

Collection of Urban Trees and Landscape Ordinance in Alabama's Cities

(To be corrected and Updated)

School of Forestry and Wildlife Sciences
Auburn University

(November 30, 2006)

*This collection is supported by Alabama Urban & Community Forestry Assistant Program. We tried to collect most updated information. It is advised to contact the individual city for accuracy and updating.

City list

1. Abbeville
2. andalusia
3. Anniston
4. Arab
5. Ashville
6. Atmore
7. Auburn
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9. Bessemer
10. Birmingham
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12. Brent
13. Brewton
14. Butler
15. Camden
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17. Clanton
18. Cullman
19. Daphne
20. Decatur
21. Demopolis
22. Dothan
23. Double Springs
24. Eufaula
25. Evergreen
26. Fairhope
27. Flomaton
28. Florence
29. Foley
30. Fort Payne
31. Fultondale
32. Geneva
33. Georgiana
34. Gordo
35. Greensboro
36. Greenville
37. Gulf Shores
38. Guntersville
39. Haleyville
40. Hamilton
41. Helena
42. Hoover
43. Huntsville
44. Irondale
45. Jacksonville
46. Jasper
47. Linden
48. Loxley
49. Lynn
50. Maplesville
51. Mobile
52. Monroeville
53. Montgomery
54. Moundville
55. Northport
56. Oneonta
57. Opelika
58. Opp
59. Orange Beach
60. Ozark
61. Pell City
62. Phenix City
63. Piedmont
64. Pine Hill
65. Ragland
66. Red Bay
67. Robertsdale
68. Samson
69. Scottsboro
70. Selma
71. Sheffield
72. Silverhill
73. Summerdale
74. Sylacauga
75. Tallassee
76. Tarrant
77. Tuscaloosa
78. Tuscumbia
79. Uniontown
80. Wadley
81. Winfield

CITY OF ABBEVILLE TREE ORDINANCE

Be it ordained by the City Council of the City of Abbeville, Alabama.

SECTION 1. DEFINITIONS

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

SECTION 2. CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.

There is hereby created and established a City Tree Board for the City of Abbeville, Alabama, which shall consist of five members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the Council.

SECTION 3. TERM OF OFFICE

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

SECTION 4. COMPENSATION

Members of the Board shall serve without compensation.

SECTION 5. DUTIES AND RESPONSIBILITIES

It shall be the responsibilities of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Abbeville, Alabama. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 6. OPERATION

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 7. STREET TREE SPECIES TO BE PLANTED

The Following list constitutes the official Street Tree species for Abbeville, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

(Small Trees)	(Medium Trees)	(Large Trees)
Red Tops	Holly	Sycamore
Crabapple,	Honeylocust (thornless)	Cottonwood
Flowering (sp)	Pagodatree, Japanese	Oak
Golden Rain Tree	Persimmon	Pecan
Hawthorne (sp.)	Poplar	Pine
Pear, Bradford	Sassafras	Cedar
Redbud	Magnolia	
Lilac, Jap. Tree	Cherry Laurel	
Peach, Flowering	Chinese Elm	
Plum, Purpleleaf		
Dogwood		
Popcorn		
Crepe Myrtle		
Grants		
Greybeard		

Abbeville

SECTION 8. SPACING

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION 9. DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

SECTION 10. DISTANCE FROM STREET CORNERS AND FIREPLUGS

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

SECTION 11. UTILITIES

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 12. PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

SECTION 13. TREE TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

SECTION 14. PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menance to the safety of the public. The City shall have the right to prune any tree or shrub or private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Abbeville

SECTION 15. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

SECTION 16. REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 17. INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SECTION 18. ARBORISTS LICENSE AND BOND

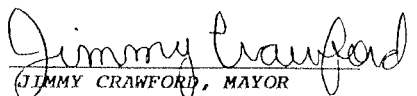
It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for a procuring a license. The license fee shall be \$62.50 annually, or \$6.25 per day, in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

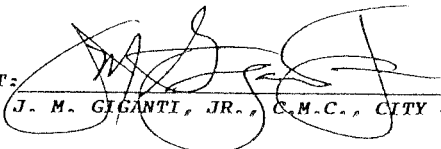
SECTION 19. REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

SECTION 20. PENALTY

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a minimum fine of \$100.00, but not to exceed a maximum fine of \$500.00, for each separate offense.


JIMMY CRAWFORD, MAYOR

ATTEST: 
J. M. GIGANTI, JR., C.M.C., CITY CLERK

Abbeville

POLICY STATEMENT REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE

The City of Abbeville, Alabama, is instituting this policy to be in compliance with Federal Regulations as set forth in the Drug-Free Workplace Act of 1988.

The City of Abbeville recognizes the importance of maintaining a safe, efficient, and healthful workplace as well as the responsibility to provide assistance to its employees to the extent possible.

Drug addition and alcoholism are illnesses, and the City of Abbeville believes that those suffering from these diseases need treatment, not punishment.

At the same time, it recognizes that addiction can pose serious risks to an individual's health and safety, and, in addition, it can have a detrimental impact on co-workers.

POLICY

The City of Abbeville absolutely prohibits the use, consumption, sale, purchase, transfer, or possession of any illegal or nonprescription drug by any employee during working hours, while representing the City, on premises or at other agencies.

In addition, employees are strictly prohibited from being under the influence of alcohol during working hours, while representing the City, on the premises or at other agencies.

DEFINITION OF DRUGS

"Illegal Drugs" are defined for the purposes of this policy as any drug that is either not legally obtainable or is legally obtainable, but has not been legally obtained. The term includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes, prescribed drugs being used by a person other than the prescription holder, and marijuana.

Legally prescribed medications are not covered under this policy and are permitted to the extent that their use does not adversely affect the employee's work ability, job performance, or the safety of others in the workplace.

The policy does not apply if the illegal drug is prescribed or authorized for the employee using or possessing it by a medical practitioner while acting in the course of his/her professional practice and such illegal drug is used by the employee at the prescribed or authorized dosage level, and such level is consistent with the safe performance of the employee's duties.

Andalusia

CITY OF ANDALUSIA ANDALUSIA, ALABAMA

ORDINANCE NO. 2004-5

An Ordinance Amending the Andalusia City Code To Amend Zoning Ordinance Regarding Landscaping

BE IT ORDAINED by the Mayor and City Council of the City of Andalusia, Alabama that Appendix A, Article VI of the Code of Ordinances be amended as follows:

Section 1. APPENDIX A - ZONING, Art. VI - General Provisions, be revised to include the following:

Sec. 69 Minimum Landscape Requirements

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the City of Andalusia; provide shade and natural cooling; control the erosion of soil and storm water runoff; provide enhanced buffers; protect the adjacent land and uses from noise and glare; encourage the most appropriate use of land and responsible land ethic; and contribute to property values.

69.1 Applicant of Section.

- A. Landscaping requirements as set forth in Article IV. Section 69 of this ordinance shall become applicable to each building site at the time an application for each building permit is made in the B-1, B-2, B-3, M-1, M-2, and PUD zoning districts; and to each of these zoning districts where the owner/developer undertakes a project that increases the square footage of the building by a cumulative total of twenty-five (25) percent or more.
- B. The City of Andalusia Department of Planning and Development and City Horticulturist will be available to review initial and final plans.
- C. All landscape installation must be completed before the development is opened to the public. The Department of Planning and Development must be notified to give compliance or noncompliance to landscaped areas before opening. The Department of Planning and Development shall give a decision of compliance or noncompliance within seven (7) working days.

69.2 Definitions.

- A. Native tree - a tree that has a DBH of at least twelve (12) inches and is an oak, hickory, sycamore, pine, poplar, elm,

Andalusia

maple, magnolia, cypress, cedar, pecan, ash, or a newly planted tree on a development site.

- B. Small Shade Tree - Small to medium size tree of fifteen (15) to thirty (30) feet at maturity.
- C. Large Shade Tree - large trees that grow over small shade trees and have a height of forty (40) feet or more at maturity.
- D. DBH - Diameter at Breast Height - this is the measurement of the width of the trunk four and one half (4 ½) feet above existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.
- E. Drip Line - the circumference of the tree's natural unaltered canopy extended vertically to the ground.
- F. Barrier - a physical structure limiting access to a protected area.
- G. Public Tree - a tree located on city property or any tree owned by the City of Andalusia, Alabama. This includes city right-of-ways.
- H. Caliper - this is the measurement of the width of the trunk six (6) inches above existing grade.
- I. Tree Credits - means of giving credit for existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.
- J. Removing a Tree - to relocate, cut down, poison, or any other manner destroy or cause to be destroyed, a tree as defined in the ordinance.
- K. Prompt Replacement - to replace within a thirty (30) day time period with approval from the Department of Planning and Development.
- L. Landscape Materials - growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.
- M. Construction Area - includes the building site and all areas used by construction vehicles, to store materials, or other items pertaining to construction.

69.3 Landscape Plan Approval. A landscape plan shall be submitted for approval to the Department of Planning and Development at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:

- A. Date, scale, north arrow, title, and name of owner.

Andalusia

- B. Approximate location of existing boundary lines and dimensions of the building site.
- C. Location, species, and size of existing trees and other vegetation applicant proposes to remain on site and have made part of the landscape development. This does not apply to masses of trees outside of the construction area.
- D. The approximate center line of all existing water-courses; the approximate location of the significant drainage features; and the location and size of existing and proposed streets, alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
- E. The location and size of proposed landscape areas, in square feet.
- F. The location, number, size, and common and scientific name of proposed landscape material.
- G. Statistics verifying that the minimum percentage of landscape required under this Section will be met.
- H. The locations, species, and DBH of existing native trees indicating those to be retained, and those native trees to be removed, and whether they are to be counted as part of the landscaping requirements. The location and dimensions of the proposed landscaped areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
- I. The proposed irrigation type and design, if required.
- J. Certification that the landscape plan has been prepared or reviewed by one of the following; a registered landscape architect, landscape designer, full time builder designer, a qualified nurseryman, the County Agent, or any Government Agency (City, County, State, or Federal) with horticulture experience, and that it satisfies all purposes, objectives, and requirements of this Section.
- K. Permanent utility facility locations.

69.4 Landscape Requirements.

A. Landscape Percentage Requirements

With the exception of industrial sites, any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover twelve (12) percent of the total building site as determined first by calculating the square footage of the building area, of the unimproved site, then subtracting the total square footage of the building area, which is defined as the total square footage of all structures under roof. At least sixty (60) percent of the

Andalusia

landscape requirements shall be located in the front setback defined as the area between the property line and the building wall(s) facing the public right-of-way. If the application of the percentage creates a fraction, the results, as expressed in numbers, shall be rounded off to the next highest whole number.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by forty (40). If the result ends in a fraction the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half ($\frac{1}{2}$) rounded to the next highest volume number of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by twenty-five (25) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one native tree shall be planted for every thirty (30) feet of road frontage.

Planted trees must have at least a one and one half ($1\frac{1}{2}$) inch caliper warranty for at least one (1) year. All planted trees immediately become native trees. After the application of credits the Department of Planning and Development or its designee may waive the number of trees required if inappropriate for the site.

Industrial sites M-1 and M-2 shall be required to be landscaped along the front perimeter only; if the site fronts along two streets, then along both intersecting streets. All other requirements of this Landscape Ordinance shall apply to industrial sites.

B. Parking Lot Requirements.

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lot landscaping shall apply to new parking areas or when existing parking areas are enlarged by ten (10) percent or more. Such landscaping shall be provided in such a manner as to break up the expense of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ration of one small or large shade tree for every fifteen (15) parking spaces shall be required. These trees must be planted adjacent to the parking lot or in islands within the parking lot. Parking lot islands must be of adequate size to accommodate the species planted.

C. Site Visibility

Andalusia

At corner lots landscape material shall not obstruct traffic visibility at parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

D. Spacing

Trees shall not be planted closer than four and one half (4½) feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other, and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

E. Installation

All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the Department of Planning and Development or its agent.

F. Maintenance

Landscaped areas including irrigation systems shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements and keeping landscaped areas free of weeds, refuse and debris. This also applies to right-of-way or medians for developers who elect to take credits for landscaping requirements here.

G. Water Supply

All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation and/or any other appropriate method of supplying water to the landscaped areas.

H. Protection of Landscaped Areas

Landscaped areas are to be protected by tree-grates, concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties or other suitable barriers. This speculation should be clearly marked in the landscape plan.

I. Landscape Material

A maximum of 60% of the landscaped area shall be sod (grass), the remaining area shall include other landscape material.

69.5 Credits Towards Trees

Credit can be taken for a tree if the tree meets the native tree

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specifications and if the tree is in good, vigorous, and healthy condition, as determined by the Department of Planning and Development. These tree credits go toward landscape requirements; however, the front setback must contain one native tree for every thirty (30) feet of frontage. Credit will not be allowed if the proper protection for the credited tree has not been maintained. If the credited trees dies or fails to thrive the owner must replace the amount of credited trees lost. The equivalents shall be as follows:

Size of existing tree Required to Plant	Tree Equivalence or Tree Not
6" caliper	1 tree
12" caliper	2 trees
18" caliper	3 trees
24" caliper	4 trees
30" caliper	5 trees
36" caliper	6 trees
42" caliper	7 trees

69.6 Tree Protection During Construction

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements. Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip line of the tree or group of trees, given to specific considerations.

Section 2. APPENDIX A - ZONING, Art. VI - General Provisions, Section 73.0. B-1 Local Shopping District, be amended to include the following:

[(i)] *Landscaping*: See Section 69.0

Section 3. APPENDIX A - ZONING, Art. VI - General Provisions, Section 74.0. B-2 and B-3 General Commercial District, be revised as follows:

[(e)] *Minimum yard size*: Front twenty (20) feet, Side twenty (20) feet; rear twenty (20) feet.

omit

Section 4. APPENDIX A - ZONING, Art. VI - General Provisions, Section 74.0. B-2 and B-3 General Commercial District, be amended to include the following:

[(i)] *Landscaping*: See Section 69.0

Section 5. APPENDIX A - ZONING, Art. VI - General Provisions, Section 75.0. M-1 Light Industrial district, be amended to include the following:

Andalusia

[(h)] Landscaping: See Section 69.0

Section 6. APPENDIX A - ZONING, Art. VI - General Provisions, Section 76.0. M-2 General Industrial district, be amended to include the following:

[(i)] Landscaping: See Section 69.0

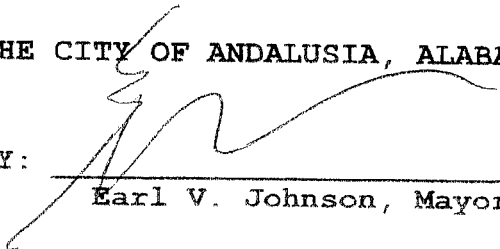
Section 7. In all other respects Andalusia City Code, as previously adopted, shall remain in full force and effect.

This ordinance shall become effective upon publication as required by law.

ADOPTED AND APPROVED this 20th day of July, 2004.

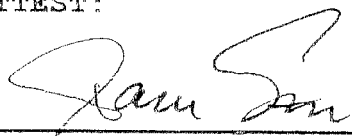
THE CITY OF ANDALUSIA, ALABAMA

BY:



Earl V. Johnson, Mayor

ATTEST:



Pam Steele, City Clerk

Andalusia
CITY OF ANDALUSIA
ANDALUSIA, ALABAMA

ORDINANCE NO. 2005-1

An Ordinance Amending the Andalusia City Code to Amend the Zoning Ordinance Regarding Set Back Requirements for B-2 and B-3 Zones

BE IT ORDAINED by the Mayor and City Council of the City of Andalusia, Alabama that Section 74.0 [(e)], Article VI, Appendix A - Zoning of the Code of Ordinances be repealed and the following substituted in its place to read as follows:

Sec. 74.0. B-2 and B-3 Commercial district.

[(e)] Minimum yard size: Front, none; side, none; rear, twenty (20) feet.

In all other respects Andalusia City Code, as previously adopted, shall remain in full force and effect.

This ordinance shall become effective upon publication as required by law.

ADOPTED AND APPROVED this 15th day of February, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: Jerry B. Andrews
Jerry B. Andrews, Mayor

ATTEST:

Pam Steele
Pam Steele, City Clerk

mendations to the chief of police or his designee respecting matters which, in the commission's opinion, necessitate action by the chief of police or the city council. The downtown parking advisory commission shall have no authority to act on behalf of the City of Anniston and shall act as an advisory panel only.

(Ord. No. 85-O-20, § 3, 4-9-85)

DIVISION 7. TREE AND BEAUTIFICATION BOARD*

Sec. 2.70. Created; membership; appointment.

There is hereby created and established a tree and beautification board for the City of Anniston, Alabama, which shall consist of ten (10) members, citizens and residents of the city who shall be appointed by the city council.

(Res. No. 87-R-133, § 1, 12-8-87; Res. No. 89-R-192, § 1, 11-14-89)

Sec. 2.70.1. Terms; filling vacancy.

The term of the persons appointed by the council shall be three (3) years, except that the term of two (2) of the members appointed upon the creation of the board shall be for only one (1) year, and the term of three (3) of the members appointed upon the creation of the board shall be for two (2) years; of the additional five (5) members appointed to the board, two (2) shall be appointed for a term of one (1) year and three (3) shall be appointed for a term of two (2) years; and in the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(Res. No. 87-R-133, § 2, 12-8-87; Res. No. 89-R-192, § 2, 11-14-89)

Sec. 2.70.2. Service; compensation.

The members of the board shall serve in an advisory capacity to the city council and without compensation.

(Res. No. 87-R-133, § 3, 12-8-87)

Sec. 2.70.3. Duties.

It shall be the responsibility of the board to study, investigate, and develop an official comprehensive tree plan and beautification plan for the city, to be presented to the city council for its acceptance and approval. An annual update of the comprehensive tree plan shall be submitted to the city council to provide guidance for the preservation, planting, and replanting of the trees and shrubs in parks, along streets, and in other public areas. An annual update of the beautification plan shall be submitted to the city council to provide guidance for the general horticultural beautification of the parks, median and other public areas and to estab-

***Editor's note**—Inasmuch as Res. No. 87-R-133, §§ 1—5, adopted Dec. 8, 1987, did not specify manner of codification, such provisions have been included as Div. 7, §§ 2.70—2.70.4 by the editor. Subsequently, Res. No. 89-R-192, adopted Nov. 14, 1989, increased the number of board members from five to ten.

Anniston

ADMINISTRATION

§ 2.70.3

lish and maintain a beautification awards program that recognizes the efforts and projects of organizations, businesses and individuals that serve to beautify the city; and, the board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
(Res. No. 87-R-133, § 4, 12-8-87)

Sec. 2.70.4. Organization and operation; quorum.

The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings, a majority of the members being a quorum for transaction of business.

(Res. No. 87-R-133, § 5, 12-8-87)

DIVISION 8. RESERVED

Sec. 2.71. Reserved.

Editor's note—Section 2.71, which pertained to the establishment, membership and authority of a historic preservation commission, was deleted as being superseded by the provision of Ord. No. 91-O-18, adopted April 24, 1991, codified herein as Ch. 12½. The deleted provisions derived from Ord. No. 89-O-31, §§ 1, 2, adopted Aug. 8, 1989.

ARTICLE XII. OLD AGE AND SURVIVORS INSURANCE**Sec. 2.72. Benefits extended to officials and employees of the city.**

It is hereby declared to be the policy and purpose of the city to extend to the employees and officials, not excluded by law or by this article and whether employed in connection with a governmental or proprietary function, the benefits of the system of Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments, including Public Law 734 of the 81st Congress. In pursuance of such policy, and for that purpose, the city shall take such action as may be required by the applicable state or federal laws or regulations.

(Code 1961, § 2.111)

Sec. 2.73. Execution of agreements, etc., with state agency.

The city manager is hereby authorized and directed to execute all necessary agreements and amendments with the state agency authorized to act to secure coverage of employees and officials as provided in section 2.72.

(Code 1961, § 2.112)

Sec. 2.74. Withholding from wages and salaries authorized; disposition of withholdings.

Withholdings from salaries or wages of employees and officials for the purpose provided in section 2.72 are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by such laws or regulations to receive such amounts.

(Code 1961, § 2.113)

Sec. 2-34. Suspension of rules.

The rules adopted herein may be temporarily suspended by a vote of two-thirds of the members present.

(Ord. No. 88-7, § 15, 10-3-88)

Secs. 2-35–2-39. Reserved.**ARTICLE III. BEAUTIFICATION BOARD AND TREE COMMISSION****Sec. 2-40. Created; membership.**

(a) A beautification board and tree commission of the city is hereby created, which board and commission shall consist of nine (9) persons, residents of the city, appointed by the city council as follows: Three (3) of the members shall be appointed for three (3) years; two (2) for terms of two (2) years; and two (2) for terms of one (1) year; two (2) additional members shall be appointed for three-year terms. Their successors shall, in all cases, be appointed for a term of three (3) years, and all appointments to fill vacancies shall be for the unexpired term.

(b) The city council may also appoint to honorary membership, distinguished citizens, to lend emphasis to the objects and policies of the beautification board and tree commission. Such honorary members shall neither have the right to vote nor to hold office.
(Ord. No. 89-8, § 1, 11-6-89; Ord. No. 92-7, §§ 1, 2, 4-6-92)

Sec. 2-41. Membership noncompensated.

The members of the beautification board and tree commission shall receive no compensation for their services as such members.
(Ord. No. 89-8, § 6, 11-6-89)

Sec. 2-42. Employment of persons, etc.; contracting.

The beautification board and tree commission is hereby empowered to employ or contract with such persons, agencies, organizations, firms, corporations, businesses or other legal entities as may be necessary in the reasonable discretion of the beautifica-

tion board and tree commission to assist it with its assigned and delegated duties, and may delegate such of its duties and functions as can best be performed by other parties, except, the beautification board and tree commission shall not delegate its ultimate decision making authority to any other party.

(Ord. No. 89-8, § 5, 11-6-89)

Sec. 2-43. Objects.

The object of the beautification board and tree commission shall be as follows: to promote the welfare and beautification of the city; to raise the standards of community and home life; to promote adequate and sound laws for the enforcement of litter control; to bring into closer relationship the public, private enterprise and city officials for strong civic awareness and cooperation in planning, building, maintaining and utilizing both public and private buildings, land and industry; to develop through the educational process a continuing effort in apprising the general public on the need to incorporate, in family and civic life, pride in their community, as well as proper resource management.

(Ord. No. 89-8, § 2, 11-6-89)

Sec. 2-44. Recommendations to mayor and council—As to trees.

The beautification board and tree commission shall make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the mayor and council in providing information regarding the protection, maintenance, removal and planting of trees on public property, and, where requested by the owner, on private property, shall meet with the city planning commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the mayor and council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased or insect-infested trees, on public or private property; and shall make studies and report

ADMINISTRATION

§ 2-47

back to the mayor and council with recommendations on matter concerning trees in the municipality.

(Ord. No. 89-8, § 3, 11-6-89)

Sec. 2-45. Same—As to beautification.

The beautification board and tree commission shall make recommendations to the mayor and council in regard to beautification aspects as relate to the city and shall be responsible for holding hearings on all complaints submitted through the mayor and council to the beautification board and tree commission, and shall make recommendations based on such hearings.

(Ord. No. 89-8, § 4, 11-6-89)

Sec. 2-46. Annual report.

The beautification board and tree commission shall make an annual report to the mayor and council, of its accomplishments during the preceding year.

(Ord. No. 89-8, § 7, 11-6-89)

Sec. 2-47. Review of actions.

The city council shall have the right to review the conduct, acts and decisions of the beautification board and tree commission. Any person may appeal from any ruling or order of the beautification board and tree commission to the city council, which may hear the dispute and make a final decision thereon.

(Ord. No. 89-8, § 8, 11-6-89)

Ashville

COPY**ASHVILLE, ALABAMA**
CITY TREE ORDINANCE**ORDINANCE #232**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHVILLE, STATE OF ALABAMA.

SECTION 1 - DEFINITIONS

STREET TREES: "Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

SECTION 2 - ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a City Tree Board for the City of Ashville, Alabama which shall consist of five members who shall be appointed by the mayor with the approval of the City Council. Members of the City Tree Board shall serve without compensation.

SECTION 3 - TERM OF OFFICE

The normal term of office for the five persons appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed by the mayor for the unexpired portion of the term.

SECTION 4 - DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Ashville, Alabama. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

Ashville

SECTION 5 - OPERATION

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 6 - STREET TREE SPECIES TO BE PLANTED

The following list constitutes the official recommended Street Tree species for Ashville, Alabama. No species other than those included in this list may be planted as Street Trees without written approval of the City Tree Board. See list attached hereto as "Exhibit A".

SECTION 7 - SPACING OF TREES

The spacing of Street Trees will be in accordance with the three species size classes listed in section 6 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet except in special plantings designed or approved by a landscape architect.

SECTION 8 - DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 6 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

SECTION 9 - DISTANCE FROM STREET CORNERS AND FIREPLUGS

No Street Tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted within 10 feet of any fireplug.

SECTION 10 - UTILITIES

No Street Trees other than those species listed as Small Trees in Section 6 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Ashville

SECTION 11 - PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is afflicted with any injurious fungus, disease, insect or other pest. This section does not prohibit the planting of Street Trees by adjacent property owners provided that the selection and locations of said trees is in accordance with Sections 6 through 10 of this ordinance.

SECTION 12 - TREE TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

SECTION 13 - PRUNING

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

Ashville

SECTION 18 - REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make a final decision.

SECTION 19 - PENALTY

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.00.

Adopted this the 6th day of July, 1998.


Phillip G. Anthony, Mayor

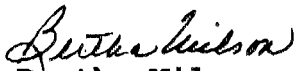
ATTEST:


Bertha Wilson, Town Clerk

Posted: 7-8-98

Taken down: 7-15-98

I, Bertha Wilson, hereby certify that this Ordinance was posted by me in three public places to-wit; Ashville City Hall, Ashville Rexall Drugs and Ashville Courthouse in said Town and State for a period of five (5) days.


