

**2015-002**

**ZONING ORDINANCE**

**For The**

**TOWN OF INDIAN SPRINGS VILLAGE,**

**ALABAMA**

**July 21, 2015**

# TOWN OF INDIAN SPRINGS VILLAGE, ZONING ORDINANCE

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THE TOWN  
OF  
INDIAN SPRINGS VILLAGE, ALABAMA  
ZONING ORDINANCE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, CODE OF ALABAMA 1975, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF INDIAN SPRINGS VILLAGE ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, AND LAND; TO SUPERSEDE ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Town of Indian Springs Village, Alabama as follows:

THE TOWN  
OF  
INDIAN SPRINGS VILLAGE, ALABAMA  
ZONING ORDINANCE

**ARTICLE I - SHORT TITLE**

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

**ARTICLE II - PURPOSE AND METHOD**

**SECTION 1.0 - PURPOSE**

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Indian Springs Village; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Indian Springs Village.

**SECTION 2.0 - METHOD**

For the purposes herein before stated, the Town of Indian Springs Village is divided into districts of such number, shape and area, and of such common unity of purpose, and adaptability of use which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, or other structures, including the ratio of lots occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

**ARTICLE III - GENERAL REGULATIONS**

**SECTION 1.0 - GENERAL USE REGULATIONS**

The following general regulations pertain to the administration of, enforcement of, and compliance with this Ordinance.

**1.1. Application of This Ordinance.** No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the Town of Indian Springs Village except as specifically or by necessary implication, authorized by this Ordinance.

A. No land may be used except for a purpose permitted in the district in which it is located.

B. No building shall be erected, converted enlarged, reconstructed, moved, or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.

C. No building shall be erected, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.

D. This minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.

E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building, and one main use of one lot.

**1.2. Joint Occupancy.** No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

**1.3. Public Utilities.** Utility structures including, but not limited to, poles, wires, cross arms, transformer attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district within the Town. This is not to be construed to include the erection or construction of buildings. Electric substations are a special exception use in all zoning districts of the Town.

## **SECTION 2.0 - NON-CONFORMING USES**

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance or future amendments was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures prohibited elsewhere in the same district.

**2.1. Non-Conforming Lots of Record.** Where a lot of record at the time of the adoption of this Amended Zoning Ordinance of the Town of Indian Springs Village or future amendments has less area or less width than herein required by the zoning district for said lot, said lot may nonetheless be



used as a building site and shall be considered for all purposes a conforming lot of record. All lots will conform to all other regulations of this ordinance unless provided for otherwise by the Zoning Board of Adjustment.

**2.2. Continuance.** A lawful non-conforming use existing at the time of the effective date of this Ordinance or future amendments may be continued, except as hereafter provided, although such use does not conform to the provisions of this Ordinance.

**2.3. Restoration to Safe Condition.** Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

**2.4. Restoration after Damages.** No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 percent of its current replacement value at the time of such damage shall be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a nonconforming building is damaged less than 50 percent of its current replacement value may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the date of such damage. Moreover, all debris from the damaged structure shall be removed within 90 days from the date of such destruction, except in unique circumstances where the Town may grant an extension for such removal.

**2.5. Abandonment.** A non-conforming use which has been discontinued for a continuous period of one year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

**2.6. Annexed Property.** Prior to issuance of a building permit for property which was annexed into the Town of Indian Springs Village, but not zoned by the Town, the Planning and Zoning Commission shall submit a recommendation for zoning of the property to the Town Council which shall zone the property in accordance with this Ordinance.

**2.7. Change in Use.** A non-conforming use shall not be changed to another non-conforming use of the same or a less restrictive classification. A non-conforming use which is changed to a conforming use or to another non-conforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.

**2.8 Abandoned Right-of-Way.** Whenever any street, alley or other public way is vacated or abandoned by official action of the Town of Indian Springs Village, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations to the extended district.

**2.9. Structures Conforming to District Regulations but Not Other Regulations.** A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided, that such enlargement or alteration conforms to the provisions of this Ordinance.

**2.10. Buildings to Be Moved.** Any building or structure which is to be moved to any location within the Town Limits of Indian Springs Village, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance.

**2.11. Reduction 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. However, where a lot of official record at the time of adoption of this Ordinance does not consist of sufficient land to enable the owner to conform to the yard and other requirements of this Ordinance, such lot may be used as a building site provided that in the opinion of The Zoning Board of Adjustment it conforms as closely as

possible to the requirements of the district in which it is located, but shall in no circumstance have less than 24 feet of lot width to build upon, after required side yards are deducted.

**2.12. Corner Visibility in Residential and Commercial Districts.** In a residential or commercial district, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one half (3-1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) 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.

**2.13. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion, Hazard or Nuisance.** The Zoning 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 Zoning Board of Adjustment may direct the Town Clerk or Chairman of the Zoning Board of Adjustment to issue an abatement order, but such order may be directed only after a public hearing by the Board, notice of which shall be sent by certified mail to the owners and /or operators of the property on which the use is conducted in addition to due notice by posting in four conspicuous places, one of which shall be the Town Hall. A hearing to consider issuance of an abatement order shall be held by the Zoning Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon initiative of the Board. An abatement order shall be directed by the Zoning 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.

## **ARTICLE IV - ADMINISTRATION**

### **SECTION 1.0 - ENFORCING OFFICER**

The provisions of this Ordinance shall be administered and enforced by the Town Engineer with the assistance of the Building Inspector of Shelby County. He may also be provided with the assistance of such other person or persons as the Town Council may direct. The Town Engineer, Town Clerk, or a duly authorized representative, shall in relation to this Ordinance:

- 1.1.** Review all building permit applications with regard to conformance with all applicable provisions of this Ordinance and to perform required inspections to insure such conformance.
- 1.2.** Issue all building permits and maintain records thereof.
- 1.3.** Issue all certificates of occupancy and maintain the records thereof.
- 1.4.** Issue and renew where applicable all temporary use permits and maintain records thereof.
- 1.5.** Maintain current zoning maps and records of amendments thereto.
- 1.6.** Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry out the enforcement of this Ordinance if the Town Engineer shall find that any of the provisions of this Ordinance are being violated, he or a duly authorized representative shall proceed to notify in writing the persons responsible for such violations,

indicating the nature of the violation and ordering the action necessary to correct it. He or a duly authorized representative shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

**1.7.** Have all rights and authority as vested by the Indian Springs Village Town Council and as may be amended from time to time.

**1.8.** Nothing herein to the contrary is to diminish the authority vested in the Building Inspector by the Shelby County Commission.

## **SECTION 2.0 - BUILDING PERMIT REQUIRED**

It shall be unlawful to commence the excavation for the construction of any building or other structure including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except minor repairs not changing the character or the value of any structure), including accessory structures, until the Building Inspector of Shelby County 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 to the provisions of this Ordinance. Application for a Zoning Verification prior to the issuance of a building permit shall be made to the Town Engineer or a duly authorized representative on forms provided for that purpose. Building permits shall not be required for construction or alteration the cost of which is less than one thousand five hundred dollars (\$1,500).

## **SECTION 3.0 - APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMITS**

It shall be unlawful for the Town Engineer or the Build Inspector for Shelby County or his duly authorized representative to approve any plans or issue a building permit for any excavation or construction until he has inspected in detail and found them in conformity with this Ordinance. To this end, the application for a building permit for the use of land, excavation, construction, moving or alteration shall be accompanied by a site development plan or plat drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Town Engineer or the Building Inspector for Shelby County to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:

**3.1.** The location, size, and dimensions of the site.

**3.2.** The use, location, size, and height of all existing and proposed structures on the site.

**3.3.** The location and number of parking spaces.

**3.4.** All easements and rights-of-way.

**3.5.** The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.

**3.6.** The location and dimensions of all exterior graphic displays.

**3.7.** Buffers/greenbelts.

**3.8.** Topography at two foot intervals, to be checked by the Town Engineer for applicability to flood plain contours.

**3.9.** The fee for submission of a building permit application as required by the Town. (See Schedule of Fees).

**3.10.** Written certification from the Shelby County Health Department that adequate sewage treatment facilities are available at the proposed site.

**3.11.** Every application for the use of land under and by virtue of the provisions of this Ordinance shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow.

## **SECTION 4.0 - DENIAL OF BUILDING PERMIT APPLICATIONS**

The applicant, upon notification in writing by the Town Engineer or the Building Inspector of Shelby County of a building permit denial, may contact the Town Engineer or Chairman of the Zoning Board of Adjustment and request a hearing before The Zoning Board of Adjustment.

## **SECTION 5.0 - CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Inspector of Shelby County shall have issued a Certificate of Occupancy.

Within three (3) days after the owner or his agent has notified the Building Inspector of Shelby County that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Town Engineer or a duly authorized representative to make a final inspection thereof, to issue a Certificate of Occupancy if the building or premises is found to conform with the provisions of this Ordinance or, if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefor. Appeals from the decision of the Building Inspector, Town Engineer or duly authorized representative shall be heard by the Zoning Board of Adjustment.

## **SECTION 6.0 - INTERPRETATION OF DISTRICT BOUNDARIES**

The Zoning Board of Adjustment shall make an interpretation of the "Indian Springs Village Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

**6.1.** Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.

**6.2.** In un-subdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.

**6.3.** Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or alley lines of alleys or to the center lines or right-of-way lines of highways, such boundaries shall be construed as being a parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by

the use of the scale shown on the said maps.

**6.4.** In case any further uncertainty exists, the Town Council of Indian Springs Village shall determine the location of boundaries.

## **SECTION 7.0 - INTERPRETATION OF USES**

This Ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Town Engineer is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Town Engineer interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeal of the Town Engineer's use interpretation may be filed with the Zoning Board of Adjustment.

## **SECTION 8.0 - UNCLASSIFIED USES**

In the event the Town Engineer or a duly authorized representative finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

**8.1.** If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the Zoning Board of Adjustment.

**8.2.** If the unclassified use would not be compatible with the intent of the existing zoning district intent, the Town Engineer or his duly authorized representative shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Zoning Board of Adjustment.

**8.3.** Following the final action on the unclassified use, as (1) or (2) above may require, the Planning and Zoning Commission shall initiate an amendment to this Ordinance to list the newly permitted use into the most appropriate district(s).

## **SECTION 9.0 - EXPIRATION OF BUILDING PERMIT**

Any permit under which no construction work has been done above the foundation walls or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time.

## **SECTION 10.0 - UNLAWFUL STRUCTURE**

Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Chairman of the Zoning Board of Adjustment or any duly authorized representative is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Chairman of the Zoning Board of Adjustment or his duly authorized representative has declared a structure to be not conforming with the provisions of this Ordinance, the owner or occupant shall, within seventy- two (72) hours from the issuance of a notice from the Chairman of the Zoning Board of Adjustment or the Town Engineer or any duly authorized representative to vacate such premises, accomplish such vacation of such

structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

## SECTION 11.0 - PENALTIES

Any person, firm, corporation or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

## SECTION 12.0 - REMEDIES

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Chairman of the Zoning Board of Adjustment or any other duly authorized representative or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, to correct or abate violations or to prevent occupancy of such building, structure or land.

## SECTION 13.0 - ZONING BOARD OF ADJUSTMENT

**13.1. Establishment.** A Board of Adjustment is hereby established.

- A. Appointment.** Members of the Zoning Board of Adjustment shall be appointed by the Mayor with the majority consent of the Town Council. The Zoning Board of Adjustment shall consist of five members, each appointed for a term of three years, except in the first instance one shall be appointed for a term of three years, two for a term of two years, two for a term of one year and thereafter each member shall be appointed for a term of three years until his/her successor is duly appointed. In addition to the five regular members provided for in this subsection, two supernumerary members shall be appointed. These members shall serve on the Board at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power of regular members. Such supernumerary members shall be appointed for three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after a public hearing. Members shall be removed if they fail to meet the eligibility requirements in Subsection 13.1.B of this Article. Members of the Board may hold no other office in the Town, except that not more than one member of the Board may also be a member of the Planning and Zoning Commission. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the appointing authority.
- B. Member Eligibility Requirements.** All Board Members shall be bona fide residents and qualified electors of Indian Springs Village, Alabama.

**13.2. Procedure.** The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and notice of a public hearing shall be posted at least seven (7) days prior to the public hearing in four (4) conspicuous places within the town limits, one of which shall be the Town Hall. Concurrent with the posting for the public meeting, the Chairman of the Zoning Board of Adjustment shall notify the Mayor, Chairman Pro Tem of the Council and Chairman of the Planning and Zoning Commission either telephonically or by electronic mail of the impending meeting. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

**13.3. Powers and Duties.** The Zoning Board of Adjustment shall have the following powers as granted in Section 11-52-80, Code of Alabama, 1975, or as the same may be amended, and as specified herein:

**A. Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

**B. Special Exceptions.** To hear and decide only such special exceptions as the Zoning Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by The Zoning Board of Adjustment unless and until;

- i. A written application for a special exception is submitted as provided herein including;
  - a. indicating the section of this Ordinance under which the special exception is sought,
  - b. stating the grounds on which it is requested,
  - c. including the street address and legal description of the property,
  - d. a vicinity map showing the exact location of the site,
  - e. any supplemental information which will assist the staff and Board including but not limited to,
    - i. existing and proposed topography,
    - ii. property lines, existing and proposed structures and their uses,
    - iii. dimensions and heights of existing and proposed structures,
    - iv. exterior lighting,
    - v. exterior storage areas,
    - vi. parking and loading areas,
    - vii. points of ingress and egress,
    - viii. signs,
    - ix. buffer areas,
    - x. traffic studies, and
    - xi. flood water elevation information.
- ii. An application fee is submitted. (See Schedule of Fees)
- iii. A public hearing has been held, notice of which has been posted in four (4) conspicuous places within the town limits, one of which shall be the Town Hall, at least seven (7) days prior to the public hearing and the owner of the property (or his agent) for which special exception is sought and adjoining

property owners have been notified by mail seven (7) days prior to the public hearing. Such notice shall be deemed to be given when notice is deposited in the United States Mail, first class, prepaid postage and addressed to the aforementioned property owners.

- iv. The Zoning Board of Adjustment has made a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, The Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted shall be deemed a violation of this Ordinance and punishable as prescribed in this Ordinance. The Zoning Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the special exception.

**C. Variances.** To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Adjustment unless and until;

- i. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other and, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district; and
  - e. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.
- ii. An application fee is submitted. (See Schedule of Fees)
- iii. A public hearing has been held, notice of which has been posted in four (4) conspicuous places within the town limits, one of which shall be the Town Hall, at least seven (7) days prior to the public hearing and the owner of the property (or his agent) for which variance is sought and adjoining property owners have been notified by mail seven (7) days prior to the public hearing. Such notice shall be deemed to be given when deposited in the United States Mail, first class, prepaid postage and addressed to the aforementioned property owners.
- iv. The Zoning Board of Adjustment has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land,



- building, and structures.
- v. The Zoning Board of Adjustment has made a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguard, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable as prescribed in this Ordinance.

**13.4. Action on Appeals.** In exercising the above mentioned powers, The Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

**13.5. Voting.** 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 it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**13.6. Appeals to the Board** – Appeals to The Zoning Board of Adjustment may be taken by any persons aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board, by filing with the official from whom the appeal is taken and with The Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. (See Schedule of Fees) The Zoning Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Notice of the public hearing shall be posted seven (7) days prior to the hearing in four (4) conspicuous places, one of which shall be the Town Hall.

**13.7. Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies to The Zoning Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by The Zoning Board of Adjustment or by a court of record on application, on notice to the official from whom the appeal is taken and on due cause shown.

## **SECTION 14.0 - APPEALS FROM ACTION OF THE BOARD**

As provided by Section 11-52-81, Code of Alabama, 1975 or as same may be amended, any party aggrieved by any final judgment or decision of the Zoning Board of Adjustment may within fifteen (15) days thereafter appeal therefrom to the circuit court by filing with the Zoning Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Zoning Board of Adjustment 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 de novo.

## **SECTION 15.0 - PROCEDURE**

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council of the Town of Indian Springs Village, but no amendment shall become effective unless it is first submitted to the Indian Springs Village Planning and Zoning Commission. At its own initiative, this body 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 of Indian Springs Village, and report its recommendations to the Town Council of Indian Springs Village. The provisions of Sections 11-52-77 and 11-52-78, Code of Alabama, 1975, or as same may be amended, shall apply to all changes and amendments.

## **ARTICLE V- DEFINITIONS**

### **SECTION 1.0 - GENERAL**

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. The use of the masculine shall include the feminine, and the use of the feminine, the masculine.

