations.
- 10.4.5.** No sign structure shall be located on or project over any public right-of-way or property, nor shall any portion of a sign or its structure project over or protrude into any required setback area, except as otherwise provided herein.
- 10.4.6.** Sign Illumination.
- A) No sign shall contain, include or be illuminated by intermittent lighting except those giving only public service information such as but not limited to the time, date, temperature, weather, or news.
- B) All illuminated or highly reflective signs shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a thoroughfare or sidewalk, or from shining on or into any residential buildings, or otherwise adversely affecting surrounding or facing properties. Furthermore, such signs shall not adversely affect the safe operation of motor vehicles by reason of light intensity or brilliance, which causes glare or otherwise impairs the vision of drivers of motor vehicles.
- C) In no case, with all lighting components energized, shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot candles when measured with a standard light meter held at a distance of ten inches from the sign face.
- D) Maximum brightness levels for electronic reader boards shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.

## Section 10.5. Permitting of Signs

No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions, which shall not require a permit:

- 10.5.1.** Changing the copy, announcement or message on a sign
- 10.5.2.** Cleaning, painting, electrical or comparable maintenance, or repair of a sign that does not alter any regulated feature of such sign.
- 10.5.3.** Erecting a sign for which a permit is not required in accordance with § 10.6 Exempt Signs.
- 10.5.4.** Permanent Sign Permit Procedure

All sign permits shall be procured in accordance with the following procedure:

- A) A written application shall be submitted to the staff for review. The application will be accepted only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by staff to determine compliance with these regulations.
- B) Staff shall review the application, plans, and specifications to

determine whether the proposed sign conforms to all applicable requirements of these regulations.

C) Plans and Specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

- (1) Lot frontage on all street rights-of-way
- (2) Facade area of any wall on which a sign is proposed to be placed.
- (3) Dimensions And Elevations (Including text) of the sign.
- (4) Dimensions of the sign's support structures.
- (5) Maximum and minimum height of sign, as measured from finished grade.
- (6) Location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property.
- (7) For illuminated signs, the type, placement, intensity and hours of illumination.
- (8) Construction and electrical specifications.
- (9) Value of the proposed sign.
- (10) Number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

D) Following review and determination as to conformance with these regulations, staff shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, staff shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

#### 10.5.5. Temporary Sign Permit Procedure

All temporary sign permits shall be procured in accordance with the following procedure:

- A) A written application shall be submitted to the staff for review. The application will be accepted only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by staff to determine compliance with these regulations.
- B) Staff shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

#### 10.5.6. Portable Sign Permit Procedure

All portable sign permits shall be procured in accordance with the following procedure:

- A) A written application shall be submitted to the staff for review. The application will be accepted only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by staff to determine compliance with these regulations.
- B) Staff shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

10.5.7. Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final decision of the application.

## Section 10.6. Exempt Signs

The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind:

- 10.6.1.** Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- 10.6.2.** Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the town, the State of Alabama, or the United States. Signs established by, or by order of, any government agency.
- 10.6.3.** Legal notices and official instruments.
- 10.6.4.** Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Town Council for a prescribed period.
- 10.6.5.** Flags, insignia or signs (not to exceed a total of 200 square inches in area) of a governmental, religious, charitable, or fraternal organization except when displayed in connection with a commercial promotion.
- 10.6.6.** Holiday lights and decorations.
- 10.6.7.** Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- 10.6.8.** Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- 10.6.9.** Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- 10.6.10.** Window signs that identify or advertise activities, services, goods, or products available within a building, but which collectively cover no more than 30% of the window surface.
- 10.6.11.** Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
- 10.6.12.** Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- 10.6.13.** Works of art that do not constitute advertising.

## Section 10.7. Prohibited Signs.

The following signs shall hereafter be considered expressly prohibited throughout the Town :

- 10.7.1.** Any sign with a sign face greater than 32 square feet
- 10.7.2.** Outdoor advertising signs or billboards that are stacked (separate sign displays mounted one above another whether on unified or separate structures)
- 10.7.3.** Lights and signs that resemble any traffic control device, official traffic control signs, or emergency vehicle lights or markings
- 10.7.4.** Signs that produce noise or sounds capable of being heard, including non-distinguishable sounds
- 10.7.5.** Signs that emit audible sound, odor, or visible matter such as smoke or steam
- 10.7.6.** Signs attached to or painted onto a vehicle for which the vehicle's primary purpose is advertising, except as otherwise permitted in this ordinance.

- 10.7.7.** Signs painted or drawn upon rocks, trees, curbstone, flagstone, pavement, or any portion of any sidewalk or street, or other natural features except house numbers and traffic control signs
- 10.7.8.** Signs or attention getting devices that contain a beacon of any type and/or contain a spotlight providing direct illumination to the public. Signs that flash, move, rotate, scintillate, blink, or flicker.
- 10.7.9.** Signs that project more than thirty-six inches from any building or similar structure on which they are mounted
- 10.7.10.** Signs that are in violation of the building code or electrical code adopted by the Town of Thorsby
- 10.7.11.** Any sign that, in the opinion of the staff, does, or will constitute a safety hazard.
- 10.7.12.** Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- 10.7.13.** Strings of light bulbs used on commercially developed parcels for commercial purposes.
- 10.7.14.** Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
- 10.7.15.** Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- 10.7.16.** Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.
- 10.7.17.** Signs erected on public property or on private property located on public property (such as private utility poles, i.e. snipe signs) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.
- 10.7.18.** Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.
- 10.7.19.** Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.
- 10.7.20.** Signs or attention getting devices that contain a beacon of any type and/or contain a spot light providing direct illumination to the public
- 10.7.21.** Three-sided signs and "V"-type signs
- 10.7.22.** Abandoned signs
- 10.7.23.** Illegal Signs

## Section 10.8. Abandoned Signs

- 10.8.1.** Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

**10.8.2.** Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

## Section 10.9. Illegal Signs

**10.9.1.** The following signs shall be considered illegal and a violation of the terms of this article:

- A) A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein.
- B) A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection.
- C) An abandoned sign

**10.9.2.** Upon determination by staff that a certain sign is illegal, staff shall act to remedy the violation, which may include:

- A) The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action.
- B) The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the Town shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.
- C) Unless otherwise specified herein, any references to freestanding signs may be understood to include single signs with two faces oriented in opposite directions. When the distance between the two faces is never greater than two feet, such sign shall be counted as one sign and the area of only one face shall be counted for the purpose of calculating signage area. Where such sign faces are greater than two feet apart, each face shall be counted as a separate sign and the area of each face shall be counted for the purpose of calculating signage area.