Bertha Wilson
Town Clerk

Draft for New Tree Ordinance for the City of Auburn

The members of the Auburn Tree Commission, made up of a cross section of civic-minded, concerned citizens of Auburn, have agonized over the development of a new tree ordinance. It is always a struggle to balance the rights of the community while preserving the rights of the individual. The members of the commission have written the attached new ordinance as a fair but effective means to protect, restore, and enhance Auburn's tree heritage.

The ordinance attempts to preserve the integrity of the image of our city as the "prettiest little town on the plains" and to ensure the economic future of our city is not lost due to unknowing destruction of our irreplaceable tree resource. Research provides evidence that people are more productive, rent more apartments, purchase more homes, heal faster, and enjoy life more when they are blessed with a pleasant landscape with large shade trees. We want to protect Auburn's tree treasure for our citizens and enhance it for our children and grandchildren.

Please read through the draft of the new tree ordinance and offer your suggestions to the Tree Commission. Keep in mind the reasons for the ordinance (outlined on the first page) as you read the remainder of the document. We have tried to be sensitive to everyone involved. The ordinance does not apply to the individual homeowner.

Thank you for taking the time to evaluate this new ordinance. We welcome any comments you have. Send your comments to Auburn's City Hall, 171 N. Ross St. Auburn, AL 36830. Direct your suggestions to the attention of the Auburn Tree Commission.

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ORDINANCE NO. _____

AN ORDINANCE REGULATING CUTTING AND REMOVAL OF TREES IN THE CITY OF AUBURN, ALABAMA, PROVIDING FOR A PERMIT FOR REMOVAL, PROVIDING FOR PENALTIES FOR VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE, AND FOR RELATED PURPOSES.

WHEREAS, the trees within the City of Auburn, Alabama constitute an economic and aesthetic asset that is irreplaceable and constitute the very essence of this city's character; and

WHEREAS, the presence of trees in the City of Auburn, Alabama, in addition to having economic and aesthetic value, promote soil conservation, reduce air pollution and noise, prevent erosion, provide habitat and food for wildlife and birds, and provide visual screening; and

WHEREAS, the removal of said trees impairs benefits to existing property owners in surrounding areas, impairs economic stability and decreases the value of improved and unimproved real property, promotes increased surface drainage and flash floods, ultimately causing increased municipal costs; and

WHEREAS, the City Council of the City Of Auburn is of the opinion that it is in the public interest and welfare to enact reasonable regulations controlling the removal of certain protected trees so as to retain as many trees as possible consistent with economic useage and subsequent enjoyment of private property and ensure the safety of its citizens; and

WHEREAS, the City of Auburn finds that it is in the public interest and welfare to require the replacement of trees removed during the process of development for the environmental benefit and enjoyment of all; and

WHEREAS, the intent of this Ordinance is to encourage the protection of certain trees which are common to this geographical area, and which the City of Auburn stands to lose unless protective measures are taken. The intent is not punitive nor to cause undue hardship on any individual, private or public company who shall take every care and diligence to protect trees within the City of Auburn; and,

WHEREAS, the City of Auburn finds that it is in the public interest and welfare that this ordinance be enacted:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AUBURN, ALABAMA, AS FOLLOWS:

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Section 1.1 Purpose and Intent

The purpose and intent of this Ordinance is to:

- (a) regulate the preservation, replacement and indiscriminate removal of trees on certain private properties and public rights-of-way within the City of Auburn, and establish procedures for accomplishing these purposes;
- (b) encourage the protection of existing trees and promote the planting of additional trees in order to facilitate control of soil erosion, air pollution and noise;
- (c) enhance the beauty, health and safety of the environment and protect and enhance the image and economic viability of the City of Auburn;
- (d) empower qualified personnel to educate and cooperate with Auburn's citizens and business interests to protect and enhance Auburn's tree canopy assets; and
- (e) establish penalties for violation of its provisions.

Section 1.2 Urban Forester/Horticulturist

The City Manager shall appoint an Urban Forester/Horticulturist to supervise the care of trees and authorize removal of trees in the City of Auburn, and to inspect landscaping in required bufferyards on development sites. The Urban Forester shall be an arborist, urban forester, or horticulturist and be registered as a Certified Arborist with the International Society of Arboriculture. The Urban Forester/Horticulturist shall take an active role in the education and regulatory process and render decisions granting or denying applications for permits under this Ordinance. Any administrative decisions made by the Urban Forester/Horticulturist under the provisions of this Ordinance shall be final. Appeals of such decisions shall be considered only by the Board of Zoning Adjustment pursuant to Section 911.05 of the Zoning Ordinance.

The Urban Forester/Horticulturist shall report to the City Manager or the Director of any City Department as may be designated by the City Manager.

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Section 1.3 Definitions

- (a) Dehorning or topping. Improper practice of drastically cutting back of major limbs of a tree leaving large stubs. These large wounds do not compartmentalize properly to seal off decay and severely disfigure and weaken the tree.
- (b) Destroy. Any intentional or negligent act which causes a tree to decline and die, including but not limited to, such damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy machinery in the defined root zone protection area, the change of natural grade by excavation or filling the covered area or around the trunks of a tree, trenching, paving with concrete, asphalt or other impervious materials, and damages from injury or from fire inflicted on trees which result in or permit pest infestation. Cutting, bulldozing, and excessive pruning including topping or dehorning that results in the death of a tree is also considered destruction.
- (c) Development Site. One or more parcels of land unified under common or cooperative ownership which constitute the entire area of development shown on a boundary survey, site plan or subdivision plat. Development site must include all land needed for bufferyards, parking, retention areas, internal access roads or driveways, landscaping, and other physical design features needed to serve the proposed development.
- (d) Diameter at Breast Height (DBH). Measurement of the diameter of a tree trunk at a height of 54 inches above the ground. In the case of a tree with multiple trunks or stems, DBH shall be the sum of the diameters of the stems. In reference to more than one (1) tree on a development site, DBH shall be the cumulative measurement of the diameters of all subject trees.
- (e) Drip Line. A vertical line running through the outermost portion of a tree crown extending to the ground.
- (f) Hardwood Tree - Refers to wood produced by angiosperms or any of the broadleaf deciduous, dicot trees (oaks, maples, ash, poplar etc...) as opposed to softwood trees which refer to the wood of conifers (pines, firs, spruces, hemlocks etc..)

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- (g) Healthy Tree - Condition or health of a tree to be determined by the urban Forester/Horticulturist using criterion outlined in the 1992 edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, PO Box GG, Savoy, IL 61874.
- (h) Heritage Tree Any woody, perennial, hardwood plant that has a single or multiple trunk with a DBH of 10 inches or greater.
- (i) Protective Barrier. A physical structure limiting access to a protected tree, composed of wood or other suitable materials which assure compliance with the intent of this Ordinance.
- (j) Replacement Tree(s). Tree(s) of a species and size approved by the Urban Forester/Horticulturist to replace the loss of trees during development and construction.
- (k) Subdivision, Conventional. Any subdivision, proposed for single family detached or duplex development, for which no resource protection or recreational land is required to be dedicated under Sections 414 and 415 of the Zoning Ordinance. Plats approved under Article III, Paragraph J of the Subdivision Regulations shall be conventional subdivisions.
- (l) Subdivision, Performance. Any subdivision for which any resource protection or recreational land is required to be reserved under Sections 414 and 415 of the Zoning Ordinance, and/or for which any development type is proposed other than single family detached or duplex development pursuant to Section 502.01 (A) of the Zoning Ordinance.
- (l) Tree Removal. The displacement, removal, relocation, alteration or effective removal as a result of damaging or destroying any protected tree.

Section 1.4 Applicability and Exemptions

Except as provided in this Section, the provisions of this Ordinance shall apply to all heritage trees located within the corporate limits of the City of Auburn.

The following uses shall be exempt from the provisions of this Ordinance applying to protected trees:

- (a) Single family or duplex development on one lot by an individual. Single family or duplex development on more than one lot (multiple home or subdivision development) by a developer or contractor is exempt from the frontage planting requirement but must adhere to the tree planting formula outlined in Section 1.7.
- (b) Agricultural and silvicultural uses in the Rural District.

Section 1.5 Required Permits

- (a) Tree Protection Plans. Except as provided in these regulations, it shall be unlawful for any private citizen (see exemptions in Section 1.4), licensed tree surgeon, service company, or general contractor to remove, cause to be removed, relocate, or substantially alter or to effectively remove as a result of damaging or destroying any tree covered by the terms and provisions of this Ordinance without a tree protection plan approved by the Urban Forester/Horticulturist. Violation of the terms and provisions of this Ordinance by any licensed tree surgeon, service company, or general contractor, public official or private citizen shall be subject to penalties as outlined in Section 1.13 of this Ordinance. Review fees for tree protection plans shall be established by the City Council.
- (b) Tree Removal on Development Sites. Any site plan or performance subdivision plat submitted to the City for review shall include a tree protection plan. Where any such development plan is subject to review and approval by the Planning Commission, a tree protection plan shall be included in the application package submitted for such review. In these cases, the Urban Forester shall review the tree protection plan and provide recommendations to the Planning Commission prior to the scheduled hearing date.

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All tree protection plans shall include the following information:

- (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures, utilities, and impervious surfaces.
- (2) Location and DBH of all heritage trees. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups (greater than 8 trees) of trees in close proximity, 10-foot spacing or closer may be designated as a "clump" of trees, number estimated, and average size listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a statement as to proposed protective barriers and grade change plans around trees to be protected.
- (4) Any proposed tree replacement program.
- (5) Any additional information which the Urban Forester/Horticulturist determines to be necessary.

No zoning certificate shall be issued by the Planning Department until the tree protection plan has been reviewed and approved in writing by the Urban Forester/Horticulturist. Failure to provide an approval or denial within ten (10) working days of receipt of the plan by the Urban Forester/Horticulturist shall constitute an approval of the tree protection plan. Reasons for denial shall be reported to the applicant in writing.

The function of the Urban Forester/Horticulturist in the review of development plans will be to assure that all trees addressed in these regulations are preserved and maintained in a healthy condition. Approval of the Urban Forester/Horticulturist is required for any work on or affecting such trees. The Urban Forester/Horticulturist shall specify the work to be done, and is authorized to inspect property and the work in progress at any time during normal working hours. He/she shall inspect and approve all finished development sites prior to issuance of a Certificate of Occupancy by the Building and Codes Enforcement Department.

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- (c) Tree Removal on Other Sites. No heritage tree shall be removed from vacant land until and unless such property is the subject of an approved site plan, subdivision plat, or other form of development permit issued by the City or qualifies for the exemption outlined in section 1.4..

Tree removal for properties containing existing development on which no new development or redevelopment is proposed, requires a tree protection plan to be submitted to the Urban Forester/Horticulturist providing all information required for such plans in Paragraph (b) above. Such tree protection plan shall be reviewed and approved or disapproved according to the standards provided in Sections 1.6 and 1.7.

- (d) Building Moving Permits. Where a structure is proposed to be moved from one parcel or lot to another, these regulations shall apply to both parcels. A tree protection plan for each site shall be submitted to the Urban Forester/Horticulturist, who shall issue a permit requiring preservation and/or replacement of certain trees, as appropriate. The Urban Forester/Horticulturist shall inspect trees and tree protection measures at both locations prior to approving a Certificate of Occupancy for the new location.

Section 1.6 Approval of Tree Protection Plans

- (a) Criteria for Approval. The Urban Forester/Horticulturist shall consider the following criteria in the approval or disapproval of a submitted plan for the removal, relocation, or substantial alteration of a heritage tree:
- (1) The condition of the tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services (see definition of healthy tree).
 - (2) The necessity of removing the tree in order to construct the proposed improvements or structures to allow use of the property.
 - (4) The number and density of trees in the area and the effect of tree removal on other existing vegetation.
 - (5) Whether tree removal would have an adverse impact upon existing biological and ecological systems as determined by an environmental impact report for the property. .
 - (6) Whether the continued presence of the tree is likely to cause a danger to a person or property.

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- (7) Whether the removal of the tree is for the purpose of thinning a heavily wooded area where some trees will remain.

In consultation with the City Engineer, the Urban Forester shall also evaluate the following impact(s) of the proposal upon the urban and natural environment including:

- (a) Whether tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
 - (b) Whether tree removal would allow existing noise sources to have an adverse impact on neighboring properties.
 - (c) Whether tree removal will allow a significant increase in air movement, creating hazardous wind conditions for neighboring properties.
 - (d) The effect of removal on increasing soil erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the City of Auburn.
- (b) Pre-Construction Conference. Prior to issuance of a building permit for development activity, a pre-construction conference shall take place to review procedures for protection and management of all protected landscape elements identified on the tree removal plan and to designate one or more persons as Landscape Protection Supervisor(s). Unless other-wise designated, the owner of the property or his/her legally designated contractor has ultimate responsibility for assuring adherence to regulations outlined in the ordinance.

(1.7) Tree Planting and Removal Conditions:

- (a) The number of trees required for any lot is equal to one tree for every 30 feet around the perimeter of the property. One tree is required to be planted or preserved for every 30 linear feet of frontage space (see exemptions in section 1.4). The remainder of the tree planting requirements can be satisfied through preservation of heritage trees or planting replacement trees of 3 inches trunk diameter or greater

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(measured at 6 inches above the ground). All such trees will immediately become heritage trees upon planting and require approval and replacement for removal.

One tree credit will be granted for each 6 inches of trees preserved which are 3 inches caliper or greater measured at 6 inches above ground level. Should the Urban Forester/Horticulturist determine that the number of trees required (after the application of the credits) is inappropriate for the site involved, he/she may, at his/her discretion, waive any number of trees required. In such case, the applicant shall instead donate \$400 for each tree waived to the Auburn Tree Commission for use in purchase and planting public trees in Auburn.

Example: If a rectangular lot measures 300' X 600', the perimeter would sum to $(2*300)+(2*600)$ or 1,800 feet, $1,800 \text{ feet} / 30 = 60$ trees would be required for the property.

If 300 feet is the frontage dimension of the property, 10 trees (300 feet / 30 feet per tree) would be required to be planted or preserved in the setback area leaving a requirement of 50 trees for the remainder of the 4.1 acre lot. If the plan shows a company or individual preserving 2, 48 inch trees, 2, 36 inch trees, 4, 12 inch trees, 2, 6 inch trees and 4, 3 inch trees a total credit of 240 inches or 40 trees $(2*48)+(2*36)+(4*12)+(2*6)+(4*3) = 240/6$ inches per tree credit or 40 trees). This would leave 10 additional trees of 3 inches in caliper or greater to be purchased and planted. If, after reviewing the tree protection plan, it is determined and agreed upon that 6 of these trees will not fit on the plan, a waiver can be granted by the Urban Forester/Horticulturist. The contractor would plant the 4 required trees and contribute \$2,400 to the Auburn Tree Commission for planting new trees.

If a Heritage tree is approved for removal, tree requirements for the lot will be maintained using a combination of planting tree replacements, tree credits, or compensation for trees not planted. Not meeting the tree planting requirements would require a waiver from the Urban Forester/Horticulturist. Effort should be directed at trying to meet the spirit of the ordinance and to plant required trees where possible.

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- (b) Tree Selection. Each replacement tree shall be of a species that has potential to produce characteristics (height and caliper) comparable to those of the tree removed, and shall be of a planting stock approved by the Urban Forester/Horticulturist. No replacement tree shall have a DBH measurement of less than 3 inches. Trees must be the appropriate height and have root ball volumes that meet the minimum standards outlined by the American Association of Nurserymen's publication "American Standards for Nursery Stock". Where unrestricted by utilities, buildings, or other structures, replacement trees shall be selected from species capable of producing large (trunk diameter 12 inches or more) shade trees.
- (c) Root Zone Requirements. Sufficient rooting space shall be required for each replacement tree, free of impervious pavement or other materials impervious to water. **Suggested minimum** root zone area for a replacement heritage tree is equal to the minimum space required for a 10 inch diameter or larger tree multiplied by 2 to give the length of one side of a planting hole in feet. A tree with the anticipated trunk diameter of 10 inches would require 20 feet free rooting space on the side of a square planting hole, or 400 square feet. This space can be accommodated in linear or other geometric design patterns to give the required space for the root zone and allow for creativity in the design. Urban renovation projects are not often conducive to allowing even the minimum requirements for root growth. **Minimum allowable** porous, root zone space is 225 square feet per tree or as the Urban Forester determines to be necessary or acceptable after evaluating site limitations.. All possible alternatives should be explored to provide the necessary root zone area including the use of porous paving stones where open ground is not possible.

The type of replacement trees, location of replacement trees, and rooting space allocated for each replacement tree shall be identified by the Urban Forester/Horticulturist prior to approving a tree protection plan. After planting, each tree planted to fulfill the requirements of the tree planting formula shall enjoy the same protection as any heritage tree. Therefore, all cultural requirements necessary to assure the survival and growth of the tree should be followed to avoid time, labor and cost of replacing the dead tree(s).

Section 1.8 Maintenance Requirements for Replacement Trees

Should any replacement tree succumb to disease, destruction, insect infestation, or other cause of mortality the property owner is required to replace the replacement tree with an appropriate tree that will be capable of reaching the same ultimate size of the tree that died and fulfill the requirements for the appropriate number of trees for the lot. It is possible that growth of other trees on the lot would satisfy the planting requirement and replacement would be unnecessary.

Section 1.9 Construction Near Trees

During construction, the general contractor shall erect suitable protective barriers around all protected trees to be preserved. Excluding sidewalks and driveways, no person shall pave with concrete, asphalt, or other impervious material within eight (8) feet of the trunk of any heritage tree. At least 2 sides of the heritage tree must enjoy and maintain a minimum protected zone of 15 feet from the trunk. More space should be allocated whenever possible. If necessary, the Urban Forester/Horticulturist may require additional footage beyond the minimum. During construction, no attachments or wires other than protective guy wires shall be attached to any trees. Filling under the spread of limbs of any protected tree is limited to two (2) inches of soil unless protective measures are taken as approved by the Urban Forester/Horticulturist.

Section 1.10 Temporary Waiver Following Disaster

Any provision(s) of this Ordinance may be waived by the City Manager during an emergency period if compliance would hamper the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as wind storms, ice storms, or other disasters. Any emergency work shall follow as closely as possible the standards outlined in the Ordinance. This shall not be interpreted to be license to circumvent the intent of this Ordinance.

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Section 1.11 Enforcement

The Urban Forester/Horticulturist shall provide enforcement recommendations to the Building Codes and Enforcement Department, which shall be charged with the enforcement of this Ordinance. For the purpose of enforcement, the Building Official is hereby empowered to issue citations for violations of any provisions of this Ordinance. The Urban Forester/Horticulturist and/or the Building Official may periodically inspect sites subject to the provisions of this Ordinance.

If, through inspection, it is determined that any person has failed to comply with the provisions of this Ordinance, a notice to comply shall be served upon that person by certified mail from the Building Official. The notice shall set forth all the provisions which will be necessary to comply with the Ordinance.

The Urban Forester/Horticulturist and the Building Official shall have the power to conduct such investigations as deemed reasonably necessary to carry out their duties as prescribed herein, and for such purposes may enter at reasonable times upon any property, public or private, for the purpose of inspecting the sites subject to the provisions of this Ordinance. No person shall refuse entry or access to the Urban Forester or the Building Official, who may request entry for the purpose of inspections, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with City officials while in the process of carrying out their official duties.

Section 1.12 Variances and Appeals from the Decision of the Urban Forester/Horticulturist

112.01 Variances

- (a) Purpose. The purpose of this section is to empower the Board of Zoning Adjustment to vary or adapt the requirements of this Ordinance. It is expected that the granting of variances will be rare; however, a variance may be appropriate where, by reason of exceptional situations or conditions on a piece of property, the strict application of these regulations would result in peculiar, exceptional, and undue hardship on the owner of such property.
- (b) Application. After disapproval of a tree protection plan by the Urban Forester/Horticulturist, a property owner may apply to the Board of Zoning Adjustment for a variance at least 15 days prior to the next regularly scheduled meeting of the Board.

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- (c) Standards for variances. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Adjustment unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

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

1. The granting of the variance shall be in harmony with the stated purpose and intent of this Ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. There must be proof of unique circumstances: there must exist special circumstances or conditions, applicable to the subject property, which are peculiar to the subject property and do not apply generally to other properties in the immediate area; these circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the use of the property.
3. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and the granting of other variance(s) under similar circumstances shall not be considered.
4. That the granting of the variance is necessary for the use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.

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5. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other properties having similar locations and circumstances.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

- (d) Public Hearing. Upon application, the Board of Zoning Adjustment shall schedule a public hearing on the proposed variance to be held 10 days after a public notice has been published in the local newspaper, after signs announcing the public hearing have been erected on the property in question, and after the adjacent property owners most affected by the variance request have been notified by certified mail. The Board of Zoning Adjustment shall consider and decide all proposed variances taking into account the standards enumerated above. After the close of a public hearing and within 10 days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.

Any person aggrieved by any decision of the Board may within 15 days after such decision appeal to the Circuit Court having jurisdiction.

112.02 Appeals.

- (a) Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or affected by any provision of this Ordinance or by any decision, or any order to stop, cease, and desist, issued by the Urban Forester/Horticulturist in enforcing the provisions of this Ordinance.
- (b) General rules and procedures for appeals.
 1. Any appeal from the ruling of the Urban Forester/Horticulturist concerning the enforcement and interpretation of any provision of this Ordinance shall be filed with the Planning Director within 15 days after the date of the Urban Forester's decision thereon.

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2. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board and accompanied by fees prescribed by resolution of the City Council.
3. All appeals and applications shall refer to specific provisions of this Ordinance.
4. The Board shall select a reasonable time and place for hearing the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken. The Planning Department shall maintain complete records of all appeal actions of the Board.
5. Within 10 days after the close of a hearing pursuant to Section 112.01(d), the Board shall render a written decision giving the reason(s) for its decision.
6. In rendering a decision with respect to an appeal from any order, decision, or determination the Board shall strictly interpret the language of the Ordinance and shall find that the decision of Urban Forester/Horticulturist was correct or in error. However, the Board shall not render any decision which shall modify an order, decision, or determination which confers rights or privileges on the appellant that are otherwise permissible under the strict interpretation of the language of this Ordinance.
7. Such decision shall be submitted to the appellant and the Planning Director.
8. All decisions rendered by the Board in cases of appeals from orders, decisions, or determinations shall be final and binding on all parties.
9. Any person aggrieved by any decision of the Board may within 15 days after such decision appeal to the Circuit Court having jurisdiction.

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Section 1.13 Penalties

- (a) Heritage Trees. The removal or destruction of any heritage tree in violation of an approved tree protection plan, or in the absence of such a plan, shall constitute a separate offense, and said violation shall be subject to a fine to be assessed by the Building and Codes Enforcement Department in consultation with the Urban Forester/Horticulturist, not to exceed \$5,000 in addition to replacement or treatment of the damaged or destroyed tree(s). Offenders shall be directed by the Urban Forester/Horticulturist to replace the destroyed, protected tree(s) with approved species of appropriate quantity and size as specified in Section 1.7(a).

Section 1.14 Conflict with Other Laws

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive standards shall govern.

Section 1.15 Separability and Effective Date

- (a) Separability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof other than the part so declared to be unconstitutional or invalid, and the remainder of this Ordinance shall remain in full force and effect.
- (b) Effective date. This Ordinance shall take effect and be in force 30 days from and after its passage and shall be published as provided by law.



Bay Minette

ORDINANCE NO. 764

ORDINANCE FOR THE ESTABLISHMENT OF A PARK
AND STREET TREE COMMITTEE

WHEREAS, trees are recognized as a positive and contributing asset providing a more healthy and beautiful environment in which to live in that they provide oxygen, shade, aesthetics, and a priceless psychological counterpoint to the man-made urban setting; trees are economically beneficial in attracting new industry, residents and visitors; when planted and cultivated in the proper places and variety, they enhance the value and marketability of real property and promote the stability of desirable neighborhoods. And;

WHEREAS, it would be beneficial to the City of Bay Minette and its residents to establish and promote a coordinated systematic program for the placing, cultivation and maintenance of trees within the City and pursuant thereto it would be beneficial to establish a committee to oversee these activities. And;

WHEREAS, there currently exist within the framework of the City government a Park Committee consisting of the Mayor and three Councilmen and a Street Committee also consisting of the Mayor and three Councilmen and that it would be beneficial for a member or members of said Committees to participate in formulating the policy for the planting or placing, cultivation and maintenance of trees within the City. And;

WHEREAS, it would also be beneficial to have the additional advice and guidance of interested citizens of the City of Bay Minette in the formulation of such policy.

NOW, THEREFORE, be it ordained by the City Council of the City of Bay Minette, Alabama, as follows:

Section I: There is hereby established a "Committee for Park and Street Trees". The Mayor, with the concurrence of the City Council, shall appoint the Chairman of the Recreation Committee and the Chairman of the Street Committee to serve as

members of the Committee for Park and Street Trees, and the Mayor shall serve as an Ex Officio member of the Committee for Park and Street Trees. The Mayor and Council members shall continue to serve on said Committee until a newly elected Council shall take office at which time membership on all of the various City Committees are generally designated. In addition, the Mayor shall appoint, with concurrence of the City Council, six additional citizens of the City of Bay Minette to said Committee. The term of appointment shall be for three years except that the term of two of the members appointed to the initial board shall be for a term of one year only and the term of two other members of the initial board shall be for a term of two years only. After the initial appointments, two members shall be appointed annually to serve for three year terms, and thereafter until their successors are appointed and qualified. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of said term. In addition, the Mayor shall appoint, with the concurrence of the Council, one full time City employee to serve on the Committee. The initial term of appointment shall be for three years, or thereafter until his successor is appointed and qualified. Subsequent appointments will be made every three years. In the event that a vacancy shall occur in the position held by the City employee during the regular term, his successor shall be appointed for the unexpired portion of said term.

Section II: The Mayor, with concurrence of the City Council shall appoint the Chairman of the Committee for Park and Street Trees. The Committee shall establish its own rules and regulations and shall meet at such times as provided therein. In addition, meetings of the Committee may be called by the Mayor, by either of the two City Council Members appointed to the Committee, or by any three of the other members of the Committee, after giving not less than five (5) days notice of the date, time, place and purpose of any such

special meeting. A majority of members of the Committee shall constitute a quorum for the transaction of business. Other officers of the Committee shall be elected by the Committee members. The Committee shall maintain minutes of its regular special meetings.