### **SECTION 2.0 - DEFINITIONS**

Words and terms are defined as follows:

"Accessory Building"- A subordinate building detached from a principal building on the same lot and that is used incidentally to the principal building or that houses an accessory use.

"Accessory Structure"- A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. (Also see structure).

"Alteration" and "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 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 fifty (50) percent of its value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

"Alley"- A public or private way less in width than a street, and designed for special accommodation of the property it reaches, and not intended for general travel.

"Animal Hospital"- A place where small household pets are given medical or surgical treatment and short term boarding of pets within an enclosed building may be provided.

"Apartment"- A building used or intended to be used as a dwelling by three or more families, or as an apartment house.

“Automotive Fuel Dispensing Unit”- A mechanism, usually mechanical, electrical or electronic, consisting of a pump, one or more dispensing hoses which provide various grades or types of fuel and a fuel metering device which displays price per gallon, gallons dispensed and total amount of sale. The unit is capable of dispensing automotive fuel to only one vehicle/customer at a time. The unit may be erected on a concrete or similar building material base, which may be configured to be flush with the ground or may be elevated. In some instances, several automotive fuel dispensing units may be arranged under one protective canopy.

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

"Basement"- A story wholly or partly underground but having no more than one-half of its floor to ceiling height above the average ground level at the building.

"Block"- All land fronting one side of a street between the nearest intersecting streets, roads, railroad rights-of-way and waterways, meeting or crossing the aforesaid street and bounding such land.

"Boarding House"- A dwelling for the residency of two (2) or more boarders on a long term basis (at least month to month). Each unit intended to be rented does not constitute a dwelling unit as defined in this Ordinance.

"Building"- Any structure having a roof supported by columns, or by walls, including tents, lunch wagons, dining cars, trailers, and similar structures whether stationary or moving.

"Building (Main)"- The principal building on a lot, including an attached garage, carport, porte-cochere, porch or part thereof.

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

"Building Height"- The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

"Building Line"- A line showing the nearest distance to the street property line or lines that it is permissible to build a structure either in compliance with this Ordinance or in following a plat, deed, or private contract.

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

"Carport"- A covered vehicle carport is considered an integral part of a dwelling and will be considered in determining side and front yard required space.

"Cemetery"- Human burial grounds.

"Clinic"- An establishment, public or private, where there are not over-night facilities and where people are given examinations, diagnosis and treatment as out-patients by physicians, dentist, optometrists or other members of the medical profession.

"Commercial Preferred"- Professional offices, occupied by physicians, surgeons, dentists, attorneys, architects, engineers and other similar professions.

"Community Service Club"- Buildings arranged for the gathering of private club members and their guests, including social club, professional organization, fraternal club or lodge, union hall, civic

association and similar uses.

"Country Club"- Land and building containing recreational facilities and club house for private club members and their guests.

"Condominium"- A building or a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

"Convenience Store"- A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily foods, beverages and other household supplies to customers who purchase only a relatively few items at a time (in contrast to a supermarket), and may include no more than four (4) automotive fuel dispensing units.

"Craft or Hobby Shop"- A commercial establishment which sells or offers for sale materials and/or supplies related to art, flower arranging, ceramics, needlepoint, woodcraft, related books and instructional materials and similar activities.

"Covenant"- A written agreement between two or more parties for the performance of some action. When used in relation to property or real estate, it is generally an agreement executed between the buyer and seller of such real estate, and should be enforced by private landowners and not be the municipality unless the proposed use violates the zoning ordinance. This term shall also include deed restrictions.

"Cul-de-sac"- A dead-end street terminated by a vehicle turn-around having a minimum right-of-way radius of fifty (50) feet.

"Day Care Home"- A licensed service operated from a residential dwelling by a residential, providing day care on a regular basis to six (6) or less children, elderly, handicapped or infirm persons.

"Day Care Center"- A licensed facility, other than a residence, providing day care on a regular basis to more than six (6) children, elderly, handicapped or infirm persons.

"Domiciliary Facilities"- Homes for the aged, intermediate institutions, and related institutions, whose primary purpose is to furnish room, board, laundry, personal care, and other non-medical services, regardless of what it may be named or called, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally the same type of limited medical attention as an individual would receive if he or she were living in his or her own home.

"Dwelling - Two Family/Duplex"- A building designed exclusively for occupancy by two families living independently of each other under one roof, with the building and land being under single ownership.

"Dwelling - Multiple"- A building used or intended to be used as a dwelling by three or more families, or as an apartment house.

"Dwelling Unit"- Any portion of a building used as a separate abode for a family having its own cooking, kitchen, or bathroom facilities.

"Family"- One or more persons occupying a dwelling and living together as a single housekeeping unit; all of whom or at least two of whom are related by blood, marriage or adoption, as distinguished from a group occupying a boarding house, day care home, domiciliary facility, family care home, rehabilitation facility, nursing home or hotel, as herein defined. The family unit as herein defined may include not more than two

domestic servants or two boarders.

"Family Care Home"- A group care home serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home serves socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, including child care homes for orphans or neglected children, and handicapped or infirm home for the mentally retarded or mentally ill. The requirements of Section 11-42-75-1 of the Alabama State Code, Regulations as to housing of mentally retarded or mentally ill persons in a multi-family zone, Code of Alabama, 1975 as amended.

"Farm Support Business"- A commercial establishment engaged in the sale of farm support goods and services, including the sale of feed, grain, fertilizers, pesticides and similar goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.

"Farm"- A three acre or larger tract of land used for the production, keeping of maintenance, for sale or lease of plants and animals useful to man.

"Fence"- An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Floor Area - Livable"- The livable area shall be the area of the first floor, plus the area of the floor next above, and the area under a sloping roof having a minimum height of five (5) feet. Garage floor area, basements, decks, porches, patios, terraces, and carport floor area are not included as livable floor area.

"Fowl"- Chickens, turkeys, ducks, geese, quail, guineas, etc.

"Funeral Home"- A commercial establishment engaged in funeral and undertaking services for human burial, cremation, or placement in a mausoleum.

"Garage - Private"- An accessory building or structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

"Garage, Public"- A building or portion thereof, other than a private storage or parking garage, designed or used for equipping, services, repairing, hiring, selling or storing of motor- driven vehicles, but not including the storage of wrecked or junked cars.

"Garage, Storage or Parking"- A building or portion thereof designed or used exclusively for storage of motor driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired, or sold.

"Garden Home"- A single family detached dwelling designed on a small lot with one zero lot line on one side. These dwellings are designed preferable on flat terrain for maximum privacy.

"Gasoline Service Station"- A commercial establishment providing fuel, lubricants, parts and accessories, and incidental minor vehicle repair and maintenance services to motor vehicles. (See vehicle repair - minor).

"Grade"-The average level of the finished ground surface adjacent to the exterior walls of the buildings or structure.

"Green-belt"- Except where otherwise expressly provided by this Ordinance, wherever any green-belt is required by the provisions of any section of this Ordinance, the width of the green-belt may be included in the width of any yard which is required for the parcel containing such green-belt. All green-belts shall

consist of trees and shrubs of such kind as may be approved by the Planning and Zoning Commission.

"Glare"- Direct or reflected glare shall not be produced so as to be in evidence beyond any property line at points, or in areas which may adversely affect the visibility to tend to interfere with the safety or welfare of persons located at or beyond any property line.

"Home Occupation"- A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, and in which not more than twenty-five (25) percent of the dwelling is used for said home occupation, Section 5.0(b). Said home occupations shall be clearly incidental and secondary to residential occupancy, shall not involve any public display of goods, shall not create noise, produce odors, vibration, electrical interference, or traffic safety hazards or congestion, nor interfere with the health, safety, morals, convenience, and/or general welfare of the public. Examples of home occupations are: office of doctor, lawyer, architect, accountant, bookkeeper, notary, dressmaking, etc.

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

"Hotel and Motel"- A commercial facility offering transient lodging accommodation on a daily or weekly basis to nine (9) or more guests, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities. Hotels and motels may also include as an accessory use, the sale of liquor for on premise consumption.

"Hospital"- An institution providing overnight facilities and primarily for diagnosis, treatment and care of the sick or injured.

"Junk Yard"- A place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking and structural steel materials and equipment, and excluding pawn shops and establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded or salvaged materials as part of the manufacturing operations.

"Kennel"- A lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.

"Liquor Lounge"- A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included in this definition are establishments which sell only beer or wine as an incidental activity on the premises; establishments which sell liquor, beer or wine in packages for or on premises consumption; restaurants, hotels or motels which serve liquor for on premise consumption as an accessory use.

"Livestock"- Cows, horses, goats, sheep, swine, etc.

"Living Area"- The area of all floors of a building exclusive of finished porches, basements, attics, garages or breeze ways.

"Loading Space"- An off-street space or berth used for the loading or unloading of commercial vehicles.

"Lot"- A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel or plot of land.

"Lot Width"- The distance measured along a public or private street right-of-way or margin. The minimum lot width stated in each Zoning District shall be maintained at all points between the right-of-way or margin and the building line or between the right-of-way or margin and the front of the building should the building be located at a greater distance from the right-of-way or margin than that specified as the "Yard – Front" Where a lot fronts a cul-de-sac, the Lot Width may be measured at the Building Line but in no case will a lot frontage, measured at the right-of-way or margin, of less than one-half of the minimum of the district be allowed at the right-of-way or margin.

"Lot of Record- A lot that is a part of a subdivision, the map or plat of which has been recorded in the office of the Judge of Probate.

"Mini-Warehouse"- A structure (or group of structures) that is partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-explosive and non-volatile materials; and the facility or site is not used for wholesale or retail sales operations.

"Modular Home"- A dwelling constructed on-site in accordance with the Southern Standard Building Code. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a mobile home in that the latter is constructed in a plant in accordance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and does not meet the construction standards of the Southern Standard Building Code.

"Mobile Home or Manufactured Home"-A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forth (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The structure, if constructed on or after June 15, 1976, meets or exceeds the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

"Mobile Home Park"- Any site, lot, field, or tract of land privately or publicly owned or operated, upon which two or more house trailers or mobile homes are used for living, eating or sleeping quarters, are, or intended to be, located; such establishments being open and designated to the public as places where temporary residential accommodations are available, whether operated for or without compensation, by whatsoever name or title they are colloquially or commercially termed.

"Non-Conforming Use"- A use of any structure or land which though originally lawful does not conform to the provisions of this Ordinance or any subsequent amendments thereto for the district in which it is located.

"Nursing Home"- A home for the aged, chronically ill or incurable persons except mental or alcoholic patients and drug addicts, in which two or more persons are received, kept or provided with food, shelter and care for compensation but not including hospitals, clinics or other institutions devoted primarily to the diagnosis, treatment or care of the sick or injured. "Offices"- Space or room for professional, administrative, clerical, and similar uses.

"Office Building"- A building whose predominant use is for offices.

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

"Outside Storage"- The keeping, in an unenclosed area of any goods, materials, products, merchandise or

vehicles in the same place. Outdoor storage shall not include open retail display areas such as vehicle sales, nursery product, sales, furniture display areas, and similar activities.

"Park"- Publicly owned and operated parks, playgrounds, recreation facilities and open

"Parking Area"- An open, unoccupied space used or intended to be used for the parking of motor driven vehicles without charge exclusively, and in connection with which no gasoline or vehicular accessories are sold and no other business is conducted.

"Parking Lot"- An open area used primarily for the purpose of parking motor driven vehicles.

"Parking Space"- A parking space is an area surfaced by either concrete or bituminous pavement, enclosed or unenclosed, not less than ten (10) feet wide by twenty (20) feet long, together with a concrete or bituminous surface driveway connecting such parking space with a street or alley and permitting ingress and egress of a motor vehicle.

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

"Premises"- A lot, together with all building and structures existing thereon.

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

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

"Public Utility Facility"- A facility that provides public utility services to the public at large, including water and sewage facilities, gas distribution facilities, electric transmission and distribution facilities and cable transmission distribution facilities, along with similar facilities.

"Public Utility Service"- Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.

"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.

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

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

"Satellite Dish Antenna"- A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or a bar-configured structure.

"School"- Public or non-profit school.

"School-Commercial"- Private, gainful business providing instructional service in arts, business, crafts,



trades, and professions.

"Special Exception Use"- A use permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with the ordinance.

"Shopping Center"- A group of two or more retail sales or service building located within one building or a group of architecturally unified buildings; said building being under one ownership or management, with selected tenants or lessees, and having an integrated parking area.

"Sidewalk"- The paved portion of a public thoroughfare or right-of-way that is intended for use by pedestrians.

"Single Family Residence"- A detached single family dwelling constructed on-site in accordance with the Standard Building Code.

"Street"- A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the Town as a public street.

"Street Property Line"- A dividing line between a lot, tract or parcel of land and a contiguous street.

"Story"- That portion of the building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of the building between the topmost floor and the roof, in which the floor area of the story next below is a half-story. A basement shall be considered as a story if its ceiling is more than five feet above the level from which the "height of building"- is measured.

"Structure"- Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

"Tourist Home"- An establishment, which may be a dwelling, which provides lodging for three (3) to eight (8) transient guests on a short term basis (daily or weekly). This term shall also include bed and breakfast inns.

"Townhouse"- A single family dwelling unit constructed in a series or group of not more than two units attached at the side, each of which has a separate outdoor entrance with property lines, lot lines, and a one hour fire resistant wall or a two hour fire resistant rated party wall separating such units.

"Travel Trailer"- A structure that is intended to be transported over the streets, either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary use as sleeping quarters but does not meet the definitional criteria of a mobile home.

"Travel Trailer Park/ Campground"- A three (3) acre or larger tract of land used or designed to accommodate a travel trailer or campground community of multiple spaces for short term lease.

"Use"- The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

"Variance"- A modification of the strict application for the provisions of this Ordinance, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, as determined by the Zoning Board of Adjustment in accordance with procedures specified in this Ordinance.

"Vehicle Repair - Minor"- A place of business engaged in sales, installation and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, front end alignment, tire balancing, brake and muffler work, batter recharging and/or replacement, and similar activities, and in which all work is performed entirely within an enclosed building.

"Vehicle Repair - Major"- A place of business engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities in which all work is performed entirely within an enclosed building.

"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.

"Yard - Front"- 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.

"Yard - Rear"- A minimum yard between a structure and a rear lot line and extending the entire length of the rear lot line. In the case of a corner lot or double frontage lot, there are no rear yards but only front and side yards.

"Yard - Side"- A minimum yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of an odd-shaped lot, any yard that is not a front or rear yard is a side yard. In the case of a corner lot or double frontage lot, any yard that is not a front yard is a side yard.

## **ARTICLE VI - ESTABLISHMENT OF DISTRICTS**

### **SECTION 1.0 - GENERAL**

In order to carry out the intent and purpose of this Ordinance, the Town of Indian Springs Village is hereby divided into the following districts or zones: the location, boundaries and area of which are and shall be as shown and depicted upon the zone map; said district or zones are to be designated as follows:

E-1	Estate District	Single Family
E-2	Residential District	Single Family
R-1	Residential District	Single Family
R-2	Residential District	Single Family
R-4	Residential District	Multi-Family
R-T	Residential District	Townhouses
M-P	Residential District	Mobile Home Parks

0-I	Commercial District	Preferred Commercial
B-1	Commercial District	Local Shopping
B-2	Commercial District	General Shopping
M-1	Manufacturing District	Light Industrial
A-1	Agricultural District	Agriculture
P	Park District	Recreation

The boundaries of the above districts are hereby established as shown on the Zoning Map of the municipality. Questions concerning the exact location of district boundary lines shall be decided by The Zoning Board of Adjustment. The Zoning District regulations are as follows:

## SECTION 2.0 - E-1 SINGLE FAMILY RESIDENTIAL DISTRICT

**2.1. Intent.** To provide areas suitable for single family residences on estate size lots, free from other uses which are incompatible with the character and intent of the district.

**2.2. Uses Permitted.**

- Detached single family residences, except that mobile homes are not permitted
- Customary accessory structures and buildings
- Wireless Telecommunications Facilities.

**2.3. Special Exception Uses.** The following uses may be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued:

- Park
- Place of Worship
- Home occupation

**2.4. Area and Dimensional Regulations.**

- |                       |  |
|-----------------------|--|
| A. Minimum Lot Area   | 3 Acres  |
| B. Minimum Lot Width  | 150 feet   |
| C. Minimum Yard       | Front = 40 feet<br>Rear = 40 feet<br>Side = 20 feet (one side)<br>(50 feet both sides)   |
| D. Minimum Floor area | 1500 square feet   |
| E. Maximum Height     | 45 feet; provided that each side yard and rear yards are increased by one foot for each foot of additional height above 35 feet. |

**2.5. Buffer Requirements.** All special exception uses except home occupations shall provide as a minimum, a thirty-five (35) foot buffer on all side and rear property lines.

