

ORDINANCE No. 2019- 02

ZONING ORDINANCE

WHEREAS, The Town Council of Triana, Alabama enacted an Ordinance 1968-xx for the purpose of Zoning within the Town of Triana and;

WHEREAS, amendments to Alabama State Code, enactment of several relevant Town Ordinances, annexations, additions of subdivisions, and other substantial growth has occurred within the Town of Triana following the fifty-one years since the passage of said Zoning Ordinance and;

WHEREAS, The Town Council of Triana, Alabama finds that it is in the best interest of the Town of Triana to repeal and replace The 1968 Town of Triana Zoning Ordinance with this Ordinance thereby establishing districts within the corporate limits of the town of Triana, Alabama; regulating within such districts, the height, number of stories, and size of yards and other open spaces, the density of population and use of buildings, structures, and land: providing methods of administration of this ordinance and penalties for the violation thereof;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

Triana Town Council

Mary Caudle, Mayor

Casey Whitman, Place 1  
Marvalene Freeman, Place 3  
Betty Haynes, Place 5

George Ragland, Place 2  
Zachary Atchley, Place 4

Triana Planning and Zoning Commission

Casey Whitman\*, Chairman

Mary Caudle\*  
Tiffany Miles, Place 1  
Wanda Lundy, Place 3  
Levoneia Ayers, Place 5  
*\*Ex Officio*

TBD\*  
Christina Rodriguez, Place 2  
Roy Seay, Place 4  
Becheel Grays, Place 6

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### Abstract:

An ordinance providing for the establishment of districts within the corporate limits of the town of Triana, Alabama; regulating within such districts, the height, number of stories, and size of yards and other open spaces, the density of population and use of buildings, structures, and land; providing methods of administration of this ordinance and penalties for the violation thereof.

The Town of Triana revised its Comprehensive Plan in 2017 which captures the Town's long-range plans. This ordinance and the zoning map are intended to conform with and enact said Comprehensive Plan. Subdivision Regulations promulgated by the Planning Commission shall establish standards for roads, infrastructure, utilities, signage, etc, within the R-3 zones designated by this Ordinance.

#### 1. Authority and Enactment Clause

The public welfare requiring it, and under authority granted by Title 11, Chapter 52 Articles 1 through 4 inclusive, Code of Alabama, the Town Council of the Town of Triana does hereby ordain as follows:

#### 2. Short Title

This ordinance shall be known as the "Zoning Ordinance of Triana, Alabama," and the map herein referred to, identified by the title, "Zoning Map of Triana, Alabama," shall be further identified by the signature of the Mayor of Triana and attested by the Town Clerk. The Zoning Map of Triana and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the Town Clerk and shall show thereon the date of adoption of this ordinance.

#### 3. Definitions of Words and Terms Used in This Ordinance

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

##### 3.1. Interpretation of Certain Terms and Words

- a. Words used in the present tense include the future tense.
- b. Words used in the singular number include the plural, and words used in the plural include the singular.

The word "Map", "Zoning Map", or "Triana Zoning Map", shall mean the "Official Zoning Map, Triana, Alabama".

##### 3.2. Definitions

1. *Accessory Structure.* A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.
2. *Alteration, Altered.* The word “alteration” shall include any of the following:
  - a. Any addition to the height or depth of a building or structure.
  - b. Any change in the location of any of the exterior walls of a building or structure.
  - c. Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of \$3500.00, except alterations costing less than \$3500.00 which change the character or use of the structure.