## Section 10.10. Maintenance

Any sign not meeting the following provisions shall be removed within sixty days after receipt of notification from the Zoning Officer, unless it is determined by said Officer that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies:

**10.10.1.** The area around any freestanding sign shall be kept clear of trash and litter and shall present a neat and orderly appearance.

**10.10.2.** All signs shall be maintained at the level of appearance originally held at the time of erection and in accordance with the requirements of this Article.

**10.10.3.** Exposed backs of signs must be painted a single, neutral color so as to present an attractive, finished appearance.

**10.10.4.** It shall be the responsibility of the business owner of an on-premises sign to maintain and insure compliance with the provisions of this Article; abandoned signs shall be the responsibility of the property owner.

## Section 10.11. Temporary Signs

**10.11.1.** Temporary Signs in Residential Zones. Temporary signs are expressly allowed in all residential zoning districts, subject to the following standards:

- A) An individual may have more than one noncommercial sign on a property at one time, subject to the following limitations:
- B) There shall not be more than one sign per issue, cause, event, or candidate.
- C) The total area of all temporary noncommercial signs located on one residential lot at one time shall not exceed 140 square feet; individual signs shall not exceed 24 square feet.
- D) Such signs shall be placed only on private property.
- E) Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.
- F) Separate illumination of such signs in residential districts is not permitted.
- G) All temporary signs that relate to an election or other specific event (i.e. yard sale) shall be removed within 2 days after the event to which they pertain. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.
- H) Real estate signs shall contain no commercial message except information advertising the property on which it is located for sale, rent, or lease, and information identifying the agency or other person offering the property and shall not exceed four (4) square feet in area or five (5) feet in height.
- I) Additional directional signs may be located off premise in order to direct traffic to such property as offered for sale from Friday to Sunday of each week that a property remains for sale or on days that a property is actively exhibiting an "open house" not including the leasing office; and shall be removed during the remaining days of the week.
- J) All real estate signs must be removed within five (5) days from the completion of sale.
- K) One building construction sign is permitted per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing services or supplying labor, or supplying material to the premise. Such sign shall not exceed 24 square feet in area and shall be removed upon the completion or sale of 85% of the lot sales or project completion.

**10.11.2.** Temporary Signs in Nonresidential Zones. In addition to all other signs allowed, temporary signs bearing noncommercial messages are expressly allowed in all nonresidential zoning districts, subject to the following standards:

- A) There may be more than one such sign on a property at one time, subject to the following limitations:
  - (1) There shall not be more than one sign per issue, candidate, organization, cause, or event.
  - (2) The total area of all such signs located on one lot at one time shall not exceed 140 square feet, except that at any time that there is no temporary commercial sign on the property offering the property for sale, rent or lease, an additional 4 square feet of sign area is allowed for noncommercial signs.
  - (3) Such signs shall be placed only on private property.
  - (4) Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.

(5) Any noncommercial sign larger in size than four (4) square feet requires a sign permit.

B) Separate illumination of such signs is not allowed, except as specified in this sub-section. Where a noncommercial sign is erected in place of another permitted sign or political copy is placed on an existing, lawful sign in a non-residential district, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.

C) All temporary signs that relate to an election or other specific event shall be removed within five (5) days after the election to which they pertain. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

D) One temporary, non-illuminated sign, advertising the sale, or lease of commercial land or structures is permitted for each property. One additional sign may be permitted if the property has a minimum one hundred feet of street frontage on two (2) or more streets. Said sign shall not exceed 24 square feet, or 6 feet in height.

E) One building construction sign is permitted per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing services or supplying labor, or supplying material to the premise. Such sign shall not exceed 24 square feet in area and shall be removed upon the completion or sale of 85% of the lot sales or project completion.

**10.11.3.** Temporary Banner Signs. Each retail business is permitted one temporary banner, which shall not exceed 32 square feet of copy area, and shall be attached to the building wall; for one continuous 7-day period, not to exceed two such periods in any calendar year. The banner shall be completely secured to a building or a sturdy frame on at least two opposite sides or at all four corners to prevent loose portions of the banner from moving in the wind to the extent that it would become a prohibited “animated sign”. Such sign may bear any noncommercial message or a message related to goods, products or services offered on the premises.

**10.11.4.** Temporary Holiday and Cultural Decorations. In addition to all other signs, in any zoning district, holiday or cultural decorations may be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in any one (1) year. Holiday or cultural decorations shall not contain a commercial message.

#### **Section 10.12. Portable Signs.**

Each retail business is permitted one temporary trailer mounted sign, which shall not exceed 32 square feet of copy area, for one continuous 21-day period. The sign must be placed on the business property and shall not block pedestrian or vehicle traffic. The temporary trailer mounted sign shall be completely secured to prevent loose portions of the sign from moving in the wind to the extent that it would become a prohibited “animated sign”. Such sign may bear any commercial message or a message related to goods, products or services offered on the premises. Continued use of a portable sign may be permitted but requires a sign permit as set out in §10.5.6.

#### **Section 10.13. Sign Materials**

Frames, Supports and Ornamentation. Building materials for permanent freestanding and building signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses. The various parts of signs shall be compatible in design quality. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, and so forth).



A) The following materials are considered appropriate for sign backgrounds, frames, supports, and ornamentation:

- (1) Brick.
- (2) Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.
- (3) Stained split-face block.
- (4) Wood.
- (5) Exterior insulation and finish systems (EIFS) (trade name DryVit), or similar material, in combination with brick, split-face block, or stone.
- (6) Metal panels, when used in combination with brick, split-face block, or stone.
- (7) Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

B) The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

- (1) Exposed metal poles. For pole-mounted signs, poles shall be enclosed by a masonry veneer.
- (2) Smooth-face concrete blocks, whether painted or unpainted.
- (3) Metal panels, when used without brick, split-face block, or stone.
- (4) Plastic, or other synthetic materials, when used without brick, split face block, or stone.