**2.6. Additional Regulations.** (When applicable)

- A. Off-Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations

D. General Regulations

**SECTION 3.0 - E-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

**3.1. Intent.** To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

**3.2. Uses Permitted.** The same uses listed under "uses permitted" in District E1.

**3.3. Special Exception Uses.** The same uses permitted by special exception in District E-1, subject to the same conditions.

**3.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area            20,000 square feet
- B. Minimum Lot Width        100 feet
- C. Minimum Yard                Front = 40 feet  
    Rear = 40 feet  
    Side = 20 feet
- D. Minimum Floor Area        1200 square feet
- E. Maximum Height            35 feet

**3.5. Buffer Requirements.** The same as required in District E1.

**3.6. Additional Regulation.** (when applicable).

- A. Off-Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations

**SECTION 4.0 R-1 - SINGLE FAMILY RESIDENTIAL DISTRICT**

**4.1. Intent.** To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

**4.2. Uses Permitted.** The same uses listed under "uses permitted" in district E1.

**4.3. Special Exception Uses.** The same uses permit District E1, subject to the same conditions.

**4.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area            15,000 square feet
- B. Minimum Lot Width        90 feet
- C. Minimum Yard                Front = 35 feet  
    Rear = 35 feet  
    Side = 10 feet
- D. Minimum Floor area        1200 square feet
- E. Maximum Height            35 feet

**4.5. Buffer Requirements.** The same as required in District E1.

**4.6. Additional Regulations.** (When applicable).

- A. Off Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations

**SECTION 5.0 R-2 - SINGLE FAMILY RESIDENTIAL DISTRICT**

**5.1. Intent.** To provide areas suitable for medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

**5.2. Uses Permitted.** The same uses listed under "uses permitted" in district E1.

**5.3. Special Exception Uses.** The same uses permitted in District E1, subject to the same conditions.

**5.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area            10,000 square feet
- B. Minimum Lot Width        90 feet
- C. Minimum Yard                Front = 35 feet  
Rear = 35 feet  
Side = 10 feet
- D. Minimum Floor area        1,200 square feet
- E. Maximum Height            35 feet

**5.5. Buffer Requirements.** The same as required in District E1.

**5.6. Additional Regulations** (when applicable).

- A. Off Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations

**SECTION 6.0 R-4 - MULTIFAMILY RESIDENTIAL DISTRICT**

**6.1. Intent.** To provide areas suitable for a variety of residential uses including detached and attached single family residences, multiple family dwellings and duplexes.

**6.2. Uses Permitted.** The same uses listed under uses permitted in District E1, plus multiple dwellings, duplexes, townhouses and condominiums.

**6.3. Special Exception Uses.** The same uses permitted by special exception in District E1, subject to the same requirements.

**6.4. Area and Dimensional Regulations.**

- A. Interior Living Space:  
The minimum livable floor area required for each dwelling unit, exclusive of any are contained within a basement, attached garage or porch, shall be in accord with the following schedule:

<b>Interior Living Space Per Dwelling Unit</b>	<b>No. of Dwelling Units Per Building</b>
Not less than 800 sq. ft.	2 to 19 inclusive
Not less than 700 sq. ft.	20 and over

B. Yards Front, Side and Rear:

All yards shall have a minimum depth of not less than forty (40) feet.

C. Building to Building Spacing:

A minimum side yard of twenty (20) feet shall be required on each side of every building.

D. Building Height:

No building hereafter erected or structurally altered shall exceed forty five (45) feet in height. If the height exceeds thirty-five (35) feet, in the case of schools, places of worship, or other public or semipublic buildings, the building will be set back from each required yard line at least one additional foot for each foot of height above thirty five (35) feet.

E. Lot Coverage:

The maximum developed density shall be 12 units/acres.

**6.5. Buffer Requirements.** The same as in District E1.

**6.6. Additional Regulations** (when applicable).

- A. Off Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations

## SECTION 7.0 R-T - TOWNHOUSE RESIDENTIAL DISTRICT

**7.1. Intent** To provide areas suitable for the development of residential townhouses.

**7.2. Uses Permitted** Townhouse dwellings, as defined in this Ordinance, along with designated storage facilities.

**7.3. Special Exception Uses** Because of the unique character of the Townhouse development and small lot sizes, no use other than townhouse dwellings, designated storage facilities, public utility facility, public utility service, and home occupations are permitted.

**7.4. Area and Dimensional Regulations.**

- A. Minimum Area (Density) There shall not be less than 5,455 square feet of land, 8 units per acre, including common areas, roads, tennis courts, etc.,

- |                         |   |
|-------------------------|---|
|                         | for each townhouse dwelling in the townhouse development.   |
| B. Minimum Floor Area - | One Story 1,000 square feet<br>Two Story - 1st floor 600 square feet.<br>Minimum for dwelling 1,200 square feet |
| C. Minimum Yards        | Front 35 feet<br>Rear – 35 feet<br>Side – 0 feet between units  |
| D. Building Spacing     | 60 feet between buildings   |

**7.5. Building Height** No building hereafter erected or structurally altered shall exceed forty five (45) feet in height. If the height exceeds thirty-five (35) feet, in the case of schools, places of worship, or other public or semipublic buildings, the building will be set back from each required yard line at least one additional foot for each foot of height above thirty five (35) feet.

**7.6. Buffer Requirements** When a townhouse development is located wholly or partially adjacent to a single family or two family residential zone or an agricultural zone, said development shall contain a buffer strip at least thirty-five (35) feet wide (which shall be in addition to minimum yard requirements, notwithstanding any other provisions of this Ordinance), which shall serve as a buffer between the improved area of the development and adjacent residential or agricultural zones. Maintenance of the buffer strip area shall be provided for by written covenant, the adequacy of which shall be determined and approved by the Planning and Zoning Commission. RT property adjoining existing public street rights-of-way shall include a thirty (30) foot wide buffer strip between the street and the improved area of the development. Buffer areas are subject to approval of the Planning and Zoning Commission.

**7.7. Additional Regulations.**

- A. There shall be two (2) paved parking spaces per unit, the depth of which shall be measured from back of curb. Unit parking spaces are not permitted along existing exterior streets.
- B. No building shall be located less than thirty-five (35) feet from any boundary of the townhouse development.
- C. The maximum number of units per cluster structure shall be six (6).
- D. No townhouse structure located in an RT townhouse district shall be located closer to the nearest exterior street right-of-way than thirty-five (35) feet. No townhouse structure shall be located closer to the nearest dedicated interior street right-of-way than thirty-five (35) feet, or nearer a private drive than thirty-five (35) feet.
- E. A storage facility shall be required for each townhouse unit with a maximum ceiling height of eight (8) feet, consisting of not more than forty-eight (48) square feet of floor area, designed to complement the structural integrity of the townhouse.
- F. The developer shall provide the Indian Springs Village Planning and Zoning Commission with a copy of any subdivision restrictive covenants and, in addition thereto, any articles, agreements, or provisions relating to:
  - i. Governing body of property owners, if any.
  - ii. Power conferred to governing body, if applicable.
  - iii. Any other covenants required by the Planning and Zoning Commission.

**SECTION 8.0 M-P - MOBILE HOME PARK DISTRICT**

**8.1. Intent.** To provide area for Mobile Home Park development free from other uses which are incompatible with the character of this district.

**8.2. Uses Permitted.**

- A. Mobile home;
- B. Management office;
- C. Managers' residence;
- D. Service facilities such as Laundromats, household storage buildings, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.
- E. Recreational facilities designed and intended to serve only the residents of the park; and,
- F. Residential accessory uses and structures.

**8.3. Special Exception Uses.** Home occupation, subject to established park policy.

**8.4. Site standards.**

- A. The minimum area for any Mobile Home Park is six (6) acres.
- B. The maximum density is ten (10) Mobile Home Site per acre.
- C. Access points shall be controlled through the review of plans submitted to the Planning and Zoning Commission on each Mobile Home Park.
- D. All mobile home sites shall abut a paved roadway.
- E. The entire area shall be served with water and sanitary facilities.
- F. No accessory building or structure shall be erected or maintained in the required buffer strip.

**8.5. Mobile Home Standards.**

- A. The minimum mobile home space shall be at least 5,000 square feet.
- B. The minimum front, side and rear yard setback shall be:
  - i. Front: 15 Feet
  - ii. Rear: 15 Feet
  - iii. Side: 15 Feet
- C. Each mobile home space shall be provided with two (2) off-street parking spaces.
- D. No structure should have height greater than 2 1/2 stories or 35 feet.

**8.6. Procedure for the Plat Approval.** Layout plans of proposed Mobile Home Parks will be prepared by a registered professional engineer and submitted to the Indian Springs Village Planning and Zoning Commission for review and approval prior to construction. The Plan shall include:

- A. A description of the site location.
- B. Number, location, and dimensions of all mobile home lots.
- C. The location and width of roadways, automobile parking spaces and walkways.
- D. Location and dimensions of any recreational areas that may be provided.

**8.7. Buffer Requirements.** The mobile home park site shall be designed and developed to be completely surrounded by a buffer strip having a width of thirty-five (35) feet.

**8.8. Additional Regulations** (when applicable).

- A. Off Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations



## SECTION 9.0 O-I - PREFERRED COMMERCIAL DISTRICT

**9.1. Intent.** To provide areas suitable for office and professional buildings, along with selected institutional and light commercial uses which are compatible with the professional office environment.

**9.2. Uses Permitted.** Offices and professional buildings where the administrative affairs of a business or profession are conducted, including the following:

- Law firm
- Accounting or bookkeeping firm
- Insurance agency
- Secretarial service
- Real estate agency
- Architect
- Travel agency
- Personnel service
- Physician or dentist
- Financial planner
- Engineer
- Public utility service
- Country Club
- Administrative staff of a business or industry, and similar uses to those listed above.
- Wireless Telecommunications Facilities.

NOTE: Office buildings in excess of 2,500 square feet of floor space may use up to ten (10) percent of such space for commercial and service establishments such as snack bars, gift or specialty shops, quick copy services, opticians and similar uses.

**9.3. Special Exception Uses.** The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issue

- Bank or financial service
- Public building
- Public utility facility
- School, including commercial school
- Place of worship
- Day care center
- Nursing home
- Retirement home
- Domiciliary facility
- Library

**9.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area One (1) Acre
- B. Minimum Yards Front = 35 feet
  - Rear = 35 feet
  - Side = 35 feet
- C. Maximum Height 35 feet
- D. Maximum Building Footprint per Acre 12,000 square feet

### **9.5. Buffer Requirements.**

- A. When any use permitted by special exception in the OI District is situated wholly or partially adjacent to any zone other than another Commercial Zone, said use shall provide as a minimum, a thirty-five (35) foot green belt along all side and rear property line abutting such zone or zones.
- B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.
- C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

### **9.6. Additional Regulations (when applicable).**

- A. Off-Street Parking and Loading Requirements
- B. Supplementary Regulations
- C. General Regulations

### **9.7. Exterior Building Material**

No building will be allowed in Preferred Commercial District unless all exterior walls are faced with brick, stone, stucco or decorative block. The exterior walls shall not include any garish or offensive colors. No exposed metal siding will be allowed on such buildings or structures.

## **SECTION 10.0 B-1 - LOCAL SHOPPING DISTRICT**

**10.1. Intent.** To provide areas for retail and service establishments convenient to and compatible with nearby residential neighborhoods they serve.

**10.2. Uses Permitted.** Those uses listed under "uses permitted" in District OI, plus the following:

- Appliance, small engine repair
- Art supply and/or frame shop
- Bank or financial services
- Barber and beauty shop
- Bicycle shop, including repairs
- Car Wash
- Card, gift shop
- Convenience store
- Cosmetic studio
- Craft or hobby shop
- Dance studio
- Photographic studio
- Duplicating or copying service
- Florist shop
- Health food store
- Interior decorating store
- Day care center
- Laundromat, including coin operated and dry cleaning pickup
- Optician
- Clinic
- Plant shop and plant nursery
- Rent-All store

Shoe Repair Shop  
Audio video rental  
Restaurant, standard  
Tanning salon  
Animal Hospital  
Public Utility Service  
Wireless Telecommunication Facilities

**10.3. Special Exception Uses.** The following uses may be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued.

Public building  
Public utility facility  
Retirement home  
Nursing home  
Place of worship  
Gasoline service station  
Fast food restaurant  
Cemetery  
Domiciliary care facility

**10.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area - Eight (8) Acres
- B. Minimum Yards      Front = 35 feet  
                                    Rear = 35 feet  
                                    Side = 35 feet
- C. Maximum Height    45 feet\*

\* No building hereafter erected or structurally altered shall exceed forty five (45) feet in height. If the height exceeds thirty-five (35) feet, in the case of schools, places of worship, or other public or semipublic buildings, the building will be set back from each required yard line at least one additional foot for each foot of height above thirty five (35) feet.

**10.5. Buffer Requirements.**

When any permitted use or use permitted by special exception is wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a thirty-five (35) foot buffer strip along those side and rear lot lines abutting such zone or zones.

Any outdoor storage areas shall be screened to a minimum height of six (6) feet.

Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

**10.6. Additional Regulations** (when applicable).

- A. Off-Street Parking and Loading Requirements
- B. Special Exception Uses
- C. Supplementary Regulations
- D. General Regulations

## 10.7. Exterior Building Material

No building will be allowed in Local Shopping District unless all exterior walls are faced with brick, stone, stucco or decorative block. The exterior walls shall not include any garish or offensive colors. No exposed metal siding will be allowed on such buildings or structures.

## SECTION 11.0 B-2 - GENERAL BUSINESS DISTRICT

**11.1. Intent.** This district consists of the downtown area where a wide range of commercial and institutional activities area accommodated.

**11.2. Uses Permitted.** Those uses listed under "uses permitted" in the O1 and B1 districts, plus the following:

**11.3. Special Exception Uses.** The following uses may be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued.

- Gasoline service station
- Public building
- Public utility facility
- Shopping center
- Hotel and motel
- Mini warehouse
- Places of worship
- Hospital
- Cemetery
- Domiciliary care facility

### 11.4. Area and Dimensional Regulations.

- A. Minimum Lot Area one (1) Acre
- B. Minimum Yards Front = 35 feet  
Rear = 35 feet  
Side = 35feet
- C. Maximum Height 45 feet\*

\* No building hereafter erected or structurally altered shall exceed forty five (45) feet in height. If the height exceeds thirty-five (35) feet, in the case of schools, places of worship, or other public or semipublic buildings, the building will be set back from each required yard line at least one additional foot for each foot of height above thirty five (35) feet.

### 11.5. Buffer Requirements

- A. When any permitted use or use permitted by special exception is situated wholly or partially adjacent to any residential zone district, said use shall provide as a minimum, a thirty-five (35) foot buffer along those side and rear lot lines abutting such zone or zones.
- B. Any outdoor storage areas shall be screened to a minimum height of six (6) feet.
- C. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and shall be screened to a height which is adequate to conceal such facilities from public view.

### 11.6. Additional Regulations (when applicable)

Off-Street Parking and Loading Requirements

Special Exception Uses  
Supplementary Regulations  
General Regulations

### **11.7. Exterior Building Material**

No building will be allowed in General Business District unless all exterior walls are faced with brick, stone, stucco or decorative block. The exterior walls shall not include any garish or offensive colors. No exposed metal siding will be allowed on such buildings or structures.

## **SECTION 12.0 M-1 - LIGHT INDUSTRIAL DISTRICT**

### **12.1. Intent**

This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities include light manufacturing, industrial services, warehousing, wholesaling, and distribution services, and other limited impact activities. The M1 District also allows for commercial and institutional uses which are supportive of industrial employment centers.

### **12.2. Uses Permitted**

Farm support business  
Woodworking shop, cabinet shop, etc.  
Highway maintenance yard or buildings  
Bakery  
Ice Plants  
Radio or television transmission towers  
Research laboratory  
Heavy equipment sales and service  
Vehicle repair - major and minor  
Building material sales and storage, including sand and gravel  
Building contractor yard  
Janitorial and maintenance service  
Warehouses, including mini warehouses  
Recycling collection point or glass, paper, aluminum, etc.  
Plumbing, heating and cooling, electrical and other supply and service facilities  
Public utility service  
Wireless Telecommunications Facilities.