3. *Rooming / Boarding House.* A building other than a hotel, café, or restaurant where, for compensation, meals are provided for three (3) or more persons.
4. *Building Area.* The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
5. *Dwelling.* A house or other building used primarily as an abode for one or more families except that the word “dwelling” shall not include boarding or rooming houses, tents, tourist camps, trailers, mobile home courts, or other structures designed or used primarily for transient residents.
6. *Dwelling Unit.* Any portion of a building providing complete living facilities for one family.
7. *Drive-In Restaurant.* A restaurant or public eating business so conducted that food, meals or refreshments are consumed in motor vehicles on the premises of such establishment.
8. *Family.* One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, or hotel as herein defined.
9. *Home Occupation.* Any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof, and in which not more than twenty-five (25) percent of the dwelling is used for said home occupation, and in which any signs advertising said home occupation are limited to one unlighted sign, not over two (2) square feet in area, and also in which there is no public display of goods. Examples of home occupations area: office of doctor, lawyer or notary; dress making; the taking of tourists and boarders and the leasing of rooms.
10. *Hotel.* A building designed for occupancy as the temporary place of abode for individuals who are lodged with or without meals, in which there are ten or more guest rooms, and in which no provision is made of cooking in any individual room or suite.

11. *Lot.* A piece, parcel, or plot of land occupied or capable of being occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open space as are provided in this ordinance.
12. *Mobile Home.* The term “mobile home” shall be construed to mean and include any structure intended for, or capable of, human habitation, mounted upon wheels and capable of being driver, propelled, or towed from place to place with change in structure or design by whatsoever name or title its is colloquially or commercially known. Removal of wheels and place such a structure on the ground, piers, or other foundation, shall not remove such a vehicle from this definition; provided, that this definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.
13. *Mobile Home Court.* Any site, lot, field, or tract of land upon which five (5) or more mobile homes are located, or are intended to be located, such establishments being open and designated to the public as places where mobile home accommodations are available whether operated for or without compensation.
14. *Motel.* A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms and for each of which rooms or suites of rooms automobile space is provided.
15. *Nonconforming Use.* Any use of any structure or land which though originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located. (Examples: lots used for storage yards, used car lots, auto wrecking, junk yards, and etc.)
16. *Offices.* Space or rooms used for professional, administrative, clerical and similar uses.
17. *Parking Space.* A portion of a lot no smaller than nine feet by eighteen feet and dedicated for the parking of motor vehicles that is paved with asphalt, concrete, or gravel and contiguous to a public way.
18. *Public Land Uses.* Any land use operated by or through a unit or level of Government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses, such as post offices, bureau of public roads and internal revenue office, military installations, etc.
19. *Rooming House.* Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
20. *Semipublic Land Uses.* Philanthropic and charitable land uses including Y.M.C.A.s, Salvation Army, churches, and church-related institutions, orphanages, humane societies, private welfare organization, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

- 21. *Streets/Roads.* A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 22. *Structure.* Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachments to anything having location of on the ground, including among other things, gasoline pumps, signs, billboards, but not including utility poles and overhead wires.
- 23. *Use.* The purpose of which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 24. *Yard.* An open space, on the lot with the main building left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
  - a. *Front Yard.* The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line.
  - b. *Rear Yard.* The yard extending across the entire width of the lot between the main building including covered porches, and the rear lot line.
  - c. *Side Yard.* The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.

4. Establishment of Districts

4.1. Use Districts

For the purposes of this ordinance, the Town of Triana is hereby divided into the types of districts designated as follows in Table 1 below:

Table 1. Triana Zoning Designations

Zoning Designation	Zoning Name	Zoning Use	Density
R-1	Residential District	(Single Family)	2.9 homes/acre
R-2	Residential District	(Single Family) (Multi Family)	4.1 homes/acre 3.6 homes/acre
R-2A	Residential District	(Multi Family Town Homes)	13 homes/acre
R-3	Residential District Medium Density	(Single Family Subdivision)	5.8 homes/acre
B-1	Business District	(General Business)	N/A
M-1	Manufacturing District	(Light Industry)	N/A



#### 4.2. District Boundaries

The boundaries of the above districts are hereby established as shown on the Zoning Map of the municipality. Unless otherwise shown on the said Zoning Map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limits line as existed at time of enactment of this ordinance. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply.

1. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no such distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
2. Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of a lot more than thirty-five (35) feet beyond the district boundary line.

#### 5. Application of Regulations

##### 5.1. Uses

In each district no other use than the types specified as “permitted”, “conditional”, or “permitted on appeal”, shall be allowed. (See Section 7). Uses specified as “permitted” shall be permitted upon application to the building inspector. Uses specified as “conditional” shall be permitted upon satisfaction of the requirements set forth in Section 6.2. Uses specified as “permitted on appeal” are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to such conditions as said Board may require to preserve and protect the character of the district.

##### 5.2. Building Lots, Yards, and Open Spaces

In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width in Section 7. No open space or lot required for a building or structure shall during its life be occupied or counted as open space for another building or structure.

##### 5.3. Height

In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements, Section 7.

##### 5.4. Reductions in Lot Area Prohibited

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

### 5.5. Structures

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures shall not include living quarters.

Mobile Homes, or any structure so built to be mobile, or give the appearance of being mobile in the character of its construction, will not be permitted inside the corporate limits of Triana, except that mobile homes may be located within duly authorized mobile home courts within the R-2 Residential District. One mobile home per parcel of land may be permitted upon appeal to the Planning and Zoning Commission.

## 6. General Provisions

### 6.1. Nonconforming Use

Any use or structure existing at the time of enactment or subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations: Any use or structure which does not conform to the provisions of this ordinance shall not be:

- a. Changed to another nonconforming use.
- b. Reestablished after discontinuance for one year.
- c. Extended except in conformity to this ordinance.
- d. Rebuilt, altered or repaired after damage exceeding eighty percent (80%) of its fair market values immediately prior to damage.

### 6.2. Conditional Use

#### 6.2.1. Mobile Home Courts Within the R-2 District

Mobile home courts shall be permitted within the R-2 Residential District, subject to the following site and structural requirements and design standards:

1. Each mobile home park shall have a minimum space of 50 feet by 100 feet provided for each mobile home.
2. Off-street parking constructed of asphalt, or concrete must be provided with a minimum of one space per mobile home. At least a nine foot by eighteen foot parking space must be provided.
3. No mobile home park shall accept mobile homes for occupancy until such time as all travelways and parking spaces are provided with an approved driving surface. Furthermore a concrete patio with minimum dimensions of 8 feet by 12 feet shall be provided for each mobile home lot prior to occupancy.

4. All regulations of the Alabama State Health Department shall be complied with, except those which are less restrictive than the provisions of this ordinance.

The above requirements shall be complied with in conformance with Section 9.1 and Section 9.6.

#### 6.2.2. Three or More Residential Structures Within the R-1 District

Three or more residential structures may be permitted upon appeal to the Board of Adjustments provided the following conditions are met:

1. Applicant must make request in writing to Board of Adjustments through the Zoning Commission and the request must include a sketch of the proposed location and locations of existing structures. The request should identify the proposed property address or County Parcel ID (PPIN) and address items 4 through 13 below.
2. A Public Hearing must be scheduled through the Planning and Zoning Chairman.
3. The Planning and Zoning Chairman must notify by mail all adjacent property owners of the time and place of the aforementioned Public Hearing regarding the request.
4. Proposed residential structure must be intended to be occupied by close relative of occupant of other structures on the property (a close relative is herein defined as siblings, parents, children, grandparents, grandchildren, aunts, uncles, nieces, nephews or first cousins).
5. Proposed Parcel must be at least .75 acres.
6. Power, Municipal Water, and Municipal Sewer must be available for the proposed third residential structures.
7. Driveways must be available or planned to be completed before issuance of an Occupancy Permit.
8. Set-backs, Side yard, front yard, building height, and back yard spacing must comply with zoning requirements specified in Section 7.
9. The Proposed Structures cannot be placed on the Right of Way.
10. May not be granted as a means to store empty mobile homes.
11. Each residential structure must be uniquely numbered and situated in a manner that the structures are visible from the adjacent public way.
12. If the proposed property is located within the 50-year or 100-year flood zone, the applicant must comply with the provisions of the Town's Flood Prevention Ordinance.