#### Section 10.14. Calculation Standards.

##### 10.14.1. All Signs

Calculation of sign area and height shall be performed in conformance with the graphic description of this Article unless otherwise specified in this Article; the following dimensional requirements shall apply:

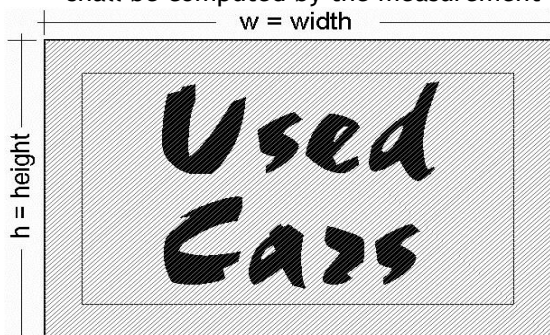
- A) The minimum front setback shall be three feet from the Front Lot Line, five feet from a sidewalk, or ten feet from the edge of pavement, whichever is greater. Signs shall be setback 25 feet from the centerline of an undedicated road. These setbacks shall not apply to identification signs mounted on mailboxes, nor for temporary signs.
- B) The side and rear setbacks shall be the minimum applicable yard setback as is required for the Zone in which the sign is located. In no case shall any sign be erected closer than fifteen (15) feet to a boundary line of a Residential Zone.
- C) No sign shall be located in such a manner that motorist visibility is obscured at driveways or access points to any business or to intersections of thoroughfares and alleys.
- D) The maximum area of any sign and maximum height of any freestanding sign shall be according to the provisions of Table 10.1.
- E) Every projecting sign shall extend outward from the building to which it is affixed no more than thirty (30) inches, shall not exceed a total of six and one-quarter (6.25 sf) square feet in area, and shall be limited in elevation such that the top edge of the sign is no higher than the top of the building or structure to which it is attached.
- F) Every building sign shall be limited such that no portion of said sign is elevated higher than the top of the building or wall face to which it is attached or affixed, nor shall it extend more than one foot horizontally from the wall surface.
- G) No freestanding sign shall be located closer than 60 feet from another freestanding sign on the same side of the same block. No portable sign shall be permitted closer than 60 feet to any other sign whose face or any portion thereof is situated at the same elevation as any portion of the portable sign in question.

**10.14.2. Individual Signs.**

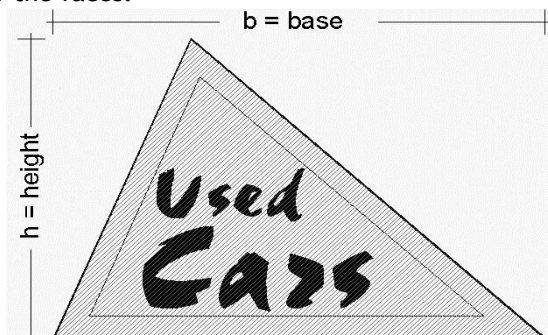
The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will include the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

**10.14.3. Multifaced Signs.**

The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than twenty-four (24) inches apart, the sign face area shall be computed by the measurement of one of the faces.

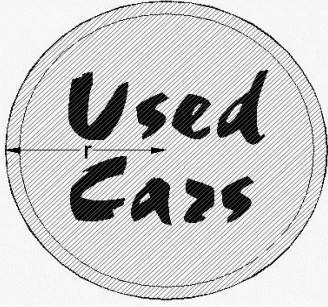


Calculating Area of a Rectangular Sign =  $h \times w$



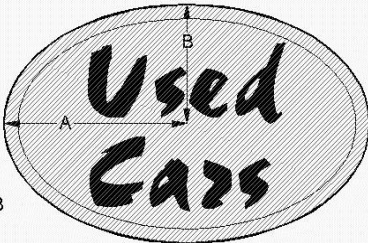
Calculating Area of a Triangular Sign =  $1/2 (h \times b)$

$\pi = 3.14159$   
**EXAMPLE**  
 r (radius) = 4 feet  
 Area =  $3.14159 \times 4 \text{ ft}^2$   
 Area = 50.265 sq ft

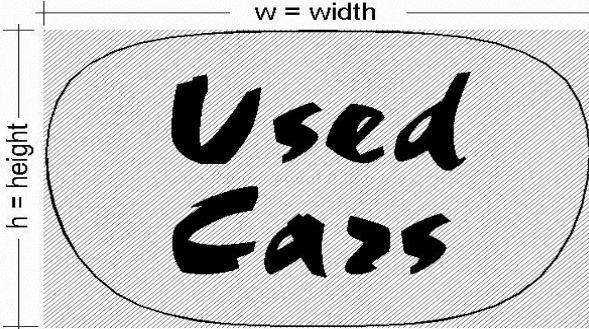


Calculating Area of a Circular Sign =  $\pi \times \text{radius}^2$

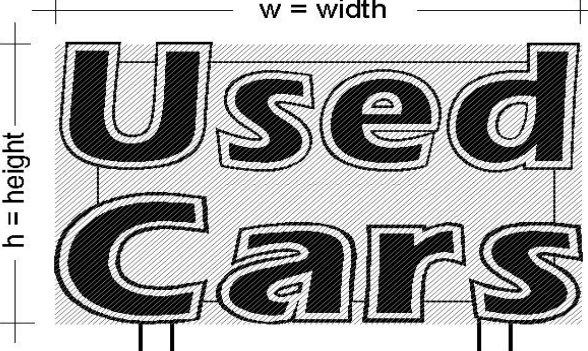
$\pi = 3.14159$   
**EXAMPLE**  
 A = 3 ft B = 4 ft  
 Area =  $3.14159 \times A \times B$   
 Area = 37.699 sq ft



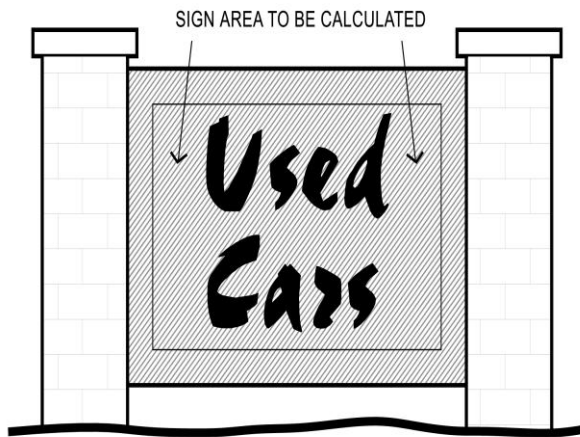
Calculating Area of an Elliptical Sign =  $\pi \times A \times B$