Section III: The duties of the Committee for Park and Street Trees shall be to determine and make recommendations to the Mayor and Council on the needs of the Municipality in connection with its tree planting program; to recommend the type and kinds of trees to be planted upon municipal streets, parks, and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding protection, maintenance, removal and planting of trees on public property, and where requested by the owner, on private property; to meet with the Mayor and Council to assist and give advice in the formulation of a master street plan by recommending the use and species of trees and the formulation of said plans; to recommend to the Mayor and Council which trees are considered unwanted weed species, and identify and recommend the removal of dead, dying, diseased or insect infested trees; to make studies and report to the Mayor and Council with recommendations on matters concerning trees in the Municipality as from time to time requested by the Mayor and Council.

ADOPTED on this the 3rd day
of January 1984



JOHN F. RHODES, Mayor
CITY OF BAY MINETTE, ALABAMA

ATTEST: 1-3-84



TOMMY M. LANGHAM, City Clerk

Bessemer

Bessemer

Sec. 18-327. Landscaping.

Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.
(Code 1973, § 6-29)

Bessemer

DIVISION 3. TREE COMMISSION

Sec. 2-161. Established.

There is established a tree commission and the mayor, with the concurrence of the council, shall appoint to the tree commission two members of the council, and the mayor shall serve as an ex-officio member. The councilmember's term shall expire on the date that a newly elected council shall take office. In addition, the mayor shall appoint, with the concurrence of the council, six additional persons in the city, two of which shall be appointed for one year, two of which shall be appointed for two years and two of which shall be appointed for three years, and following the initial appointment, two members shall be appointed annually to serve for a period of three years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the mayor.

(Ord. No. 2612, § I, 2-1-94)

Bessemer

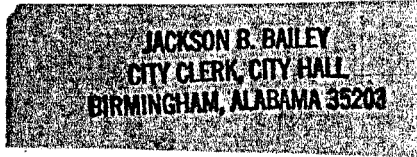
Sec. 2-163. Duties and responsibilities.

The tree commission shall make recommendations to the mayor and council on the needs of the city in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon city streets, parks and other public places within the city; shall assist the mayor and council in providing information regarding the protection, maintenance, removal, and planting of trees on public property, and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the mayor and council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the mayor and council with recommendations on matters concerning trees in the city.

(Ord. No. 2612, § III, 2-1-94)

Secs. 2-164–2-185. Reserved.

Birmingham



ap17lw.gbotree

Recommended by : Councillor Linda Coleman
Chairman, Park &
Recreation Committee

Submitted by : Rowena Teague
Law Department

ORDINANCE NO. 90-88

AN ORDINANCE TO ESTABLISH AN URBAN FORESTRY
AND TREE COMMISSION FOR THE CITY OF BIRMINGHAM,
ALABAMA, TO CONSIST OF ONE MEMBER OF THE
BIRMINGHAM CITY COUNCIL AND FIFTEEN (15)
OTHER MEMBERS TO PROVIDE RECOMMENDATIONS
ON TREES AND TREE POLICIES FOR THE CITY AND
TO REQUIRE PERMITS FOR TREE TRIMMING ON
PUBLIC PROPERTY.

BE IT ORDAINED by the Council of the City of Birmingham,
Alabama as follows:

Section 1. Creation and Establishment the Birmingham
Urban Forestry and Tree Commission.

There is hereby established and created an Urban Forestry and
Tree Commission for the City of Birmingham, Alabama which shall
consist of nineteen (19) members including one representative
from each of the following:

- (1) Birmingham Beautification Board;
- (2) Department of Urban Planning;
- (3) Birmingham Botanical Gardens;
- (4) Birmingham Park & Recreation Board;
- (5) Birmingham Planning Commission;
- (6) Alabama Urban Forestry Council;
- (7) Department of Street & Sanitation;
- (8) Birmingham Design Review Committee;
- (9) Department of Engineering & Construction;
- (10) Overhead line utility company;
- (11) Landscape architect profession;
- (12) Tree service industry;
- (13) Plant & tree nursery industry;

Birmingham

and six persons who are active or experienced in conservation, forestry, ecology or the environment and are residents of the City of Birmingham. The members of the Commission shall be appointed by the Mayor with the confirmation of the City Council. One member of the Birmingham City Council shall serve as an ex-officio non-voting member of the Commission. The Commission shall serve without compensation.

Section 2. Purposes and Objectives.

The purpose of the Commission is to preserve, protect, and enhance the ecological and aesthetic environments of the City of Birmingham. Inasmuch as trees serve to protect soil from erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; safeguard and enhance property values; buffer and screen adjacent properties; promote the pleasant appearance and character of neighborhoods and cities; and provide shade, it is further the purpose of this section to improve the appearance, quality, and quantity of trees throughout the City of Birmingham and to preserve the natural beauty of the City.

In pursuit of these purposes, the objectives to be met are:

To conserve and protect, insofar as possible, healthy and existing trees;

To replenish the local stock of trees suitable for growing in the City of Birmingham; and

To protect and preserve the unique identity of neighborhoods as well as the City of Birmingham and to provide an attractive appearance to streets.

Section 3. Term of Office.

The terms of office of the Commission members shall be as follows: Initially, the term of six (6) members shall be for one (1) year; the term of six (6) members shall be for two (2) years and the term of seven (7) members shall be for three (3) years.

Birmingham

years. Following the expiration of each member's initial term, members thereafter appointed shall be for a term of three (3) years. If a vacancy shall occur during the term of any member, his successor shall be appointed by the Mayor, with the approval and consent of Council, for the unexpired portion of the term.

Section 4. Operation.

The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall constitute a quorum for the transaction of business. The Commission shall meet as often as necessary to fulfill the duties imposed on it by this ordinance, but in any case no less than six (6) meetings per year.

Section 5. Duties and Responsibilities.

The powers and duties of the Commission shall be as follows:

(1) produce and maintain a list of the suitable and desirable kinds, species, spacing, and locations of trees for planting; (2) recommend areas, conditions and timetables under which such trees should be planted; (3) determine public tree care policies; (4) make recommendations on the removal of dead, dying, diseased and infected trees; (5) inventory City-owned trees; (6) determine policies on cutting of trees on public rights-of-way; (7) recommend policies on tree preservation and planting in the development of private property; (8) recommend and/or establish educational and informational programs for the public concerning tree care, planting and maintenance; (9) present a comprehensive tree plan to the City Council with updates periodically, but no less than five-year intervals, which upon acceptance and approval by the City Council shall constitute the official comprehensive tree plan for the City of Birmingham; and (10) otherwise provide information, give advice, and make recommendations to the Mayor and City Council as requested. Periodically, the Commission shall report its overall activities to the Mayor and City Council.

Birmingham

Section 6. Tree and Shrub Species List.

A list of tree and shrub species which are suitable for planting in the City of Birmingham, and a list of those trees and shrubs which are not suitable for planting in the City of Birmingham, shall be compiled by the Commission with the assistance of the City horticulturist and the Department of Urban Planning and placed on file in the Office of the City Clerk. Such lists may be amended at any time.

Section 7. Height of Trees Under or Over Utility Wires or Lines.

No tree whose normal height is greater than twenty-five (25) feet at maturity may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility .

Section 8. Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the boundaries of all streets, alleys, rights-of-way and all other public grounds, as may be necessary to insure the public health, safety and welfare or to preserve or enhance the symmetry and beauty of such public grounds.

Section 9. Tree Topping; Permit Required.

(a) Effective January 1, 1991, it shall be unlawful for any person, firm or corporation to trim or top any tree or shrub on public property or the public right-of-way without a permit therefor issued by the Department of Urban Planning.

(b) Public utilities that perform tree trimming or other operations affecting trees and shrubs on City property or the public right-of-way shall be issued an annual permit by the Department of Urban Planning. Any other person, firm or corporation shall apply to the Department of Urban Planning for a permit prior to trimming or topping any trees or shrubs on City

Birmingham

property or the public right-of-way which application shall describe with specificity the work to be done and the reason therefor. The Department of Urban Planning may decide to grant or deny such permit based on the desirability of the trimming as it relates to the overall tree plan for the City or the specific area involved.

(c) All permittees shall perform their trimming in conformance with standards and policies established by the Commission and on file in the Office of the City Clerk. Any trimming or topping which is not done in conformance with these standards may be subject to revocation or suspension of such permit and/or other penalties as provided by law.

Section 10. Duty to Remove Dead, Diseased or Dangerous Trees.

Every owner of any tree overhanging any street or right-of-way within the City shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

Section 11. Dead or Diseased Tree

Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The Department of Urban Planning will notify the owners of such trees in writing requiring the removal of the dead or diseased trees by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and assess the cost of removal to the owner of the property.

Birmingham

Section 12. Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the Commission. Any affected person may appeal from any ruling or order of the Department of Urban Planning to the City Council who may hear the matter and make final decision.

Adopted by the Council of the City of Birmingham at its meeting held on

April 17, 1990, and approved

by the Mayor on April 20, 1990

Jackson B. Bailey
City Clerk

CHAPTER 5

Trees and Shrubs

State Law Reference: Cutting or mutilating trees, Code of Ala., Sec. 9-13-21.

ARTICLE A

General Provisions

- § 6-5-1 Injuring, destroying or removing trees, shrubs, etc.
- § 6-5-2 Tree surgery work; defined.
- § 6-5-3 Same; removal of waste cuttings, etc., to dump.
- § 6-5-4 Same; report of cuttings, etc., not removed.
- §§ 6-5-5 through 6-5-10 reserved.

ARTICLE B

Sale of Christmas Trees

- § 6-5-11 Permit required; permit fee.
- § 6-5-12 Refund of permit fee.
- § 6-5-13 Expiration of permit; separate permit for each location.
- § 6-5-14 Sales inside store building.

ARTICLE A

General Provisions

Sec. 6-5-1 Injuring, destroying or removing trees, shrubs, etc.

No person shall, without proper authority, willfully or maliciously cut down or destroy or remove, steal or injure any tree, plant or shrub, planted or preserved for shade or ornament in any public street or square or in any yard, ground or park belonging to the city or to any individual inhabitant of the city, or remove therefrom any substance, earth, dirt or turf. (Code 1964, Sec. 53-1)

Sec. 6-5-2 Tree surgery work; defined.

As used in sections 6-5-3 and 6-5-4, the term "tree surgery work" shall mean the work of cutting, trimming, pruning or removing trees or shrubs in any manner whatsoever. (Code 1964, Sec. 53-2)

Sec. 6-5-3 Same; removal of waste cuttings, etc., to dump.

Every person engaged in the business of tree surgery work shall remove to a city dump any waste cuttings, trimmings, prunings or cut trees which that person has cut or has had cut in carrying on that business. (Code 1964, Sec. 53-3)

Sec. 6-5-4 Same; report of cuttings, etc., not removed.

Every person engaged in the business of tree surgery work shall, each day, file in writing with the superintendent of streets and sanitation of the city the street address or legal description of any land upon which that person did any tree surgery work in the city during the previous day and from which that person failed to remove to a city dump any cuttings, trimmings, prunings or cut trees because the same were not waste, together with the name of the person for whom the work was performed. (Code 1964, Sec. 53-4)

Secs. 6-5-5 through 6-5-10 reserved.

AN ORDINANCE ESTABLISHING A TREE COMMISSION FOR THE CITY OF BOAZ, ALABAMA.

BE IT ORDAINED by the City Council of the City of Boaz, Alabama as follows:

Section 1. The City Council finds and determines as follows: Trees are recognized as a valid asset, providing a more healthful and beautiful environment in which to live by providing oxygen, shade, esthetics and a priceless psychological counterpoint to the man-made urban setting, and are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right places, trees enhance the value and marketability of property and promote the desirability of desirable neighborhoods. Valuable advice and assistance to the Mayor and City Council will result from the appointment of a Tree Commission.

Section 2. There is hereby established in the City of Boaz, Alabama, a Tree Commission. The Mayor and the members of the City Council shall serve as ex-officio members of the Commission. In addition, five (5) additional members residing within the City of Boaz, Alabama, shall be appointed. Two shall be appointed for one (1) year; two shall be appointed for two (2) years; and one shall be appointed for three (3) years. Following the initial

MICHAEL E. MONTGOMERY - CITY CLERK



appointment, two (2) members shall be appointed annually to serve for three (3) years. Members shall serve until their successors are appointed.

Section 3. The Commission shall provide in its minutes for regular, periodic meetings. Meetings shall also be called by the Mayor or by any of the Council members, or by any three members of the Commission, after giving not less than three days notice of the date, time, and place of the special meeting.

Section 4. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property, and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and City Council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased or insect-infested trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

MICHAEL E. MONTGOMERY
MICHAEL E. MONTGOMERY - CITY CLERK

SECTION 5. The City Council shall have the right to review the conduct, acts and decisions of the Tree Commission. Any person may appeal from any ruling or order of the Tree Commission to the City Council, who may hear the dispute and make a final decision thereon.

PASSED, APPROVED AND ADOPTED on this 27th day of December, 1990.

Bruce Sanford
BRUCE SANFORD, MAYOR

City of
BOAZ
P.O. Box 537
Boaz, Alabama 35957

Michael E. Montgomery
CLERK



OFFICE OF THE MAYOR

Michael E. Montgomery
MICHAEL E. MONTGOMERY - CITY CLERK

Brent

ORDINANCE #87-2-1

(To Establish a Tree Commission for City of Brent)

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, aesthetics and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Brent, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Commission shall consist of 6 members appointed by the Mayor and City Council. The initial appointments shall be in the following manner: 2 members shall serve for one year; 2 members shall serve for 2 years and 2 members shall serve for 3 years. Thereafter, all members shall be appointed for 3 years. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, either of the City Council members, or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall made recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Council or a representative thereof, and assist in making a master street plan by

recommending the use and species of trees, shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage, approval and posting as provided by law.

ADOPTED this the 16 day of February, 1987.



Mayor

ATTEST:



City Clerk

Chapter 18.5

VEGETATION*

- Art. I. In General, §§ 18.5-1-18.5-20
Art. II. Forestry Program, §§ 18.5-21-18.5-46
Div. 1. Generally, §§ 18.5-21-18.5-40
Div. 2. Tree Board, §§ 18.5-41-18.5-46

ARTICLE I. IN GENERAL

Secs. 18.5-1-18.5-20. Reserved.

ARTICLE II. FORESTRY PROGRAM†

DIVISION 1. GENERALLY

Sec. 18.5-21. Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Park trees are trees, shrubs, bushes and all other vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees are trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.
(Ord. No. 1988-0223, § 1, 2-23-88)

Sec. 18.5-22. Spacing of street trees.

The spacing of street trees will be in accordance with the three (3) species' natural sizes, and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed or approved by a landscape architect.
(Ord. No. 1988-0223, § 7, 2-23-88)

***Cross references**—Plants in cemeteries § 6-7; flower receptacles in cemeteries, § 6-17; planning, Ch. 16; streets and sidewalks, Ch. 17; screening in commercial and industrial districts, App. A, § 3.5.

†**Editor's note**—Ordinance No. 1988-0223, adopted Feb. 23, 1988, did not specifically amend this Code; hence, codification of the substantive provisions of such ordinance as a new Ch. 18.5, Art. II, was at the discretion of the editor.

Sec. 18.5-23. Tree distances.

(a) *From curbs and sidewalks.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size and no trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

(b) *From street corners and fireplugs.* No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet from any fireplug.

(c) *Proximity to utilities.* Only small trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, gas transmission line or other utility. (Ord. No. 1988-0223, § 8-10, 2-23-88)

Sec. 18.5-24. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure the public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners.

(Ord. No. 1988-0223, § 11, 2-23-88)

Sec. 18.5-25. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within

the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city tree board.

(Ord. No. 1988-0223, § 12, 2-23-88)

Sec. 18.5-26. Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Owners shall remove all dead, diseased or damaged trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(Ord. No. 1988-0223, § 13, 2-23-88)

Sec. 18.5-27. Stump removal.

All stumps of street or park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 1988-0223, § 14, 2-23-88)

Sec. 18.5-28. Arborist's license required; exceptions; fee; bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be one hundred dollars (\$100.00) in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred

thousand dollars (\$100,000.00) property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (Ord. No. 1988-0223, § 16, 2-23-88)

Cross references—Finance, taxation and licenses generally, Ch. 9; business licenses, § 9-20 et seq.; landscaping business license fee, § 9-26(110).

Sec. 18.5-29. Interference with tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article. (Ord. No. 1988-0223, § 15, 2-23-88)

Secs. 18.5-30—18.5-40. Reserved.

DIVISION 2. TREE BOARD

Sec. 18.5-41. Created; appointment of members.

There is hereby created and established a city tree board which shall consist of nine (9) members, who shall be appointed by the mayor with the approval of the city council. (Ord. No. 1988-0223, § 2, 2-23-88)

Sec. 18.5-42. Terms of office.

The terms of office of the nine (9) persons to be appointed by the mayor shall be three (3) years, except that the terms of three (3) of the members appointed to the first board shall be for only one (1) year and the terms of three (3) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. (Ord. No. 1988-0223, § 3, 2-23-88)

Sec. 18.5-43. Compensation.

Members of the board shall serve without compensation. (Ord. No. 1988-0223, § 4, 2-23-88)

Sec. 18.5-44. Officers; rules and regulations.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 1988-0223, § 6, 2-23-88)

Sec. 18.5-45. Duties and responsibilities.

(a) It shall be the responsibility of the board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.

(b) The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Ord. No. 1988-0223, § 5, 2-23-88)

Sec. 18.5-46. General right of city council to review board actions; appeals from board decisions.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make a final decision. (Ord. No. 1988-0223, § 17, 2-23-88)

**COVENANTS FOR THE
BREWTON INDUSTRIAL PARK**

Brewton, Alabama
Updated February 23, 1993

1. PROPERTY AND PERSONS AFFECTED. The real property which is the subject of these restrictions is located in Brewton, Alabama.

All persons and corporations who now own or shall hereinafter acquire any interest in the aforementioned property shall be taken to hold and agree and covenant with the City of Brewton, (Board), and with its successors and assigns to conform to and observe the following covenants, conditions, and restrictions as to the use of the property and the construction of improvements thereon.

2. PRIMARY INTENDED USE. All sites in the Brewton Industrial Park (Park) shall be used for industrial, manufacturing, warehousing, or distribution purposes only, and retail sales of merchandise or services shall not be permitted except for retail sale by owner or lessee of products manufactured therein. In particular, but not in limitation of the foregoing, no restaurant, motel, or gasoline service station usage will be permitted except at such locations as the Board in the exercise of its sole discretion shall first approve in writing.

3. PROHIBITED USES. No land or building shall be used or occupied which does not conform to the performance standards of Section 5. In addition, the following uses are specifically prohibited:

- (a) Residential construction
- (b) Commercial incineration
- (c) Junkyards
- (d) Rubbish, garbage or trash dumps
- (e) Abattoir
- (f) Stockyard
- (g) Saw mill
- (h) Contractors storage yard
- (i) Fuel storage yard
- (j) Outside storage unless in conformance with Section 4(e).

4. REQUIRED CONDITIONS. Any buildings or uses permitted in the Park shall comply with the following conditions:

- (a) **Setbacks** No principal building shall be

located within fifty (50) feet of a public street or within thirty (30) feet of any property line.

(b) **Accessory Buildings** Accessory buildings shall be located at least twenty-five (25) feet from a principal building, fifteen (15) feet from a side property line and twenty (20) feet from a rear property line.

(c) **Minimum Lot Width** Each lot shall have a minimum lot width of 200 feet measured along the required front street setback line.

(d) **Maximum Building Coverage** The total floor area of all buildings shall not exceed 40% of the total lot area.

(e) **Storage** All materials and equipment shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences, and landscaping as may be determined by the Board to be adequate to appropriately screen such materials and equipment from areas outside of the lot boundaries.

(f) **Landscaping** Owner or lessee shall landscape that portion of his property between building or buildings and the curb line of abutting streets and shall remove undergrowth, weeds, debris and any other unsightly materials from the remainder of the property at his own expense. Each owner or lessee in the Park shall maintain his landscaping in a safe, clean, and attractive condition. Should the Board find any owner or lessee negligent in this regard, it may give notice of the fact to the offending party. Within ten (10) days of the receipt thereof, said party shall initiate corrective measures. Effective disregard of notice shall give the Board a right to enter the offending premises and undertake necessary maintenance at the expense of the owner or lessee thereof. Failure to reimburse the Board for these services within thirty (30) days after billing shall create a lien against the property in question.

(g) **Trees** Owners and lessees in the Park shall exert their best efforts to preserve the natural beauty of their respective properties and, in this

regard, shall not needlessly destroy or remove live trees, other than those in an area earmarked for construction or considered hazardous from high winds. Trees with a diameter of ten (10) inches or more at the breast height shall not be removed at all except for the above stated purposes. If and when such trees are removed or substantially destroyed every effort shall be made to provide a replacement of like species or species type of suitable size within the landscaped portion of the site concerned. Should the Board find any owner or lessee negligent in this regard, it may give notice to the offending party. Within ten (10) days of the receipt thereof, said party shall initiate corrective measures. Effective disregard of notice shall give the Board a right to enter the premises of the offending owner or lessee and to provide replacement of removed or damaged trees at the expense of the owner or lessor of said premises. Failure to reimburse the Board for these services and for any replacement plantings provided within thirty (30) days after billing shall create a lien against the property in question for the expenses incurred by the Board and may be collected by appropriate court action which shall include the recovery of reasonable costs and attorney's fees.

(h) **Building Height** Except as provided by specific variance granted by the Board, the height of any building or structure shall not exceed fifty (50) feet above ground level.

(i) **Off-Street Parking**

[1] No parking or loading shall be permitted on any street or road, either public or private, or at any other place than the paved parking or loading areas provided in accordance with the following, and each owner shall be responsible for compliance by its employees and visitors.

[2] Location Off-street parking areas shall be located at least twenty-five (25) feet from a public street and at least five (5) feet from a building or property line. No more than fifty percent (50%) of the required front yard may be used for parking.

[3] Paving All driveways and parking areas shall be constructed with a hard surface pavement and shall include adequate drainage facilities to dispose of all storm water.

[4] Off-street parking areas shall be used for the parking of passenger vehicles incident to the business conducted on the property. No commercial repair work or any services of any kind shall be conducted on such parking areas.

Parking in relation to personnel:

1 space for each 1.5 employees including personnel on the next succeeding shift.

1 space for each managerial employee.

1 visitor space for each twenty (20)

employees, each space ten (10) feet wide.

[5] Lighting Area lighting shall be arranged so that the direct source of lighting is away from adjacent streets and residential districts.

(j) **Loading and Unloading** For each industry, at least one (1) loading and unloading space shall be provided. Loading and unloading space shall be located in other than the front yard.

(k) **Construction and Appearance**

[1] All buildings constructed in the Park shall conform to the standards specified in currently applicable Brewton City building code(s) as enforced by the City and to the health and zoning regulations of such other public agencies as may have jurisdiction.

[2] All buildings in the Park shall be constructed of materials presenting an appearance which will establish and maintain a high level of aesthetic quality in the visual environment.

[a]. Suitable materials include masonry; concrete; preassembled and site assembled masonry and concrete systems; composite metal panel systems; plaster, stucco and similar finish materials; heavy timber construction; and other materials deemed suitable by the Board.

[b]. All buildings shall be subject to review and approval by the Board for compatibility of the scale, color, and texture of materials with other buildings in the Park.

[3] Utility Easements All dedicated utility easements as shown on the plat shall be kept free of all structures, and the removal of any obstruction by a utility company shall in no way obligate the utility company for damages or to restore the obstruction to its original form.

5. **PERFORMANCE STANDARDS** All of the following minimum standards must be complied with:

(a) **Discharges, Noise and Vibration** All fire and explosion hazards; radioactivity; smoke, fumes, gases, dust, and odors; vibration; noise and liquid or solid wastes will meet all regulations administered by OSHA, as well as other state and federal regulations.

(b) **Site Drainage** No driveways, walks, parking areas, etc., may be constructed across any drainage ditch, channel or swale without providing adequate culverts or waterway openings for natural drainage. Such culverts, etc., shall provide the minimum waterway opening and shall be at the proper gradient as established in the City. No rain or storm water runoff or such drainage as roof water, street pavement and surface water caused by natural precipitation or ground water from footing or foundation drains or other subsurface water drainage shall at any time be discharged into or permitted to flow into the sanitary sewer system, which shall be a separate sewer system from the storm water and surface water runoff sewer system. No sanitary sewer shall at any time be discharged or permitted to flow into the above-mentioned storm water, surface and subsurface system.

6. SIGNS Signs are permitted in the Park as hereinafter regulated, provided that no sign shall be permitted which is not accessory to the business conducted on the property, and then only if the following requirements are complied with:

(a) Business signs may be erected providing the sum area of all signs does not exceed two (2) square feet per foot of building(s) frontage. The total area of business signs shall not exceed 100 square feet. Such signs shall be attached to the principal building and shall not extend more than five (5) feet above the roof line.

(b) In addition to building signs, each separate lot may have one (1) freestanding nameplate sign which is accessory to the business conducted on the premises. Any freestanding nameplate sign as permitted by this section must meet all of the following requirements:

[1] Except for a sign at any entry point to the Park, the height of a sign shall not exceed four (4) feet.

[2] No freestanding nameplate sign shall be nearer than five (5) feet from an abutting street right-of-way or property line.

[3] Except for a sign at any entry point to the Park, the area of a sign shall not exceed nine (9) square feet.

[4] In the event there is more than one (1) tenant in the business building, each tenant is entitled to one (1) nameplate sign attached to the freestanding sign provided. However, each nameplate sign shall be of uniform dimensions

and lettering, and no nameplate sign shall exceed nine (9) square feet in area.

(c) No sign shall be lighted by means of flashing or intermittent illumination.

(d) Obstruction of Vision On a corner lot, within the triangular area formed by the centerlines of each street at distance of ninety (90) feet from the centerline of the intersection, there shall be no sign, bush, or other obstruction of vision in excess of three (3) feet in height above the centerlines of the pavements at these points.