#### 6.3. Off-Street Automobile Storage and Parking

In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in the district schedule, Section 7. No off-street automobile storage space required for a building or structure shall, during its life, be occupied or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

#### 6.4. Off-Street Loading and Unloading

4. All regulations of the Alabama State Health Department shall be complied with, except those which are less restrictive than the provisions of this ordinance.

The above requirements shall be complied with in conformance with Section 9.1 and Section 9.6.

#### 6.2.2. Three or More Residential Structures Within the R-1 District

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1. Applicant must make request in writing to Board of Adjustments through the Zoning Commission and the request must include a sketch of the proposed location and locations of existing structures. The request should identify the proposed property address or County Parcel ID (PPIN) and address items 4 through 13 below.
2. A Public Hearing must be scheduled through the Planning and Zoning Chairman.
3. The Planning and Zoning Chairman must notify by mail all adjacent property owners of the time and place of the aforementioned Public Hearing regarding the request.
4. Proposed residential structure must be intended to be occupied by close relative of occupant of other structures on the property (a close relative is herein defined as siblings, parents, children, grandparents, grandchildren, aunts, uncles, nieces, nephews or first cousins).
5. Proposed Parcel must be at least .75 acres.
6. Power, Municipal Water, and Municipal Sewer must be available for the proposed third residential structures.
7. Driveways must be available or planned to be completed before issuance of an Occupancy Permit.
8. Set-backs, Side yard, front yard, building height, and back yard spacing must comply with zoning requirements specified in Section 7.
9. The Proposed Structures cannot be placed on the Right of Way.
10. May not be granted as a means to store empty mobile homes.
11. Each residential structure must be uniquely numbered and situated in a manner that the structures are visible from the adjacent public way.
12. If the proposed property is located within the 50-year or 100-year flood zone, the applicant must comply with the provisions of the Town's Flood Prevention Ordinance.

#### 6.3. Off-Street Automobile Storage and Parking

In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in the district schedule, Section 7. No off-street automobile storage space required for a building or structure shall, during its life, be occupied or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

#### 6.4. Off-Street Loading and Unloading

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, Section 7.

6.5. Corner Visibility in Residence and Local Business Districts

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3 ½) feet and fifteen (15) feet above street level shall be permitted within twenty-five (25) feet of the intersection of the right-of-way lines of two streets.

Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

6.6. Future Street Lines

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Thoroughfare Plan" or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

6.7. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire, and Explosion Hazard or Nuisance.

The Board of Adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board of Adjustment may direct the Municipal Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