Calculating Area of an Irregular Sign =  $h \times w$



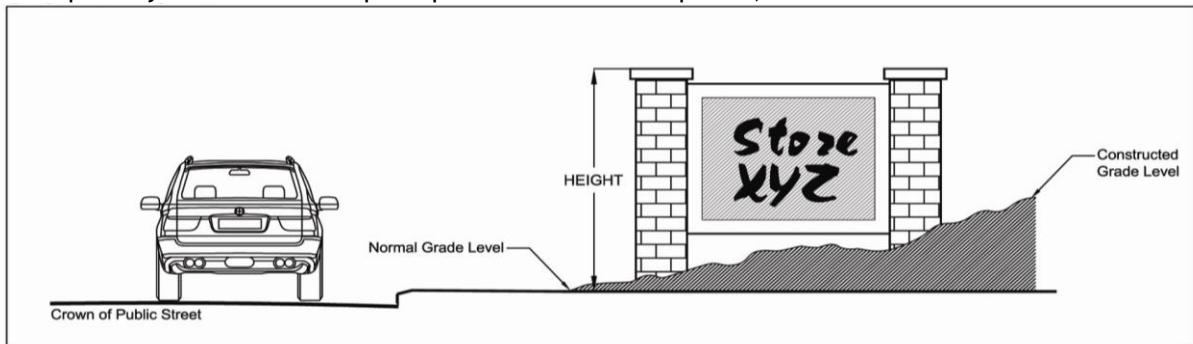
Calculating Area of a Sign where Copy Exceeds Sign Area = (height of copy) x (width of copy)



Area calculation of Freestanding Sign shall include the background and frame on which copy is provided but shall not include columns or supports

**10.14.4.** Sign Height.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be determined by the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the principal structure on the parcel, whichever is lower.

**Section 10.15.** Area Specific Regulations

Any type of sign not listed herein as being permitted in a particular Zone shall be considered prohibited in that Zone. The general regulations of §10.4 shall apply to all signs permitted below, whether or not specific references are cited, unless otherwise indicated.

**10.15.1.** All Zones. The following signs shall be permitted in all Zones, but shall be subject to additional regulations as specified below:

- A) Signs to regulate traffic
- B) Auxiliary signs, including but not limited to, signs required to be posted by law; “warning” and “no trespassing” signs; signs indicating bus stops, taxi stands and similar transportation facilities; signs giving information concerning the location or use of accessory off-street parking facilities; or loading and unloading facilities
- C) Identification signs, externally lit with non-intermittent light only
- D) Signs established by, or by order of, any government agency
- E) Flags, insignia or signs (not to exceed a total of 200 square inches in area) of a governmental, religious, charitable, or fraternal organization except when displayed in connection with a commercial promotion
- F) Decorative flags and bunting for celebrations, conventions, and commemorations for a period of time prescribed and authorized by the Town Council
- G) Temporary Signs, specifically in accordance with §10.11
- H) Window signs which identify or advertise activities, services, goods or products available within a building, but which collectively cover no more than 33% of the window surface; and
- I) Off premise directional signs are permitted but they shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.14

**10.15.2.** Agricultural Zones. The following signs shall be permitted on any one lot in an AG Zone and shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.14

- A) Product advertising signs provided the total combined area of such

signs shall not exceed six square feet for any premises.

B) Identification sign providing the name of the farm, or business where applicable, only.

**10.15.3.** Residential Zones. The following signs shall be permitted on any one lot in a RE, RL OR RM Zone and shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.14

A) For detached or attached single family districts: nameplates, not to exceed two (2) square feet in area shall be permitted for each dwelling unit. Such nameplates shall indicate nothing more than the name and address of the premises, occupants thereof, announcements, etc. If lighted, such nameplates may be lighted with indirect illumination only.

B) Temporary ground signs, non-illuminated, advertising yard sales, garage sales, or the sale of personal property. Such signs shall not exceed four (4) square feet in area and shall not be located any closer than ten (10) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed and must be removed within four (4) days of the completion of sale.

C) Subdivision signs (externally illuminated), which may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for neighborhood or subdivision identification. Such signs shall be limited to one (1) each at the principal entrance to the subdivision and located along the main traffic thoroughfare leading to the development. Such sign shall not exceed forty-two (42) square feet in area and shall be located not closer than fifteen (15) feet from the pavement edge of the street or road to which it is directed.

D) For multifamily and group dwellings: Identification signs, not to exceed nine (9) square feet in area. Such signs shall indicate nothing more than the name and address of the premises, and name of the management. Such signs shall be attached flush with the principal building and may be indirectly illuminated.

**10.15.4.** Neighborhood Center Commercial (NC), Town Center Commercial (TC), and Neighborhood Institutional (NI) Zones. The following signs shall be permitted on any one lot in a NC, TC or NI Zone and shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.14:

A) One wall-mounted, business or professional nameplate sign denoting only the address, street, number, and/or business per occupant per building.

B) One freestanding, on-premise sign per street frontage per lot (or per shopping center).

C) Auxiliary signs, each not exceeding 4 square feet in area.

**10.15.5.** Highway Commercial (HC) and Community Institutional (CI) Zones. The following signs shall be permitted on any one lot in a HC or CI Zone and shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.13:

- A) One nameplate or wall sign per occupant per building;
  - B) One freestanding, on-premise sign per street frontage per lot (or per shopping center);
  - C) One fuel price informational sign per use containing only fuel prices and not exceeding four square feet (may be incorporated into one permitted freestanding sign);
  - D) One or more signs, advertising goods, services or products available on such lot only, not attached to a fence or other screen and not exceeding a cumulative area of twelve square feet per street frontage;
  - E) One portable sign per lot and in accordance with §10.4.8; and
  - F) Auxiliary signs, each not exceeding 4 square feet in area
- 10.15.6.** Industrial Zones. The following signs shall be permitted on any one lot in an I-1, I-2 or I-3 Zone and shall comply with the area and dimensional regulations of Table 10.1, calculated according to standards in §10.14:
- A) One wall-mounted, business or professional nameplate sign denoting only the address, street, number and/or business per occupant per building;
  - B) One freestanding, on-premise sign per lot;
  - C) Auxiliary signs, each not exceeding 4 square feet in area