7. SITE PLAN APPROVAL Prior to construction or alteration of any building or improvement on a building lot, two (2) sets of site plans and specifications for such building or alteration shall be submitted to the Board and written approval of such plan by the Board shall be proof of compliance with these restrictions; provided, however, that if the Board fails to approve or disapprove such plans and specifications within thirty (30) days after such plans have been submitted to it, such approval shall not be required. Site plans shall contain the following information:

(a) The site plans shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet and shall show the following:

[1] All lot line dimensions.

[2] Building setback, side-line and rear-yard distances.

[3] Location of all proposed building

[4] Location of off-street parking areas with dimensions showing parking spaces, access drives, traffic circulation and the location and description of any lighting in connection with the parking area. this includes the location and dimensions of all loading and unloading docks and area.

[5] Location and description of all proposed signs.

[6] Type of surface paving and curbing.

[7] Storm drainage facilities and means of disposal of storm water.

[8] All landscaping, fences, walls, or similar facilities to be provided.

[9] The location of all structures within 300 feet of the property.

[10] The specific types of materials to be used in construction.

(b) If the site plan is rejected by the Board, the

applicant shall remedy any and all elements in the plan prior to further consideration.

8. SUBDIVIDING All unoccupied lots indicated on the master plan for the Park are unrecorded and can be modified to suit the requirements of the tenant.

9. RECAPTURE If, after the expiration of one (1) year from the date of execution of a sales contract agreement on any part, parcel, tract, tracts, or lot, any purchaser shall not have begun in good faith the construction of any acceptable building upon said part, parcel, tract, tracts, or lot, the Board retains the option to refund the purchase price and enter into possession of the land or may extend in writing the time in which such building may be begun.

10. RESALE RIGHTS Each owner of property subject to these restrictions agrees that if it receives a bona fide offer to buy any unimproved property located within this Park, it will, before consummating such sale, present to the Board in affidavit form the terms and conditions of such proposed sales; and the Board reserves the right to purchase said property within thirty (30) days thereafter upon the same terms and conditions as may be contained in such bona fide offer made to the purchaser by any third party.

11. ENFORCEMENT & INVALIDATION The Board or any of its grantees or lessees in the Park may enforce these covenants by injunctive process or may utilize any other available legal remedy in these premises. Invalidation of any of these protective covenants by legal process in no way affects any of the other covenants which shall remain in full force and effect.

12. AMENDMENTS These covenants cannot be amended or modified unless a proposed amendment is recommended to the Brewton City Council by the Brewton Development Authority. No amendment shall become effective until the proposed amendment is approved by an affirmative vote of the Brewton City Council.



TOWN OF BUTLER
P.O. Box 455
Butler, Alabama 36904

Butler

ORDINANCE NO. 175

TREE CITY USA ORDINANCE

THE

TOWN OF BUTLER, ALABAMA

1990

An Ordinance to be known as the Tree City USA Ordinance, to make application for the Town of Butler to be officially recognized and designated for the Annual Tree City USA, having achieved the standards set forth by the National Arbor Day Foundation.

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

Section 1. DEFINITIONS.

Street trees: "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park trees: "Park Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the Town or to which the public has free access as a park.

Section 2. CREATION AND ESTABLISHMENT OF A TOWN TREE BOARD.

There is hereby created and established a Town Tree Board for the Town of Butler, Alabama, which shall consist of five members, citizens and residents of this town, who shall be appointed by the mayor with the approval of the Commission.

Section 3. TERM OF OFFICE.

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. COMPENSATION.

Members of the Board shall serve without compensation.

Section 5. DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Commission and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the Town of Butler, Alabama. The Board, when requested by the Town Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. OPERATION.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official Street Tree species for the Town of Butler, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

Butler

SMALL TREES

Crabapple,
 Flowering
Hawthorne
Pear, Bradford
Redbud
Soapberry
Peach, Flowering
Plum, Purpleleaf
Serviceberry
Dogwood

MEDIUM TREES

Ash, Green
Hackberry
Honeylocust
 (thornless)
Mulberry, Red
 (fruitless, male)
Oak, white
Oak, Red
Pecan
Birch, River
Osageorange
 (Male, thornless)
Poplar, Yellow
Sassafras

LARGE TREES

Maple, Silver
Maple, Sugar
Sycamore

Section 8. SPACING.

The spacing of street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No Street Trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. UTILITIES.

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. PUBLIC TREE CARE.

The Town shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

Section 13. TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

Butler

Section 14. PRUNING, CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way with the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or intereferes with visibility of any traffic control device or sign.

Section 15. DEAD OR DESEASED TREE REMOVAL ON PRIVATE PROPERTY.

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at theri own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. INTERFERENCE WITH TOWN TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Tree, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. ARBOPISTS LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors asherein described.

Section 19. REVIEW BY TOWN COMMISSION.

The Town Commission shall the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Commission who may hear the matter and make final decision.

Section 20. PENALTY.

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$

Section 21. EFFECTIVE DATE.

This Ordinance shall be become effective immediately after adoption by the Town Council.

Butler

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BUTLER, ALABAMA,
on this the 28th day of December, 1989.

J. W. COWAN, JR., MAYOR

Lana R. Stafford
Lana R. Stafford, Town Clerk

PAUL GAY

CHARLES A. NORWOOD

EARL PATTON

LISA NEVILLE VICE

WILLIAM B. YOUNG

NOTICE OF PUBLICATION

I, Lana R. Stafford, as Town Clerk of the Town of Butler, Alabama, hereby certify that the foregoing Ordinance was published by posting copies thereof in three public places within the corporate limits of said Town, one of which places was at the United States Post Office of said Town.

Dated this the 28th day of December, 1989.

Lana R. Stafford
LANA R. STAFFORD

Camden

The City Council finds that trees are recongized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psycholological counter-point to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THRERFORE ORDAINED by the City Council of the City of Camden, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor and City Councilmembers who are Chairmen of the Committee on Beautification, and of the Committee on Recreation shall serve as ex-officio members from the City of Camden. Each member shall be appointed for three years. Two members, Former and Current President of the Garden Club, shall serve annually. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Council Members, or by any six of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

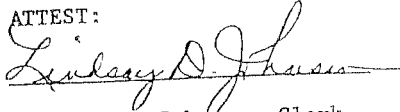
Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees, shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

Camden

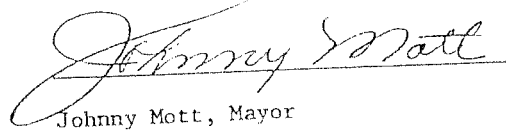
This Ordinance shall become effective immediately upon its passage,
approval and publication as provided by law.

DONE THIS THE 11 DAY OF February, 1985.

ATTEST:



Lindsay D. Johnson, Clerk



Johnny Mott, Mayor

AFTER FIVE DAYS RETURN TO

City of Camden

108 WATER STREET

CAMDEN, ALABAMA 36726



A Sportsman's Paradise — Hunting, Fishing, 414 Thousand Acres
Forest Land, 560 Miles of Lake Front, State Park and Golf Course.
WELCOME TO CAMDEN

Application for Recertification

Camden

Mail completed application with requested attachments to your state forester no later than December 31. The TREE CITY USA award is made in recognition of work completed by the city during the calendar year. Please provide information for the year ending. (Some states require information in addition to that requested on this application. Check with your state forester.)

As Mayor of the city of Camden
(Title — Mayor or other city official)

I herewith make application for this community to be officially recertified as a Tree City USA for 1995, having achieved the standards set forth by The National Arbor Day Foundation as noted below.

Standard 1: A Tree Board or Department

List board members, and meeting dates for the past year; or name of city department and manager.

Bill Hardy, Lula Lee Tait, Mark Curl,
Meetings are quarterly.

Standard 2: A Community Tree Ordinance

Check one: Our ordinance as last submitted is unchanged and still in effect.
 Our ordinance has been changed. The new version is attached.

Standard 3: A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita

Total community forestry expenditures \$ 64,000.00
Community population 2400
Attach annual work plan outlining the work carried out during the past year. Attach breakdown of community forestry expenditures.

Standard 4: An Arbor Day Observance and Proclamation

Date observance was held February 20, 1995
Attach program of activities and/or news coverage. Attach Arbor Day proclamation.

Signature	Mayor	Title	Date
Please type or print the following:			
Mayor or equivalent		City Forestry Contact	
Name: <u>Kenneth E. Wilder</u>	Name: <u>Paul A. Wingard</u>		
Title: <u>Mayor</u>	Title: <u>Forester</u>		
Address: <u>108 Water St.</u>	Address: <u>P. O. Box 355</u>		
City, State, Zip: <u>Camden, AL 36726</u>	City, State, Zip: <u>Camden, AL 36726</u>		
Phone #: _____	Phone #: <u>334-682-4421</u>		

NOTE: If your community forestry work involves some new ideas or special projects please send photos, news stories, brochures, or other documentation for possible inclusion in National Arbor Day Foundation publications. (Such additional material is not necessary for your community to be designated as a Tree City USA.)

Certification

(To Be Completed By The State Forester)

(Community)

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be recertified as a Tree City USA for the _____ calendar year, having in my opinion met the four standards of achievement in urban forestry.

Signed _____ State Forester Date _____

Person in State Forester's Office who should receive recognition material:

Name: _____ UPS Address: _____
Title: _____ City, State, Zip: _____
Agency: _____ Phone #: _____

Bill Hardy 312 Minnie Jones Ave Camden AL 36726
Mark Curl Bridgeport Road Camden AL 36726

Camden

CITY OF CAMDEN PLANS FOR TREE CITY - 1996

- 1) Arbor Day Ceremony is planned for February
- 2) Continue tree maintenance in Camden
- 3) Replace flowers in City Planters.
- 4) Plan on having a tree give-away during Arbor Week.
- 5) Plant a special tree to commemorate Arbor Day.

Tree Management Expenditures

Street Salaries.....	\$85,000.00
Street Trucks.....	1,500.00
Bedding Plant material.....	3,000.00

Planters and arrangements were maintained throughout the year.

ORDINANCE 92-1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBON HILL
STATE OF ALABAMA

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.
There is hereby created and established a City Tree Board for the City of Carbon Hill, Alabama which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the Council.

Section 3. Term of Office

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Carbon Hill, Alabama. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming with-in the scope of its work.

Section 6. Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for Carbon Hill, Alabama. No other species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

SMALL TREES	MEDIUM TREES-----AND LARGE-----LARGE TREES	
APRICOT	ASH, GREEN	COFFEETREE
CRABAPPLE	HACHBERRY	KENTUCKY
FLOWERING (SP)	HONEYLOCUST	MAPLE, SILVER
GOLDEN RAIN TREE	(THORNLESS)	MAPLE, SUGAR
HAWTHORNE (SP)	LINDEN OR BASS-	OAK, BUR
PEAR BRADFORD	WOOD (SP)	SYCAMORE
REDBUD	MULBERRY, RED	SYCAMORE,
SOAPBERRY	(FRUITLESS, MALE)	LONDON PLANTREE
LILAC, JAP. TREE	OAK, ENGLISH	COTTONWOOD
PEACH, FLOWERING	OAK, RED	(COTTONLESS,
PLUM, PURPLELEAF	PAGODATREE, JAPANESE	MALE)
SERVICEBERRY	PECAN	AMERICAN BEECH
KOREAN DOGWOOD	BIRCH, RIVER	LOBLOLLY PINE
FLOWERING DOGWOOD	OSAGEORANGE	LONGLEAF PINE
EASTERN REDWOOD	(MALE, THORNLESS)	WHITE PINE
JAPANESE RED MAPLE	PERSIMMON	BLACK WALNUT
CAROLINA LAUREL	POPLAR, WHITE	EASTERN HEMLOCK
CHERRY	SASSAFRAS	CEDAR-OF-LEBANON
CRAPEMYRTLE	SHUMARD OAK	WEeping WILLOW
SAUCER MAGNOLIA	ATLAS CEDAR	BIGLEAF MAGNOLIA
PURPLELEAF PLUMB	SWEET GUM	SYCAMORE
SOUTHERN WAXMYRTLE	WILLOW OAK	CHALK MAPLE
CALLERY PEAR	NORWAY MAPLE	BLACK TUPELO
CAROLINA SILVERBELL	SUGAR MAPLE	LEYLAND CYPRESS
TWO-WINGED	SOUTHERN MAGNOLIA	
SILVERBELL	AMERICAN HOLLY	
JAPANESE FLOWERING	GINKO	
CHERRY	BALD CYPRESS	
FLORIDA MAPLE	RED MAPLE	
RED BUCKEYE	YELLOWPOPLAR	
	WHITE OAK	
	SOURWOOD	
	OHIO BUCKEYE	
	WINGED ELM	
	SWEETBAY MAGNOLIA	
	CHINESE ARBORVITAE	
	EASTERN REDCEDAR	
	PIGNUT HICKORY	
	NORTHERN RED OAK	
	JAPANESE ZELKOVA	
	CHINESE ELM	
	MOCKERNUT HICKORY	
	SHAGBARK HICKORY	
	CUCUMBER MAGNOLIA	
	SCARLET OAK	
	BITTERNUT HICKORY	
	SWAMP CHESTNUT OAK	

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; and Large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet, Large Trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Tree other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this

ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 15. Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for the procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such

endeavors as herein described.

Section 19. Review by City Council

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$ 500.00

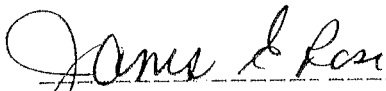
ADOPTED AND APPROVED THIS 15TH DAY OF FEBRUARY 1992.

CITY OF CARBON HILL



BY: DONALD BYNON
MAYOR

ATTEST



JAMES E. ROSE
CITY CLERK

Clanton
ORDINANCE

City of Clant
P.O. Box 580
Clanton AL
35045-
05

(To Establish a Tree Commission for City of Clanton)

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Clanton, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor and City Councilmembers who are Chairmen of the Committee on Streets, Committee on Sanitation, and of the Committee on Parks and Recreation shall serve as ex-officio members from the City of Clanton. Two shall be appointed for one year; two shall be appointed for two years; and one shall be appointed for three years. Following the initial appointment, two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the three Council Members, or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

Clanton

This Ordinance shall become effective immediately upon its passage,
approval and publication as provided by law.

DONE THIS THE 13 DAY OF August, 1984.

ATTEST:

Betty M. Wilson

Betty Wilson - Clerk

Billy Joe Driver

Mayor, Billy Joe Driver

APPROVED:

ORDINANCE BOOK 7-84, PAGE _____



City of Clanton

Post Office Box 580 • Clanton, Alabama 35045-0580

Cullman

ORDINANCE NO. 990

AN ORDINANCE TO ESTABLISH A TREE COMMISSION FOR THE CITY OF CULLMAN, ALABAMA

The City Council of the City of Cullman finds and determines that trees are a valuable asset to any City, providing a more healthful and beautiful environment in which to live and work; providing shade and beauty to man-made urban settings; that trees are beneficial in attracting new industry, residents and visitors; that properly grown in the right places, trees enhance the value and marketability of property and promote the stability of desirable neighborhoods. Council further finds and determines that valuable advice and guidance will result from the creation of a City Tree Commission.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. There is hereby established a City Tree Commission. That the Council shall appoint two (2) councilmembers as members of the Tree Commission, and that the Mayor shall serve as an ex-officio member. Terms of council members shall expire when newly elected Council takes office. In addition, Council shall appoint 5 additional members who shall be residents of the City of Cullman; 2 of which shall be appointed for a term of one (1) year, 2 for a period of two (2) years, and 1 for a period of three (3) years. Following the initial appointments, members shall be appointed for a term of three (3) years, or until their successors are appointed and qualified. Members shall serve without compensation.

SECTION 2. The Commission shall provide for regular periodic meetings and such special meetings as may be required.

SECTION 3. The City Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality concerning a tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the City; shall assist in providing information regarding the protection, maintenance, removal and planting of trees on public property, and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use of trees; shall recommend which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and make recommendations to Mayor and Council on

Cullman

Cullman 2

other matters concerning trees in the City of Cullman.

SECTION 4. This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED this the 28 day of September, 1987.

Donald E. Green
President of the City Council

Attest:

Lucille N. Galin
City Clerk

Transmitted to and approved by the mayor this 29 day of September, 1987.

CITY OF CULLMAN

204 SECOND AVENUE, NORTHEAST
P. O. BOX 278
CULLMAN, ALABAMA 35056-0278

Joe Sid
Mayor



9.7 Performance standards for nonresidential districts.

In all nonresidential districts where facilities are permitted, they shall comply with the following minimum standards:

- 9.71 Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions of the ordinance. (Ord. No. 1988-10A, 6-6-88)

The minimum lot size for marinas shall be one (1) acre, all of which shall be above mean sea level.

- 9.72 Where a business district abuts any part of a residential district, a buffer zone ten (10) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty (20) feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:

- 9.721 *Wall or fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the planning commission. Said wall or fence shall be maintained in good repair by the owners of the property.
- 9.722 *Screen planting strip.* If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

- 9.73 No primary entrances or exits shall direct traffic into adjacent residential or business districts.

Adequate parking as required in article X, section 10.9 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

- 9.74 Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten (10) percent.

9.8 Special exceptions.

More stringent design and landscape standards may be required by the planning commission for special exceptions permitted in any district.

9.9 Landscaping.

A landscape plan may be required for any development within the City of Daphne, but is mandatory for all multifamily developments including apartments, townhouses, condominiums and planned unit developments, and for all business and industrial developments. Such plan shall be submitted to the city engineer prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs; or that it is necessary for the installation of solar energy equipment. In such case, the developer shall be required to plant replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the

bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

15.22 The City of Daphne through its attorney or other designated official, may enjoin such transfer or sale or agreement by appropriate action.

✓15.23 No plat or plan of a subdivision within the city or its extraterritorial planning jurisdiction, shall be filed or recorded by a subdivider in the office of the probate judge of Baldwin County until it shall have been submitted to and approved by the Daphne Planning Commission and such approval entered in writing on the plat by the chairman, vice-chairman, or secretary of the commission. The probate judge shall not file or record a plat of a subdivision which does not have the approval of the Daphne Planning Commission.

15.24 Any building or structure erected or to be erected in violation of these subdivision regulations shall be deemed an unlawful building or structure, and any official designated by the City of Daphne may bring action to enjoin such erection or cause it to be vacated or removed.

ARTICLE XVI. EXCEPTIONS AND AMENDMENTS

16.1 Exceptions.

✓16.11 Whenever the strict compliance with these regulations would result in extraordinary hardship or injustice to the subdivider because of unusual topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the planning commission may modify, vary, or waive such regulations in order that the subdivider may subdivide his property in a reasonable manner provided that such modification, variation, or waiver shall not nullify the intent or purpose of the subdivision regulations and that the public welfare and interest of the City of Daphne shall be protected. Any such variance, together with reasons therefor shall be entered upon the minutes of the planning commission.

16.12 In granting modifications, variations or waivers, the planning commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation or waiver and still substantially maintain the objectives of these regulations.

Each modification, variation or waiver of the regulations sought by a subdivider shall be applied for individually and individually acted upon by the planning commission.

16.13 The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the planning commission, provided that no additional lots are created, that none of the lots affected by the sale or exchange is reduced below the minimum size required by this ordinance, and that no existing easement shall be vacated or moved without approval by the city and the granting of a like easement acceptable to the city. (Ord. No. 1990-37, § 16.1, 12-17-90)

16.2 Amendments.

16.21 Any sections or provision of this ordinance pertinent to subdivision requirements may be amended, supplemented or changed in accordance with the same procedure specified in section 12.5 for zoning amendments.

PART D

SPECIAL REQUIREMENTS

ARTICLE XVII. EROSION AND SEDIMENT CONTROL

17.1 Plan requirement.

An erosion and sediment control plan shall be required for all developments in flood-prone areas and may be required for developments in all other areas of Daphne's corporate limits and planning jurisdiction. Such plan shall be required prior to the commencement of any land-disturbing activity whenever the proposed activity is to be undertaken on a tract comprising more than one (1)

acre, if more than one (1) contiguous acre is to be uncovered.

17.2 Plan submission and review.

Whenever the area to be disturbed comprises more than one (1) acre, a copy of the plan shall be filed with the building official and the city engineer a minimum of thirty (30) days prior to beginning any land-disturbing activity. A copy of the plans shall also be on file at the job site. If the building official and/or the city engineer determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, he will require that a revised plan be prepared. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the building official or the city engineer.

17.3 Plan content.

Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe accurately the proposed development of the site and the measures planned to meet the basic control objectives. Plan content may vary to meet the needs of the specific site conditions.

17.4 Protection of property.

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities.

17.5 Basic control objectives.

The basic control objectives which should be considered in developing and implementing an erosion and sediment control plan are to:

17.51 *Identify critical areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

17.52 *Limit exposed areas.* All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one (1) time.

17.53 *Limit time of exposure.* All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.

17.54 *Control surface water.* Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

17.55 *Control sedimentation.* All land-disturbing activities should be planned and conducted so as to minimize off-site sediment damage.

17.56 *Manage storm water runoff.* When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans are to include measures to control both the velocity and rate of increase so as to minimize accelerated erosion and increased sediment deposition in the ditch or stream channel.

17.6 Standards.

17.61 *Mandatory standards.* No land-disturbing activity subject to these provisions and guidelines shall be undertaken except in accordance with the following requirements:

17.611 No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property.

17.612 The angle for graded slopes and fills shall be no greater than the angle

sediment control measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed, shall lie with the landowner.

17.9 Guidelines for erosion and sediment control practices.

Persons engaged in planning, designing, installing and maintaining erosion and sediment control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the building official and the city engineer.

17.10 Additional measures.

Whenever the building official and/or the city engineer determines that significant erosion or sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

ARTICLE XVIII. COASTAL PROTECTION

18.1 Statutory authority.

The legislature of the State of Alabama enacted title 9, chapter 7, sections 10 through 22 of the Code of Alabama [Code of Ala. 1975, §§ 9-7-10—9-7-22], entitled "Preservation, Development, etc., of Coastal Areas," for the protection of those resources and for the enhancement of economic development activities. Title 9, chapter 7, section 20 [Code of Ala. 1975, § 9-7-20] stipulates that no agency can issue a permit for any activity in the coastal area that the Alabama Department of Environmental Management finds to be inconsistent with the coastal area management program established by the Alabama Department of Economic and Community Affairs' office of state planning, and federal programs. This section further stipulates that it is the intent and purpose of this section to avoid duplication whenever possible as to the managing activities within the coastal area,

and yet assure compliance with the management program. Now therefore the City of Daphne, Alabama, as a means of minimizing duplication of permitting activities within the jurisdiction of Daphne, Alabama does ordain the provisions below as granted under its authority.

18.2 Finding of fact.

18.21 There is a direct and/or indirect relationship between the protection of coastal area resources, the protection and enhancement of lives and property, and the economic stability and enhancement activity within the jurisdiction of Daphne, Alabama.

18.22 As written, the Alabama coastal area management program contains specific provisions wherein the City of Daphne, Alabama can be delegated permitting authority under the Alabama coastal area management program as a means of minimizing duplication of permitting efforts within the coastal area.

18.3 Purpose.

It is the purpose and intent of this article to simplify the permitting process in the coastal area and promote the protection and enhancement of coastal area resources by adopting provisions which are consistent with or exceed the provisions of the Alabama coastal area management program.

18.4 Objectives.

The objectives of this ordinance are as follows:

- 18.41 To protect human, wildlife and natural resources;
- 18.42 To minimize erosion and siltation; and
- 18.43 To assist in the implementation of the Alabama coastal area management program.

18.5 Usage.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning described in the Alabama coastal area management program as approved on September 28, 1979, and amendments

18.13 Warning and disclaimer of liability.

The degree of resource protection and enhancement required by this ordinance is considered reasonable for regulatory purposes and is based on the requirements of the Alabama coastal area management program.

18.14 Monitoring and enforcement.

18.141 Activities permitted under this article shall be monitored by the building official for compliance with the terms and conditions of the permit issued.

18.142 In the event the building official discovers a violation of this article, the building official may pursue several remedies to the violation. These are as follows:

- a. Inform the user of the violation and pursue means for correcting the violation;
- b. Issue a cease and desist order if the activity is causing degradation to the coastal area;
- c. Revoke the permit if the activity cannot be brought into compliance with the conditions of the article;
- d. Pursue judicial remedies and/or levy fines in accordance with the police powers of the City of Daphne, Alabama; or
- e. Other means as are deemed necessary to prevent further violations of the ordinance.

18.15 Administration.

The building official is hereby appointed to administer and implement the provisions of this article, and is given the following duties and responsibilities:

- 18.151 Monitor all coastal area activities;
- 18.152 Review applications and issue building permits for activities in the coastal area in accordance with the provisions of this article;
- 18.153 Notify the Alabama Historical Commission of archaeological and historical finds;
- 18.154 Where necessary, coordinate with the Alabama Department of Environmental

Management and/or other governmental agencies on developments in the coastal area;

18.155 Advise the permittee of other state and/or federal permits that may be required;

18.156 Maintain a record of permit and monitoring activities; and

18.157 Issue a public notice of an impending permit, solicit public comments, and make the permit application and related records available to the public for inspection upon request, with the exception of any proprietary information.

18.16 Permit procedures.

Application for a development or activity permit shall be made to the building official and shall at a minimum include an erosion control plan consisting of a statement or statements delineating the measures that will be taken to prevent and/or retard erosion from the development or activity site.

18.17 Variance.

Any aggrieved person may pursue an appeal in accordance with the variance provisions contained in the flood damage and prevention ordinance.

Cross reference—Similar provisions, § 5-44.

18.18 Specific provisions.

In all areas of the coastal area the following provisions are required:

18.181 Any person proposing to conduct a development activity in the coastal area shall submit an erosion control plan to the building official as part of his application for a permit for approval.

18.182 Shoreline erosion mitigation:

- a. Any use intended to mitigate a shoreline erosion problem in the coastal area shall use nonstructural erosion control methods to the maximum extent practicable, including but not limited to preservation and restoration of dunes, beaches, wetlands and submersed

Daphne

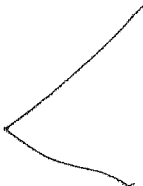
ORDINANCE NUMBER 1989-04
City of Daphne, Alabama

Section 1: Purpose. An Ordinance of the City of Daphne, Alabama, establishing rules and regulations for sign control during political campaigns.