7. Tabulations of District Requirements

7.1. Residential District Requirements

Table 2. Residential District Requirements

District	Use Regulations	Minimum Yard Size			Minimum Lot Size		Maximum Height		Max Bldg Area Percent	Off Street Parking Cap Spaces
		Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area in Sq. Ft.	Width Ft. at Building Line	Feet	Stories		
ALL "R" DISTRICTS	<p><b>USES PERMITTED:</b> Accessory structures; gardens, playgrounds, parks; public buildings; including public schools and libraries.</p> <p><b>USES PERMITTED ON APPEAL:</b> Customary home occupations; public utility structures, such as electrical substations, gas metering stations, sewage pumping stations, and similar structures; general hospitals for humans, except primarily for mental cases; churches; cemeteries; semi-public buildings, golf courses; municipal, county, state, or federal use.</p> <p><b>USES PROHIBITED:</b> Commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.</p>	35	35	35	See Note "A" Page 12	45	3	50	See Note "B" Below	
		Public and semi-public structures:								
R-1	<p><b>USES PERMITTED:</b> Single family dwellings. Mobile Homes. No more than two structures per lot to include mobile homes or traditional homes or combination thereof.</p> <p><b>USES PROHIBITED:</b> Mobile home courts.</p> <p><b>USES PERMITTED ON APPEAL:</b> More than two residential structures per lot. (See Section 6.2.2)</p> <p>(See also regulations common to all "R" Districts, listed above.)</p>	5	5	5	See Note "A" Page 12	45	3	50	See Note "B" Below	
		Accessory Structures:								
R-2	<p><b>USES PERMITTED:</b> Dwellings and apartments for any number of families.</p> <p><b>CONDITIONAL USES:</b> Mobile home courts shall be permitted subject to the requirements set forth in Article 6, Section 62.</p> <p><b>USES PERMITTED ON APPEAL:</b> Rooming and boarding houses. Any commercial activity permitted under B-1 with the exception of filling stations may be permitted on the first floor of a multi-story apartment or condominium complex provided sufficient parking is available as required under the B-1 requirements. Additional stories beyond two may be permitted provided</p>	40	30	10	15,000	100	35	2 1/2	25	2
		35	35	8	One family dwelling 10,500 75 35 Two family dwellings 12,000 80 35 For each additional family 1,500 10 35	30	2 1/2	30	2 per family	

	commercial space is available on the first floor at one to four ratio of commercial to residential spaces. (See also regulations common to all "R" Districts, listed above.) <u>USES PERMITTED:</u> Single Family dwellings, Two family dwellings, Multiple family dwellings, zero lot line dwellings, single family attached dwellings <u>CONDITIONAL USES:</u> <u>USES PROHIBITED:</u> Mobile homes, or Mobile Home Courts <u>USES PERMITTED ON APPEAL:</u> (See also regulations common to all "R" Districts, listed above.)	25	20	8					2 ½	30	2 per family	
R-2A												
R-3	<u>USES PERMITTED:</u> Single family dwellings. <u>USES PROHIBITED:</u> Mobile homes. (See also regulations common to all "R" Districts, listed above.)	25	20	8								

Note "A": Corner lots shall have sufficient extra width to permit establishment of a building line at least fifteen (15) feet from the side street property line. The distance from the side street property line shall be measured from the street right-of-way paralleling the long dimension of the lot

Note "B": Off-street parking requirements for public and semi-public structures or uses are as follows:

Schools: two cars spaces for each school room.

Hospitals: one car space per each three beds.

Churches and Auditoriums: one car space per each five seats.

Other public or semi-public use as determined in each individual case by the Board of Adjustments.

Note "C": Accessory structures (to include fences) may not be constructed on any right-of-way or public easement.

Note "D": Municipal sewer and water must be available for all lots or proposed lots. Septic tanks are not permitted.

7.2. Business District Requirements

Table 3. Business District Requirements

District	Use Regulations	Space and Height Regulations
B-1	<p><b>USES PERMITTED:</b> Any retail, service, or wholesale business not specifically restricted or prohibited, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; radio and television; drug and sundries; jewelry and gifts; florists; sporting goods; pet shops and similar types.</p> <p>Commercial services including the following types: dry cleaners and laundries; barber and beauty shops; shoe repair; offices; banks; post offices; theaters; and similar services. Filling stations. Outdoor advertising signs and sign structures, as regulated under Section xx below.</p> <p>Residential structures existing at the time of adoption of this ordinance may be repaired, remodeled and extended in conformity with the minimum requirements set forth in Section 7.1 above.</p> <p><b>USES PROHIBITED:</b> Manufacturing, auto wrecking, gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons; grists or flour mill; junk, scrap, paper, rag storage or bailing; residences and apartments.</p>	<p><b>MINIMUM LOT SIZE:</b> It is the intent of the ordinance that lots of sufficient size be used for any business or services use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or services.</p> <p><b>MINIMUM YARD SIZE:</b> None specified.</p> <p><b>MAXIMUM HEIGHT:</b> 35 feet or 2 stories.</p> <p><b>OFF-STREET PARKING:</b> 200 sq. ft. of parking space per each; 100 sq. ft. of floor space of one (1) story building; or per each space 60 sq. ft. of two (2) story buildings. Theaters; one car space per each five (5) seats.</p> <p><b>OFF-STREET LOADING AND UNLOADING:</b> Shall provide space for loading and unloading for structures hereafter erected or altered when same is on lot adjoining a public or private alley.</p>