### **12.3. Special Exception**

Uses. The following uses may be permitted subject to a special exception uses permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued:

Industrial parks  
Public buildings  
Public utility facility  
Shopping center  
Parks

#### **12.4. Area and Dimensional Regulations**

Minimum Yard Size: 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.

Front yard, none specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof.

- A. Side and Rear Yards: None specified, excepting a lot adjoining a residential district shall have a side yard not less than one hundred (100) feet wide.
- B. Maximum Height: Forty-five (45) feet or three (3) stories.

#### **12.5. Buffer**

All structures and facilities developed within the M1 Light Industrial District shall provide a fifty (50) foot buffer strip on all rear and side property lines abutting any commercial zone district and a one hundred (100) foot buffer strip along all property lines abutting any residential district.

#### **12.6. Additional Regulations.**

- A. Off-Street Parking and Loading Regulations
- B. Special Exceptions Uses
- C. Supplementary Regulations

**12.7. Exterior Building Material.** No building will be allowed in Light Industrial District unless all exterior walls are faced with brick, stone, stucco or decorative block. The exterior walls shall not include any garish or offensive colors. No exposed metal siding will be allowed on such buildings or structures.

### **SECTION 13.0 A-1 - AGRICULTURE DISTRICT**

**13.1. Intent.** To establish and preserve areas for agricultural, low density residential and outdoor recreation uses without permitting an intensity of development which would require the provision of urban facilities and services.

#### **13.2. Uses Permitted.**

- Farm
- Detached single family residence
- Accessory structures and uses provided that no structure for the keeping of farm animals or poultry shall be located closer than one hundred (100) feet from any property line
- Home occupation
- Park
- Place of worship
- Public utility service
- Wireless Telecommunications Facilities.

**13.3. Special Exception Uses.** The following uses may also be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued.

- Cemetery
- Transmission tower
- School

Day care center  
Public buildings  
Open air market  
Public utility facility

#### **13.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area 3 Acre
- B. Minimum Lot Width 150 feet
- C. Minimum Yards Front = 40 feet  
Rear = 40 feet  
Side = 20 feet (one side)  
50 feet (both sides)
- D. Minimum Floor Area 3,000 square feet

**13.5. Buffer Requirements.** None specified, although the Planning and Zoning Commission may require a buffer or other suitable means of separation in appropriate cases involving incompatible land uses.

#### **13.6. Additional Requirements.**

- A. In the A1 Agriculture District, the minimum setback of livestock barns and chicken (fowl) houses from adjoining property lines shall be one hundred (100) feet; and from highway (road) right-of-way lines shall be three hundred (300) feet, provided, however, that no livestock barn or chicken houses shall be built closer than three hundred (300) feet to the nearest then existing residence other than that of the owner. Swine, (hogs) to be housed, fed and/or watered not nearer than three hundred (300) feet to any adjoining property line or within three hundred (300) feet of any road or road right-of-way. Swine or hog production is not allowed.
- B. Supplemental Regulations
- C. Special Exception Uses

### **SECTION 14.0 P - PARK DISTRICT**

**14.1 Intent.** To provide areas suitable for public parks and recreational uses free from other Uses which are incompatible with the character and intent of the district.

**14.2. Uses permitted.** Public recreation uses such as parks, playgrounds, athletic fields, golf courses, swimming pools, along with accessory structures and buildings customarily associated with such uses, provided, that no charge may be made for the purpose of obtaining a profit for the use of any facility in such zone or any accessory structure or building thereon.

**14.3. Special Exception Uses.** None, except as provided for herein.

#### **14.4. Area and Dimensional Regulations.**

- A. Minimum Lot Area none specified
- B. Minimum Yards none specified
- C. Maximum Building Height 15 feet

**14.5. Buffer Requirements.** None specified, although a greenbelt or other suitable buffer may be required by the Planning and Zoning Commission in appropriate cases where a park facility about any zone district other than another "P" District, and where it is deemed that noise, lighting, traffic, hours of operation or other related

factors would create a problem for adjacent areas.

#### **14.6. Additional Regulations** (when applicable).

##### A. Off Street Parking and Loading Requirements

## **ARTICLE VII - SUPPLEMENTAL REGULATIONS**

### **SECTION 1.0 - REGULATIONS SUPPLEMENTAL**

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this Ordinance.

### **SECTION 2.0 - USE MODIFICATIONS**

**2.1** Building material or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land before appropriate building permits have been issued by the Building Inspector. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

**2.2.** Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replaced within any district within Indian Springs Village. This is not to be construed, to include the erection or construction of buildings or electric substations.

### **SECTION 3.0 - SPECIAL EXCEPTION USES**

Except for the provisions of Article IV, Sections 7.0 and 8.0 no use other than the types specified as "permitted" or "special exception uses", shall be allowed, in a given district. No permit shall be issued for special exception uses except with the written approval of The Zoning Board of Adjustment and subject to such conditions as said Board may require preserving and protecting the character of the district.

### **SECTION 4.0 - HEIGHT MODIFICATIONS**

**4.1.** In each structure hereafter erected or altered shall not exceed the heights specified in the district requirements.

**4.2.** Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, public utility poles, radio and television towers, and aerials, cooling towers, water tanks and industrial structures when required by manufacturing process but not to exceed twenty-five (25) percent of the areas of the lot.

**4.3.** Public, semipublic or public service buildings, including but not limited to hospitals, schools and places of worship, when permitted in a district with height limitations of less than sixty feet, may be erected to a



maximum height of sixty feet; provided, that side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

## **SECTION 5.0 - BUILDING LOTS, YARDS AND OPEN SPACES**

**5.1.** 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 specified herein. No open space or lot required for building or structure shall during its life be occupied by or counted as open space for another building or structure.

**5.2.** Exceptions to the zoning district requirements for building lots and yards:

- A. On any residential lot of record which at the time of enactment of this ordinance is separately owned, one residential building and its related accessory structures may be built; but the required aggregate width of side yards shall not be reduced by The Zoning Board of Adjustment, such that less than twenty-four (24) feet of the lot width is left to build upon.
- B. No building need be set back more than the average of the setbacks of existing residences within one hundred (100) feet each side thereof.

## **SECTION 6.0 - ACCESSORY STRUCTURES**

### **6.1. General.**

It is the intent of this Ordinance that there shall be but one main residential or living structure plus not more than two, nonresidential, permitted accessory structures on any lot where the lot is used for residential purposes. The following shall apply to accessory structures:

- A. Accessory structures may be built in a rear or side yard only, and such accessory structures shall not occupy more than fifteen (15) percent of the required rear yard and shall not be located closer than ten (10) feet from any rear lot line nor closer than eight (8) feet from any side lot line. In the case of corner lots, accessory structures shall not encroach on either front yard as required in this Ordinance. For estate districts E1 and E2 accessory structures shall not be located closer than twenty (20) feet from any rear lot line nor closer than twenty (20) feet from any side lot line.
- B. Accessory structures in all residential areas shall not involve an activity connected with any business or manufacturing use or occupied as a residential dwelling. Such accessory structures shall be erected and maintained only as accessory to the main building or dwelling situated on the same lot or premises.
- C. Accessory structures shall be constructed of materials which are compatible with other buildings in the district in which located in order to insure that the aesthetic value and appearance of the neighborhood is retained.
- D. Accessory structures shall not be built prior to construction of the primary residence.

### **6.2. Private Swimming Pools and Tennis Courts.**

- A. In a residential district, no required yard except the rear and side yards shall be used for the location of a private swimming pool or tennis court.
- B. All swimming pools, including pumps and filters, shall not extend closer than six (6) feet from a rear lot line, nor closer than six (6) feet from a side lot line.
- C. Any permanently constructed swimming pool, or any temporary or inflatable pool which can be filled to a depth in excess of eighteen (18) inches, shall be constructed in accordance with the 2009 International Residential Code for One and Two Story Family Dwellings, or the most current version of same adopted by the Town of Indian Springs Village.

**6.3. Satellite Dish Antennas.** In a residential district, no required yard except the rear yard shall be used for the location of a satellite dish antenna that exceeds three feet in diameter and such antenna shall be located not less than ten feet from the rear and side lot lines. These antennas shall be neutral in color and, to the greatest extent possible, compatible with the appearance and character of the neighborhood in which they are located. Prior to installation, written approval must be received from the Zoning Board of Adjustment specifically approving the location, size, type, and color of the proposed antenna. In case the required placement prevents satisfactory reception, or other problems exist which are unique, such matters shall be referred to the Zoning Board of Adjustment.

**6.4. Barns\Stables.** Barns are customary accessory structures permitted in the following districts: E1, E2, A1 and M1. In all other residential districts, barns are Special Exception Uses permitted only with the approval of The Zoning Board of Adjustment. Barns are subject to all provisions of this Ordinance regarding accessory structures, except that no barn shall be located closer than fifty (50) feet from any rear or side lot line.

## **SECTION 7.0 - BUFFERS**

**7.1. Definition.** A buffer is herein defined as a strip of land that is retained, undeveloped for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, restricting passage and enhancing the natural environment thereby providing for a compatible mix of otherwise conflicting uses. A buffer may consist of the following:

- A. Greenbelt - a greenbelt can include any manmade or natural barrier such as existing or planted trees or shrubs, a combination of trees, shrubs, or vegetation. Any combination of evergreen trees and/or evergreen shrubs, evergreen trees and other deciduous trees (hardwoods) are acceptable as long as the visual barrier will be uniformly dense at the minimum height required.
- B. Screening - screening may include the following: a solid opaque fence, a brick or masonry wall, or earth berm.

### **7.2. Requirements for Buffers\Screening.**

- A. Specific widths for buffers are specified in each respective zone district, as well as in Special Exception Uses. If a greenbelt is specified such greenbelt shall be a planting strip so planted that within one (1) full growing season after installation, said planting strip shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet tall throughout the entire length of the planting strip. The entire surface area of the buffer shall be planted with trees and/or shrubs. Within three (3) full growing seasons after installation said planting strip shall have reached a minimum height of six (6) feet in height or greater.
- B. While greenbelt buffers are to be preferred, if screening methods are specified, the following shall apply:
  - i. Screening materials shall be continuously maintained, present an attractive exterior appearance, and be of durable construction.
  - ii. Unless otherwise noted, acceptable screening materials include wood stockade fences, decorative masonry walls, brick walls, and earth berms. Screening walls or fences shall be a minimum of six (6) feet in height (or as modified by the Planning and Zoning Commission) but not exceed three (3) feet in height within any required front yard. Location of screening shall not obstruct the visibility of traffic circulation.

**7.3. Modification of Waiver.** The screening and planting requirements of this Article shall be applied equally to all similarly classified and situated properties but may be modified or waived in certain cases where a building site is subject to any of the following circumstances, as determined by the Building Inspector:

- A. Where natural vegetation (trees and/or shrubs) exist on a piece of property when application is made for a building permit, a strip of natural vegetation shall be left undisturbed until the Building Inspector

has evaluated it with regard to the width requirements set forth in the Zoning Ordinance for that specific use and zone. The Building Inspector may require that the developer retain a portion of the natural vegetation as a greenbelt, where natural vegetation (trees and/or shrubs) already exists, rather than require a manmade planning strip. However, such vegetation shall be adequate in density to provide the desired barrier.

- B. In special cases where the side and/or rear yards are inadequate to meet the width requirements for the buffer strip, as set forth in each respective zone district, the Building Inspector shall determine, based on the site plan review or other pertinent information requested, alternative methods of separation. The Building Inspector may, in appropriate cases, require some form of screening be provided in lieu of a greenbelt, as a means of separation.
- C. Where, after inspection by the Building Inspector, it is found that two different and incompatible zone districts abut each other, but are separated by a street or alley, or where the view from the adjoining district is blocked by a change in grade or other natural or manmade feature.
- D. Where a greenbelt or planting strip cannot reasonably be expected to thrive due to soil conditions, intense shade or similar conditions.
- E. In cases where the Planning and Zoning Commission has valid reasons to conclude that the adjacent property or properties will be rezoned to a zone district that is compatible with the zone being requested for which a buffer is required.

## **SECTION 8.0 - WALLS AND FENCES**

Walls or fences may be located within the yards except as provided herein:

**8.1.** No wall or fence in a front yard shall exceed a height of six (6) feet, except as required for a retaining wall.

**8.2.** No wall or fence in a rear or side yard shall exceed a height of eight (8) feet, except as required for a retaining wall or a tennis court.

**8.3.** In any residence district, no fence, structure or planting which obstructs visibility shall be maintained within twenty-five (25) feet of any street intersections.

**8.4.** All retaining walls constructed to a height of greater than 32 inches shall be designed and certified by a Registered Professional Engineer licensed to practice in the State of Alabama.

## **SECTION 9.0 - APARTMENTS AND MULTIPLE HOUSING DEVELOPMENTS**

**9.1. Location.** No building or structure or part thereof which is integral to an apartment or multiple housing developments shall be erected or land developed, or used for an apartment or multiple housing development in any zone except R4 and as hereafter specified.

### **9.2. Requirements.**

- A. More than one (1) multiple dwelling building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side, or rear yards required herein for the R4 district, and the open space between protruding portions of the same building measured at the closest point shall be not less than twenty (20) feet for one (1) story buildings, thirty (30) feet when one (1) or both are two (2) story buildings.
- B. A site development plan shall be presented which provides for:
  - i. An integrated parking area or areas.
  - ii. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress to and egress

- from said proposed site.
- iii. A buffer strip not less than fifty (50) feet wide where the apartment or multiple housing site abuts any commercial or industrial zone, and a buffer strip not less than twenty (20) feet wide when such development abuts any single family residential zone district, unless otherwise provided for elsewhere in this ordinance.
- iv. Convenient and safely located pedestrian walkways.
- C. Entrance and exit areas adjoining public highways or thoroughfares serving apartments or multiple housing developments shall be properly illuminated to reduce traffic hazards.
- D. Fixed outside illumination shall be arranged as not to glare into surrounding areas or public streets.
- E. Maximum gradient for all vehicular parking areas shall be five (5) percent.
- F. Maximum gradient for all vehicular driveways or roadways shall be ten (10) percent.
- G. A surety bond shall be required by the Planning and Zoning Commission to insure that the installation of all utilities (includes water lines, sanitary sewer lines, storm sewers, electrical service lines, gas lines, streets, gutters and sidewalks) for the apartments or multiple housing units shall be in accordance with the approval plans and proposals. The approval of the bond shall be required by the Town Clerk. The amount set by the surety shall be not less than the estimated cost of construction for the proposed improvements set out above.

## **SECTION 10.0 - REGULATIONS PERTAINING TO MOBILE HOMES AND MANUFACTURED HOUSING**

Mobile homes, doublewide and manufactured homes are prohibited in all districts of the Town of Indian Springs Village, Alabama, except in the MP district.

## **SECTION 11.0 - FARM**

**11.1.** The following farming activities shall be permitted:

- A. forages and sod crops;
- B. grains and seed crops;
- C. dairy animals and products;
- D. poultry, including egg production but excluding poultry processing;
- E. livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- F. 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;
- G. bees and apiary products;
- H. fisheries, excluding fish and seafood processing;
- I. fur animals, limited to the breeding and raising of such animals and;
- J. vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.
- K. Livestock, dairy animals, small animals, and poultry shall be housed not less than 200 feet from any adjacent lot not zoned A1.
- L. Temporary sawmills and chippers used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line. Temporary or permanent living accommodations for farm tenants performing agricultural labor shall be permitted.

**11.2.** A booth or stall (farm stand) from which produce and farm products are sold to the general public shall be permitted subject to the following limitations:

Sales areas shall be set back from all lot lines so as to meet the direct yard requirements.

Sales areas shall not occupy any part of a required off-street parking or loading area.

**11.3.** Incidental structures and activities commonly associated with a farm may include barns, silos, animal pens, loading and unloading platforms, or chutes, and other accessory uses.

**11.4.** Except for kennels, as defined by this Ordinance, the keeping of small domestic animals, small furbearing animals, or bees for personal enjoyment or use shall not be deemed a farm and shall be permitted as an accessory use to a permitted dwelling in any district. Further, the cultivation of a garden or orchard; the raising of plants, vegetables, shrubs, and the like; the keeping of greenhouses; and similar activities for personal enjoyment or use shall not be deemed a farm and shall likewise be permitted as an accessory use to a permitted dwelling in any district.