TABLE 10.1 FREESTANDING SIGNS						
AREA AND DIMENSIONAL REQUIREMENTS						
	Zones or Uses					
Sign Dimensions	Apartments and Condominiums	AG and CU Zones	Residential	NC, TC, SC, CI and NI Zones	HC Zones	All Industrial Zones
Maximum Number	Individual Bldg: 1 per street frontage Complex: 1 per entrance	1 sign per lot	1 per Subdivision Entrance	1 per lot (or shopping center) per street frontage	1 per lot (or shopping center) per street frontage	1 per use
Maximum Height	4 ft	5 ft	5 ft	5 ft	6 ft	6 ft
Maximum Area per sign	18 sf	18 sf	24 sf	32 sf	32 sf	32 sf

TABLE 10.2 PERMANENT BUILDING SIGNS						
AREA AND DIMENSIONAL REQUIREMENTS						
	Zones or Uses					
Sign Dimensions	Apartments and Condominiums	AG and CU Zones	Residential	NC, TC, SC, and NI Zones	HC and CI Zones	All Industrial Zones
Maximum Number	Individual Bldg: 1 Complex: 1 address sign per bldg	None	1 Nameplate Sign Per Residence	1 per tenant street frontage	1 per tenant street frontage	1 per tenant
Maximum Area per sign	9 sf	6 sf		12 sf	24 sf	24 sf
Total Maximum Sign Area	9 sf per building	6 sf per lot		6 sf per 25 lf of facade	18 sf per 35 lf of facade	18 sf per 40 lf of facade

### Section 10.16. Variances

Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in "Article 11.

### Section 10.17. Inspections.

Staff shall, as determined necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

### Section 10.18. Non Conforming Signs

**10.18.1.** A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of The Town of Thorsby on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations.

**10.18.2.** Subject to the limitations imposed below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

- A) Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- B) Structurally altered to prolong the life of the sign, except to meet safety requirements.
- C) Expanded or altered in any manner that increases the degree of nonconformity.
- D) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the director.
- E) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- F) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the

assessed value of the structure.

G) Any nonconforming sign, which is located on land adjoining an interstate or federal-aid primary highway for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act-Outdoor Advertising of the State of Alabama, shall be exempted from the removal terms of paragraph (b) above. This shall not, however, preclude the Town from seeking to remove any such sign through an eminent domain proceeding, nor achieving sign conformance by other lawful means.

## Section 10.19. Penalties.

Both the owners or other person responsible for a sign and the owners of property on which a sign is located shall be responsible for assuring compliance with this Article. Any failure or refusal to comply with these provisions shall constitute a violation of this Ordinance and shall be subject to the penalties provided in Article 11 of this Ordinance.

**10.19.1.** Area and Dimensional Requirements. Unless otherwise specified in this Article, the following dimensional requirements shall apply:

A) The minimum front setback shall be three feet from the Front Lot Line, five feet from a sidewalk, or ten feet from the edge of pavement, whichever is greater. Signs shall be setback 25 feet from the centerline of an undedicated road. These setbacks shall not apply to identification signs mounted on mailboxes, nor for temporary signs, which shall be subject to §10.6.

B) The side and rear setbacks shall be the minimum applicable yard setback as is required for the Zone in which the sign is located. In no case shall any sign be erected closer than fifteen (15) feet to a boundary line of a Residential Zone.

C) No sign shall be located in such a manner that motorist visibility is obscured at driveways or access points to any business or to intersections of thoroughfares and alleys as prohibited in the Design and Construction Specifications.

D) The maximum area of any sign and maximum height of any freestanding sign shall be according to the provisions of Table 10.1. and calculated according to standards in §10.6.4

E) Every projecting sign shall extend outward from the building to which it is affixed no more than thirty inches, shall not exceed a total of six and one-quarter (6.25 sf) square feet in area, and shall be limited in elevation such that the top edge of the sign is no higher than the top of the building or structure to which it is attached.

F) Every building sign shall be limited such that no portion of said sign is elevated higher than the top of the building or wall face to which it is attached or affixed, nor shall it extend more than one foot horizontally from the wall surface.

G) No freestanding sign shall be located closer than 60 feet from another freestanding sign on the same side of the same block. No portable sign shall be permitted closer than 60 feet to any other sign whose face or any portion thereof is situated at the same elevation as any portion of the portable sign in question.



## ARTICLE 11. Administration, Enforcement, and Penalties

### Section 11.1. Zoning Officer

The Zoning Officer is hereby authorized, and it shall be said Officer's duty, to administer and enforce the provisions of this Ordinance. The Zoning Officer shall give information upon request as to the provisions of this Ordinance, and shall interpret the meaning of said Ordinance in the course of administration and enforcement thereof. In the Town of Thorsby, the Zoning Officer is the Chief Building Inspector or any other staff member designated by the Town Council.

### Section 11.2. Building Permit

**11.2.1.** Building Permit Required. No building, sign or other structure shall be erected, moved, extended, enlarged, or otherwise structurally altered until the Building Inspector has issued a Building Permit for such work. The Building Inspector shall not issue a Building Permit until conformance with the provisions of this Ordinance and the Town of Thorsby Design and Construction Specifications is certified by the Zoning Officer through the issuance of Zoning Approval.

**11.2.2.** Expiration of the Building Permit. Any Building Permit, under which, no construction work has commenced above the foundation walls or other foundation support after six months from the issuance of the permit, shall expire. Further, any Building Permit, issued for a property, shall expire upon the sale or transfer of said property to a new owner other than the person for which the Building Permit was originally issued and shall expire upon any change in the building contractor employed for the project at the time the permit was originally issued. Any Building Permit renewed subsequent to its initial approval and issuance shall, however, be subject to the provisions of all ordinances and amendments thereto in force at the time of said renewal.

### Section 11.3. Zoning Approval

The provisions of this section shall govern the filing for, and the applicability and issuance of, a Zoning Approval.

**11.3.1.** Application. Each application for a Zoning Approval shall be filed in written format at the Town Hall, and shall include a Development Plan with the following requirements:

- A) The address and legal description of the property as of public record;
- B) The name of the property owner and the applicant;
- C) A description of the uses to be established or expanded;
- D) An accurate, dimensioned drawing of the building(s) plot showing the location of:
  - (1) Buildings and structures, both existing and proposed;
  - (2) Lot areas to be used;
  - (3) Parking areas, including lighting and landscaping as required;
  - (4) Water supply facilities;
  - (5) Sewage disposal facilities; and
  - (6) Any additional information as required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance and the Design and Construction Specifications are being observed.