Section 2: Enactment. The City of Daphne, Alabama, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to assure equal opportunity to political candidates during the election process; and to maintain the beauty and natural attraction of the local environment hereby ordains and enacts into law a sign control Ordinance applicable to political campaigns. The requirements of this Ordinance shall be supplementary to any other ordinances, rules and regulations of the City of Daphne and the State of Alabama currently in force and effect.

Section 3: Authority. The Ordinance set forth herein is hereby adopted pursuant to authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama, 1975 and 1986 Cumulative Supplement.

Section 4: Requirements. Political signs are exempt from the permit requirements of the Land Use and Development Ordinance of the City of Daphne, but are subject to the following regulatory controls.

- 
- 4.1 Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, stand pipe, nor attached to any City, County, State or Federal roadway marker, directional sign or informational sign.
- 4.2 Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.
- 4.3 Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
- 4.4 Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any zoning district in the City of Daphne.
- 4.41 Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.
- 4.42 Political signs in business, commercial and industrial districts shall not exceed fifteen (15) square feet in area or eight (8) feet in height.

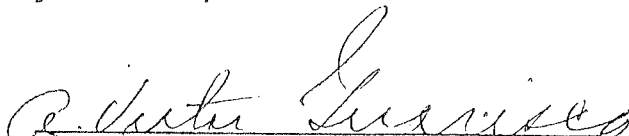
Daphne

- 4.5 Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.
- 4.6 Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.
- 4.7 Political signs may be placed only after a candidate has qualified to run for office and must be removed within five (5) days after the election.
- 4.8 If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five (\$25.00) dollars per sign and each day such sign shall continue to be left after the election shall constitute a new offense.
- 4.9 Any sign found not to be in compliance with the requirements of this Ordinance shall be removed by City personnel and the candidate whose name appears on such sign shall be subject to a fine of twenty-five (\$25.00) dollars, for each non-conforming sign.

Section 5: Conflict With Other Laws. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

Section 6: Validity. Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

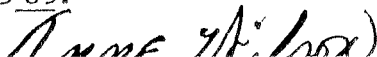
Section 7: Adoption. This Ordinance was approved and adopted by the City Council of Daphne, Alabama on the 20th day of March, 1989.


A. Victor Guarisco, Mayor


Anne Wilson, Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, ANNE WILSON, CITY CLERK-TREASURER OF THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND EXACT COPY OF AN ORDINANCE APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AT ITS MEETING HELD ON THE 20th DAY OF March, 1989.



Daphne

ORDINANCE NO. 1989-16

AN ORDINANCE REGULATING YARDS USED FOR STORAGE OF
NON-OPERATING MOTOR VEHICLES, YARDS FOR
STORAGE OF SALVAGE, YARDS FOR STORAGE OF
JUNK AND RELATED USAGE REQUIRING THEM TO BE
ENCLOSED, AND OTHER REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, AS FOLLOWS:

SECTION 1.

That for the purpose of this ordinance, the term yard shall mean any yard, premises, or tract of land in or upon which any person, firm, or corporation, stores or allows to remain more than three (3) days, any rags, scrap paper, old iron, chain, brass, copper, tin, lead or other base metals, rubber, glass bottles, all articles and things discarded as manufactured articles composed of or consisting of any one or more of the materials or articles mentioned including, but not limited to, non-operating vehicles or motor vehicles which are wrecked or dismantled for the purpose of wrecking.

SECTION 2.

That from and after the effective date of this ordinance it shall be unlawful and constitute an offense for any person, firm, or corporation to carry on, maintain, or conduct a storage or salvage or junk yard as herein defined unless such establishment is carried on, maintained, or conducted in compliance with the following regulations:

2.1 Such establishment shall be carried on, maintained, or conducted entirely inside an enclosed building or buildings, or upon premises fenced on all sides which adjoin or abut property being used for other than business purposes. Said fence shall be at least six (6) feet high and shall be of solid wood or metal or woven wire of at least 10 gauge, line wire and 12.5 gauge filler or stay. If said fence is wire, a sufficient number of shrubs or trees shall be planted along the same to screen the premises from view. Property separated from the salvage yard by only a street, alley, or easement, or public way shall be considered as abutting or adjoining said salvage yard.

2.2 Such fence, wall, shrubbery and trees shall be maintained in a neat, substantial, safe condition and shall be painted, unless constructed of masonry, rust proof metals or wire.

2.3 The density of motor vehicles on a salvage yard shall not exceed one (1) vehicle for each 200 square feet of land or floor area. Provided, however, the owner of any salvage yard containing a greater density of vehicles thereon upon the effective date of this Ordinance shall not be required to move the same but shall not be permitted, however, to place any additional vehicles thereon until such time as it can be done without exceeding said density of one (1) vehicle for each 200 square feet.

COPY

All gasoline shall be drained and removed from any unregistered motor vehicle or other object to be stored, junked, or wrecked, and located in said building or on said premises.

- 2.4 The material located in or on said premises shall be so arranged that reasonable inspection or access on all parts of the premises can be had at any time by the proper fire, health, police and building authorities.
- 2.5 Water shall not be permitted to accumulate in the yard until it becomes vile or stagnant, and weeds and rank vegetation shall not be permitted on said premises.
- 2.6 The yard shall be kept free of vermin, rodents, reptiles, and animals of all kinds.

SECTION 3.

Any person, firm or corporation violating this Ordinance shall be guilty of a misdemeanor and shall upon conviction, be fined not less than One Dollar (\$1.00), nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the City of Daphne Jail for a period not to exceed six (6) months or both. Each day of violation shall constitute a new and separate offense.


SECTION 4.

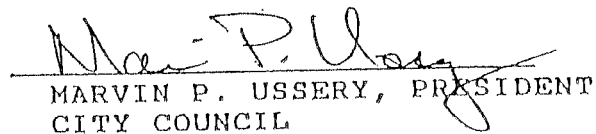
If any section or provision of this ordinance shall be held invalid, such holding shall not affect the validity of any other section or provision thereof which is not of itself invalid.

SECTION 5.

This ordinance shall become effective upon its adoption and posting as prescribed by law. Adoption of this ordinance hereby repeals Ordinance No. 1966-5 in its entirety.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 16th DAY OF October, 1989.


A. VICTOR GUARISCO
MAYOR


MARVIN P. USSERY, PRESIDENT
CITY COUNCIL

ATTEST:


ANNE WILSON
CITY CLERK

Daphne

PUBLIC NOTICE

THE CITY COUNCIL OF THE CITY OF DAPHNE, HELD A PUBLIC HEARING AT ITS REGULAR MEETING AT THE CITY HALL IN DAPHNE ON MONDAY, JUNE 6, 1988, AT 5:30 P.M. FOR THE PURPOSE OF HEARING PUBLIC COMMENTS IN RESPONSE TO THE PROPOSED CHANGES, AMENDMENTS AND/OR CORRECTIONS TO ITS "LAND USE AND DEVELOPMENT ORDINANCE", ORDINANCE NO. 1987-12, AS FOLLOWS:

ORDINANCE NO. 1988-10A

ARTICLE	PAGE	JUNE 6, 1988	CHANGE/CORRECTION									
12.43	106-107		Change to have last sentence read as follows: "Due notice shall also be given to the parties in interest and owners of abutting properties, five (5) days prior to the hearing, of the date, time and place of said hearing."									
12.83	109		Amend to read as follows: "The Planning Commission shall hear and recommend to the City Council on all matter of zoning, rezoning, and zoning of newly annexed properties when R-1 is determined by the Planning Commission not to be the proper zone."									
13.22	112		Correct to read as follows: "Location of land dedicated for neighborhood park or open space area for subdivision of fifty (50) or more lots or twenty (20) or more acres."									
Item 16.	153		Correct to read as follows: "Location of land dedicated for neighborhood park or open space area for subdivision of fifty (50) or more lots or twenty (20) or more acres."									
10.726	72		Addition. To read as follows: "Nonconforming signs shall be either removed or replaced with a conforming sign within three (3) years of the date of enactment of this amendment; except as provided in Section 10.775, Note 7."									
10.771	75		Delete entire item.									
12.11.3 10.78	110 77		Delete entire item, and add the following: " <u>PERMITTED SIGN FEES</u> . Fees for each sign under Section 10.772 and 10.775 shall be forty cents (\$0.40) per square foot per face, but in no case less than fifteen dollars (\$15.00)."									
9.5	55		Amend Districts B-1 and B-3 Corner Lot and Side Yard setbacks to read as follows: <table border="1"><thead><tr><th></th><th>Arterial and Collector Streets</th><th>Local Streets and Service Roads</th></tr></thead><tbody><tr><td>B-1</td><td>30</td><td>25</td></tr><tr><td>B-2</td><td>30</td><td>25</td></tr></tbody></table>		Arterial and Collector Streets	Local Streets and Service Roads	B-1	30	25	B-2	30	25
	Arterial and Collector Streets	Local Streets and Service Roads										
B-1	30	25										
B-2	30	25										
9.71	56		Amend first sentence to read as follows: "Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions of the Ordinance."									
58 & 34			Correct numbers so there is no conflict. See 9.11 and 9.12.									

APPROVED AND ADOPTED ON THE 6th DAY OF JUNE, 1988, by the City Council of the City of Daphne, Alabama.


A. VICTOR GUARISCO, MAYOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, ANNE WILSON, CITY CLERK-TREASURER OF THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND EXACT COPY OF THE CHANGES, AMENDMENTS AND/OR CORRECTIONS TO ORDINANCE NO. 1987-12, "DAPHNE LAND USE AND DEVELOPMENT ORDINANCE", APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AT ITS PUBLIC HEARING AND MEETING HELD ON THE 6th DAY OF JUNE, 1988, TO BECOME EFFECTIVE ON THE 11th DAY OF JUNE, 1988.

(SEAL)


ANNE WILSON
CITY CLERK-TREASURER

Decatur

ORDINANCE NO. 02-3741

BE IT ORDAINED by the City Council of the City of Decatur in the State of Alabama, as follows:

Section 1. That subparagraphs (i); (o); (q); and (v) of subsection (2) of Section 25-16 of the Code of Decatur, Alabama are hereby amended to read as follows:

- (i) “Planned shopping center: One (1) space per 250 square feet of gross leasable area.
- (o) Food stores and markets: One (1) space per 250 square feet of gross floor area.
- (q) Any use not otherwise specified: One (1) space per 250 square feet of gross floor area.
- (v) Store for off-premises sale of alcoholic beverages, one (1) parking space for each two hundred and fifty (250) square feet of gross floor area.”

Section 2. That the Code of Decatur, Alabama is hereby amended by adding a subsection (9) to Section 25-16, which said subsection reads as follows:

(9) “Landscaping and lighting requirements for off-street parking areas. Off-street parking areas that fall within the scope of this ordinance shall have landscaping and lighting in accordance with these regulations.

- (a) **Purpose:** This subsection is designed to establish the minimum criteria for the landscaping and lighting of off-street parking areas in order to protect and preserve the appearance, character and value of surrounding properties, and thereby promote the general welfare, safety and aesthetic quality of the City of Decatur.
- (b) **Scope of Application:** The provisions of this subsection shall apply to all off-street parking areas within the corporate limits of the City of Decatur, except for those areas in any single family residential district.
- (c) **General Requirements:** Any off-street parking area (or system of off-street parking areas) providing space for at least fifteen (15) vehicles or containing at least five thousand (5,000) square feet or more on a single parcel of land must be constructed in accordance with the landscaping requirements contained within the regulations of this subsection.

In addition, any off-street parking area (or system of off-street parking areas) providing space for at least fifty (50) vehicles; containing at least twelve thousand (12,000) square feet or more on a single parcel of land; or adjoining any “R” designated district, including PRD, must be constructed in accordance with the

Decatur

landscaping and lighting requirements contained within the regulations of this subsection.

- (i) **Minimum Standards:** The requirements of these regulations are minimum standards for compliance.
- (ii) **Off-Street Parking Areas:**
 - 1) Off-street parking areas providing space for at least fifteen (15), but no more than forty-nine (49), vehicles or containing at least five thousand (5,000) square feet, but no more than eleven thousand nine hundred ninety-nine (11,999) square feet, shall provide frontage landscaping or, at the option of the developer, foundation landscaping.
 - 2) Off-street parking areas with fifty (50) or more spaces or at least twelve thousand (12,000) square feet shall provide perimeter, frontage, foundation and interior landscaping. Foundation landscaping as required under these regulations may be offset by adding an equal amount of area to the interior landscaping.
- (iii) **Landscaped Buffer Areas:** All landscaped buffer areas required under these regulations shall consist of a solid unbroken visual screen eight (8) feet high within two (2) years of planting and in sufficient density to effectively reduce the transmission of noise and to afford protection to the residential districts from glare of head lights, blowing paper, dust and debris, and visual encroachment.
 - 1) Developments having at least fifty (50) and no more than one hundred (100) spaces and adjoining any "R" designated district, including PRD, shall have a landscaped buffer area at least ten (10) feet in depth between the legal lot and the adjoining residentially zoned property.
 - 2) Developments having at least one hundred and one (101) spaces and adjoining any "R" designated district, including PRD, shall have a landscaped buffer area at least twenty (20) feet in depth between the legal lot and the adjoining residentially zoned property.
 - 3) Where a buffer is required by this subsection, the perimeter landscape requirement will be waived along the properly buffered side of the property.
- (iv) **Parking Garages and Underground Off-Street Parking Areas:** Only perimeter landscaping is required for parking garages; landscaping

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requirements for adjoining off-street parking areas at or near the grade of surrounding land will be calculated separately. Wholly underground off-street parking areas are exempt from the landscaping requirements of these regulations but subject to the lighting requirements.

(v) **Existing Paved or Unpaved Off-Street Parking Area:** When a lawful paved or unpaved off-street parking area already exists at the effective date of this article, such area may continue until the total gross floor area is increased or decreased by fifty (50) percent or until a new additional structure is constructed on the property. In the case of a new or additional structure the landscaping and lighting requirements of this subsection will apply only to the new structure and the paved area associated therewith.

(vi) **Industrial Zoning Districts:** In all developments occurring in ID zoning districts, off-street parking areas containing at least fifty (50) spaces shall comply with these requirements. However, foundation and interior landscaping may be offset by the addition of an equal amount of area to perimeter and/or frontage landscaping. Any additional frontage or perimeter landscaping added pursuant to this exception shall comply with all requirements contained herein.

(d) **Definitions:**

(i) **Usage:** For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth below.

- 1) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
- 2) Words used in the plural number include the singular.
- 3) The word "herein" means "in these regulations".
- 4) The phrase "these regulations" mean "Chapter 25 of the Code of the City of Decatur, Alabama".
- 5) The word "person" includes a corporation, a partnership, and an incorporated association of persons such as a club, or any other legal entity.
- 6) The word "subsection" refers to Section 25-16 (9), *et seq.*
- 7) The word "shall" is always mandatory.
- 8) A "building" or "structure" includes any part thereof.

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- 9) The words “used” or “occupied” as applied to any land or building shall be construed to include the word “intended, arranged, or designed to be used or occupied.”
- 10) That which is “adjacent” may be separated by some intervening object.
- 11) That which is “adjoining” must touch in some part.
- 12) That which is “contiguous” must touch entirely on one side.

(ii) **Terms Defined:**

Access Way: One or more driving lanes intended for use by vehicles entering or leaving an off-street parking area.

Approving Authority: The City of Decatur Building Director or his designated representative.

Berm: A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitate mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

Caliper: Trunk diameter of a tree used in landscaping, measured six (6) inches above ground for trees up to four (4) inch caliper and twelve (12) inches above ground for larger trees.

Crown: The branches and leaves of a tree or shrub together with the associated upper trunk.

Deciduous Plants: Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen Plants: Those that retain their leaves during their dormant season.

Foot Candle: A measure of light striking a surface one (1) square foot in area on which one (1) unit of light (lumen) is uniformly distributed.

Foundation Landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., against the front of the primary structure.

Frontage Landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., between off-street parking area and adjacent street rights-of-way.

Ground Cover: Plants, mulch, gravel and other landscape elements used to prevent soil erosion, compaction, etc.

Interior Landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., within an off-street parking area.

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Island: An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscape Elements: A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

Luminaire: A complete lighting unit that consists of one or more lamps and ballast, if needed, together with other parts designed to distribute light, position and protect lamps, and connect lamps to the power source.

Mulch: A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch Bed: An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-Street Parking Area: An area, other than a public right-of-way, designated and/or used for the parking and movement of vehicles.

Organic Landscaping Materials: Plants or non-living materials made from plants (pine straw, bark chips, etc.).

Ornamentation: Decorative features of a non-living material used to enhance a landscaped area.

Parking Garage: A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking Space: An area marked for the parking of one (1) vehicle.

Peninsula: An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

Perimeter Landscaping: Treatment of grade with ground cover vegetation and ornamentation, etc., between an off-street parking area and adjoining properties. Perimeter landscaping shall exclude landscaping between an off-street parking area and buildings on the same legal lot.

Shrub: A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem: See trunk.

Tree: A woody plant, generally with no more than one or two principal stems.

Trunk: A principal upright supporting structure of a tree or shrub.

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Underground Off-Street Parking Area: A parking area completely covered by a structure or by grass or other landscaping elements.

Vegetation: Living plant material including grass, plants, ground covers, shrubs, trees, etc.

Visibility Triangle: An area of critical visibility between the heights of two and one half (2.5) feet and eight (8) feet above the street grade at an intersection in which landscaping is restricted in the interest of vehicular traffic safety. The visibility triangle will be determined by points twenty-five (25) feet from intersection right-of-way lines with a straight line connecting such points.

(e) **General Off-Street Parking Area Landscaping Requirements:** A detailed landscaping plan shall be required for all off-street parking areas containing either at least fifty (50) spaces or at least twelve thousand (12,000) square feet of off-street parking. If required, said plan shall be submitted with the construction plans and be approved before issuance of a building permit. For off-street parking areas not of sufficient size to necessitate submission of a landscaping plan, compliance with the landscaping requirements of this subsection is still required. Such plan, when required, shall indicate and include the following:

- (i) The number of parking spaces;
- (ii) The overall amount of off-street parking area;
 - 1) A schedule of the dimensions and the total amount of square footage or linear footage of all foundation, frontage, perimeter and/or interior landscaping as detailed hereinbelow;
 - 2) General information, including:
 - a) Date;
 - b) North arrow;
 - c) Scale of one (1) inch to no more than fifty (50) feet;
 - d) All property lines;
 - e) Locations of all existing and proposed easements and rights-of-way;
 - f) Existing and proposed topography drawn at maximum contour interval of five (5) feet and indicating drainage channels;
 - g) Zoning designations of the subject property and all adjoining properties;

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- h) Names, addresses, and telephone numbers of developers, architects, and property owners for whom the plan is designed; and
 - i) Name and business affiliation of the person preparing the landscape plan.
 - 3) Construction information, including:
 - a) The locations of buildings and off-street parking areas;
 - b) Utility fixtures, including light poles, power poles, above-ground pedestals (low voltage) and pad-mounted (high voltage) fixtures;
 - c) Underground electrical communications and television cables and conduits;
 - d) Location of hose bibs, sprinkler systems, meters, control boxes, etc.;
 - e) Square footage of off-street parking areas;
 - f) Intended surface types; and
 - g) Landscaping details, including:
 - iii) Locations, dimensions and treatments of all perimeter and interior landscaping areas;
 - iv) A schedule and proposed location of all new and existing plants proposed for landscaping, including:
 - 1. Size (caliper and height, container size, etc.);
 - 2. Condition (bare-root, balled and burlapped, container-grown or pre-existing, etc.); and
 - 3. Common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grass.
- (f) **Frontage Landscaping:**
 - (i) Frontage landscaping shall consist of a landscaped area or areas along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs and suitable groundcover per full fifty (50) linear feet of the frontage strip (less access ways); shrubs are optional in areas where a berm at least three (3) feet in height is used. Trees and shrubs shall be well-distributed, though not necessarily evenly spaced. The strip shall be protected by some barrier to prevent damage from vehicles and maintenance equipment.

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- (ii) Frontage landscaping at driveways and street intersections shall have an area of visibility between the heights of two and one half (2.5) feet and eight (8) feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. This area at street intersections is a visibility triangle as defined hereinabove.
 - (iii) In all other cases, frontage landscaping shall begin behind the edge of the public right-of-way rather than the edge of the pavement, unless they are the same.
 - (iv) Frontage landscaping shall average five (5) feet in depth. The width of access ways may be subtracted from the frontage dimension used in determining the number of trees required. Access ways for sites must have specific approval from the City Engineering Department and, if fronted on a state highway, the State of Alabama Highway Department.
- (g) **Foundation Landscaping:** Foundation landscaping shall require a landscaped bed with an average depth of four (4) feet along the front of the primary structure. The bed shall contain shrubs or other greenery spaced properly for plant size at maturity. Additionally, the bed shall contain mulch or ground cover, other than turf grass, and be protected by some barrier to prevent damage from vehicles and maintenance equipment. Greenery shall be well distributed though not necessarily evenly spaced.
- (h) **Perimeter Landscaping:** Perimeter landscaping shall be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing on adjoining property shall not count toward the required perimeter landscaping area. Adjacent plants should blend with the existing plantings so as not to detract from the existing plantings.
- (i) Perimeter landscaping areas shall be an average of five (5) feet in depth, excluding walkways, measured perpendicularly from the adjoining property to the back of curb.
 - (ii) Excluded from this requirement are those perimeters bordering national or state owned wildlife preserves; navigable waterways; jurisdictional wetlands as defined by the U.S. Army Corps of Engineers; floodways; or other perimeters as approved by the Planning Commission on an individual basis.
- (i) **Interior Landscaping:** Interior landscaping requirements shall be fulfilled in the form of planting islands and/or peninsulas and shall be in addition to frontage landscaping, foundation landscaping and/or perimeter landscaping.

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- (i) For off-street parking areas containing 50 to 100 spaces, interior landscaping shall be no less than two (2) percent of the total parking area.
- (ii) For off-street parking areas containing 101 or more spaces, the minimum amount of interior landscaping shall be determined using the following formula:
 $(0.02 + (0.00005 \times (\text{number of spaces} - 100))) \times 100$.
However, the minimum amount required shall never be greater than four (4) percent of the total parking area. To count toward the total interior landscape requirements, each island or peninsula shall be at least one hundred (100) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be one thousand (1000) square feet.
- (iii) Islands and peninsulas must be at least six (6) feet in their least dimension, measured from back of curb to back of curb.
- (iv) Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practical in order to subdivide large expanses of parking areas; to regulate traffic flow; to protect pedestrians; and to permit access by emergency vehicles. When practical, islands and/or peninsulas shall be evenly distributed between the circulation drives and parking rows to channel traffic safely around the parking areas and to separate parking rows.
- (v) The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per two hundred (200) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.
- (j) **Credit For Existing Plant Material:** If all other landscaping requirements are met, each existing tree meeting the following criteria may count, at the option of the owner, for two (2) trees required in the same type of landscaping (i.e. interior, perimeter or frontage) if:
 - (i) It has a minimum caliper of three (3) inches;
 - (ii) It is not one of the following species hereby determined to be unacceptable for parking lot landscaping (these are to be considered nuisance trees):

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Large Trees	
Box elder	Native Elms (American, Winged, Cedar, Slipper and September Willows)
Silver Maple	Tree-of-Heaven
Catalpa	Colorado Blue Spruce
Sycamore	Red Spruce
Cottonwood	Live Oak
True Poplars	Laurel Oak
Medium	
Camphor	Princess tree
Cut leaf European Birch (Paulownia)	Silk tree
Eastern White Pine	Chinaberry
Willows	Yellowwood
Sassafras	Mulberry
Siberian Elm	Bradford Pears
Small Trees	
Sumacs	

- (iii) It is at least two (2) feet from the nearest planned curb and is within a planned planting of at least one hundred (100) square feet;
 - (iv) It has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury.
 - (v) It is indicated on the landscaping plan as a “tree to be saved”; and
 - (vi) It is situated so that it can be incorporated into planned landscaping areas, islands or peninsulas with minimal grade cut or fill and/or compaction and it is protected during all phases of construction by a durable physical barrier preventing vehicles, equipment, materials and activities from disturbing the existing area that is to become part of the planned landscaping area.
- (k) **Plant Materials and Installation Requirements:**
- (i) Trees and shrubs: In addition to any existing trees allowed under “Existing Plant Materials”, all trees and shrubs planted in required landscaped areas shall:
 - 1) Trees: Be of species other than those determined by these regulations as unacceptable for parking lot landscaping.

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- 2) Trees and Shrubs: Conform to the minimum size standards based on the most recent American Standard for Nursery Stock, ANSI Z60.1 – 1996 draft, published by the American Association of Nurserymen and approved by the American National Standards Institute.
 - a) Trees and Shrubs: Be planted within a bed of mulch or ground cover other than turf grass, and be protected by a durable physical barrier preventing vehicles, equipment, materials and activities from damaging the plantings.
 - b) Trees: Be spaced no closer than ten (10) feet apart to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirements may be closer than ten (10) feet apart.
- (ii) Grass and other permanent ground cover shall be installed and maintained on all parts of each landscaped area.
- (iii) Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.
- (iv) Ground cover may include shrubs and low-growing plants such as liriopse, English ivy (*Hedera helix*), periwinkle (*Vinca minor*) and similar materials. Ground cover may also include non-living organic materials such as bark or pine straw and inorganic material such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area at maturity.
- (I) **Installation Requirements and Recommendations:**
 - (i) Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.
 - (ii) When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.
 - (iii) The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply

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fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.