## **SECTION 12.0 - RESIDENTIAL OCCUPANCY RESTRICTIONS**

**12.1.** It shall be prohibited for more than three (3) unrelated persons to live together in a single dwelling unit in any Residential District.

**12.2.** It shall be prohibited for any person, firm, or corporation having charge of any residential premises to lease, or permit occupancy of any single dwelling unit in violation of subsection 12.1 above.

## **ARTICLE VIII - SPECIAL EXCEPTION USES**

### **SECTION 1.0 - GENERAL**

In this Article certain land use activities are identified for special treatment. The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the property integration of these uses into the community's land use pattern, a special set of standards is provided for each use. Review of these standards will tend to maintain compatibility with adjoining land uses. It is intended that the Zoning Board of Adjustment will review all proposals for these special uses for compliance with the appropriate provisions of this Article before approval is granted and a building permit is issued. All special exception uses shall require written approval of the Indian Springs Village Zoning Board of Adjustment, and are subject to such conditions relative to that specific use. Consideration for approval by The Zoning Board of Adjustment shall require the submission of evidence of intent to comply with the requirements set forth in this Article, as well as other evidence as may be required such as certifications, specifications, buildings plans and other pertinent drawings and documents. No building permit, business license, or other permit shall be issued by the Town until such time as all requirements have been complied with. Unless otherwise specifically specified by the Board, a special exception authorized by the board shall expire if the applicant fails to obtain a building permit pursuant thereto within six (6) month of the date of authorization by the Board.

### **SECTION 2.0 - REQUIREMENTS TO ALL SPECIAL EXCEPTIONS**

**2.1.** A Site Development Plan must be submitted and provide for:

- A. A building group that is architecturally unified.
- B. Convenient vehicular servicing of all buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress to and egress from said site.
- C. An integrated parking area and vehicular loading space.
- D. Convenient and safely located pedestrian walkways.

- E. The location, size, character and number of all exterior signs.
- F. Existing and proposed storm drainage facilities; utility easements; fences and greenbelts.
- G. A buffer strip of not less than twenty (20) feet wide where the subject property abuts any residential zone, unless otherwise stipulated elsewhere in this Ordinance.
- H. A traffic analysis indicating the estimated effect of the proposed special exception use on adjacent street traffic, including volume flows to and from the proposed facility, prepared by a registered professional engineer.
- I. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply, prepared by a registered professional engineer.
- J. A copy of any existing and intended deed restrictions for the subject property.
- K. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be located in an area enclosed by an opaque fence at least five (5) feet high.
- L. All lighting shall be arranged to as to prevent direct light or glare into public streets or surrounding properties and on timers that automatically turn off the lights within 30 minutes after closing or at 10:00PM unless a specific activity or function requires the use of lighting. Exterior pole light fixtures shall not exceed sixteen (16) feet in height.
- M. No commercial delivery, service, or refuse removal trucks shall enter the property except between the hours of 7:00 a.m. and 10:00 p.m.

### SECTION 3.0 - ADDITIONAL SPECIFIC REQUIREMENTS

In addition to the requirements contained herein and except when in conformance with the provisions of this Article no building or structure or part thereof shall be erected or altered or used, or premises used, in whole or part, when such building, structure, or part thereof, or premises is designed for or intended to be used for one or more of the following specified uses:

- 3.1. Shopping Center
- 3.2. Home Occupation
- 3.3. Gasoline Service Station

### SECTION 4.0 - SHOPPING CENTER

**4.1. Location.** No building or structure or part thereof which is integral to a shopping center shall be constructed in any zone other than B1, B2 and M1.

**4.2. Requirements.** A Site Development Plan must be submitted providing for all requirements listed in Section 2 and:

- A. An integrated parking area as specified in Article IX and vehicular loading space as specified in Article IX.
- B. A minimum site depth of three hundred (300) feet.
- C. A buffer strip of not less than thirty-five (35) feet wide where the shopping center abuts any residential zone, unless otherwise stipulated elsewhere in this Ordinance.

## SECTION 5.0 - HOME OCCUPATION

**5.1. Location.** Home occupations are Special Exception Uses in districts E1, E2, R1, R2, RT and MP subject to stipulations in each district and to the following conditions:

**5.2. Requirements.** A Site Development Plan must be submitted providing for all requirements listed in Section 2 and:

- A. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the use permitted in the district of which it is a part. Such use shall not adversely affect the general welfare of the surrounding residential area due to potential noise, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
- B. Customary home occupations shall be limited to an office or a business of a personal service nature.
- C. The home occupation shall be confined to twenty-five (25) percent of the principal building, and shall not be conducted in any accessory building located on the same lot as the principal dwelling. No outside storage shall be used in connection with a home occupation.
- D. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than those members of the residential family.
- E. No display of products shall be visible from the street, and only articles made on the premises may be sold; except that nondurable articles (consumable products) that are incidental to a service, shall be the principal use in the home occupation, and may be sold on the premises.
- F. Instruction of music, art, dancing and similar subjects shall be limited to two (2) students at a time.
- G. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- H. Signs for home occupations are prohibited.

**5.3. Home Occupation Special Exception. Expedited Review.** Residents applying for a Home Occupation Special Exception can certify that they are located in a proper district and certify that they meet all of the above stated requirements set out in Section 5.2 when applying for a Special Exception. An Expedited Certified Application will obtain provisional approval, avoid the requirement to attend a hearing before the Zoning Board of Adjustment and avoid the payment of the required Special Exception Fee. The Zoning Board of Adjustment will review all Expedited Home Occupation Special Exception applications at their next called meeting and reserve the right upon review to (1) require any applicant to attend a full hearing on their application for a Special Exception and to pay the standard Special Exception fee, (2) revoke any Expedited Home Special Exceptions. Any applicant certifying their compliance agrees that the Zoning Board of Adjustment can call for a hearing with or without cause, on their own or as a response to a complaint or inquiry, and if applicant fails to pay the required fee for the Home Occupation Special Exception will be revoked and any business licenses withdrawn. This special exception is granted only to the current applicant and is not transferable.

## SECTION 6.0 - GASOLINE SERVICE STATION

**6.1. Location.** No gasoline service station or building, or structure, or part thereof which is integral to a gasoline service station shall be erected in any zone other than B1 and B2.

**6.2. Requirements.** A Site Development Plan must be submitted providing for all requirements listed

in Section 2 and:

- A. Gasoline service stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama and any applicable Ordinance of the Town of Indian Springs Village.
- B. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be located in an area enclosed by an opaque fence at least five (5) feet high.
- C. All lighting shall be arranged to as to prevent direct light or glare into public streets or surrounding properties.
- D. Drains located on the premises without approved separators in the trap shall be prohibited.
- E. All minor repair work to vehicle herein allowed shall be done within the principal building located on the premises of a gasoline service station as herein permitted.
- F. No gasoline service station shall be located within a radius of three hundred (300) feet from a public assembly center.
- G. An eight (8) foot buffer as herein defined shall be located on all property lines not bordering a public street.
- H. The following are prohibited uses in gasoline service stations located in any zone other than Industrial zones:
  - i. Major motor overhauls
  - ii. Body work, and spray painting.
  - iii. Any uses performed inside the building which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust, odor, vibration, noise or unsightliness.
  - iv. Storage of vehicles on premises for purposes other than periodic maintenance or repair.
- I. Gasoline service signs shall be of a non-flicker and non-flashing type meeting the requirements of Article XII.
- J. Off-street parking facilities shall conform to requirements specified in Article IX, Section 3.0 (3).

## **ARTICLE IX - OFFSTREET PARKING AND LOADING REQUIREMENTS**

The following are the off-street parking standards for the Town of Indian Springs Village.

### **SECTION 1.0 - RESIDENTIAL USES**

All residential uses, detached single family, duplex or two family unit, multifamily unit, townhomes and mobile home or mobile home parks will have a minimum of 2 parking spaces per unit.

### **SECTION 2.0 - INSTITUTIONAL/PUBLIC AND SEMIPUBLIC USES**

Auditorium, Arena, Stadium  
Indoor Theater, Concert Hall  
and other spectator facilities

.35 parking spaces times the  
seating capacity of facility



Church	1 space per 3 seats of main assembly area
College, University, Vocational or Trade School	1 space per 50 square feet of classroom area
Community center, YMCA, YMCA	1 space per 300 sq. ft. of floor area
Country Club	1 space per 3 persons at occupancy load
Government offices	1 space per 250 sq. ft. of floor area
Hospital	1 space per 4 beds
Library and Museum, Art Gallery	1 space per 800 sq. ft. of floor area
Nursing home	1 space per 5 beds
Post Office	1 space per 250 sq. ft. of floor area
<b>SCHOOL</b>	
Elementary	1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater
High School	1 space per 6 students and one space per 3 employees
Dormitories	1 space per bedroom

### **SECTION 3.0 - COMMERCIAL USES**

Automobile Repair and Body Shop	1 1/2 parking space per employee
Gasoline Service Station	1 space per pump, plus 2 spaces per lift
Automobile Sales and Rental	1 space per 250 sq. ft. of floor area
Bank, financial institution	1 space per 150 sq. ft. of floor area
Barber or Beauty Shop	1 space per employee and 2 spaces per chair
Building material sales, home improvement centers	1 space per 150 sq. ft. of floor area
Day Care Center	1 1/2 spaces per employee plus adequate space for safe loading and unloading of children
Clinic	6 per practitioner
Convenience Store	1 space per 125 sq. ft. of floor area
Funeral Homes	1 space per 50 sq. ft. of floor area

Game Room	1 space per 200 sq. ft. of floor area
Golf Club	1 space per each 5 resident members
Health Care Facility	1 space per 100 sq. ft. of waiting room area and 1 space per doctor or dentist
Hotel and Motel	1 space per room plus 1 per 1.5 employees
Indoor sports facilities, health clubs, etc.	1 space per 300 sq. ft. of floor area
Laundromat, dry cleaning	1 space per 2 machines or 1 space per 200 sq. ft. of floor area, whichever is applicable
Liquor Lounge	1 space per 100 sq. ft. of floor area
Lodge, fraternal organization,	1 space per 3 member's noncommercial club
Manufacturing or Industrial uses, research laboratories, distribution, warehouse, or similar uses	1 parking space per 3 employees on the maximum working shift
Office Building, Business or Public, or Professional	1 space per 250 sq. ft. of floor area
Outdoor Recreation	
Golf driving range	1 per tee
Other	1 per 3 persons at occupancy load
Plant Nursery	5 spaces plus 2 f or each acre of land
Printing or Plumbing shop or similar service establishment	1 space per each 3 persons employed therein
Private Club or Lodge	1 space for each 100 sq. ft. of non storage and non-service floor area
Restaurant	1 space per 100 sq. ft. of GLA plus 1 per delivery vehicle plus 4 stacking spaces per drive in window
Shopping Center	There shall be a ratio of 4 square feet of parking (including driveway required for ingress and egress and circulation) to each one (1) square foot of store area
Swimming Pools	1 space per 30 sq. ft. of water area

Indoor	1 space per 3 seats
Outdoor	1 space per 5 viewing stations
Veterinarian	1 space per 250 sq. ft. of floor area
Retail Store, supermarket department store, and personal service establishments except as otherwise specified herein	1 space per 250 sq. f t. of floor area
Wholesale establishments	1 1/2 spaces per 2 employees except as otherwise specified herein

## SECTION 4.0 - RULES IN APPLYING OFFSTREET PARKING STANDARDS

**4.1. Standard Application;** In applying the standards of this Article, the following rules shall apply:

- A. A parking space shall be a minimum of ten (10) feet wide and 20 feet long.
- B. The parking space requirement for a use which is not specifically mentioned in this Ordinance shall be the same as required for a use of similar nature.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- D. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
- E. These standards shall apply to all additions, expansions, enlargements or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.

### 4.2. Location and Design of Off-Street Parking Areas.

- A. In all residential districts required off street parking shall be provided on the same lot as the use to which the parking pertains. In other districts, such parking may be provided either on the same lot or an adjacent lot, not in one of the above districts, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two or more buildings or establishments.
- B. Up to fifty percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, and up to one hundred percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) establishments not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a building permit, and shall be full force and effect until release by resolution of the Town Council.
- D. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare. Permit for the location of such entrances and exits shall also approve the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- E. No off-street parking spaces, except for residential uses shall be entered or exited directly from a public street or alley.

- F. The use of any required parking space for the storage of any motor vehicle for sale, repair, or any other purpose other than the temporary parking of motor vehicles, is prohibited.
- G. Handicapped parking spaces shall be designed in accordance with the standard Building Code.

## **SECTION 5.0 - LOADING AREA REQUIREMENTS**

**5.1. Required Loading Space.** On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building loading and unloading services, in order to avoid undue interference with public use of streets or alleys. Each such space shall have a minimum of fourteen (14) feet wide by forty (40) feet long, where vans are to be received or a minimum of fourteen (14) feet wide, sixty (60) feet long, where tractors and semitrailers are to be received.

**5.2. Loading Area Site Arrangement.** All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The Planning Commission shall approve the design and construction of loading areas in the interests of adequate drainage and other public requirements. The entire loading area shall be paved and graded to facilitate proper and adequate drainage.

## **ARTICLE X - AMENDMENTS AND CHANGES**

### **SECTION 1.0 - REQUIREMENTS FOR CHANGE**

Whenever the public necessity, convenience, general welfare or good zoning practice warrants such action, the Indian Springs Village Town Council, by favorable vote of a majority of the members, may amend, supplement, modify or repeal the regulations or zoning district boundaries in accordance with the provisions of Section 11-52-78, Code of Alabama, 1975.

### **SECTION 2.0 - PETITION FOR INITIATION OF CHANGE**

A proposed change of the zoning district boundaries or of the regulations may be initiated by the Indian Springs Village Town Council, the Indian Springs Village Planning and Zoning Commission or by petition of one or more owners or authorized agents of such owner or owners of property within the area proposed to be changed.

### **SECTION 3.0 - REZONING AND AMENDMENT PROCEDURES**

**3.1.** Any proposed amendment, supplement, modification or repeal shall first be submitted to the Indian Springs Village Planning and Zoning Commission for its recommendations and report. The Planning and Zoning Commission shall hold a public hearing for the consideration of any proposed change to the provisions of this ordinance, and report its recommendations to the Town Council, as required by Section 11-52-79, Code of Alabama, 1975. Notice of the public hearing shall be posted in four (4) conspicuous places, one of which shall be the Town Hall, at least seven (7) days prior to the public hearing. The Planning and Zoning Commission report shall be transmitted to the Town Council within thirty (30) days after receipt, unless the Town Council grants an extension of such period, otherwise the proposed amendment, supplement, modification or repeal shall be considered to have been recommended by the Planning and Zoning Commission.

**3.2.** After having received the recommendation of the Planning and Zoning Commission, the Town Council shall give a “first reading” of the proposed amendment at the next regularly scheduled Town Council meeting and set same for a public hearing, giving not less than fifteen (15) days’ notice of the time, place, and subject thereof by posting such notice in four (4) conspicuous places within the town limits, one of which shall be the Town Hall. Such notice will further state that all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance.

**3.3.** After such hearing by the Town Council, the proposed amendment, supplement, modification or repeal may be adopted as reported by the Planning and Zoning Commission or in such amended form as it deems best in its discretion. However, if the Town Council makes substantial changes in the ordinance which it first posted, the Town Council should hold another public hearing after giving notice as required. If the Town Council takes no action upon the proposed amendment, supplement, modification or repeal within ninety (90) days after receipt of the recommendation of the Planning and Zoning Commission, or if no recommendation is received within ninety (90) after the expiration of the time provided thereof in the first paragraph of this section, the proposed amendment, supplement, modification, or repeal shall be deemed to have been rejected and overruled by said legislative body.

**3.4.** After adoption of an ordinance that amends, supplements, modifies or repeals an ordinance, the adopted ordinance must be published in the same manner as are all municipal ordinances according to the provisions of Section 11-45-8, Code of Alabama, 1975, as amended.