**11.3.2.** Expiration of Zoning Approval. Any Zoning Approval issued shall expire at the end of a ninety (90) day period from the date of issuance of approval.

**11.3.3.** Non-conformities. In no case shall a Zoning Approval be issued for the construction or alteration of a structure not in conformity with the provisions of this

Ordinance except as may otherwise be permitted for issuance of a Building Permit as provided for in §11.2.1.

#### Section 11.4. Certificate of Occupancy

**11.4.1.** No land, building or other structure or part thereof hereafter erected, moved, or altered following issuance of a Building Permit shall be occupied or utilized until the Building Inspector of the Town shall have issued a Certificate of Occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this Ordinance, Town of Thorsby Building Code, and the Design and Construction Specifications.

**11.4.2.** Within three days after the owner or his agent has notified the Building Inspector that such building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector, the Zoning Officer, and any other appropriate authority of the Town to make a final inspection thereof, and to jointly issue a Certificate of Occupancy for the building, premises or part thereof found to conform to:

- A) The provisions of this Zoning Ordinance;
- B) The provisions of the Town of Thorsby Building Code;
- C) The provisions of the Town of Thorsby Design and Construction Specifications and other pertinent regulations;
- D) The content of the site development and use information submitted in the application for zoning approval; and
- E) The content of the site development and use information submitted in an application for Rezoning as applicable, and any restrictions or conditions resulting from said petition for the change in zoning.
- F) In the case said land, building, structure, or part thereof is not found to conform in any ways to any of the items set forth above, a Certificate of Occupancy shall be refused and said refusal and the cause for same shall be provided in a written statement to the grantee of the Building Permit.

#### Section 11.5. Amendments

The provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified, or repealed by the Town Council in accordance with the procedures stated herein.

**11.5.1.** Petitions to amend this Ordinance and/or the Zoning Map may be initiated by:

- A) The owner of the land, or the owner's authorized agent, in which case, a notarized letter to that effect is required upon filing of an application with the Commission; or
- B) By the introduction of a resolution for such purpose by any member of the Commission or Town Council.

**11.5.2.** Application. An application for any change in zoning shall be filed with the Zoning Officer at least fifteen working days prior to the next regularly scheduled meeting of the Commission. Any petition/application so filed shall include, at a minimum, the following items and information and no petition/application shall be accepted without such items:

- A) Statement of the nature of the proposed amendment;
- B) Parcel identification number(s), address (es) and, if applicable, a legal description of the property (ies) involved;
- C) Names and addresses of the owner(s) of said property;
- D) Statement of how the property (ies) involved is to be used;
- E) A Development Plan including a dimensional drawing(s) of the property, showing proposed buildings, structures, parking areas, loading and service areas,

access, buffers and screening, signage, landscaping, and any additional information as may be required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance and other applicable regulations can be observed and to allow for adequate evaluation of potential land use conflicts or other adverse impacts on adjacent properties and the surrounding area, including but not limited to traffic, light, noise, and drainage.

**11.5.3.** Action on Petitions. The Zoning Map and Ordinance shall only be amended after a recommendation by the Commission and passage of an amendment by the Town Council. Recommendations by the Commission and final action on a Rezoning request by the Council shall take into consideration the following:

- A) Compatibility with the Comprehensive Plan;
- B) Availability and adequacy of public infrastructure and services, including water, sewer, roads, police and fire protection, etc.; and
- C) Impacts of the requested change on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

**11.5.4.** Spot Zoning. Upzoning of a property of less than two acres, not contiguous to other properties zoned the same as is requested or not contiguous to other Zones of an equally or more intense nature, shall not be approved except in conformity with the Comprehensive Plan. This prohibition shall not apply to properties requested to be rezoned to an Institutional Zone. Further, wherever the Council, after a recommendation by the Commission, finds that a Rezoning, as requested, is desirable, appropriate and promotes the general welfare, but is otherwise in conflict with the Comprehensive Plan; the Council shall cause the Comprehensive Plan to be officially amended to incorporate such finding.

**11.5.5.** Subsequent action, following the proper filing of a petition/application and required materials and fees, shall be:

- A) The Commission shall consider a petition/application at the first regularly scheduled meeting following proper filing of said petition.
- B) The Commission shall have seventy (70) days after the public hearing in which to make a recommendation to the Town Council. The recommendation of the Commission shall be advisory only and shall not be binding on the Council. Failure of the Commission to submit such a recommendation within the prescribed time shall constitute a favorable recommendation.
- C) The Commission may recommend denial of the petition, approval, or approval upon consideration of certain conditions, which shall be provided in writing to the Council.
- D) No amendment to this Ordinance or the Zoning Map shall become effective unless it has been submitted to the Commission for a recommendation.
- E) Only after a recommendation by the Commission regarding a petition/application has been recorded and submitted to the Council shall the Council take action on said petition.

## Section 11.6. Expiration.

**11.6.1.** In any case, where construction, alteration, or use of a building, structure or land has not been initiated within one year from the date of the Council's approval of a Rezoning application, such property shall revert to the zoning classification held prior to Rezoning. The property owner or other designated representative shall be required to file a new petition/application for Rezoning after a one-year period as required in accordance with §11.8. The Council may waive such expiration in any case where sufficient evidence is presented that a good faith effort has been made by the Applicant to proceed with the project originally approved. Evidence shall show that the delay resulted from circumstances beyond the control of the Applicant.

**11.6.2.** In any case, where, prior to construction, alteration, or use of a building, structure or land following a Rezoning of the subject property, there occurs a sale or transfer in ownership to other than the Owner or Developer presenting the application and required plans, the property shall revert to the zoning classification held prior to Rezoning. The new owner or other designated representative shall be required to file a new petition/application for Rezoning after a one-year period as required in accordance with §1108.

### Section 11.7. Notice of Public Hearing.

No changes in or amendments to the provisions of this Ordinance or Zoning Map shall become effective until after a public hearing in relation thereto, and at which interested parties and citizens shall have the opportunity to be heard. Written notice shall be given to all property owners within 500 feet of a property being considered for Rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. In the event there are no other property owners within 500 feet, the adjacent property owners shall be notified. Notice shall be posted within the required time frame in four (4) public locations.

**11.7.1.** Notice of Hearing before the Commission. At least seven days notice of the time and place of such hearing by the Commission shall be required.

**11.7.2.** Notice of Hearing before the Town Council. At least fifteen days notice of the time and place of such hearing by the Council shall be required.