- (iv) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this ordinance.
- (v) Hedges, walls, and berms, though not required, are recommended to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitates mowing shall have a slope not greater than (1) one foot of rise per three (3) feet of run.
- (vi) The use of permanent broad-area mulch beds is recommended to increase absorption of surface water; retard erosion, runoff, and stream siltation; protect tree roots and stems; and foster tree health.
- (vii) Landscaping shall be designed at maturity to be compatible and not to interfere with existing and planned overhead and underground electrical, communications, and television cables and conduits; public water supply lines; and storm and sanitary sewer lines.
- (viii) Planting dates recommended by the City are shown in the following table:

Recommended Planting Dates

Type of Plant Materials	Normal Planting Dates
Non-container-grown deciduous	October 1 to April 1
Non-container-grown other	October 1 to April 1
Container Grown	Year round if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond

- (m) **Guarantees of Performance:** No Certificate of Occupancy shall be issued until the provisions of these regulations have been met or a performance bond or an irrevocable letter of credit has been posted in lieu of thereof. When circumstances preclude immediate planting, a Certificate of Occupancy may be granted after:
 - (i) the owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting; and

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- (ii) the property owner or developer posts a performance bond, or irrevocable letter of credit with the Planning Department in an amount equal to one hundred (100) percent of the cost of the total required planting, including labor. Surety shall be made payable to the City of Decatur. Landscaping must be completed and approved within six (6) months (180 calendar days) after a Certificate of Occupancy is issued in order to redeem the bond.
- (n) **Required Maintenance:** The owner, lessee, or his agent(s) shall be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.
- (o) **General Off-Street Parking Area Lighting Requirements:** A detailed lighting plan shall be required for all off-street parking areas contained within a legal lot adjoining any “R” designated district, including PRD; all off-street parking areas containing at least fifty (50) spaces; and all off-street parking areas containing at least twelve thousand (12,000) square feet of off-street parking. If required, said plan shall be submitted with the construction and landscape plans. For off-street parking areas not of sufficient size to necessitate submission of a lighting plan, compliance with the landscaping requirements of this subsection is still required. A lighting plan, when required, shall be prepared and submitted as follows:
 - (i) The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjoining properties. The lighting plan shall provide the following information:
 - 1) The type of lamp to be used in each fixture, including the manufacturer’s name and part number, lamp wattage, lumen output, and a copy of the manufacturer’s lamp specifications;
 - 2) Fixture heights measured from grade and locations of the same;
 - 3) The type of fixtures, including the manufacturer’s name and model number; wattage and light loss factor meeting the standards in these regulations; a picture of the fixture; and the IES file name;
 - 4) Point to point photometric calculations at intervals of not more than ten (10) feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of these regulations;

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- 5) The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and
 - 6) The seal of the qualified Alabama registered design professional.
- (ii) All lighting requiring submission of a detailed plan shall be installed and approved prior to issuance of a Certificate of Occupancy. The registered design professional who sealed the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, heights of fixtures at the point of attachment to poles or other structures, and any special requirements such as rotation, angle, shielding or positioning of critical poles and fixtures at property lines.
- (iii) All exterior lighting fixtures shall be:
- 1) Protected by a weather and vandal resistant covering;
 - 2) Located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding one (1) foot candle;
 - 3) When using flood lights, aimed so that they do not exceed an angle of forty-five (45) degrees out from the base of the pole or structure to which they are attached; and
 - 4) Installed thirty (30) feet or less in height unless the off-street parking area exceeds twenty-five thousand (25,000) square feet; in such cases, installations exceeding thirty (30) feet, as measured from the finished grade to the bottom of the fixture may be used if it is demonstrated that all the requirements of these regulations can be met.
- (iv) Off-street parking area lighting shall be designed and installed in compliance with the following standards:
- 1) Illumination requirements for off-street parking areas as measured at ground level shall comply with the light levels and uniformity ratios set forth in the following table:

Type of Off-Street Parking Area	Required Minimum Light Level	Maximum/Minimum Uniformity Ratio
Non-residential and residential off-street parking areas	1 foot candle	10:0
Parking garages and	5 foot candles	4:1

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underground parking		
Garage stairwells	10 foot candles	NA
Garage rooftop surfaces	1 foot candle	10:1

- 2) The highest horizontal illuminance area divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown. The maximum/minimum ratio must be calculated only for the area within the off-street parking area; maximum light level at all rights-of-way and at property lines shall also be shown.
 - 3) Off-street parking area lighting meeting the standards of these regulations shall be utilized during all hours of operation between dusk and dawn.
- (p) **Inspections and Notification of Violations:** The Building Director or his designated representative shall make inspections as necessary pursuant to these regulations and shall initiate appropriate action to bring about compliance therewith. Upon becoming aware of any violation of the provisions of these regulations, the Building Director or his designated representative shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).
- (q) **Inspection Checklist:** A current checklist generally reflecting the requirements of these regulations shall be devised and used in reviewing landscaping plans. Said checklist shall be made available to interested parties as a supplement to administration of these regulations.

Section 3. This Ordinance shall take effect January 1, 2003.

ADOPTED this 2nd day of December, 2002.

Authenticated:

/s/ Gail Busbey
Gail Busbey, City Clerk

APPROVED this 2nd day of December, 2002.

Lynn C. Fowler
Lynn C. Fowler, Mayor

ARTICLE XIX. URBAN FORESTRY ORDINANCE*

*Cross references: Urban forestry board, § 2-411 et seq.

Sec. 2-421. Purpose.

The mayor and city council find that trees are recognized as a highly valued asset providing a more healthful and beautiful environment in which to live. Healthy trees reduce air pollution and some forms of noise pollution, provide energy-saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life.
(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-422. Goals.

This article establishes regulations, goals necessary to ensure that the city will continue to realize the benefits provided by its urban forest and to increase such benefits. The provisions of this article are enacted to:

- (1) Increase and maintain an acceptable amount of tree cover on public lands in the city;
- (2) Maintain city trees in a healthy and nonhazardous condition through good arboricultural practices;
- (3) Provide a stable and sustainable city forest through proper species and age distribution;
- (4) Make tree care on public property more efficient;
- (5) Create the position of city forester;
- (6) Educate the general public in an effort to encourage the accomplishment of the above listed goals on private property.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-423. Definitions.

The words and phrases listed below shall have the meanings respectively ascribed to them by this section.

City forester. A person in an official capacity with the city that has obtained a minimum of a bachelor of science degree in arboriculture, forestry, ornamental horticulture, or is a certified arborist as declared by the International Society of Arboriculture and that has a minimum of four (4) years experience including all of these activities with suitable references. This position may either be a fulltime forester employed by the city or a qualified tree care professional contracted by the city to serve as the city forester on a parttime basis.

City tree/shrub. Any tree/shrub on property owned by the city or located in dedicated city right-of-way.

Damage. Any injury to any part of trees/shrubs including but not limited to improper tree care methods such as topping, tipping, round-over, flush cutting, cavity cleaning, etc

Forestry division. Those employees of the public works department designated by the mayor to enforce this article, or their designees.

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Owner or owners of property. Title holder or person having right of possession of real property and includes legal title holder as shown of record in the tax assessor's office, or agent of legal title holder of said property.

Person. Any individual, owner, title holder, agent, firm, corporation, partnership, association, or organization of any kind. It shall include, but not be limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, guardian, or other person in charge of, care of, possession of, or control of any real or personal property.

Prune. Includes the correct arboricultural method of removing tree limbs at proper locations, but does not include practices such as topping, tipping, round-over, or flush-cutting

Shrub. A woody plant, living more than one year, obtaining less than twelve (12) feet in height at maturity, and that is usually branched near the ground.

Tree. A woody plant, living more than one year, obtaining twelve (12) feet or more in height at maturity, and that is unbranched near the ground.

Urban forestry board. A legally constituted body that serves as advisors to the mayor and city council on matters pertaining to management of the city's tree resources. This board will have the composition and follow the procedures outlined in the city urban forestry board ordinance.

The authority responsible for interpreting definitions shall be the urban forestry board, herein referred to as the UFB.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-424. Jurisdiction.

The city shall have control of all trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or other public place owned by the city or located in dedicated city right-of-way, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-425. Liability disclaimer.

Nothing contained in this section shall be deemed to impose any additional liability upon this city, its officers or employees, nor to create any additional liability for the owner of any private property with regard to the duty to keep any tree, shrub or plant on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, boulevard, alley or public place within the city.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-426. Unlawful interference.

No person, firm or corporation other than duly appointed city officials, shall interfere with the UFB or persons acting under their authority while engaged in planting, maintaining, or removing any tree, shrub or plant in any street, park, boulevard, alley, public place owned by the city or located in dedicated city right-of-way.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-427. Appeals.

Any action of the UFB may be appealed to and heard by the city council. To be effective, an appeal must be filed within fourteen (14) days after the decision of the UFB.

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The appeal shall be in writing and shall be filed with the UFB. The appeal shall clearly specify the reasons for which a hearing is requested.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-428. Penalty for violation.

Any person, partnership, firm, corporation, or other entity who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the city jail for a period not exceeding six (6) months, or both such fine and imprisonment. All such violations which are of a continuing nature shall constitute a separate offense for each day of such continuance. Any violation of this article shall also constitute a public nuisance and may be enjoined and abated as provided by law.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-429. Enforcement.

The forestry division is hereby charged with the responsibility for the enforcement of this article and may serve notice on any person in violation thereof upon notice from the forestry division, or its designees, any cutting, pruning, removal, planting or other activities being done contrary to the provisions of this article or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing, and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. In the event the owner or person in charge fails to cease, correct or remove the cause of such violation, then such person shall be guilty of a misdemeanor and subject to prosecution in the municipal court of the city. Where imminent danger exists, the public works department shall not be required to give written notice to stop the work.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-430. Evaluation.

The UFB or duly authorized agent shall collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the stated goals of this article. An annual summary and analysis of the evaluation, and recommendations for action shall be prepared at the direction of the UFB and presented to the city council. The city council shall consider the report and recommendations and take all actions deemed necessary to accomplish the goals of this article. These actions may include, but are not limited to, revision or amendment of this article or the adoption of other resolutions or ordinances.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-431. Creation of city forester.

There is hereby created the position of city forester to be filled by a certified arborist who will perform the following duties:

(1) *Operational responsibility.* The city forester shall report to the mayor and city council according to priorities set by the urban Forestry Board on the basis of communications from other agencies of the city government and from the public.

a. The city forester shall attend all meetings of the urban forestry board as a nonvoting ex-officio member. Upon request, the city forester shall also attend meetings of the city council, the planning commission and its committees, and other bodies as needed to participate in issues involving arboriculture or horticulture.

- b. Provide arbitration in disputes concerning the management of trees on public property.
 - c. The city forester shall set up mechanisms to assist architects, developers, builders, and others, upon their request, in utilizing and preventing damage to trees and other natural resources during construction.
 - d. The forester shall assist the planning commission in gathering and evaluating natural resource information, evaluating environmental impacts, and in other capacities as needed.
 - e. The city forester shall be directly accessible to all departments of city government, to the city's utility department, to the city school system, and to the historical commission and other agencies as needed.
 - f. The city forester, and the urban forestry board shall develop an orderly process for identifying public tree needs, including (but not limited to) maintenance, removals, planting, replacement, and public education. This shall include, but is not limited to, the preparation of an urban forestry management plan and city tree care standards.
- (Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-432. Development of urban forestry management plan.

The UFB shall propose an urban forestry management plan to the mayor and city council. After approval by the city council, the plan shall be implemented and shall include but not be limited to the following elements:

- (1) A concise statement of objectives and policies for the city's urban forestry program;
- (2) A designation of proposed urban forestry treatments for major traffic routes and districts within the city consistent with the city's master plan, together with a program, schedule, and suggested budget for implementing such treatments;
- (3) An inventory of any area of trees deemed necessary by the UFB, which inventory shall include any information necessary or usable in the long-range planning or day-to-day planting and maintenance of the city's urban forest;
- (4) A set of standards for the city, and the public for tree installation, pruning and maintenance, acceptable tree species and any other standards, criteria, or administrative procedures deemed necessary to carry out the purposes of this article and the urban forestry management plan;
- (5) A process for continual update and improvement of the urban forest management plan elements.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-433. Protection of existing public trees.

Existing public trees shall be preserved to the extent that it is possible and feasible. If removed they will be replaced where practical.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-434. Planting, maintenance, and removal of public trees by city departments.

All planting, maintenance, and removal of public trees by city departments or authorized agents shall follow the standards adopted by the UFB.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-435. Planting, maintenance, and removal of public trees by someone other than the city or its authorized agent.

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Any planting, maintenance, or removal of trees on public property by someone other than the city or authorized agent of the city, shall first require permission from the UFB. Applications are available at the public works office and must be submitted to the UFB thirty (30) days prior to their next meeting. The UFB will notify, in writing, the person filing application as to its decision. Approved applicants should not treat trees until after they have received approval in writing from the UFB or city forester.
(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-436. Licensing of private tree care firms for work on public trees.

Any person, firm, or corporation engaged in the business of pruning, trimming, or removing city trees shall carry public liability and property damage insurance in the minimum amount of one million dollars (\$1,000,000.00) unless otherwise stipulated by the city council and policies or certificates thereof shall be filed with the city clerk. Where deemed advisable, the public works department may require the posting of a performance bond to guarantee the completion of any job in accordance with adopted city standards, rules and regulations. Applicants should also show proof of workman's compensation as provided by law and vehicular liability insurance.

Any person, firm, or corporation engaged in the business of pruning, trimming, or removing city trees shall possess a valid tree care license. The UFB is authorized to recommend tree care licenses for persons or businesses that meet the following minimum requirements:

(1) At least one (1) person on the staff of a business must be designated as a qualified arborist by the city. (To be designated as a qualified arborist, a tree service employee shall demonstrate a knowledge of proper arboricultural techniques by providing documentation of professional certification, education, and/or experience acceptable to the UFB.)

(2) Certification must be provided that all tree work will be performed under the direct supervision of the qualified arborist and will comply with all city standards and ordinances.

The UFB is authorized to suspend or revoke the tree care license of any person or business that performs work which does not comply with city tree care standards.

License suspensions and revocations may be appealed to the city council within ten (10) days of notification by the UFB. The decision of the city council may be appealed to circuit court within fourteen (14) days for nonjury trial determination.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-437. Harming public trees forbidden.

It shall be a violation of the provisions of this article for any person to abuse, destroy or mutilate any city owned tree, plant or shrub. Examples of such damage may include but are not limited to: Attachment or placement of any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill, or other things to or on any city tree; or to cause or permit any wire charged with electricity to be placed or attached to any such tree; or allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots, trunks, or leaves.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-438. Resolution of conflicts between trees and structures.

Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The city forester

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shall be responsible for developing or approving corrective measures in consultation with the public works director and/or the city engineer.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-439. Situations which are declared to be public nuisances.

Any tree, shrub or ground cover, growing or standing on private property in such a manner that any portion thereof interferes with any public street, sidewalk, alley or restrict the flow of traffic or visibility of such street, traffic signs or visibility, sidewalk, alley or intersection thereof to any person or persons lawfully using such streets, sidewalks, alleys or intersections shall constitute a public nuisance.

(Ord. No. 98-3436A, § 1, 6-1-98)

Sec. 2-440. Abatement of hazards and public nuisances.

The city may remove or trim such tree, may permit any public utility to do so, or may require the property owner to remove or trim such tree on private property. The failure of the property owner, or his duly authorized agent, to remove such tree after fifteen (15) days notice shall be deemed a violation of the provisions of this article, and the public works department may then remove or trim such tree and assess the cost thereof against the property.

(Ord. No. 98-3436A, § 1, 6-1-98)

Secs. 2-441--2-449. Reserved.

Demopolis

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AN ORDINANCE TO ESTABLISH A TREE COMMISSION

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Mayor and Council of the City of Demopolis, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor and the City Councilmen who are chairmen of the Committee on Streets and Sanitation and of the Committee on Parks and Recreation shall serve as ex-officio members. In addition, the Mayor shall appoint six additional members from the City of Demopolis. Two shall be appointed for one year; two shall be appointed for two years; and two shall be appointed for three years. Following the initial appointment, two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

Section 2. This Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Council members, or by any three of the other members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased, or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED THIS 1st DAY OF November, 1984.

BY: Hugh Allen
Hugh Allen, Mayor
City of Demopolis, Alabama

ATTEST:

Dolly S. Ward
City Clerk

Dothan, AL



City of Dothan, Alabama

Dawn K. Myers
Planning Assistant

P.O. Box 2128
Dothan, AL 36302

334
(205) 793-0178

INFORMATION IN ADDITION TO THAT REQUIRED IN
paragraph (d) above if necessary for the plan-
ning commission of the
development of the City Of Dothan public
roads, utility system
or other final activity prior to

POST OFFICE BOX 2128
DOTHAN, ALABAMA 36302



(f) For developments located in a tract, not less than five (5) acres in size located on any major thoroughfare as defined in this chapter and located in a B-1, B-2, B-3, M-1 or M-3 district, not including any residential building or use, an applicant may elect to submit development plans to the development review committee for its review. Development plans submitted to the development review committee shall contain all information required for development plans submitted to the planning commission. The development review committee shall review the development plans and in doing so may consult with the applicant or his representatives, city departments and other agencies. After reviewing the development plans, the development review committee shall either approve them, indicate what changes or modifications it recommends be made to them or refer them to the planning commission.

- (1) If the development review committee approves the development plans, either the planning director, or city engineer (or his designate) shall certify such approval by signing the development plans, and the development plans shall be considered to be approved as if they had been reviewed and approved by the planning commission. If the development review committee recommends changes or modification to the development plans, the applicant may amend the development plans to incorporate the recommendations and they shall then be signed by the planning director, or the city

engineer (or his designate) and the development plans shall be considered to be approved as if they had been approved by the planning commission. Approval of minor alterations by the development review committee shall require the affirmative vote of all three (3) members (or designate).

- (2) An applicant may appeal the recommendations of the development review committee to the planning commission. In the case of any such appeal, the normal procedure for submitting development plans to the planning commission shall be followed.
- (3) If the development review committee determines that the development plans should be referred to the planning commission, the applicant shall be notified of such determination, and the applicant may then submit the development plans to the planning commission with the normal procedure for submitting development plans to the planning commission being followed.
- (4) There shall be no fee for submitting development plans to the development review committee although the development review committee may require that notice be given to neighboring property owners, tenants, occupants or the general public. However, if the development plans are referred to the planning commission or if the applicant appeals the recommendations of the development review committee to the planning commission, all normal requirements for submitting development plans, including any filing fees and public notice requirements, shall be complied with by the applicant.

(g) The planning director shall submit a monthly report to the planning commission listing all development plans reviewed by the development review committee and the action taken on each by the development review committee. Records of all development plans submitted to the development review committee shall be maintained by the secretary of the planning commission. (Ord. No. 5896, § 1, 9-26-78; Ord. No. 6211, § 1, 11-20-79; Ord. No. 6829, § 1, 2-23-82)

*Sec. 23-43. Landscaping.

- (a) For all development in R-65-A, GA-1, GA-2, B-1, B-2, B-3, B-4, O-1, O-2, M-1 M-2, M-3, Inst.

districts and for all public and semipublic developments, landscaping shall be provided as follows:

- (1) At least ten (10) per cent of the lot area of any such development shall be covered by landscaping material.
- (2) All vehicular use areas in such developments or serving such developments shall be separated from any public right-of-way by either a ten-foot wide strip covered by landscaping materials or by a five-foot wide strip covered by landscaping materials with an average of one (1) tree for every fifty (50) linear feet of street frontage. These strips may be counted toward the overall ten (10) per cent landscaping requirement.
- (3) Sight triangles shall be provided on both sides of any driveway in order to assure adequate visibility. Within such sight triangles, visibility must be unobstructed between two (2) feet and ten (10) feet above the grade of the centerline of the adjacent street.

(b) For the purpose of this section, the following definitions will apply:

Landscaping materials. Living materials, including trees, shrubs, vines, grass and similar plants; permanent water features; durable, nonliving materials such as rocks, pebbles, sand, brick, bark and similar materials commonly used for landscaping purposes. No material may be considered landscaping material if it covers a vehicular use area or a sidewalk.

Sight triangle. A right triangle beginning at the intersection of a driveway and the public right-of-way, two (2) sides of which extend ten (10) feet from the point of intersection of the right-of-way and the driveway and the third side being a straight line connecting the ends of the other two (2) lines.

Vehicular use areas. Any areas, excepting public rights-of-way, used for the parking, driving, loading, unloading, storage or outside display of any vehicles, including mobile homes.

(c) The provisions of this section shall apply to all new developments and to the new portions of all developments for which the building area, lot area, or parking area is increased by fifty (50) per cent or more. However, for expansions of existing developments, a strip separating vehicular use areas from the public right-of-way shall be required only if additional street frontage is developed. (Ord. No. 8788, § 1, 6-2-87)

Sec. 23-44. Tree preservation and tree planting.

(a) For the purposes of this section, the following definitions shall apply:

Replacement tree. A tree of at least one (1) inch in diameter measured forty-eight (48) inches above grade and at least six (6) feet in height, except for replacement dogwood trees which shall be at least one-half (½) inch in diameter measured twenty-four (24) inches above grade. This term includes trees planted to replace trees removed from the tree protection area and trees planted to comply with section 23-44(d)(4) or section 23-44(e)(3).

Tree. A self-supporting, woody perennial plant, usually with one (1) main trunk and many branches, having a trunk diameter of at least eight (8) inches measured at a point forty-eight (48) inches above grade, except for dogwood trees for which the trunk diameter shall be at least two (2) inches measured at a point twenty-four (24) inches above grade.

Tree plan. A plan showing the number and approximate location of trees to be removed from the tree protection area and the number, size and approximate location of replacement trees to be planted. A tree plan may be a separate plan or may be shown on other materials submitted as part of the development plans.

Tree protection area. The portion of a lot or parcel located in a required yard or setback.

Tree removal. Removal of a tree by any act which causes it to die within a period of one (1) year, including cutting, pruning, root damage or other damage resulting from construction, grading, paving or other activities.

(b) This section shall not be construed to prevent the following: Removal of trees which, because of damage or disease, constitute a safety hazard or threat to property; removal of trees which create a sight distance problem for public streets; removal of trees which, by virtue of harboring vermin or other animals, constitute a public health hazard; removal of trees necessary to accommodate public utilities or public easements; removal of trees necessary for a public street or public right-of-way; removal of trees necessary to perform a boundary or topographical survey. Replacement of trees removed for these purposes shall not be required.

(c) Except for property in platted residential subdivisions, this section shall not be construed

to prohibit bona fide forestry activities on the portion of any lot outside the tree protection area. However, except in Agr-Conv. districts, such forestry activities shall not result in the removal of trees within fifty (50) feet of any residentially zoned property unless development plans have been approved or a building permit issued.

(d) Unless otherwise provided for in this section, for all developments, including additions to existing developments, requiring development plan approval by the planning commission, the following regulations shall apply. These regulations shall be minimum requirements:

- (1) No trees shall be removed from the tree protection area on any parcel unless development plans have been approved by the planning commission.
- (2) No development plans shall be approved by the planning commission unless a tree plan, complying with the provisions of this section, has been provided with the development plans by the developer or property owner.
- (3) When trees, other than dogwood trees, are removed from a tree protection area, replacement trees shall be planted according to the following schedule:

<i>Diameter of Trees Removed (in inches)</i>	<i>Minimum Number of Replacement Trees</i>	<i>Height (in feet)</i>	<i>Diameter (in inches)</i>
48 and greater	6	6	1
37-48	5	6	1
25-36	4	6	1
13-24	3	6	1
8-12	2	6	1

Dogwood trees removed from the tree protection area may be replaced by another variety of tree at the same rate as for eight-to twelve-inch trees or by the replacement of dogwood trees at the rate of one (1) for each dogwood tree removed from the tree protection area. Replacement trees may be planted in the tree protection area or elsewhere in the development. It shall be the responsibility of the owner of a parcel or development to ensure that replacement trees are maintained in a healthy condition for a period of one (1) year or to replace any replacement trees which die during that period.

- (4) For developments with between thirty (30) and one hundred fifty (150) parking spaces,

there shall be an average of at least one (1) replacement tree for every thirty (30) parking spaces. For developments with more than one hundred fifty (150) parking spaces, there shall be an average of at least one (1) replacement tree for every fifty (50) parking spaces.

- (5) In order to promote the preservation of existing trees of twelve (12) inches or greater in diameter, the planning commission may authorize the alteration of normal building setbacks and yards or the reduction of normal parking space requirements.
- (6) For a particular development or a particular subdivision, the property owner or developer may submit an alternate tree plan which does not strictly comply with these regulations. The planning commission may approve the alternate tree plan, require revisions to it or require that these regulations be strictly complied with.

(e) Unless otherwise provided for in this section, for residential subdivisions for which approval of development plans by the planning commission is not required, the following regulations shall apply:

- (1) No trees shall be removed in the tree protection area unless a building permit has been issued. If two (2) or more lots are combined, they may be treated as one (1) lot.
- (2) In order to promote the preservation of existing trees or the planting of trees, the planning commission may authorize the alteration of normal building setbacks and yards for a new subdivision. Such altered setbacks and yards shall be shown on the recorded subdivision plat.
- (3) During the construction of subdivision improvements in new subdivisions, subdividers shall remove only those trees necessary to construct the improvements. In lieu of this requirement, the planning commission may authorize a plan to remove existing trees and plat replacement trees. Such a plan shall be a condition of the approval of the subdivision plat.

(Ord. No. 89-10, § 1, 1-10-89)

Secs. 23-45-23-49. Reserved.

CODE OF ORDINANCES
City of DOTHAN, ALABAMA

Codified through
Ord. No. 2006-123, adopted May 16, 2006.
(Supplement No. 17)

Chapter 99 TREE PRESERVATION AND LANDSCAPING*

***Editor's note:** Ord. No. 2002-80, adopted March 19, 2002, adopted provisions designated as §§ 113-1--113-6. In order to maintain the alphabetical sequence and at the editor's discretion, said provisions were redesignated and included as §§ 99-1--99-6. The section numbers assigned in Ord. No. 2002-80 have been carried in the history notes following each section.

[Sec. 99-1. Purpose, effective date, review, administration, and enforcement.](#)

[Sec. 99-2. Definitions.](#)

[Sec. 99-3. Tree preservation.](#)

[Sec. 99-4. Landscaping.](#)

[Sec. 99-5. Recommended trees.](#)

[Sec. 99-6. Exceptions.](#)

Sec. 99-1. Purpose, effective date, review, administration, and enforcement.

(a) *Purpose.* The purposes of this chapter are to protect and enhance the natural environment by: providing for the preservation of protected trees as defined in this chapter; providing for the replacement of protected trees that may be removed; establishing landscaping standards for property to be developed; enhancing the appearance of the city; protecting public and private investment by enhancing property values; buffering incompatible land uses; and providing for enforcement of the provisions contained in the chapter.