## **SECTION 4.0 - ACTION ON PETITION**

### **4.1. Application Filing Procedure.**

- A. The application for rezoning shall be made on a form available from the Chairman of the Planning and Zoning Commission or from the Indian Springs Village web site.
- B. The application shall contain the following information, which shall be provided by the applicant or his or her duly authorized representative:
  - i. Name and address of the applicant.
  - ii. Address and legal description of the property under consideration.
  - iii. Present zoning of the property under consideration.
  - iv. Requested zoning.
  - v. Reason for the rezoning request.
  - vi. Availability of required utilities.
  - vii. A map, drawn to scale, indicating the dimension and exact location of the site in relation to the vicinity in which it is located; location of all public rights-of-way; location and dimension of all existing and proposed buildings and structures on the site and adjacent sites and the nature and location of all existing and proposed facilities for the disposal of storm water drainage, and expected traffic volumes.
  - viii. A complete list (names and addresses) of those property owners with land contiguous to the site for which an application for change is being made, as well as a complete list of all owners of property within 500 feet of the subject property, as shown on the official records of the office of the Tax Commissioner of Shelby County.
- C. The application shall be submitted to the Chairman of the Planning and Zoning Commission at least twenty-one (21) days prior to the Planning and Zoning Commission’s regularly scheduled meeting. (See Schedule of Fees).
- D. Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning and Zoning Commission a fee in accordance with a schedule of fees as adopted by resolution of the Town Council. All such fees shall be paid into the town treasury. Under no condition shall said fee or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than every twelve

months, provided that by unanimous resolution of the Planning and Zoning Commission that action may be initiated at any time.

**4.2. Public Hearing by the Planning and Zoning Commission.** After the application for change has been properly filed with the Town and the required fee paid, the following procedures shall apply:

- A. At least fifteen (15) days prior to the Planning and Zoning Commission meeting at which the rezoning request is to be presented and initially considered, the Chairman of the Planning and Zoning Commission or his duly authorized representative shall give, or cause to be given, written notice to all property owners located in whole or in part within five hundred (500) feet of the boundaries of the subject property as shown by the official records of the Tax Commissioner of Shelby County, on a date not more than one (1) year prior to the date of such notice. This notice shall state:
  - i. The location of rezoning request (by mailing address and legal description).
  - ii. The nature of the rezoning request (indicating the current zoning or the site and the proposed rezoning classification).
  - iii. The correct time, date and location of the Planning and Zoning Commission meeting which said rezoning request is to be formally presented and considered.
  - iv. A brief statement to the public informing them that they will have an opportunity to speak for or against such proposed change at the public hearing. The public notice shall be posted at four (4) conspicuous places, one of which shall be the town hall.
- B. Such notice shall be deemed to be given when deposited in the United States Mail, certified mail postage prepaid, addressed to such property owners at their addresses as shown on the official records of the Office of the Tax Commissioner of Shelby County. Any error in the giving of any such notice shall not invalidate the giving of notice provided that no more than five percent (5%) of the total number of notices contain any such error.
- C. The Planning and Zoning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with notice requirements as set forth herein are met, and the Planning and Zoning Commission shall render a decision on the application before or at the next regularly scheduled meeting unless additional information is required.
- D. If additional information is required, the Planning and Zoning Commission shall have thirty (30) days from the date of submittal of this additional information to make a recommendation on the request to the Town Council.

NOTE: The Town Council is not bound by the recommendations of the Planning and Zoning Commission, nor is it even necessary for the Planning and Zoning Commission to make any specific recommendations for or against adoption. The law merely requires consideration and a report by the Planning and Zoning Commission on zoning measures before the municipal governing body has power to enact them. Once the Town Council receives the report of the Planning and Zoning Commission, the responsibility shifts to it to follow the procedures set out at Section 11-52-77, Code of Alabama 1975, as amended.

## **SECTION 5.0 - PUBLIC HEARING BY THE TOWN COUNCIL**

**5.1.** Upon receipt of the recommendation of the Planning and Zoning Commission, the Town Council shall give a "first reading" of the proposed rezoning request at the next regularly scheduled Town Council meeting and set same for a public hearing.

**5.2.** Following proper notification of adjoining property owners as enunciated in Section 4.3, the Town Clerk or a duly authorized representative shall post the proposed request in four (4) conspicuous places within the town limits, one of which shall be the Town Hall, not less than fifteen (15) days in advance of such hearing,

together with a notice stating the time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such request.

**5.3.** After such hearing by the Town Council, the recommendation by the Planning and Zoning Commission may be adopted as reported or in such amended form as it deems best in its discretion. However, if the Town Council makes substantial changes in the original recommendation, another public hearing should be held, after giving required notice.

## **SECTION 6.0 - ZONING AMENDMENTS BY THE TOWN**

The Planning and Zoning Commission and/or Town Council, may upon its own initiative, begin the process of rezoning property and/or other zoning amendments. They shall hold a public hearing for the consideration of any proposed amendment to the provisions of this Ordinance after notice thereof is given in accordance with the provisions of this Ordinance, relative to aforementioned procedures for notification, advertisement or posting, hearings, and adoption.

## **SECTION 7.0 - LIMIT ON REZONING REQUESTS**

If the proposal is rejected by the Town Council, the same kind of rezoning of the same tract or parcel of land will not be considered by the Planning and Zoning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council. Further, a withdrawal of the application for rezoning after the hearings held by the Planning and Zoning Commission, but prior to the hearing held by the Town Council shall also require a one (1) year time period before another application may be submitted. However, the Planning and Zoning Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the rezoning amendment application is made, the required administration fee must be paid, and under no condition shall said sum or any part thereof be refunded for failure of such proposal or amendment to be enacted into law.

# **ARTICLE XI - WIRELESS TELECOMMUNICATIONS FACILITIES**

## **SECTION 1 - PURPOSE**

The purpose of this Article is to establish criteria and minimum standards, for wireless telecommunications facilities within the town. The underlying principles of these standards are:

- 1.1. Balance.** To achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our Town;
- 1.2. Maximize.** To encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- 1.3. Impact.** To ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties;
- 1.4. Minimize.** To discourage the proliferation of towers throughout the limited geographical area of the town or any lands that are subject to the Zoning Ordinance of Indian Springs Village; and,
- 1.5. Maintain.** To maintain the Health Safety and Welfare of the Citizens of Indian Springs Village by

requiring approval, maintenance and removal of any telecommunication facility constructed within the Town.

## SECTION 2 - DEFINITIONS

**2.1. Accessory Structure Compound.** A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

**2.2. Alternative Support Structure.** Any structure other than a wireless telecommunications tower (antenna support structure), on which radio or telecommunication antennae and cabling can be attached, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, bell steeples, clock towers, and other essential public utility structures.

**2.3. Antenna.** An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes "whips," "cornucopia horns," "panels" and parabolic "dishes."

**2.4. Antenna Support Structure.** Any structure on which radio or telecommunications antennae and cabling can be attached. Typically this includes steel towers with guywires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (self-support/lattice towers). (See also "tower" and "alternative support structure.")

**2.5. Cellular Site.** A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. Land or buildings containing only communications systems having antennae less than 6 feet in height and dishes less than 6 feet in diameter, the majority of which are used for private communication operation are excluded.

**2.6. Colocation.** The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

**2.7. Commission.** The Zoning and Planning Commission of the Town of Indian Springs Village.

**2.8. Concealment Techniques.** Design techniques used to blend a wireless telecommunications facility, including any antennae thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. 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 use, 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 "mono pine").

**2.9. Engineer.** A duly licensed engineer who is registered with, and licensed by, the State of Alabama.

**2.10. FAA.** Federal Aviation Administration.



**2.11. FCC.** Federal Communications Commission.

**2.12. Height.** When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

**2.13. Private Telecommunications Operation.** The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.

**2.14. Surveyor.** A person who is registered with, and licensed by, the State of Alabama as a surveyor.

**2.15. Telecommunications Facility.** A facility that transmits and/or receives electromagnetic signals. It includes antennae, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

**2.16 Telecommunications Services.** The providing or offering for rent, sale or lease, the service of transmitting voice, data, image, graphic or video programming information between or among points by wire, cable, fiber optics, laser or infrared microwave, radio, satellite or similar facilities.

**2.17 Temporary Telecommunications Tower.** Mobile wireless telecommunications towers mounted upon trailers, operated temporarily. Also known as "cellular on wheels", (COW's).

**2.18. Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers and the like. (See also "antenna support structure" and "alternative support structure.")

**2.19. Town.** The Town of Indian Springs, Alabama.

**2.20. Town Engineer.** The duly designated Engineer of the Town of Indian Springs Village, Alabama, including either a self-employed contract engineer or town employee.

## **SECTION 3 - PROCEDURES**

**3.1. Permit Requirements.** Prior to being granted a building permit, pursuant to this ordinance, an applicant must receive:

- A. Approval and recommendation from the Zoning and Planning Commission,
- B. Approval from the Town Engineer, and,
- C. Approval from the Town Council of Indian Springs Village.
- D. All wireless telecommunications facilities are subject to the standards contained in the Zoning Ordinance and Subdivision Regulations of Indian Springs Village and this Wireless Ordinance. The following facilities are exempt from these standards and from any requirement to obtain a building permit subject to this section;
  - i. Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennae.
  - ii. *Telecommunications* facilities for private communication operation less than or equal to fifty (50) feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.

**3.2. Temporary installations.** Temporary telecommunications towers shall be allowed for a period not to exceed six months with approval from the Town of Indian Springs Village (and after application and review by the Zoning and Planning Commission of Indian Springs Village). Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or compound boundaries that are approved specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These regulations shall not apply to portable mobile emergency or test tower facilities.

**SECTION 4 - STANDARDS FOR APPROVAL**

**4.1. Permit Approval;** A permit for a wireless telecommunications facility may be approved by the Mayor and Town Council of Indian Springs Village, only upon determination that the application and evidence presented (to the Zoning and Planning Commission as well as to the Town Council) clearly indicate that all of the following standards have been met. The Zoning Ordinance of the Town of Indian Springs Village, Alabama, to the limited extent necessary, is hereby amended to include as permitted uses, Telecommunication Facilities and Towers in the appropriate Zoning Districts, subject to the provisions of this Ordinance and as specifically indicated in the Chart below.

**4.2. Location and Facility Height.**

A. Location and facility height table.

WIRELESS TELECOMMUNICATIONS FACILITIES	ZONING DISTRICTS				
	MP, P	E1	E2, R1, R2, R4,	OI, B1, B2	A1, M1
Alternative support structures	Prohibited	Permitted	Permitted	Permitted	Permitted
Colocation antennae	Prohibited	Permitted	Permitted	Permitted	Permitted
Use of concealment techniques (antenna support structures of any height)	Prohibited	Permitted	Permitted	Permitted	Permitted
Antenna support structures 60' in height	Prohibited	Prohibited	Prohibited	Permitted	Permitted
Antenna support structures up to 61' to 100' in height	Prohibited	Prohibited	Prohibited	Permitted	Permitted
Antenna support structures 101' in height to 185' in height	Prohibited	Prohibited	Prohibited	Permitted	Prohibited

- B. Towers and/or antennae utilizing alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.
- C. “Whips,” “panels,” “cornucopia horns, and parabolic”, “dishes” placed on alternative support structures shall not exceed 100 square feet in size.

**4.3. Area and Dimensional Regulations.**

- A. Minimum Lot Size.
  - i. Lot size must conform to the minimum lot size required for the underlying zoning district.

- ii. The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures of at least one additional co-locating service provider.
- iii. If only a portion of a parcel is being leased for a wireless telecommunications facility, the leased parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

**B. Setbacks.**

- i. Wireless telecommunications towers, guys, and accessory facilities must satisfy minimum lot area, yard and setback requirements and other requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum lot area requirements.
- ii. Towers, including guys and accessory facilities, must adhere to additional setbacks indicated herein. Tower setbacks do not apply to alternative support structures.
- iii. Towers located within or adjacent to a residential district or dwelling, the minimum standard setback from all near or adjoining residential property boundaries shall be fifty (50) feet plus the height of the tower, measured from the base of the Tower to the property line.
- iv. The Commission may reduce the forgoing setback requirements in exceptional cases where, due to unusual topographic conditions of the Tower, the enforcement of such setback requirements would result in unnecessary hardships to the Applicant; provided, that the minimum building required setback may not be reduced to less than the minimum setback required by the Town's zoning ordinance for the zoning district in which the Tower is located and that the reduction of the setback requirements shall not, in the opinion of the Commission, be contrary to the health, safety and general welfare of the public.

**4.4. Co-location.**

- A. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.
- B. Documentation that reasonable efforts have been made to achieve colocation shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a colocation, an affidavit shall be required that states the reason for the refusal.
- C. Antenna support structures equal to 100 feet in height or more shall have the ability to accommodate a minimum of two additional antennae, but this does not limit or preclude the number of antennae that a structure may accommodate.
- D. The provisions of subparagraph 4.4(c), above, may be waived if the use of concealment techniques is prohibitive to colocation efforts. Satisfactory documentation should be provided in the application, if applicable.
- E. As part of the application process, the Town of Indian Springs Village may request permission of the owner/operator of a wireless telecommunications facility, to place weather warning equipment, such as horns and sirens, or to place public safety agency communication equipment, on a tower of a wireless telecommunications facility; which request may be refused by the owner/operator should such equipment interfere with the operation of the wireless telecommunications facility.

**4.5. Aesthetics.** The aesthetic properties of each individual wireless telecommunication facility shall be approved as part of the site plan review process and application approval process. Subsequent changes will require an additional application approval process.

- A. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area and shall be constructed of metal or concrete.
  - i. Towers and antennae shall be painted a neutral or blending color so as to reduce visual

obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure.

- ii. No signs, symbols, or advertisements may be attached to a pole, tower or antenna.
- iii. Towers camouflaged to resemble woody trees; or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques (see Concealment Techniques).

B. Accessory Structures.

- i. The design of the compound and its accessory structures shall, to the 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.
- ii. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided as much as practical.

C. Non-vegetative Screening.

- i. Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non-vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.
- ii. In isolated nonresidential areas, alternative non-vegetative screening methods may be accepted such as the use of earth toned, vinyl coated steel security fencing.
- iii. 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 non-vegetative screening requirement may be reduced or waived.
- iv. Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from any buffer requirements.

D. Landscaping.

- i. Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
- ii. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4 feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- iii. A row of trees minimum of 8 feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 36 inches high at planting capable of growing to at least 42 inches in height within 18 months shall be planted in front of the tree line.
- iv. All landscaping shall be of the evergreen variety. All landscaping shall be “xeriscaping” tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health, longevity and variety.

**4.6. Lighting.**

- A. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward or upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
- B. Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.

#### **4.7. Environmental Impact.**

All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

#### **4.8. Safety.**

- A. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996, or as thereafter amended.
- B. Structural. A Professional Engineer of the applicant shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the Standard Southern Building Code as amended and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222E "Structural Standards for Steel Antenna towers and Antenna Supporting Structures") or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
- C. Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element which indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.
- D. Access. Provisions shall be made to provide access clearances for emergency vehicles. A paved access road is required to the antenna support structure and any accessory buildings.

#### **4.9. Maintenance.**

- A. General. Towers must be properly maintained. Estimated life of structure must be included in submitted information.
- B. Obsolete towers. In the event the use of any Wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made Mayor or Chairman of the Zoning and planning Commission at the Mayor's direction, who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon documentation of such abandonment, and written notice given to the property owner, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility, or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.
- C. Any Tower which is no longer in use for its permitted purpose or purposes shall be removed at the owner's expense. Within ten (10) days of sending notice to the FCC of the intent of the

owner of a Tower to cease use of the Tower, the owner of the Tower shall provide the Town Engineer with a copy of such notice. The owner of the Tower must remove the Tower and all Communication Facilities used in connection with it within ninety (90) days from the day the Tower ceases to be used as a Tower, or by such earlier date as may be required by the FCC. If the owner of the Tower does not remove the Tower and all accessory structures, within such ninety-day period, or such shorter period as may be prescribed by the FCC, the owner of the land on which the Tower is located (if a party different from the owner of the Tower) must remove it from such land within ninety (90) days of receiving written notice from the Town to do so. If the Tower from the land within the time prescribed hereinbefore, the Town may, but shall not be obligated to remove the Tower. If the Town removes the Tower, it shall be entitled to recover the cost of doing so from the owner of the Tower and/or the owner of the land upon which the Tower is located. Notwithstanding the foregoing, a Tower which is used by more than one party may continue to be used for telecommunication purposes as long as the Tower is used for such purposes by at least one party. Any party who ceases to use a Tower shall remove its Equipment from the Tower within ninety (90) days after it ceases to use the Tower (or within such shorter period as may be prescribed by the FCC) so that the Tower will be available for use by another party or other parties.