A) The written notice to property owners provided for the hearing before the Commission shall also provide the necessary information as required for notice of the Council Hearing for the same case(s) and such shall fully accommodate the requirements of §1102.

B) Whenever the Commission fails to reach a decision on an application, for which notice of the originally scheduled Council hearing on the same case has already been given, a new notice shall be provided to the applicable property owners with the rescheduled date of the Council Hearing.

### Section 11.8. Time Limits

After the Council has voted on a petition/application for an amendment to this Ordinance or Zoning Map, another petition/application for the same kind of Rezoning of the same property, or for the same change of the same portion of the Zoning Ordinance, shall not be considered until a period of one year has elapsed from the date of such action by the Council.

Furthermore, the withdrawal of a petition/application to amend the Ordinance or the Zoning Map after the hearing by the Commission but prior to hearing by the Council shall also require a one year period of time before another application of the same nature may be submitted.

Be it further provided with regard to this Section, however, that the Commission may adjust this time period if, in the opinion of the majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing prior to expiration of the one year period stipulated herein. Such circumstances may include, but shall not be limited to, the following and any combination thereof: 1) change in ownership of the applicable property, 2) provision of utilities, public services or public improvements not available at the time of the original request, 3) Rezoning of adjacent properties which would tend to support the original request, and 4) amendments to this Ordinance or the Comprehensive Plan which would tend to support the original request.

### Section 11.9. Temporary Emergency Relief

The Zoning Officer is hereby granted authority to provide immediate emergency and temporary relief to applicants requesting such relief for the issuance of permits authorizing the installation of manufactured homes on applicants' property only under all of the following conditions: 1) Such permit shall be temporary and not to exceed one year from the date of issuance; 2) Such permit shall not be transferable; and 3) Prior to the issue of such permit, the Zoning Officer shall be reasonably satisfied that the applicant's requested relief is necessary, and that the need for such relief was primarily caused by damage resulting from fire or natural disaster.

## Section 11.10. Remedies and Penalties for Violations

In accordance with Section 83, Chapter 52, Title 11 of the Code of Alabama, 1975, as amended, it shall be unlawful for any building or structure to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land to be used in violation of any provision or amendment of this Ordinance.

**11.10.1.** Remedies. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or used, or any structure, building or land is used in violation of this Ordinance as set forth above, the Building Inspector, Zoning Officer or other appropriate authority of the Town may institute injunction, mandamus or any other appropriate action or proceedings to:

- A) Stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- B) Restrain, correct, abate or remove such violation;
- C) Prevent the occupancy of such building, structure, or land; or,
- D) Prevent any illegal act, conduct, business, or use in or about such premises.

**11.10.2.** Procedures. Prior to any criminal prosecution, the Zoning Officer or an agent thereof shall give a written notice or citation to the person, firm, corporation or other organization violating and provision of this Ordinance stating the rule or regulation being violated, and notifying said person, firm, corporation or organization to cease and desist such violation immediately or otherwise be prosecuted as provided for herein. The notice shall fix a reasonable time for compliance, as approved by the Council based on the nature of the violation and effort required for compliance.

**11.10.3.** Penalties. Any person or entity which violates any regulation in, any provision of or any amendment to this Ordinance shall, upon conviction, be fined at least the cost of court, plus not more than \$500.00 or imprisonment for not more than 180 days or both, for each offense. Each and every day during which such violation continues shall be deemed a separate offense. Conviction or a violation and imposition of any fine shall not constitute an exemption from compliance with the regulations and other provisions of this Ordinance.

**11.10.4.** Further Provisions. In any case of violation of this Ordinance as set forth herein, any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, may institute injunction, mandamus or other appropriate legal action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or use, or to correct or abate such violation, or to prevent occupancy of, such building, structure or land.

The Zoning Officer or other appropriate authority of the Town may intervene in any such action, suit or proceedings wherein there is involved any violation of any regulation in, provision of or amendment to this Ordinance. When such intervention takes place, said Officer or other appropriate authority shall be deemed to be, and shall be treated as, an original party to the action, suit, or proceedings. It is the intent of this Section that any action, suit or proceedings in which such authority of the Town intervenes shall proceed the same as if said authority had been an original party insofar as any statute, act or rule prohibiting an entire change of parties is concerned.

## Section 11.11. Fees

The Council shall, from time to time, establish or modify fees for the following procedures, permits, and/or applications as required by this Ordinance, the Subdivision Regulations and the

Design and Construction Specifications. The fees and charges specified by the Council shall be non-refundable and shall not be conditioned upon or related to the action taken with respect to the application. Churches, Town properties, projects funded entirely by the Town of Thorsby and the hearing process for assigning initial zoning to annexed properties, in accordance with § 2.5, shall be exempt from all such zoning fees.

- (1) Down zoning from a Single-Family Residential Zone (no fee will be charged)
- (2) Upzoning from a Single-Family Residential Zone to another Residential Zone
- (3) All other Rezoning
- (4) Variances on Single-Family Residential Properties
- (5) Special Exceptions for Major Home Occupations
- (6) Special Exceptions for Accessory Dwellings
- (7) Special Exceptions for Telecommunications Towers/Antennae
- (8) All other Variances and Special Exceptions
- (9) Subdivision Reviews (Preliminary and Final Plats)
- (10) Land Disturbance Permits
- (11) Temporary and Permanent Sign Permits
- (12) Building Permits (under 5000 sf)
- (13) Building Permits (over 5000 sf)
- (14) Manufactured Home Permits
- (15) Fence/Wall Permits

**ARTICLE 12. Zoning Board Of Adjustment****Section 12.1. Establishment and Procedures.**

**12.1.1.** Creation and Membership. A Zoning Board of Adjustment for the Town of Thorsby was established on Month, Day, Year according to the provisions as herein provided. The Board shall be composed of five members appointed by the Town Council for overlapping terms of three years. Each member of this Board shall serve without compensation and may be removed for cause. The subsequent appointment, procedures, powers and actions of said Board shall be governed and controlled by Title 11, Chapter 52, Article 4, Sections 80 and 81 of the Code of Alabama, 1975, and amendments thereto.

**12.1.2.** Meetings, Procedures and Records. Meetings of this Board shall be held at such times the Board may determine, or upon call of the chairperson. Such chairperson or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

**12.1.3.** This Board shall adopt 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, so indicating such fact. All records of the Board's examinations and of other official actions shall be immediately filed with the Town Clerk and shall be of public record.