7.3. Industrial District Requirements

Table 4. Industrial District Requirements

District	Use Regulations	Space and Height Regulations
M-1	<p><b>USES PERMITTED:</b> Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents, and including the following types of business or industry: ice cream plants and creameries; cold storage plants; textile mills; ice plants; bottling and central distribution plants; baking plants; dyeing plants; dry cleaners and laundries; mortuary or funeral homes; mobile homes, logistics or storage facilities, mobile home courts; and similar types of industries.</p> <p>Wholesale and warehousing establishments except for the storage of dangerous or offensive items such as uncured hides, explosives, oil and gasolines.</p> <p>Residential structures existing at the time of adoption of this ordinance may be repaired, remodeled and extended in conformity with the minimum requirements set forth in Section 7.1 above.</p> <p><b>USES PERMITTED ON APPEAL:</b> Any manufacturing use not specifically prohibited herein.</p> <p><b>USES PROHIBITED:</b> Slaughter house; stockyard; bag cleaning; central mixing plant for cement, mortar, or plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forge plant; manufacturing of acetylene, acid, ammonia bleaching powder, brick, pottery, terra cotta or tile; concrete blocks, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.</p>	<p><b>MINIMUM LOT SIZE:</b> It is the intent of the ordinance that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.</p> <p><b>MINIMUM YARD SIZE:</b>  <b>FRONT YARD:</b> None specified, except where existing establishments (other than residential) are set back not less than the average of the set-backs of the existing establishments within one hundred (100) feet each side thereof.  <b>SIDE YARDS:</b> None specified, excepting a lot, adjoining its side lot line another lot which is in a residential district there shall be a side yard not less than eight (8) feet wide.  <b>MAXIMUM HEIGHT:</b> 45 feet or 3 stories.</p> <p><b>OFF-STREET PARKING:</b> Space necessary to accommodate the cars of all workers in the industry or use. Also, space necessary to store overnight all vehicles incidental to the operation of the industry or use. Funeral homes, one (1) car space per each three (3) seats in the assembly room or chapel.</p> <p><b>OFF-STREET LOADING AND UNLOADING:</b> Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.</p>
M-2	<p><b>USES PERMITTED:</b> Any industrial use, except those which in the opinion of the Building Inspector would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which would affect a considerable portion of the city.</p> <p><b>USES PERMITTED ON APPEAL:</b> Any industrial use, subject to such conditions and safeguards as the Board of Adjustment may require to preserve and protect any portions of the city which otherwise could be adversely be affected.</p> <p><b>USES PROHIBITED:</b> Dwellings and apartments, excepting quarters for a watchman or custodian and his family.</p>	<p><b>MINIMUM LOT SIZE:</b> Same as for M-1 Industrial District.</p> <p><b>MINIMUM YARD SIZE:</b> None specified.</p> <p><b>MAXIMUM HEIGHT:</b> 45 feet or 3 stories.</p> <p><b>OFF-STREET PARKING:</b> Same as for M-1 Industrial District.</p> <p><b>OFF-STREET LOADING AND UNLOADING:</b> Same as for M-1 Industrial District.</p>

## 8. Exceptions and Modifications

### 8.1. Lot of Record

Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, one building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than four (4) feet in width.

### 8.2. Front Yard Setbacks

No building need be set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof.