## SECTION 5 - APPLICATIONS

**5.1. Required Information;** The Applicant will provide the items and information which are, or which may be, required by this ordinance, all applications for a permit to construct a new Tower or to locate an Antenna on an existing Tower or to locate additional Equipment on an existing Tower, shall include, or shall be accompanied by, the following items and information. An Applicant's shall submit ten (10) copies of the information and items required by this Ordinance to the Town with the original application:

- A. Statement of Impact on Health, Safety and Welfare. A brief written statement concerning the steps the Applicant has taken to comply with all applicable rules, regulations and requirements concerning health and safety matters related to the proposed Communication Facilities.
- B. Site Plan. A site plan, prepared by a licensed engineer, scaled to not less than one inch equals fifty feet, showing the location and dimensions of the parcel of land upon which the Tower and the Communication Facilities are to be located, as well as the location of setback lines, driveways, parking areas, fencing, landscaping, generators and, if a fuel tank is to be used, the size of the tank and the type and maximum amount of fuel to be stored in it. The site plan must also show: (1) all parcels of land which are located adjacent to or within 500 feet of any part of the Tower; and (2) such other information which may be required by the Commission to determine whether the application complies with the requirements of this ordinance. If the proposed Tower is leased, or is proposed to be leased, and is part of a larger parcel, its location with respect to the boundary lines to such larger parcel must be shown on the site plan. The zoning classification of the Tower, and the zoning classification of the larger parcel, if the Tower is a part of a larger parcel, must be shown on the site plan and certified to by the licensed engineer.
- C. Elevation View. A silhouette and elevation view of the proposed Tower (or the existing Tower if the Applicant is seeking permission to install an Antenna on an existing Tower) and all other Communication Facilities, and the Tower, describing colors and materials to be used for the Communication Facilities and any security fence, decorative fence and decorative wall. The configuration of proposed Antenna arrays must be shown on the silhouette. The proposed location of future, additional Antenna arrays must be shown on the silhouette by dashed lines.
- D. Location of Tower. The latitude, longitude, Section, Township, Range, tax parcel identification number, street address and the site identification number of the proposed Tower must be shown on the site plan. If any part of the Tower is, or is to be, located within 1,000 feet of a boundary line of the Town, the following information must be clearly indicated on the site plan: (1) the fact that the Tower is, or would be, located within 1,000 feet of such boundary line; (2) the name of the adjacent municipality of municipalities; and (3) the zoning classification of the land in

- such municipality of municipalities which is within 1,000 feet of the proposed Tower.
- E. Frequency Band and Wattage. The frequency band and maximum wattage of proposed Communication Facilities.
  - F. Affidavit. An application of the installation of a new Tower must be accompanied by an affidavit of the Applicant stating that: (1) there is no existing Tower from which the area to be served from the proposed new Tower can be served; or, (2) the Applicant has made good faith efforts to have its Antenna installed on an existing or proposed Tower or Towers (from which the area proposed to be served by the new Tower could be served) and has been unable to do so and giving a detailed written narrative of the efforts made by the Applicant to use such existing or proposed Tower or Towers.
  - G. Fees. To help defray the costs of processing applications, reviewing plans and otherwise administering the provisions of this ordinance, the Applicant must pay, and submit with each application, an application fee in the amount of \$750.00. (Exclusive of the ordinary Building Permit Fee charged by the Town which is also required). The application fee can be refunded to the Applicant if the application is withdrawn within 10 days from its receipt.

**5.2. Certification of Shared Use Design.** If the Tower to be used by an Applicant is one on which there is already one or more Antennae, the application must be accompanied by a certification by an engineer who is registered with, and licensed by, the State of Alabama, and who is qualified to make such certification, certifying that the Tower proposed to be used by the Applicant is able to accommodate the proposed Antenna, as well as the Antenna or Antennae already located on the Tower, in a safe and functional manner.

**5.2. Foundation Survey and As-Built Certification.** After the foundation for a Tower is poured, a foundation survey, prepared by a Surveyor, showing the location of the foundation of the Tower, must be furnished to the Town's Engineer, and no further work may be done with respect to the construction of the Tower until the Town Engineer has approved, in writing, the foundation, including its location. Upon the completion of the Tower and the installation of an Antenna on it, or upon the location of an additional Antenna upon an existing Tower, the Tower and Antenna or the Antennae, as the case may be, may not be put into operation until a qualified professional engineer, registered, with, and licensed by, the State of Alabama, and who is qualified to make such certification, furnishes the Town a written certification that the Tower and the Antenna were built and installed, or the Antennae was installed (if the Antennae was installed on an existing Tower), in accordance with the plans therefore which were submitted to the Town, including the installation of any required buffer strip, security fence, or decorative fence or wall.

## SECTION 6 - INSPECTION FEE

To determine whether Towers continue to be in compliance with the requirements of this ordinance, the Town shall make, or have made on its behalf, an annual inspection of the Communication Facilities for each Tower and the walls, fences, and landscaping around each Tower, for which an annual inspection fee according to the Schedule of Fees shall be imposed. If more than one Antenna is located on a Tower, the annual inspection fee shall be according to the Schedule of Fees. The fee shall be due on January 1 of each year and shall be delinquent if not paid by January 31 of such year. To help defray the cost of collecting delinquent fees, an additional fee, in the amount equal to ten percent (10%) of the fee shall be payable for each month, or portion of a month, after January in which the fee remains unpaid. If the fee is not paid within ninety (90) days of its due date, the Town may withdraw its permission for the location of Communication Facilities on the Tower, in the which event, all Communication Facilities must be removed from the Tower within ninety (90) days of the day on which the owner or owners of the Tower receive notice of such withdrawal of permission. The fee shall be payable by, and shall be the responsibility of, the owner or owners of the Tower, even if additional Antennae located on the Tower are owned by other parties. If there is more than one owner of the Tower, each owner shall be jointly and severally liable for the entire amount of the fee and any additional fees due because of the delinquency in payment. Within a reasonable time after the inspection has been completed, the Town

shall give the owner written notice, by United States registered or certified mail, of any aspects of the Communication Facilities or the Tower is not in compliance with this ordinance. If such problems or deficiencies are not corrected within thirty (30) days of the day such notice is sent to the owner of the Tower, any person found to be in violation of the requirements of this ordinance and all other applicable ordinances, rules or regulations of the Town with respect to any Communication Facilities or Tower shall, upon conviction, be punished by a fine of not less than one dollar nor more than five hundred dollars, at the discretion of the court trying the case. Each day any violation of this ordinance shall continue shall constitute a separate offense. Such inspection, as required herein, is not intended to, and shall not relate to the safety, mechanical, electrical, architectural, or structural soundness of any of the Communication Facilities or the Tower. The purposes of the inspection shall be solely limited to determining whether such Communication Facilities and the Tower is in compliance with the provisions of this ordinance.

## **SECTION 7 - APPLICABILITY**

All Towers, Antennae and Equipment constructed or installed in the Town after the effective date of this ordinance, whether on a new or existing Tower, shall be subject to this ordinance. A Tower which is proposed to be built on a Co-Location Site shall be subject to the same requirements and conditions as all other Towers. Any changes or additions to any Tower or Antenna which were in existence before the effective date of this ordinance shall be subject to the provisions of this ordinance. Any changes to be made to a previously approved application shall be resubmitted for subsequent approval pursuant to this Ordinance. Routine maintenance of, and repairs to, the Communication Facilities, may be performed without subsequent approval.

## **ARTICLE XII - REGULATION OF SIGNS AND ADVERTISING STRUCTURES**

### **SECTION 1 - INTENT AND PURPOSE**

It is the intent and purpose of this article to promote the public health, safety and welfare of the residents of Indian Springs Village and to avoid congestion on the public roads and streets so that signs do not become a hazard or a nuisance, and, therefore, to establish regulations for the control of all signs designed or intended to be seen by, or attract the attention of, the public, which may be erected, displayed, maintained, or altered in the Town.

#### **1.1. The purpose of this article is to:**

- A. further the objectives of the Town's Comprehensive Plan, adopted November 16, 2004 and to reinforce Indian Springs Village's objective of a peaceful, rural community with a minimum of commercialization;
- B. To allow expression of commercial and noncommercial speech in a reasonable manner consistent with the rights of others;
- C. To provide a pleasing overall environmental setting and good community appearance deemed vital to the continued economic attractiveness of the Town;
- D. To enhance a productive, enterprising, responsible community atmosphere through the use of effective visual communication; and
- E. To protect and enhance the value of properties, and, therefore, to have signs appropriate to the planned character and development of each are of the Town;
- F. encourage the effective use of signs as a means of communication within the Town;
- G. promote quality and consistent signage within the Town's different land use zones;



- H. ensure the protection of the public safety and general welfare; and,
- I. reduce traffic and pedestrian hazards.

To accomplish this, the following standards shall govern the type, location, size, placement, height, use and maintenance of signs.

## SECTION 2 - ZONING VERIFICATION, PERMITS AND INSPECTIONS

**2.1. Permit Required.** It shall be unlawful for any person to erect, display, materially alter, or relocate any sign unless such sign is in compliance with this chapter and a zoning verification/permit for such sign has been issued by the Town Engineer. Further, it shall be unlawful to erect, alter, relocate or replace any sign without first obtaining zoning verification and a sign permit. Each application for a zoning verification and sign permit shall be submitted to the Town Engineer for approval and include the following:

- A. A nonrefundable application fee according to the Schedule of Fees made payable to the Town of Indian Springs Village. No fee shall be required for a permit for alteration or repair of a sign unless the sign is to be altered or repaired to an extent of 50 percent or more of the structure, or unless a change in location, size, height, or type of sign is involved, in which case the fee for said permit shall be paid. For the purposes of this section, the changing of parts, routine maintenance or the repainting/ of display matter shall not be deemed to be an alteration requiring a permit. The replacement of individual sign faces in multitenant pole or monument signs do not require a permit.
- B. A completed sign permit application as provided by the Town Clerk
- C. A site plan which includes:
  - i. A current Plot Plan, signed by a Registered Land Surveyor in the State of Alabama, showing the lot dimensions, zoning district, building floor area and principal use(s) on the lot where the sign is to be erected.
  - ii. A complete description of the sign(s) to be erected, including, but not limited to: the number, type, size, height, construction materials and method of illumination, and candle power or photometric luminous efficiency of any illumination.
  - iii. A building elevation, to scale horizontally and vertically, showing the proposed signs and lighting, if applicable.

Any other information sufficient for the Town Engineer to determine compliance with the requirements of the Ordinance as deemed necessary by the Town.

The business for which the sign is installed must have a current Town business license prior to approval.

Upon approval of the application, the Town Engineer will contact the applicant and the Shelby County Inspections Services Department. The Applicant will then proceed to said Inspection Services to obtain the Building Permit.

**2.2. Signs displaying commercial messages.** Signs requiring a sign permit and displaying commercial messages including messages concerning changes in pricing or other messages of any description shall be permitted only as an accessory to building or structures engaged in permitted institutional activities, or in permitted activities as evidenced by a valid business license issued by the Town.

**2.3. Maintenance.** The owner of any sign shall maintain same, together with all sign supports, braces, anchors, and messages, in good repair, in a safe manner, and in a permitted location, all in accordance with this article.

**2.4. Process.** The Town shall process all zoning verification/permits applications and forward to the Shelby County Inspection Services Department for the issuance of a building permit. A sign application shall not be complete until the Town's actual receipt of a completed sign application, the appropriate sign permit fee, and

all additional information required by the Town engineer is submitted. When a zoning verification or sign permit has been issued, it shall be unlawful to change, alter or otherwise deviate from the approved permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed, erected and displayed within a period of six (6) months after the date of issuance.

**2.5. Agreement.** Each application for a sign zoning Verification and permit shall include an agreement on the part of those proposing to erect the sign and the owner and tenant of the premises on which it is to be erected that they will protect, indemnify and hold harmless the Town against all liability in connection with the erection, use and maintenance of the sign, and that they will comply at all times with all the provisions of this article. Such agreement shall be in a form approved by the Town attorney.

**2.6. Design.** All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the Town and enforced by the Building Inspector of Shelby County. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

## SECTION 3 - DEFINITIONS

Words and terms are defined as follows:

**3.1. Abandoned Sign.** A sign which no longer advertises a bona fide business, institution, event or location, product or service.

**3.2. Advertising.** A sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

**3.3. Animated Sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**3.4. Awning Sign.** Any sign that is painted on, applied to, or otherwise a part of an awning.

**3.5. Banner/Pennant.** Any sign of lightweight fabric or similar material that is mounted to a pole or building.

**3.6. Billboard.** A sign which directs attention to a business commodity, service or activity sold or offered for sale at a location other than the premises upon which the billboard is located.

**3.7. Building Sign.** A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, and marquees.

**3.8. Bulletin Board.** A sign consisting of manually changeable copy boards or panels for the posting of notices

**3.9. Canopy Sign.** Any sign that are part of or attached to an awning, canopy or other fabric, plastic, or protective cover over a door, entrance window, or outdoor service area. A marquee is not a canopy.

**3.10. Development Site Sign.** One or more parcels of land unified under a single development plan, which constitutes the entire development shown on a site plan or subdivision plat, including all land needed for landscaping, drainage facilities, parking, internal access roads, driveways or other physical design features needed to serve the proposed development.

**3.11. Directional Sign.** Any sign other than an official sign, not displaying any commercial message, designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the

public may be directed.

**3.12. Directory Sign.** Any sign or combination of signs, which identifies, announces or advertises two (2) or more businesses or offices.

**3.13. Display Area, Aggregate.** The total display area of all signs permitted on a lot, premises or development site.

**3.14. Display Area Generally.** The area that can be enclosed or measured by the smallest rectangle that will encompass the entire sign face; excluding frame, posts, uprights, braces or other structural member that supports it.

**3.15. Display Area Multiple.** Face Sign – Where a sign has multiple faces and only one face may be reviewed from a single location on a public right-of-way, the largest of these faces shall be considered its display area. Where a sign has two or more faces that may be reviewed from a single location on a public right-of-way, the display area of all such faces shall be the total area of all such faces.

**3.16. Door Sign.** A sign attached to, painted on, or etched into a door, a sign in a window that is part of a door is a door sign rather than a window sign

**3.17. Erect a Sign.** To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message or routine maintenance.

**3.18. Façade.** The front exterior wall of a building. The area of a building façade may include but not limited to eaves or parapet wall.

**3.19. Flag.** A piece of fabric or other flexible material attached to a pole, and displayed perpendicular to the ground, that solely contains distinctive colors, patterns or standards, words, or emblems used for ornamentation or as a symbol of an organization or entity and does not meet the definition of a sign.

**3.20. Flag Pole.** A flagpole, flagstaff, or staff can be a simple support made of wood or metal. The design of the foundation, attachment to a structure or sign and the flagpole, flagstaff, or staff itself, will be certified by an Engineer, licensed in the State of Alabama. The maximum height of a flagpole, flagstaff, or staff will be 50 feet, measured from the ground upon which the flagpole, flagstaff, staff, structure, or sign sits to the top of the top of the flagpole, flagstaff, or staff.

**3.21. Frontage.** The length of the property line of any one parcel along a street on which it borders.

**3.22. General Business Sign.** A sign containing a commercial message or related directly to the premises and its owner occupancy manager business institution, or building; the address; the type of business, profession, services, or activity conducted on the premises; and descriptive information about the products and services thereon.

**3.23. Ground Sign.** A Sign supported by uprights, posts, or bases affixed in or upon the ground and not attached to any part of the building.

**3.24. Hanging Sign.** A sign and its structural elements are generally mounted perpendicular to a wall of a building or under a canopy.

**3.25. Incidental Sign.** Small signs two or three feet in total height that direct traffic and people to appropriate locations.