**12.1.4.** Public Hearing. This Board shall fix a reasonable time for the hearing of an appeal taken within the time specified, and shall give public notice thereof as well as due notice to all adjacent property owners. Public notice shall be for a period of no less than fifteen (15) days. Written notice shall be given to all property owners within 500 feet of a property being considered for Rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. In the event there are no other property owners within 500 feet, the adjacent property owners shall be notified. A decision, regarding said appeal, shall be made by the Board within a reasonable time. Upon the hearing of such appeal, any party may appear in person, by agent or by attorney.

**12.1.5.** Time Limit. A request for hearing before the Board having been denied on first presentation shall only be accepted for re-hearing after a waiting period of six (6) months, unless changes occur which would warrant another hearing as determined by the Board.

**Section 12.2. Powers and Duties.**

The Board, in appropriate cases and subject to appropriate conditions and safeguards as provided herein, shall have the following powers, duties and responsibilities:

**12.2.1.** Powers in General. In exercising the powers set forth in this section, the Board may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination appealed from. Said Board may subsequently make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the officer or official from whom the appeal is taken.

**12.2.2.** The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to affect any variation in such Ordinance.

**12.2.3.** Administrative Review. To hear and decide appeals where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or amendment thereto.

In exercising the power of Administrative Review, the Board shall apply and not vary the terms of this Ordinance. Such appeals may include the following:

- A) Hear and decide upon request for the interpretation of the provisions of this Ordinance;
- B) Determine the precise location of boundary lines between Zones when there is dissatisfaction with a decision regarding said subject by an administrative official; or
- C) Classification of a use, which is not specifically mentioned within the Ordinance, for the purpose of determining the permissiveness of such use in any Zone.

**12.2.4.** Special Exceptions. Within this Ordinance, there are exceptions to the permitted uses of land listed in certain Zones and are identified as Special Exception uses. The Board is specifically authorized to:

- A) Hear and decide such Special Exceptions;
- B) Decide such questions as are involved in determining whether Special Exceptions should be granted; and
- C) Insure that Special Exceptions are granted only when they conform to the spirit and intent of this Ordinance.
- D) In exercising this power regarding Special Exceptions, the Board shall follow the language of this Ordinance exactly, and shall make certain that all the conditions specified in this Ordinance have been met. Furthermore, the Board may compel the applicant to meet any additional requirements, which the Board deems necessary, to protect surrounding neighborhoods from undue congestion, excessive light and/or noise, odors, and other impacts, which might otherwise be incurred by the exception.

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

- A) Before any Variance is granted, the Board shall consider the following guidelines and, upon finding that all the conditions outlined below do, in fact, exist, may grant such Variance:
  - (1) There are extraordinary and exceptional conditions, which are peculiar to the particular property in question due to its size, shape or topography, that are not applicable to other lands or structures in the same Zone.
  - (2) Granting the requested Variance will not confer upon the applicant, any special privileges denied to other property owners of the Zone in which the property is located.
  - (3) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners of the Zone in which the property is located.
  - (4) The requested Variance is in harmony with the purpose and intent of this Ordinance, and will not be injurious to the neighborhood or to the general welfare.
  - (5) The special circumstances causing the alleged need for the Variance are not the intended result of action of the applicant (i.e. self-imposed hardship).
  - (6) The requested Variance is the minimum Variance that will cause the legal use of the land, building or structure possible.
  - (7) The Variance will not allow the permanent establishment of a use that is not permissible in the Zone involved under the terms of this Ordinance, nor any use expressly or by implication, prohibited by the terms of this Ordinance in said Zone.



- B) The Board shall not consider the following as grounds for the issuance of a Variance:
- (1) The Nonconforming use of neighboring lands, structures or buildings in the same district, or the permitted or Nonconforming use of lands, structures or buildings in other districts;
  - (2) Proof that a Variance would increase the financial return from the land; and
  - (3) A personal or self-imposed hardship.
- C) In no case shall the Board grant a Variance that:
- (1) Would permit the permanent use of land, buildings or structures for a use prohibited within the Zone in which the land, building or structure is located;
  - (2) Would permit the extension or addition of a Nonconforming use; or
  - (3) Would in any way make a nonconforming use more permanent.
- 12.2.6.** Validity and Applicability of Variances and Special Exceptions. Any Variance or Special Exception granted by the Board, in addition to any other relevant provisions of this Section, shall be applicable only to the land or property involved, and shall be valid only for the applicant having appealed for such Variance or Special Exception unless otherwise determined and/or designated by the Board.

### Section 12.3. Appeals from Actions of the Board

Any party aggrieved by any final judgment or decision of the Board may, within fifteen days after said judgment or decision is rendered, appeal from there 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 the appeal is taken. In the case of such appeal, the Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried by a jury of peers, where requested by the aggrieved party.

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**ARTICLE 13. Legal Status Provisions**

**Section 13.1. Conflict with Other Regulations**

Whenever the regulations of this Ordinance or supplement thereto are more restrictive than required under any other statute, the requirements of this Ordinance and supplements thereto shall govern. Whenever the provisions of any other statute are more restrictive than required by this Ordinance or supplements thereto, the provisions of such statute shall govern.

**Section 13.2. Validity**

This Ordinance and the various articles, sections, subsections, sentences, clauses, supplements, etc. contained and referenced herein are hereby declared to be severable. Should any section, provision or other element of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

**Section 13.3. Repeal of Existing Zoning Resolution**

All ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed. Any previous resolutions referring to and/or authorizing such administration and regulation as provided for in this Ordinance, prior to as if in place of this Ordinance, are also hereby repealed.

**Section 13.4. Effect upon Outstanding Building Permits**

Nothing contained herein shall require any change in plans, construction, size or designed use of any building, structure or part thereof for which there is a valid outstanding permit on the date of passage of this Ordinance. However, any further construction or use shall be in conformance shall be in conformance with this Ordinance.

**Section 13.5. Effective Date**

This Ordinance shall take effect and be in force immediately after adoption by the Town Council of the Town of Thorsby, Alabama.

Done this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attest: \_\_\_\_\_  
Mayor

Town Clerk

I, {Clerk Name}, Clerk of Thorsby , Alabama, do hereby certify that Ordinance Number \_\_\_\_\_ has been posted by me at the following places located within the corporate limits of Town .

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Town Clerk

**ARTICLE 14. Revisions**