(b) *Administration.* The planning and zoning division of the engineering and community development department shall have the primary responsibility for the administration of this chapter. The planning commission may adopt policies and procedures to be followed by the planning and zoning division in administering this chapter.

(c) *Enforcement and penalties.* Violation of the provisions of this chapter shall be a Class C misdemeanor and shall be punishable as such. Employees of the engineering and community development department shall be authorized to issue stop work orders and citations for violations of this chapter.

(d) *Applicability to city and other governments.* The provisions of this chapter shall apply to the City of Dothan and to any other government entities owning property within the City of Dothan Corporate Limits.

(e) *Public utilities.* This chapter shall not prohibit public utilities from removing or pruning trees or clearing other vegetation from street rights-of-way or utility rights-of-

way. However, such removal or pruning should be coordinated with the city horticulturist.

(f) *Local street rights-of-way and easements.* Except as otherwise provided for in this chapter, trees of eight inches or greater DBH shall not be removed from any local street right-of-way, utility easement or public easement unless such removal is in accordance with an approved tree removal plan or landscaping plan.

(Ord. No. 2002-80, § 113-1, 3-19-02)

Sec. 99-2. Definitions.

The following definitions shall apply to this chapter. Other words and terms shall have their customary dictionary meaning.

Canopy tree. Any tree that is normally more than 40 feet in height at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples of recommended canopy trees are included in section 99-5 of this chapter. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall have a caliper of at least two inches measured six inches above grade and shall be at least ten feet in height.

City horticulturist. The City of Dothan Horticulturist. If the position of horticulturist is vacant, the city manager may appoint an acting horticulturist.

Core area. The portion of a lot or parcel of property that is not located within the Tree Protection Area or the Residential Buffer.

Diameter at breast height (DBH). Diameter of a tree of eight inches or greater in diameter measured at four and one-half feet (54 inches) above the ground.

Dripline. A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

Dripline area. The total area underneath a tree that would encompass all driplines.

Ground cover. Natural plant material such as vines, shrubs, or grasses that would not normally attain a height of more than two feet.

Landscaping. Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees, and shrubs to the natural environment.

Landscaping plan. A plan containing the information provided for in section 99-4 of this chapter.

Natural vegetation. A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Non-protected trees. Any pine tree less than 18 inches DBH and any non-pine species less than 12 inches DBH, plus any other species of trees that the city horticulturist may certify to the planning commission in writing as not being suitable for preservation. A list of such non-protected species shall be maintained by the planning and zoning division.

Protected tree. Any pine tree 18 inches or greater DBH and any non-pine species 12 inches or greater DBH except for those classes or species of trees included in the list of non-protected trees.

Recommended tree. Any tree listed in section 99-5 of this chapter or any tree determined by the city horticulturist, a landscape architect licensed by the State of Alabama or a

landscape designer licensed by the State of Alabama to be suited to the soils and climate of Dothan, Alabama.

Residential buffer. The area extending 50 feet from the property line of any residentially zoned property, including property zoned for manufactured home parks or subdivisions and property within a PUD used or designated for residential purposes. Except in AGR-CONV property, no trees, including non-protected trees, or other vegetation shall be removed from any residential buffer prior to the issuing of a building permit or the approval of a tree removal plan.

Shrub. A woody plant or bush of relatively low height (two to six feet) distinguished from a tree by having several stems rather than a single trunk.

Tree. A self-supporting woody plant having one or more well defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten feet, and a trunk diameter of at least three inches measured at a point four and one-half feet (54 inches) above the ground.

Tree protection area. The portion of a lot or parcel located in a required setback or yard.

Tree removal. The removal of a tree by any act that causes it to die within a period of one year, including, cutting, pruning, root damage or other damage resulting from construction, grading, paving, or other activities.

Tree removal plan. A plan conforming to section 99-3 of this chapter.

Understory tree. Any tree that is normally less than 25 feet in height at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it.

Examples of recommended understory trees are included in section 99-5 of this chapter. New single trunk understory trees shall have a caliper of at least 1.25 inches measured at six inches above grade. Multiple trunk understory trees shall have at least three trunks and shall be at least eight feet in height. Understory trees shall not be pruned or trimmed to restrict their growth unless such pruning or trimming is necessary to prevent interference with utilities or sight obstructions.

(Ord. No. 2002-80, § 113-2, 3-19-02)

Sec. 99-3. Tree preservation.

(a) *Forestry activity.* Removal of trees from AGR-CONV zoned property shall be permitted as an agricultural activity.

(b) *Exceptions.* This chapter shall not prohibit the removal of a tree:

(1) That constitutes a safety hazard or a threat to property or other trees, provided that the planning commission may adopt procedures for demonstrating that such a safety hazard or a threat to property exists.

(2) That creates a sight obstruction for public streets, provided, however, that the Planning Commission may adopt procedures for demonstrating that such a sight obstruction exists.

(3) That, by virtue of harboring vermin or other animals, constitutes a public health hazard, provided, however, that the planning commission may adopt procedures for demonstrating that such a public health hazard exists.

(4) Whose removal is necessary to accommodate public utilities or public easements.

(5) Necessary for a public street or public right-of-way.

(6) Necessary to perform a boundary or topographical survey. However, only the minimum number of trees necessary to accomplish such a survey shall be removed.

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(7) That is located on a lot or parcel in an R-100-S, R-85-S, R-75-S, R-65-S, R-50-S, R-75-D, R-65-D, R-75-M, or R-65-M, zoning district on which a residential structure has been constructed or for which a permit to construct a residential structure has been issued.

(c) *Tree removal:*

(1) Except for AGR-CONV property, no tree, including non-protected trees, or other vegetation shall be removed from the Residential Buffer on any lot or parcel unless a building permit has been issued for that lot or parcel or unless a tree removal plan has been approved by the planning commission.

(2) Except for AGR-CONV property, no tree of eight inches or greater DBH, including non-protected trees, shall be removed from the portion of the tree protection area on any lot or parcel unless a building permit has been issued for that lot or parcel or a tree removal plan has been approved by the planning commission.

(3) Non-protected trees may be removed from the core area of a lot or parcel.

(4) Except as provided for in subsection 99-3(b) of this chapter, no protected tree shall be removed from the core area of any lot or parcel unless a building permit has been issued for that lot or parcel or a tree removal plan has been approved by the planning commission.

(d) *Tree removal plan:*

(1) A tree removal plan shall include the following information:

a. An accurately drawn map on 24 [inches] by 36 [inches] paper showing any residential buffers and any tree protection areas on the lot or parcel;

b. Inventory of all existing trees of eight inches or greater DBH located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees located in the core area. The inventory shall show: the approximate location of each tree, the size (expressed in DBH), and species of each tree;

c. Description of other vegetation in any residential buffer;

d. Identification of trees of eight inches or greater DBH to be removed from any residential buffer, tree protection area, street right-of-way, utility right-of-way or public easement and any protected trees to be removed from the core area of the property;

e. Names and addresses of owners of adjacent properties, including across any abutting streets;

f. An accurately drawn map on 24 [inches] by 36 [inches] paper showing any proposed re-plantings or other proposed screen;

g. A description of the size, species, and number of any proposed replanting materials and a description of any other proposed screen.

(2) Tree removal plans shall be submitted to the planning commission in the same manner as development plans as provided for in sections 114-131, 114-132, and 114-133 of the zoning regulations.

(3) The planning commission shall consider a tree removal plan in the same manner as development plans. The planning commission may approve a tree removal plan, disapprove it, or approve it with amendments or conditions.

(Ord. No. 2002-80, § 113-3, 3-19-02)

Sec. 99-4. Landscaping.

(a) *Applicability.* This section shall apply as follows.

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- (1) For any new development or construction in any R-65-A, GA-1, GA-2, TH-20, TH-24, MH-1, MH-2, INST, B-1, B-2, B-3, B-4, O-1, O-2, M-1, M-2, or M-3 district and for property on which public and semi-public uses or buildings are located.
- (2) For any development or construction that increases the gross floor area, lot area, or parking area of an existing structure or development located in any of the districts listed above by 25 percent or more.
- (3) For any new development or construction for which development plans are required.
- (4) For any development or construction that increases by 25 percent or more the gross floor area, lot area, or parking area of an existing structure or development for which development plans were required.
- (5) If trees of eight inches DBH or greater are removed from any street right-of-way or any tree protection area in order to accommodate the erection of a billboard, the site shall be landscaped according to the planting requirement schedules in this section, provided, however, that canopy trees shall not be required for sites on which billboards are erected.
- (6) The planning commission may approve landscaping plans that do not comply with the requirements of this section if a developer or property owner demonstrates to the satisfaction of the planning commission that the requirements cannot be met.
 - (b) *Landscaping plan required.* A landscaping plan shall be required as follows.
 - (1) For developments or structures for which development plans are required to be reviewed by the planning commission, a landscaping plan shall be included as part of the development plans. The approved landscaping plan, as approved or amended by the planning commission, shall be included as part of any subsequent submittal for a building permit.
 - (2) For any other property, development, or construction to which this section applies, a landscaping plan shall be included as part of the submittal for a building permit.
 - (c) *Required information for landscaping plan.* At a minimum, landscaping plans shall include the following information. Additional information may be required by the planning commission.
 - (1) Any tree removal plan previously approved for the property.
 - (2) Location of any tree protection areas and residential buffers on the property.
 - (3) Tree survey showing the location, species, and size of any existing trees of eight inches DBH or greater located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees in the core area and indicating any such trees that are proposed to be removed as part of the development of the property.
 - (4) Information showing the locations, species, and sizes of all proposed landscaping materials, including existing trees and other plant materials that will be incorporated into the landscaping.
 - (5) Calculations showing that the proposed plant materials will satisfy the planting requirement schedule as described in subsection 99-4(d) of this chapter.
 - (6) If the development is to include an irrigation system, information about the type and coverage of the irrigation system shall be included in the landscaping plan.
 - (7) The location of any existing or planned power lines or other utilities located on the proposed development or on any adjacent rights-of-way.
 - (8) Measures to be taken to prevent damage to any existing trees that are to be incorporated into the landscaping.

(d) *Planting requirement schedules.*

(1) For any development or construction to which this chapter applies, the following point schedule shall be satisfied. However, at least 25 percent of the points shall be accounted for by canopy trees and at least 50 percent of the points shall be accounted for by a combination of canopy trees and understory trees.

REQUIRED POINTS BY SQUARE FOOTAGE OF SITE

TABLE INSET:

Square Footage of Site	Landscaping Point Requirement
0--10,000	40 + 1 per parking space
10,001--20,000	60 + 1 per parking space
20,001--30,000	80 + 1 per parking space
30,001--40,000	100 + 1 per parking space
40,001--50,000	120 + 1 per parking space
50,001--60,000	140 + 1 per parking space
Greater than 60,000	(Square footage/450) + 1 per parking space

(2) The following schedule shall be used to calculate the value of new plant materials in a landscaping plan.

POINT VALUES FOR NEW PLANT MATERIALS

TABLE INSET:

Plant Material	Minimum Size	Point Value
Canopy tree	2.0 - 2.5-inch caliper measured at 6 inches above grade and 10 feet in height	10
Understory tree	Single trunk - 1.25-inch caliper measured at 6 inches above grade	5
Understory tree	Multiple trunk - 8 feet in height with minimum of 3 trunks	5
Shrub	18 inches	1
Groundcover	1 gallon	1
Grass sod	Not applicable	1 point for each 500 square feet

(3) The following schedule may be used to calculate point values for existing trees that are preserved and incorporated into the landscaping plan for a development.

POINT VALUES FOR EXISTING TREES

TABLE INSET:

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Tree	Point Value
Canopy tree more than 3 inches caliper measured at 6 inches above grade but less than 8 inches DBH	15
Canopy tree more than 8 inches but less than 12 inches DBH	20
Canopy tree more than 12 inches but less than 24 inches DBH	25
Canopy tree 24 inches or more DBH	30
Understory tree	10

(e) *Irrigation.*

- (1) Irrigation for landscaping is encouraged.
- (2) If irrigation is not provided, the plant materials chosen for a development should be drought tolerant.
- (3) For developments that incorporate drip irrigation systems or other water conserving irrigation measures, the planning commission may reduce the normally required landscaping point value by 15 percent.

(f) *Required landscaped areas.*

- (1) All developments shall include a landscaped area of at least ten feet in depth adjacent to any public right-of-way unless a shallower depth is approved by the planning commission in its approval of the landscaping plan.
- (2) Any area used for vehicular parking, access, or circulation shall be separated from any residentially zoned property by a landscaped area of at least ten feet in depth. One point for each 500 square feet in depth.

(g) *Completion of landscaping or bond required for certificate of occupancy.* No certificate of occupancy for any building or development covered by this chapter shall be issued unless the required landscaping has been completed. A temporary certificate of occupancy, not to exceed six months, may be issued if a cash bond for the completion of the required landscaping is provided to the city.

(h) *Maintenance of landscaping.*

- (1) Landscaping materials, including preserved trees, that die or become diseased or damaged shall be replaced. The replacement plants shall have point values equal to or greater than those being replaced as determined by the planting requirement schedules in subsection 99-4(d). Replacement plants shall be the same type as those being replaced unless the city horticulturist, a landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama determines that one or more alternate species would be more likely to thrive on the development, in which case one of the alternate species may be used.
- (2) Failure to maintain landscaping materials or to replace landscaping materials that have died or become diseased or damaged shall be a violation of this chapter and shall be punishable as provided for in subsection 99-1(e).

(Ord. No. 2002-80, § 113-4, 3-19-02)

Sec. 99-5. Recommended trees.

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(a) *Recommended understory trees.*

TABLE INSET:

Eastern Redbud	Magnolia (except Southern Magnolia)
Flowering Dogwood	Crepe Myrtle
Rhododendrum	American Holly
Chinese Pistache	Bradford Pear
Grancy Graybeard	Japanese Maple
Lilac Chaste	Red Bud
Sourwood	Yaupon Holly
Yoshino Cherry	Southern Waxmyrtle
Holly tree (all varieties)	

(b) *Recommended canopy trees.*

TABLE INSET:

Red Maple	Southern Magnolia
Legacy Sugar Maple	Leyland Cypress
Oak (all varieties)	Bald Cypress
Ginkgo	Green Ash
Tulip Poplar	Athena elm
Deodar Cedar	Allec elm
River Birch	Chinese Elm
Pine (all varieties)	Silver Maple

(c) *Alternate trees.* Alternate species may be used provided the city horticulturist, a landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama certifies they are suitable to the Dothan area.

(Ord. No. 2002-80, § 113-5, 3-19-02)

Sec. 99-6. Exceptions.

Property for which a building permit has been issued by the building official, development plans approved by the planning commission, or a preliminary or final plat subdivision approved by the planning commission prior to the effective date of this chapter shall not be subject to its provisions. However, any property for which the building permit, development plan approval, or preliminary plat approval has lapsed will be subject to the provisions of this chapter. Furthermore, any final plat that is not recorded in the appropriate probate office within 180 days of its approval by the planning commission shall be subject to the provisions of this chapter.

(Ord. No. 2002-80, § 113-6, 3-19-02)

TO ESTABLISH A TREE COMMISSION FOR THE TOWN OF DOUBLE SPRINGS

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, aesthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of Double Springs, Alabama, as follows;

Section 1. Hereby established is a Tree Commission. The Mayor, with concurrence of the Town Council, shall appoint to the Tree Commission one (1) member of the Council with the Mayor and Grounds Manager serving as ex-officio members. The Council member's term shall expire in four years or on the date his tenure expires on the Council. In addition, the Mayor shall appoint, with the concurrence of the Council, four (4) additional persons from the Town of Double Springs, one (1) of which shall be appointed for a four year term, serving as Chairman and three (3) of which shall be appointed for two year terms. Each member shall serve his/her entire term or until his/her successor is appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

Section 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by the Councilmember, or by any two of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees,

and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

Adopted this 15th day of April, 1991.

SEAL

Sherry Greene
City Clerk

[Signature]
Mayor

Certification

I, Sherry Greene, Town Clerk of the Town of Double Springs, Alabama Custodian of records do hereby certify that this is a copy of an Ordinance adopted by the Town Council of the Town of Double Springs, Alabama at a regular session lawfully held April 15, 1991.

Sherry Greene
Sherry Greene, Certified Municipal Clerk

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE MUNICIPAL CLERK'S OFFICE.

[Signature] 1-10-95
CLERK OF
DOUBLE SPRINGS, ALABAMA

Eufaula

Plan Zoning Ordinance

continued violation of these conditions, said permitted use on appeal shall be revoked.

~~(e). Be permitted by Special Exception in the FAR, R-1, R-2 R-3, R-4, MHR, MH, and E-1 Districts subject to the requirements of Section 8.512.~~

SECTION 1: ARTICLE SIX

SECTION 6.61 MINIMUM LANDSCAPE REQUIREMENTS

1). PURPOSE

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the City of Eufaula; provide for shade and natural cooling; control the erosion of soil and storm water runoff; buffer noise and glare; and contribute to property values.

2). APPLICATION OF SECTION:

a. Landscaping requirements as set forth in the Tree and Landscape Ordinance shall become applicable to each building site or zone at the time an application for a building permit is made for a commercial, industrial, or multifamily apartment development located on any site in any zone; and to each of these zones or sites where the developer undertakes a commercial, industrial, or multifamily apartment existing development renovation or addition that increases the square footage by 50% or more. In the event that 50% or more by square footage of a single or multiple building classified as a commercial, industrial, or multifamily apartment is torn down and replaced with another singular or attached building then this requirement would also apply, regardless of the square footage contained in the replacement structure(s). In the event that multiple buildings exist in the form of singular and/or attached buildings on a given development parcel, then this requirement shall have application if the square footage of any singular or multiple building is increased by 50% or more.

b. The City of Eufaula may provide design assistance to assist in the design phases of the project and to review initial and final plans.

c. All landscape installation must be completed before the development is opened to the public. The Horticulturist and/or Tree Commission will give compliance or noncompliance to landscaped areas before opening. The Horticulturist and/or Tree Commission will give a decision of compliance or noncompliance within seven (7) working days of the formal request for approval. In the event the development is scheduled to be opened between June first and October thirty-first in any given year, and provided that the developer has

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complied with the performance and guarantee Section of 6.61 (5i), then the developer will be entitled to a six month extension.

d. Any new paving or asphalt parking lot project or expansion of existing parking lot within the city limits located in any commercial, industrial and multi-family zone or site must be in compliance with the landscaping parking lot requirements in Section 5b of this ordinance.

3). DEFINITIONS

a. Desirable Tree - A tree that has DBH of at least 12 inches and is an oak, hickory, sycamore, pine, yellow poplar, sweet gum, elm, hackberry or sugarberry, magnolia, cypress, or a newly planted tree on a development site.

b. Small Shade Tree - medium size tree of thirty (30) to forty (40) feet at mature height.

c. Large Shade Tree - Tree that, at mature height, has the genetic characteristics to exceed fifty (50) feet in height.

d. DBH - diameter at breast height. This is the measurement of the width of trunk 4 1/2 feet above existing grade. To find the diameter of trees with a measuring tape in inches, measure the circumference of the tree at 4.5 feet above ground level and divide by Pi (3.14).

e. Drip Line - the circumference of the tree's natural unaltered canopy extended vertically to the ground.

f. Barrier - a physical structure limiting access to a protected area.

g. Public Tree - a tree located on city property or any tree owned by the City of Eufaula, Alabama. This includes city rights-of-way.

h. Caliper - This is the measurement of the width of the trunk 6" above existing grade.

i. Tree Credits - means of crediting existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.

j. Removing a tree - to relocate, cut down, kill through the use of herbicides, chemicals or other poisons, cut roots by trenching or grading too close to the tree base, or in any other manner destroy or cause to be destroyed, a tree as defined in this ordinance. Refer to citation procedure under Section 6.62, penalties and restitution section.

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- k. **Damaged Tree** - A tree that has a damaged root system, trunk or has been noted as a damaged tree by the Horticulturist and/or Tree Commission, but tree does not die within a three-week time period and does not appear to be weakened by the damage.
- l. **Multi-family Zones or Sites** - Multi-family includes homes that have a roof over more than two families.
- m. **Critical Root Zone** - The rooting area of a tree figured by allowing one (1) foot in radius of ground area on all sides of the tree for each one (1) inch of DBH.
- n. **Natural Area** - Undisturbed areas of one-tenth (0.1) acre or more containing desirable, healthy native trees and vegetation.
- o. **Tree** - A woody plant having the ability at maturity, to generally attain a height of thirty (30') foot or more.
- p. **"Damage to Tree"** - Damage to tree(s) includes the cutting of roots; the compaction of roots; bark or trunk injury; the changing of grade around the tree(s) including piling of three or more inches of soil or dirt around the tree(s) dripline and/or lowering the grade around the dripline of the tree(s); spraying, pouring or applying chemical to the tree(s); improper pruning of the tree(s).
- q. **Stump** - The part of the tree remaining above the ground after the main trunk has been cut down.

4). LANDSCAPE PLAN APPROVAL

A landscape plan shall be submitted for approval at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:

- a. Date, scale, north arrow, title and name of owner.
- b. Approximate location of existing boundary lines and dimensions of building site.
- c. An accurate tree survey of the development parcel showing the location, species, and size of all trees twelve (12) inches and greater at DBH with a designation as to which trees are to be retained. The survey should show the number of all trees six- (6) inches and greater located in natural areas so designated by the developer.
- d. The approximate center line of existing water-course; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or

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adjacent to the building site, and existing and proposed sidewalks adjacent to streets.

- e. The location and size of proposed landscape areas, in square feet.
- f. The location, number, size and name of proposed landscape material.
- g. Statistics verifying that the minimum percentage of landscaping required under this Section will be met.
- h. An indication, using written or graphic information, of how the applicant plans to protect existing trees and other vegetation which are proposed to be retained from damage during construction.
- i. The proposed irrigation type and design, if required.
- j. Installation process for all landscape material.
- k. Certification that the landscape plan has been prepared or reviewed by one of the following: a registered landscape architect, professional engineer, architect, landscape designers, full time builder designer, a qualified nursery man, the County Agent, or any Governmental Agency with horticulture experience, and that it satisfies all purposes, objectives and requirements of this Section.
- l. Flagging and barrier system as covered in Section 5. (h).
- m. Permanent utility facility locations.
- n. Provide owner's signature on plan.
- o. Property owner shall be required to read and understand the "Tree Protection During Construction" booklet provided by the City of Eufaula Horticulture Department or Building Department at the time a plan for landscaping is approved. Any questions about the booklet can be addressed to the Horticulturist and/or any Tree Commission member. The property owners signature shall be required on a letter stating that the "Tree Protection During Construction" document has been read and is understood.

5). LANDSCAPING REQUIREMENTS:

- a. Landscaping Percentage Requirements. Any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover fifteen (15) percent of the total building site as determined first by calculating the square footage of the unimproved site, then subtracting therefrom the total square footage of the building area. At least 60% of the landscape

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requirements shall be located in the front set back defined as the area between the property line and the building wall (s) facing the public right-of-way.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by 30. If the result ends in a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half, rounded to the next highest whole number, of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by fifty (50) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one large shade tree shall be planted for every thirty feet of road frontage, with the exception of where primary power lines occur. In these areas, small shade trees are allowed.

Planted trees must have a 1 ½ - 2" caliper. All planted trees immediately become desirable trees. After the application of credits the City Horticulturist may waive any number of trees not required due to site characteristics. If waived, these trees shall then be donated to the City Horticulturist to be planted as public trees.

b. Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every ten (10) parking spaces shall be required.

c. SITE VISIBILITY:

Landscape material shall not obstruct traffic visibility at intersections, parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

d. SPACING:

Trees shall not be planted closer than 4.5 feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

e. INSTALLATION:

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All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the city horticulturist. No large shade trees shall be planted within twenty (20) feet of the centerline of primary utility lines.

f. MAINTENANCE

Landscaped areas shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements. This also applies to rights-of-way or medians for developers who elect to take credits for landscaping requirements here.

g. WATER SUPPLY:

All landscape areas need to be readily accessible to an adequate water supply located on the development parcel. This may include one or more of the following: hose bibs, automatic or manual irrigation, and/or any other appropriate method of supplying water to the landscape areas.

h. PROTECTION OF LANDSCAPED AREAS:

Landscaped areas are to be protected by concrete curbs, wheel stops, continuous border plants or hedgerows, railroad ties or other suitable barriers and landscape areas shall be detailed on the landscape plan.

i. PERFORMANCE GUARANTEE OF COMPLETION

The owner shall be responsible for ensuring that either he or his designated builder provides all required greenspace to the lot. This may be accomplished by the full installation of all required improvements at the time that the certification of occupancy is approved by the Horticulturist. In lieu of requiring the completion of all improvements prior to opening (if opening is to occur between the dates of June 1st and October 31st), the Horticulturist and/or Tree Commission, may, at its discretion, accept from the owner or his designated builder a cash deposit or a letter of credit from a F.D.I.C. bank. The cash deposit or F.D.I.C. bank letter of credit for the construction and installation of improvements shall be in accordance with the preliminary plans approved by the Horticulturist and meet the following requirements:

A) Value of Bond - The Performance Bond shall be in an amount not less than one hundred twenty-five (125%) percent of the cost of the remaining improvement(s) identified on the landscape plan. The bond shall be payable to the City and shall be in an amount established by the Horticulturist and/or by the

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Tree Commission as sufficient to cover the entire cost of all remaining improvements, as estimated by the applicant, reviewed and recommended by the landscape contractor and approved by the Horticulturist and/or Tree Commission.

B) Value of Cash deposit or F.D.I.C. Bank Letter of Credit - a cash or escrow deposit shall be in an amount not less than one hundred twenty five (125%) percent of the entire cost of all remaining improvements. Said full amount shall be estimated by the applicant, revised and recommended by the Landscape Contractor and approved by the Horticulturist and/or Tree Commission.