**3.26. Illumination, Direct.** An internal light source located behind a sign face.

- 3.27. Illumination, Indirect** – An external light source that is directed towards the sign face.
- 3.28. Internal Sign.** A sign not intended to be viewed from, and placed so as not to be visible from the exterior of the premises.
- 3.29. Nameplate.** A non-illuminated sign identifying only the name, occupation or profession of the occupant of the premises upon which the sign is located.
- 3.30. Noncommercial Message.** Any wording or other display other than a commercial message.
- 3.31. Marquee Sign.** A sign attached to a permanent roof like structure or canopy of rigid materials supported by and extending from the façade of the building.
- 3.32. Monument Sign.** A freestanding, self-supporting sign, supported by a base, which is placed on or at ground level, and not attached to any building wall, fence or other structure.
- 3.33. Natural Material.** A product or physical matter that comes from plants, animals, or the ground. Minerals and metals that can be extracted from them. Such as wood, stone, metal and composites (brick, concrete).
- 3.34. Nonconforming Sign.** Any sign that does not conform to the requirements of this ordinance.
- 3.35. Official Sign.** Any official federal, state, or local government traffic, directional or information sign placed by a duly authorized public official, or notice issued by any court, person or officer in performance of a public duty; an official historical marker; any sign erected by a federal, state or local government agency for identification purposes at any office, institutional, recreational or other publicly owned or leased site.
- 3.36. Off-premise Sign.** A sign that directs attention to a business, commodity or service, entertainment or activity conducted, sold or offered for sale at a location other than the premises upon which the sign is located.
- 3.37. On-premise Sign.** A sign that directs attention to a business, commodity or service, entertainment or activity conducted, sold or offered for sale on the premises where the sign is located.
- 3.38. Permanent Sign.** A sign which is designed and constructed to be permanently affixed to a building, structure or to the ground.
- 3.39. Political Sign.** A non-illuminated temporary sign bearing a noncommercial message, not exceeding six square feet, relating to an election, a candidate, political party, political event or public issue.
- 3.40. Portable Sign.** Any sign which is used for a short, specifically limited time and is not permanently fixed to the ground or other permanent structure or a sign designed to be transported by wheels.
- 3.41. Product Sign.** A sign that is an integral part of a licensed or otherwise authorized vending machine, gasoline pump, or similar apparatus that directs attention only to products or services dispensed therefrom.
- 3.42. Public Interest Sign.** A non-illuminated sign, not exceeding four square feet, advertising a garage sale, or giving directions to visitors to a social event at a resident's home, or temporarily providing similar information which is customary and incidental to the use of property as a residence.
- 3.43. Real Estate Sign.** A non-illuminated sign advertising the availability for sale or rent of the real property on which it is located.
- 3.44. Right-of-Way.** Land reserved, used or to be used for a thoroughfare, alley, walkway, drainage facility or other public purpose, within the Town limits.

**3.45. Roof Sign.** A sign that is mounted on the roof of a building that is wholly dependent upon a building for support and 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.

**3.46. Sandwich Board Sign.** A sign having two faces angled toward one another vertically and attached to one another at the top to form a structural “A” frame, placed upon the ground and not otherwise supported by uprights, posts or bases.

**3.47. Sign Face.** The area of the smallest rectangle within which all letters, logos, symbols, or other elements displayed on the sign can be enclosed.

**3.48. Sign Height.** The vertical distance measured from the lowest finished grade elevation directly beneath the center of the sign to the highest elevation of the sign.

**3.49. Snipe Sign.** Any sign of any size, made of any material, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

**3.50. Sign.** Any structure writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce direct attention to, identify, advertise or otherwise convey a message.

**3.51. Temporary Sign.** Sign or banner displayed for a limited time, designed or intended to identify, advertise, announce or inform; includes pennants, banners, yard or garage sale signs, real estate for sale or lease signs, political signs, informational signs for events or activities and construction signs.

**3.52. Town.** The Town of Indian Springs Village.

**3.53. Wall Sign.** Any sign attached and parallel to the face of the outside wall of a building and supported by such wall or building and which contains only one sign face.

**3.54. Window Sign.** Any sign which advertises a business, commodity, product, service, event or sale within the building to which it is attached, that is placed inside a window and is visible from the exterior of the building.

## SECTION 4 – SIGN STANDARDS

**4.1. Residential (E1, E2, R1):** One double faced monument sign or two single faced monument or wall signs per entryway will be allowed for each subdivision or neighborhood subject to the following:

- A. Each sign shall not exceed thirty two (32) square feet.
- B. Each sign may be indirectly illuminated.
- C. Each sign must be made of natural material.

**4.2. Non-Residential (OI, B1, B2):**

- A. One building sign shall be allowed for each street frontage of a lot. Corner lots or double frontage lots will be allowed two building signs.
- B. Each school campus may have one monument sign that does not exceed ninety-six square feet (96 sq. ft.) of sign area and can be directly or indirectly illuminated. No blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD, plasma) video or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other

illuminating devices that have a changing light intensity, brightness or color are permitted.

- C. Retail gas stations and/or convenience stores which sell gasoline may have one building sign; One double faced monument or two single faced monument gasoline price signs not to exceed thirty-six square feet (36 sq. ft.) of sign area for each face and will be allowed window signs not to exceed a total of twenty five percent (25%) of the window glass surface area. No blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD, plasma) video or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness or color are permitted.
- D. Once an approved sign permit is obtained, a temporary sign or banner may be erected prior to the installation of the permanent sign and shall be displayed no more than twenty one (21) consecutive days. Temporary sign or banner may not exceed thirty six square feet (36 sq. ft.)
- E. Multiple occupancy lots or buildings (i.e. shopping center, office park) shall be allowed one (1) monument directory for each public entry to include the name of the center or park. The sign area allowed for each tenant within the shopping center, office park shall not exceed eight square feet (8 sq. ft.) of sign area. No blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD, plasma) video or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness or color are permitted.
- F. Churches/Places of worship shall be allowed one (1) monument sign at each public entrance that does not exceed forty-eight square feet (48 sq. ft.) and can be directly or indirectly illuminated. No blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD, plasma) video or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness or color are permitted.

#### **4.3. Size:**

No building sign shall cover wholly or partially any wall opening or project beyond the ends or top of the wall to which it is attached; and any one wall sign shall not exceed an area of ten percent (10%) of the area of the façade of the building or the tenant's exterior wall façade.

#### **4.4. Height and Projection:**

- A. Monument signs shall not exceed five feet above the natural ground level with the exception of directory monuments which may be ten feet above the natural ground level.
- B. Building signs shall not extend higher than the building surface upon which they are mounted.
- C. Building signs shall not project more than twelve (12) inches from the building surface upon which they are mounted.

#### **4.5. Illumination and Glare Standards:**

- A. All illuminated signs will be turned off 30 minutes after the business closes or by 10:00 PM.
- B. Illumination Standards
  - i. Sign lighting may not be designed or located to cause confusion with traffic lights. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
  - ii. Illuminated signs shall not have mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.
  - iii. Signs shall be illuminated only by the following means: A steady, stationary light of reasonable intensity in accordance with performance standards, shielded and directed solely at the sign; Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare to pedestrians or vehicle drivers

or so as to create a nuisance to adjacent residential districts, in accordance with performance standards. No blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD, plasma) video or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness or color are permitted.

- C. Performance Standards Regulating Glare and Illuminated Sign Brightness;
  - i. Limitation of Glare. In all districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.
  - ii. Illuminated Sign Brightness. The brightness and surface illumination of all illuminated signs shall not exceed: Luminous Background 150 foot lamberts; Indirect Illumination 50 foot candles.

#### **4.6. Construction and Maintenance:**

- A. All signs shall comply with the building codes adopted by the Town.
- B. All signs shall comply with the Town's zoning ordinance.
- C. All signs and structural supports, their electrical parts and lighting fixtures, and all painted and display area, shall be maintained in good condition and in compliance with the building codes and zoning ordinance of the Town and be neat and clean in appearance. All burned out bulbs or damaged panels must be replaced and all sign copy shall be maintained securely to the face and all missing copy must be replaced.
- D. The areas surrounding the base of all freestanding and monument signs shall be kept clean of trash, debris and undergrowth so that public safety and traffic safety are not compromised.
- E. Signs which are obsolete in information, defaced, missing some or all illumination, obscured by vegetation and whose finishes are chipping, peeling, or cracking shall be deemed in disrepair. The Town shall give thirty (30) days written notice for the owner to comply with maintenance requirements. Should the owner and/or property occupant fail to comply within the prescribed period, the Town may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

#### **4.7. Placement and Clearance Standards:**

- A. Signs shall be located such so there is at every intersection or driveway, a clear view between the heights of three (3) and ten (10) feet in a triangle formed by the corner and points on the curb seventy (70) feet from the intersection or entranceway.
- B. No freestanding sign shall project over the public right-of-way. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit or standpipe.
- C. All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.
- D. All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance. Minimum vertical warnings shall be clearly noted.

## **SECTION 5 – EXEMPT SIGNS, PERMIT EXCEPTIONS**

The following sign types do not require a sign permit but are subject to all other provisions herein.

- 5.1.** Permanent or temporary signs required to be posted by law.
- 5.2.** Permanent or temporary warning and no trespassing signs.
- 5.3.** Permanent or temporary signs required by any government agency.

- 5.4. Flags that do not meet the definition of sign.
- 5.5. Temporary holiday decorations that do not meet the definition of a sign.
- 5.6. Signs not exceeding three square feet in area and bearing only property numbers and/or names of the occupants of a residential premises.
- 5.7. On-premise window signs located in business districts which cover twenty five percent (25%) or less of the window glass surface area.
- 5.8. One temporary non-illuminated sign, which is used to offer the sale, lease or rent of property, may be placed on the referenced property. The sign may not exceed six (6) square feet and must be removed within three (3) days after the sale or rental of the property. Off-premise real estate signs may be placed on Friday after 4:00p.m. All such signs must be removed by the following Sunday 6:00p.m.
- 5.9. Yard or garage sale signs are allowed but cannot be erected more than two (2) days before sale and must be removed the final day of the sale.
- 5.10. Banners or other signs advertising a community event or activity are allowed but must be removed within twenty four (24) hours of the end of the event.
- 5.11. Pennant signs on light poles only in parking lots.
- 5.12. Legal notices and official documents.
- 5.13. Officially placed government signs memorial signs or historical markers.
- 5.14. Signs on vending machines, newspaper racks, telephone booths and gas pumps promoting the product dispensed.
- 5.15. Utility location and warning signs.
- 5.16. Construction notice signs.
- 5.17. Address numbers used for purposes of identifying the E911 address of a residential or nonresidential property.
- 5.18. Incidental signs of residential property identifying the house number, street name and resident name.
- 5.19. Lost and found pet signs, not to exceed four square feet. Signs must be removed within ten (10) days.

## **SECTION 6 - TEMPORARY SIGNS**

A temporary sign permit shall be obtained to post any signs that exceed six (6) square feet provided they do not conflict with any prohibited sign uses and meet all the other requirements herein. The responsible party shall remove such signs within seventy two (72) hours of the end of the event to which they pertain. Such signs shall not be illuminated. Temporary signs are intended to be displayed for a limited period of time, designed or intended to identify, advertise, announce or inform, and are intended to be removed when the event or announcement time period has expired. No more than two (2) duplicate signs per lot shall be allowed.

## **SECTION 7 - PROHIBITED SIGNS**

In addition to any sign not specifically permitted by these regulations, the following are specifically prohibited in the Town.

- 7.1. Nonconforming signs.
- 7.2. Signs that may be confused with traffic signs or signals.
- 7.3. Any sign which emits noise, visible smoke, vapor, particles or odor.
- 7.4. Any sign on a public right-of-way, on a roadway, on power line poles, on street signs, including but not limited to any sign painted on or attached to, a utility pole or similar structure, or painted on or attached to a tree, rock or other natural feature.
- 7.5. Billboards.



- 7.6.** Bench signs.
- 7.7.** Snipe sign.
- 7.8.** Portable signs.
- 7.9.** Illegal and/or obscene signs.
- 7.10.** Any sign blocking a fire escape, door, window, parking or loading aisle, fire truck zone or any situation that may be deemed to cause a potential safety hazard.
- 7.11.** Any sign on or painted on a vehicle or trailer parked primarily for the purpose of advertising.
- 7.12.** Roof signs.
- 7.13.** Off-premise signs, except for real estate directional signs, as set forth in this ordinance.
- 7.14.** Abandoned signs.
- 7.15.** Sign placed in the state right of way.
- 7.16.** Beacons or searchlights used to promote a business.
- 7.17.** Any sign in violation of the Town's zoning ordinance and/or the building code and amendments thereto, adopted by the Town.
- 7.18.** Animated signs.
- 7.19.** Strings of light bulbs on commercial property other than traditional holiday decorations.
- 7.20.** Signs that identify a home based business.
- 7.21.** Awning or canopy signs.
- 7.22.** Any tethered inflatable signs.
- 7.23.** Signs in nonresidential zoning districts that are located within fifteen (15) feet of a residential district boundary.
- 7.24.** Illuminated signs that produce glare or reflection onto residential property.
- 7.25.** Flicker flags or similar pole, line, or string mounted flagging, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- 7.26.** Individual tenants in a multitenant building (shopping mall, office park) shall not be permitted a freestanding sign.
- 7.27.** Sandwich boards.
- 7.28.** Signs carried by a person.
- 7.29.** Any sign or device designed to attract attention to the public, through motion of any kind including those which may be set in motion by wind.
- 7.30.** Any sign containing or consisting of any animated, blinking, flashing, intermittent, traveling or

fluctuating lights, liquid crystal display (LCD), plasma, video or similar displays, including arrangements that spell messages simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness or color.

- 7.31. Any sign determined by the Town Engineer to be dangerous because it is not securely affixed to the ground, or otherwise affixed in a safe, secure and permanent manner to a building or other approved supporting structure.
- 7.32. Any sign that has deteriorated or been damaged to such an extent that the cost of reconstruction or restoration is deemed by the Town Engineer to be in excess of 50 percent of its depreciated value, exclusive of foundations.
- 7.33. Any sign whose content is determined to incite violence and is otherwise without protection of the First Amendment of the United States Constitution.

## SECTION 8 – ABANDONED SIGNS

- 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 abandoned. Any abandoned sign shall be prohibited and shall be removed within (3) three calendar months of the date of abandonment or discontinuance by the owner of the sign or the owner of the property.
- 8.2. If a sign is left blank for a continuous period of sixty (60) days, that sign shall be considered abandoned and within thirty (30) days after abandonment, the owner of the property where the sign is located shall cause the sign to be removed, or replace the sign face or copy with an appropriate display or advertisement.

## SECTION 9 – APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

Any request for an appeal, variance or special exception use shall be processed pursuant to the Indian Springs Village Zoning Ordinance.

## SECTION 10 – ADMINISTRATION AND ENFORCEMENT

**10.1. Designation of Code Enforcement Officer.** The Code Enforcement Officer shall be appointed by the Mayor and charged with the administration and enforcement of the provisions of the Indian Springs Village Zoning Ordinance with respect to the Regulations of Signs and Advertising Structures. The Code Enforcement Officer shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out the prescribed duties in the enforcement of this Article.

**10.2. Responsible Owner.** The responsible owner shall refer to the owner/entity or other person(s) in charge or control of signs and/or the owner/entity or other person(s) in charge of the property on which the signs are located; each shall bear responsibility for the compliance with the terms of this Article.

**10.3. Citation for Violation.** Upon determination by the Code Enforcement Officer that a responsible owner is in violation of the Indian Springs Village Zoning Ordinance with respect to the Regulations of Signs and Advertising Structures, the Town Council, by resolution, may authorize the Town Clerk or designated Code Enforcement Officer to pursue a criminal complaint with the District Court of Shelby County, Alabama and/or

file a civil action with a court of competent jurisdiction. Criminal and Civil remedies may pursued simultaneously.

**10.4. Civil Remedies.** Available civil remedies include, but are not limited to, injunctive relief requiring removal of the sign and/or structure determined to be in violation. The cost of said removal shall be borne by the responsible owner/entity, who shall also be responsible for all litigation cost including a reasonable attorney's fee incurred by the Town in enforcing the provisions of this Article.

**10.5. Fines.** Each and every violation of the provisions of this Article shall be punishable by a fine not exceeding \$500.00 at the discretion of the court trying the case. Each and every day the violation continues shall be construed as a separate violation.

## **SECTION 11 - PENALTIES**

Any sign installed or placed on a public right-of-way, except in conformance with the requirements of this Article, shall be forfeited to the public and subject to confiscation. In addition to other remedies provided under this Article, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal.

## **ARTICLE XIII - SEVERABILITY AND CONFLICT**

### **SECTION 1 - SEVERABILITY**

This Ordinance and its parts are declared to be severable. If any section, subsection, clause, sentence, word, provision, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the Ordinance as a whole. All parts of the Ordinance not declared invalid or unconstitutional shall remain in full force and effect as if such portion so declared or adjudged unconstitutional or invalid were not originally part of this Section, even if the surviving parts of the Ordinance result in greater restrictions after any unconstitutional or invalid provisions are stricken.

### **SECTION 2 - CONFLICT**

If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail.

## **SIGNATURE PAGE**

**Adopted: This the 21<sup>st</sup> day of July, 2015.**

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Herb Robins - Council Chairman Pro Tem

**Approved: This 21<sup>st</sup> day of July, 2015**

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Brenda Bell-Guercio – Mayor

**Attested: This 21<sup>st</sup> day of July 2015**

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Joan Downs – City Clerk