### 8.3. Advertising Signs and Structures

In all districts other than residential districts, where front yard or setback requirements are required, outdoor advertising structures may be placed within such front yard or setback area of a place of business subject to the following terms and conditions:

1. Said structure must be used primarily for the purpose of identifying the place of business at that location.
2. No such structure shall be placed between four feet and ten feet above street level.
3. No such structure shall be placed at intersections or locations which would obstruct the view of intersecting traffic.
4. No such structure exceeding in size, fifty square feet, exclusive of necessary structural support, shall be placed within ten feet of the front lot line or street right of way.

Nothing herein shall alter the effect of Section 6.5 of this ordinance upon structures in districts requiring front yard setbacks.

#### 8.3.1. Off-Site Advertising

Off-Site advertising is allowed in all Commercial Districts with approval from the Planning and Zoning Commission.

### 8.4. Height Limitations

Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers, and aerials, cooling towers, water tanks; and industrial structures when required by manufacturing process.

### 8.5. Group Housing Projects

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the Subdivision Regulations of the municipality.

In no case shall the Board of Adjustment authorize a use or a building height or building area prohibited in the district in which the housing project is to be located.

## 9. Administration, Enforcement, and Penalties

### 9.1. Enforcing Officer

The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon and premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this ordinance.

### 9.2. Building Permit Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$3500.00 in cost, or painting, or wallpapering) of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one (1) year of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

### 9.3. Approval of Plans and Issuance of Building Permit

It shall be unlawful for the Municipal Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Municipal Building Inspector shall require that every application for a building permit for excavation, construction, use of

land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Municipal Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance.

- a. The actual shape, proportion and dimensions of the lot to be built upon.
- b. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
- c. The existing and intended use of all such buildings or structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, use of land, moving or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the Building Inspector of the municipality shall issue a building permit accordingly. If an application for a building is not approved, the Building Inspector of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be considered as waiving any provision of this ordinance.

Any commercial structure 2,500 sq ft or greater must be drafted by a licensed architect in the State of Alabama.

#### 9.4. Certificate of Occupancy Required

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector of the municipality shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity the adopted building codes and with the provisions of this ordinance.

Within three (3) working days after the owners or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

#### 9.5. Penalties

Any person violating the provisions of this ordinance shall be fined upon conviction not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs for each offense. Each day such violation continues shall constitute a separate offense.

#### 9.6. Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Building Inspector of the municipality or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correction or abate such violation or to prevent occupancy of such building, structure, or land.

#### 10. Board of Adjustment

The Board of Adjustment established by Town of Triana Ordinance 2018-08 shall hear appeals, and decide exceptions and variations under this ordinance.

#### 11. Amendment

The regulations and the number, area, and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the municipal governing body, but no amendment shall become effective unless if first submitted to the municipal Planning Commission for its recommendation. The municipal Planning Commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or to the Zoning Map and report its recommendation to the municipal governing body. The provisions of Title 11, Chapter 52 Articles 1 through 4 inclusive, shall apply to all changes and amendments.

#### 12. Legal Status Provisions

##### 12.1. Interpretation and Purpose

In their interpretation and application of the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinance or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this ordinance.

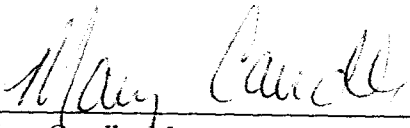
##### 12.2. Saving Clause

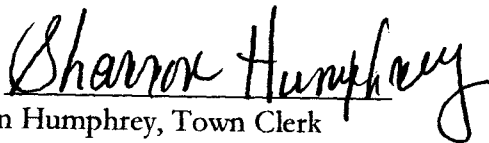
If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

12.3. Effective Date

This ordinance shall take effect and be in force from and after its passage and adoption. Subdivisions approved by the Town of Triana prior to the passage of this ordinance must comply with the lot size, and setbacks in accordance with their approved Plats and Layouts.

Adopted by the Town Council this the 19 day of January, 2019.

  
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Mary Caudle, Mayor

Attest:   
Sharron Humphrey, Town Clerk