TO COMPLETE WORK - If within six (6) months after filing the performance bond and establishing the case account or providing F.D.I.C bank letter of credit, the owner/builder has not completed all necessary improvements; or if, in the opinion of the Horticulturist and/or Tree Commission, the improvements have not been satisfactorily installed, the cash account or F.D.I.C. bank letter of credit shall be used by the City of Eufaula to complete the improvements in satisfactory fashion, or the City may take steps as may be necessary to require performance under the bond. Any funds remaining after all work has been satisfactorily completed will be returned to the owner or his designated builder.

The landscape contractor who estimated the cost of the work may be hired, if he is still willing to perform the work, to install the improvements as specified by the approved plans. As soon as feasible after the six-month time extension has expired, the landscape contractor, at the direction of the City, will begin improvements. In the event the landscape contractor who provided the work is not willing for any reason to install the improvements as specified by the approved plans for the amount of his original estimate, the City Horticulturist will then bid out the job. The landscape contractor will be paid from the bond fund.

6). EXISTING TREE CREDITS:

Credit will be given for the retention and protection of any existing trees that are a desirable species, have good form, and are in healthy condition. Credit will not be allowed if proper protection is not maintained throughout the construction process. These tree credits can go toward landscape requirements; however, the front setback must contain one desirable tree for every thirty (30) feet of frontage. If any existing tree for which credit is received dies or fails to thrive, the owner must replace the number of trees credited for which credit was given. Tree equivalents shall be credited as follows:

EXISTING TREE NOT REQUIRED TO PLANT

DIAMETER OF EXISTING TREE (AT FOUR AND ONE-HALF FEET ABOVE GRADE) TREE CREDITS:

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6"	1 Tree
12"	2 Trees
18"	3 Trees
24"	4 Trees
30"	5 Trees
36"	6 Trees
42"	7 Trees

7). TREE PROTECTION DURING CONSTRUCTION

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements.

If a tree or group of trees are to be retained on the site for Tree Credits, a tree protection barrier system approved by the City Horticulturist and/or Tree Commission must be constructed and maintained throughout the construction process to protect the Critical Root Zone(s). Refer to the "Tree Protection During Construction" Booklet provided by the City of Eufaula Horticulture Department or Building Department for strategies to maintain proper protection.

8). PROTECTION OF NATURAL AREAS:

Areas of undisturbed, desirable trees and vegetation may be designated as "Natural Areas". Individual Natural Areas must be a minimum of one-tenth (0.1) acre. Natural Areas will be credited against overall fifteen (15%) percent landscaping requirements, and property owner can elect to install a minimum twelve (12') foot green space in setback instead of the required twenty (20') foot green space and setback. Credit will not be allowed if proper protection of the Critical Root Zone of the Natural Area is not maintained throughout the construction process. Refer to the "Tree Protection During Construction" Booklet provided by the City of Eufaula Horticulture or Building Department for strategies to maintain proper protection. Loss of Natural Area due to significant tree decline or tree death will require the owner to replace the amount of credited trees lost using the tree credit formula above. Replacement trees will be planted throughout all setbacks and within the former Natural Area.

SECTION 6.62 TREE PROTECTION REQUIREMENTS

1). APPLICATION OF SECTION 6.62

The requirements of this section shall apply to all land, other than public rights-of-way, located within the corporate city limits of the City of Eufaula, except R-1, R-

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2, and FAR lots or other lots where a bona fide agricultural or forestry operation exists. All definitions set forth in Section 6.61(3) shall apply to the provisions in this section.

2). PERMIT

Any person wishing to remove or relocate a desirable tree shall, under the provisions of this Section, make written application with the City of Eufaula Horticulture Department, which application shall include a Landscape Plan as provided in Section 6.61 (4). Upon paying an administrative application fee of thirty (\$30.00) dollars to cover the costs of researching and processing the application, the application and Plan shall be stamped with the date and time. Upon approval by the Horticulturist, the application fee may be waived when tree removal is a direct result of storm damage. All proceeds from the application fee shall be earmarked for the use of the administration of this section.

a. TIME OF PERMIT:

Any and all permits issued by the City as per the requirements of Section 6.62 shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six months. But in no case will the permit be valid for more than twelve months. Permits not used within this period will become null and void and future work will require a new application.

b. PERMIT PROCEDURE

An application may be field checked prior to issuance of a permit. The City must approve or deny the permit within five (5) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this five (5) day period shall result in the automatic issuance of the permit as requested in the application. The City Horticulturist may request a recommendation concerning the application from any or all appropriate City departments, and/or Tree Commission.

c. CRITERIA FOR ISSUANCE OF TREE REMOVAL PERMIT:

(1) The tree is located in an area where a structure or improvement will be placed according to an approved plan.

(2) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.

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(3) The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing the construction.

d. BASIS FOR DENIAL OF PERMIT

The City Horticulturist, upon a determination that an application for tree removal does not meet the criteria of subparagraph (c) above, may, within his/her discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of his/her decision.

3). REMOVAL OF PUBLIC TREES:

No trees shall be removed from public rights of way without consent of city horticulturist. This shall not apply to trees with a DBH of 4" or less. Any other trees must be made known to city horticulturist for his/her permission to take down.

4). PENALTIES AND RESTITUTION:

Any person, firm, or corporation violating or failing to comply with this ordinance shall be subject to a minimum monetary fine of one hundred dollars (\$100) per day per violation for each day said violation remains uncorrected. In addition to any fine levied hereunder, any person, firm or corporation failing to comply with this ordinance shall make monetary restitution to the City of Eufaula according to the following formula setforth below. All court ordered restitution shall be payable by the municipal court clerk to the municipal treasurer for deposit in an account maintained by the City of Eufaula Horticulture Department which is earmarked for the replacement and/or maintenance of public trees.

ACTION	RESTITUTION	OFFENSE
Tree removal (defined in Section 6.62(3)) without tree removal permit or damage to trees left on development sites designated to be protected.	\$27.00 per inch of at DBH or stump up to a maximum of five hundred dollars (\$500.00) restitution	first tree removed
	\$27.00 per inch of diameter at DBH or stump per each tree cut.	second tree removed
	\$35.00 per inch of diameter at DBH or stump with a	third and subsequent trees removed

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	minimum restitution of \$500.00 dollars per tree.	
Failure to apply for tree removal permit	Amount of permit fee, plus any fine and restitution if applicable.	first
	Twice the permit fee plus any fine and restitution applicable.	second
	Three times permit fee plus any fine and/or restitution applicable.	third and subsequent
Tree removal on city right-of-way	\$35.00 per inch of diameter at DBH or stump with a minimum of five hundred dollars per tree.	first and subsequent
Damage to tree	\$13.50 per inch of tree diameter at DBH .	first tree damaged
	\$27.00 per inch of tree diameter at DBH .	second and subsequent trees

If "damage to tree(s)" occurs, then property owner shall be liable for the damage to said trees. If the property owner fails to remove dead or damaged tree(s) presenting a public hazard, the City of Eufaula has the authority to remove tree(s) and charge the property owner for services. The "Tree Protection During Construction" Booklet provided by the City of Eufaula Horticulture Department or the Building Department further shows how to prevent damage to tree(s).

Enforcement of this ordinance shall be by Issuance of Summons and Complaint. The City Horticulturist and/or any member of the Tree Commission may write an "environmental offense" ticket, which will be deemed as a courtesy citation only. A record of any courtesy citations will be kept in the Horticulturist's office and made available to the municipal court upon request.

5) INTERFERENCE WITH CITY HORTICULTURIST:

No person shall hinder, prevent, delay, or interfere with the City Horticulturist, the Eufaula Tree Commission or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court or competent jurisdiction for the protection of property rights by the owner or any property within the municipality.

6) NONAPPLICABILITY OF ORDINANCE TO LANDS AND RIGHTS USED FOR FACILITIES OF PUBLIC UTILITIES:

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Nothing herein shall affect or derogate in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear (and keep clear) trees and other growth from lands utilized, or to be utilized, for electric or communication facilities of any type, or dangerous trees adjacent thereto whether such rights were acquired by permits, easements, agreements, deeds, documents, or otherwise from landowners, or were acquired by condemnation, franchise or the operation of State law. The utility company shall cooperate with the City Horticulturist when clearing or pruning of the rights-of-way is exercised.

7). APPEAL OF GRANT OR DENIAL OF PERMIT

Appeals of either a grant or denial of permits pursuant to Section 6.62 shall be to the Eufaula Tree Commission. All appeals shall be placed on the agenda of the next regularly scheduled meeting of the commission. The Eufaula Tree Commission shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship if this ordinance is literally enforced as to said application. No appeals shall be granted unless appeal receives four affirmative votes from the members of the Tree Commission, present and voting, for the hearing. Any appeal of any action taken by the Tree Commission shall be to the Board of Zoning Adjustments.

SECTION 6.63 BUFFER/SCREENING REQUIREMENT

1.) PURPOSE

The purpose of this section is to protect residential land uses from noise, glare of lights and signs, odor, debris, and visual encroachment of adjacent commercial, manufacturing, or multifamily uses.

2.) APPLICATION OF SECTION 6.63

The requirements of this section shall apply to any commercial, manufacturing, or multifamily land use that abuts a residential land use. Where residential development occurs in districts not zoned residential the requirements still apply. The requirements do not apply when land that is zoned FAR is used for agriculture or forestry.

3.) BUFFERS

A buffer shall consist of a landscaped strip of land at least thirty feet wide, established along the entire length of and contiguous to the designated property line or lines. Buffers shall be grassed or mulched unless ground cover is already established. All requirements of Section 6.61 shall apply to buffers.

4.) VEGETATIVE SCREENING

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Vegetative screen planting is required in buffers to reduce or eliminate nuisances created by incompatible land uses. Such planting shall be so designed, planted, and maintained as to create a visually unbroken barrier at least six feet tall within two years of planting. Any plants that die within said two-year period shall be promptly replaced. As to those plants, a new two-year time frame shall begin for them to reach six feet tall. Plants shall be arranged in such a manner as to provide a variety of plant materials and spacing so that straight single-species rows are minimized. A list of recommended plants will be available from the city Building Department or Horticulturist.

6.631 EXCEPTION

When a proposed multifamily development will abut an existing multifamily land use the required buffer will be a minimum of twenty feet. No vegetative screen planting is required. Instead, one large shade tree per every thirty linear feet, or portion thereof, of the adjacent property line or lines is required.

In the case of a lot of record on the effective date of this ordinance, such lot being so unusually small that provision of the thirty foot screened buffer precludes the reasonable use of the property, upon approval of the Board of Zoning Adjustments, and subject to conditions it may impose, a wall or fence at least six feet high may be substituted. Plans for the design and construction of such a wall or fence must be constructed along the designated property lines and maintained in good condition. In no case shall the buffer be less than fifteen feet in width.

The Planning Commission may require more restrictive buffers for any development that is expected to generate excessive noise, light, odor, or other nuisance.

SECTION 6.7. SIGN REGULATIONS

SECTION 6.71 PURPOSE, APPLICABILITY AND EFFECT

6.711 STATEMENT OF PURPOSE

The purpose of this ordinance is to protect the health, safety and welfare of the citizens of the City of Eufaula; improve the general aesthetics of the City of Eufaula by providing for uniform standards for the location, spacing, height, setback, lighting and other regulation of signs within the City; and promote the business community through standard advertising practices.

The purposes of this section are as follows:

- a. To preserve and promote the public health, safety, and welfare in the City of Eufaula.

ORDINANCE NO. 7-86

TO ESTABLISH A TREE COMMISSION FOR THE CITY OF EVERGREEN

The City Council finds that trees are recognized as a valid asset providing a more
thful and beautiful environment in which to live. They provide oxygen, shade, esthetics,
and a priceless psychological counterpoint to the man-made urban setting. Trees are economi-
cally beneficial in attracting new industry, residents and visitors. When the proper varieties
are grown in the right place, they enhance the value and marketability of property and promote
the stability of desirable neighborhoods. It is further recognized that valuable advice and
guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Evergreen, Alabama, as follow

Section 1. That there is hereby established a Tree Commission and that the Mayor with th
concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council
and the Mayor shall serve as an ex-officio member. The Council members term shall expire on th
date that a newly elected Council shall take office. In addition, the Mayor shall appoint, wit
the concurrence of the Council, six (6) additional persons in the City of Evergreen two (2) of
which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) year
two (2) of which shall be appointed for three (3) years, and following the initial appoint-
ment, two (2) members shall be appointed annually to serve for a period of three (3) years, and
thereafter until their successors are appointed and qualified. Persons with special expertise
may be added as needed who shall serve at the pleasure of the appointing authority.

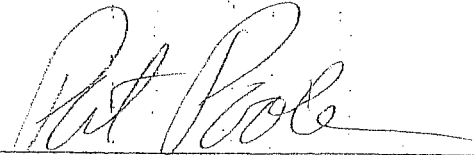
Section 2. The Commission shall provide in its minutes for regular periodic meetings.
Meetings may also be called by the Mayor, by either of the two Councilmembers, or by any two
of the Commission members, after giving not less than three days notice of the date, time and
place of the special meeting.

Evergreen

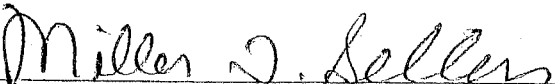
Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

Adopted this 5th day of August, 1986.



Mayor



City Clerk

(Aug 24c)

ORDINANCE NO. 1193

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, WELFARE AND AESTHETIC BEAUTY OF THE CITY OF FAIRHOPE, ALABAMA BY REPEALING ORDINANCE NO. 1037, ORDINANCE NO. 1040, AND ORDINANCE NO. 1157 AND TO PLACE ALL LANDSCAPING REQUIRMENTS IN THE TREE ORDINANCE AND TO IMPROVE CLARITY OF THE TREE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

TREE ORDINANCE

- I. Statement of Purpose**
- II. Establishment & Duties of the City of Fairhope Tree Committee**
- III. General Landscape Requirements**
- IV. Special Provisions for City Properties and Utility Rights-of Way**
- V. Tree Protection Requirements**
- VI. Nuisance Trees**
- VII. Fees, Fines, Etc.**
- VIII. Appeal of Grant or Denial of Permit**
- IX. Interference/Severability**
- X. Effective Date**

- Appendix I. Definitions**
- Appendix II. Recommended Overstory Trees**
- Appendix III. Recommended Understory Trees**
- Appendix IV. Recommended Shrubs**
- Appendix V. List of Plants Not Supported by this Ordinance**

I. Statement of Purpose: The purpose of this Ordinance is to define landscaping regulations and protocols for the City of Fairhope and to empower the Fairhope Tree Committee to oversee, implement and improve this Ordinance. These requirements are for the purpose of protecting existing vegetation and encouraging the planting and maintenance of additional vegetation within the planning and zoning jurisdiction of the City of Fairhope. Plants, particularly trees, benefit the city and its residents by supplying oxygen and absorbing carbon dioxide, by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise and other offensive conditions. Landscaping screens and buffers maintain and enhance the character of neighborhoods and generally create a safer, more attractive and more pleasant living and working environment for all residents of the City of Fairhope.

II. Establishment and Duties of the Fairhope Tree Committee: The Fairhope Tree Committee was originally established per Ordinance 747 and amended per Ordinance 998 to determine and make recommendation to the Mayor and Council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and, where requested, by the owner on private property; to meet with the City Planning and Zoning Commission and give advice in the formulation of said plan; to recommend to the Mayor and Council which trees are considered unwanted weed species and identify and recommend removal of dead, dying, diseased or insect infested trees; to examine all trees proposed to be removed or destroyed upon private property, except on single family lots; to make studies and report to the Mayor and Council with recommendations on matters concerning trees in the municipality as from time to time requested by the mayor and Council.

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1. Membership: The Mayor, with the concurrence of the Council, shall appoint on this committee two (2) members of the Council. The City Horticulturist and the Mayor shall serve as ex-officio members. The term of the Council members shall expire on the date that a newly-elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, four (4) additional persons in the City of Fairhope; one (1) of which shall be appointed for a one (1) year term, one (1) of which shall be appointed for a two (2) year term, and two (2) which shall be appointed for three (3) year terms. Following the initial appointment, all members shall be appointed to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

2. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

3.Meetings: The Tree Committee shall meet at least quarterly or more often as may be necessary to fulfill this Ordinance. In addition, meetings may be called by the Mayor, by either of the two (2) Council Members, or by three (3) of the five (5) other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

4. Duties and Powers: The duties and powers of the Fairhope Tree Committee are as follows:

- a. Make recommendations to the Mayor and Council on the City's tree and planting protection programs.
- b. Provide public forums and educational outreach programs concerning city development and landscaping.
- c. At the request of the City Horticulturist, review sketch development plans and advise developers regarding tree protection and landscaping prior to site clearing of any kind.
- d. At the request of the City Horticulturist, review landscape plans and either issue or deny approval, based upon guidelines of this Ordinance.
- e. At the request of the City Horticulturist, review applications for tree pruning or removal permits.
- f. Hear and rule upon appeals of grants or denials of permits as set forth in Section VIII of this Ordinance.
- g. Suggest amendments and improvements to this Ordinance when deemed necessary.

5. Rules of Procedure: The Fairhope Tree Committee shall observe the following procedures:

- a. Decisions of the Fairhope Tree Committee will be based on a majority approval of four (4) of the six (6) appointed members.
- b. The Fairhope Tree committee shall elect one (1) of its members as Chairman, who shall serve for one (1) year or until he/she is re-elected or his/her successor is elected.
- c. All meetings of the Fairhope Tree Committee shall be open to the public.
- d. The Fairhope Tree Committee shall keep minutes of its proceedings showing the vote of each member upon questions, or if absent, failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the Office of the City Clerk and shall be public record.

III. General Landscape Requirements:

1. Applicability: All rules, regulations, and requirements set forth in this section are applicable to the following:

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1. Any new development or construction, except single family residences and development or construction in the Central Business District (without off-street parking) that falls within the planning jurisdiction of the City of Fairhope. This includes all public use buildings (i.e. churches, schools, clubs, etc.) as well as City and private property.
2. Any alteration to an existing building or development, excluding single family residences, or construction which changes the amount of gross floor area of a structure or building on a lot by more than 30%. The property which undergoes such an alteration shall be required to come into substantial compliance with this Ordinance at that time. This includes all public use and buildings as well as City and private property.
3. Maintenance of plantings established previously under then existing Fairhope Ordinances shall be continued as required in *Section III, 12f & g* of this Ordinance.

2. Protection of Existing Trees: During development of a site, every effort must be made to protect and retain existing significant trees (see *Section V. Tree Protection Requirements*). Retained trees will be credited toward fulfillment of this Ordinance (see below). If the City Horticulturist determines that alternatives to tree removal exist, the landscape plan may be rejected.

3. Landscape Percentage Requirements:

- a. On any building site for which an application for a building permit is made, at least 20% of the total property (not including right-of-way) shall be landscaped.
- b. At least 60% of this landscaping percentage requirement shall be located between the building walls and public streets.

4. Required Landscaping Adjacent to Public Rights-of Way

- a. Front perimeter-except at permitted access ways, all interior development and vehicular use areas shall be separated from public right-of-way frontage by a landscaped strip of land at least ten (10) feet in width, adjacent and parallel to the right-of-way line.
- b. Secondary perimeter-except at permitted access ways, all interior development and vehicular use area located at intersections of the public right-of-way shall be separated by a landscaped strip at least six (6) feet in width and parallel to the right-of-way line.
- c. Land occupied by curbs and sidewalks shall not count toward required landscape areas. Vehicles shall not overhang more than two (2) feet onto landscaped areas.
- d. The required landscape area between vehicle use area and public right-of way shall be planted with a solid unbroken visual screen at least thirty-six (36) inches in height at planting, except for four (4) feet each side of permitted access ways. Where non-living material is used for screen, one shrub or vine at least thirty (30) inches in height at planting shall be required on the right-of-way side, for each ten (10) linear feet, or fraction thereof, of screen.

5. Perimeter Landscaping:

The front setback must contain at least one (1) recommended overstory tree for every thirty (30) feet of road frontage, or any portion thereof. These frontage trees must be planted within the first twenty-five (25) feet of the property line. In addition, the site must contain one (1) recommended overstory tree for every thirty (30) feet of remaining outside lot perimeter, or any portion thereof and one (1) recommended overstory or understory tree for every twelve (12) parking spaces, or portion thereof. At least half of the required trees must be overstory trees. Trees may be chosen from Appendix II (overstory) or Appendix III (understory). Other tree species may be used if approved by the City Horticulturist.

6. Interior Landscaping Requirements:

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Where accommodations are provided for parking of fifty (50) or more vehicles, interior landscape areas shall be provided, so located as to break the expanse of pavement and to guide traffic flow. The total area provided for interior landscaping shall be at least ten (10) percent of the total paved area for parking and access. Trees, shrubs, grass and other ground cover shall be planted in the same ratio as required in perimeter landscaping.

In addition to the foregoing, for parking lots designed to accommodate large volumes of parking such as shopping centers, the following requirements shall apply:

- a. A continuous landscape strip of at least seven (7) feet in width at every fourth parking row, with solid protective curbing. Vehicles shall not overhang more than two (2) feet into landscaped areas.
- b. No more than twelve (12) continuous parking spaces shall occur without an intervening planting strip at least seven (7) feet wide located adjacent and parallel to the parking spaces.
- c. At least one (1) tree (of species listed in Appendix II or III) is required for every twelve (12) parking spaces within the parking lot.
- d. Where fifty (50) or more vehicles are to be accommodated, solid, raised curbs shall be installed for protection of landscaped areas and to control traffic flow within the parking lot. Openings may be provided as required for pedestrian walks and passages. Alternative designs to aid storm water management (such as rain gardens) may be approved by the City Horticulturist.
- e. To allow flexibility in tree preservation and landscape development and encourage innovative design, the City Horticulturist may approve alternative proposals. Such proposals must provide for landscaping at least ten (10) percent of the total paved area for parking and access.

7. To promote species richness, a minimum of four (4) different species is required on each site; at least one (1) species must be an overstory tree.

8. No bare ground shall be left exposed. Plant materials, grass, or other approved ground cover or mulch shall cover all non-paved and non-built developed areas. At least fifty (50) percent of such cover must be living vegetation.

9. Cross-Visibility:

At the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2½) feet and ten (10) feet within an area defined by constructing lines parallel to and twenty-five (25) feet from the point of intersection of curb lines projected.

10. Vehicular Use Areas:

Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines, shall be separated from adjacent property by a strip of land at least five (5) feet in width, adjacent and parallel to the lot line. This strip shall be landscaped and graded to receive rainfall run-off. Surface water run-off shall not be permitted to pass onto adjacent property.

11. Buffer Zone Landscaping:

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- A.) **Incompatible Land Use Buffers**-On any commercial, industrial, Planned Unit Development (PUD) (as approved by the City Council) or multi-family development (except duplexes) adjacent to or abutting a residential zoning district, a buffer strip along the incompatible property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s) and be at least ten (10) feet wide. Under no circumstances shall this buffer impair vehicular flow. The type of buffer may consist of any or all of the following:
 - a. An opaque fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot **AND** a four (4) foot wide strip of Evergreen Plantings (Appendix IV) which will grow to at least six (6) feet in height within three (3) full growing seasons on the inside of the fence, or;
 - b. A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three (3) years will provide a nearly impervious visual barrier, or;
 - c. Natural undisturbed forest, which provides a nearly impervious visual barrier due to the dense nature of the plants and/or tree. If this option is chosen, the width of the buffer zone must be increased to twenty (20) feet in width. The City Horticulturist shall determine whether the barrier is satisfactory by a site inspection prior to landscape approval.

- B.) **Parking Lot Buffer Zones**-Paving shall not be placed closer than ten (10) feet to any property line. The property line shall be buffered with a landscaped strip of at least ten (10) feet in width.

- C.) **Screening of Storm Water Detention Areas:** Storm water detention areas are hereby declared to be incompatible uses and shall be screened from direct view from all abutting properties by installation and maintenance of living plants not less than thirty-six (36) inches in height at time of planting, to achieve a height of not less than six (6) feet in three (3) years after planting. Outer slopes of detention shall not be steeper than four (4) feet horizontal to one (1) foot vertical. Where water depth and time of detention is sufficient to require safety fencing, such fencing shall be installed behind required screening, on the pond side. The City Horticulturist may waive all or part of this requirement for detention areas that are shallow (less than two (2) feet deep) and maintained in permanent living grass cover.

12. Planting Requirements: Any trees planted to meet this Ordinance must meet the *American Standards for Nursery Stock* and the following requirements:

- a. Large overstory trees must have an initial caliper diameter of at 2.0 to 2.5 inches and must be at least ten (10) feet in height.
- b. Medium or understory trees must have an initial caliper diameter of at least 1.5 inches and be at least ten (10) feet in height.
- c. Multi-stemmed understory trees must be a minimum of eight (8) feet in height and must have at least three (3) stems; each with a minimum caliper diameter of _ inches. A multi-stemmed tree only counts as one tree credit.
- d. Shrubs that can be pruned into tree form variations will not be approved for tree credit. These include, but are not limited to: Ligustrum; Indian Hawthorne; Tree Yaupon; and Camellia

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- e. Trees must be obtained from a reputable source. Trees that have been dug in the wild will not be accepted unless approved by the City Horticulturist.
- f. Maintenance of new plantings is the responsibility of the property owner.
- g. Any vegetation planted or retained to fulfill this Ordinance, which dies, becomes damaged or diseased, and must be replaced by the property owner by the 31st day of January, the following year. The property owner must notify the City Horticulturist when the replacement has been planted. Failure to replace trees that die will result in penalties (see Section IX).

13. Tree Credits: A major goal of this Ordinance is to protect existing trees. Therefore, incentives are offered to retain existing natural vegetation as follows:

Credit can be taken for a tree if the tree is in good, vigorous, healthy condition. Tree credits may be used towards landscape requirements. However, the front setback must contain one overstory tree for every thirty (30) feet of road frontage, regardless of credited trees. A tree must be at least eight (8) inches DBH (Diameter at Breast Height-4.5 feet above the grade) to be credited. To determine the number of tree credits allowed, divide the DBH of the preserved tree by eight (8) and round downward, not to exceed seven (7) credited trees for any one preserved. Trees listed in Appendix V may be retained, but will not receive credit towards fulfilling this Ordinance.

14. Lands Adjacent to U.S. Highway 98, Alabama Highway 104, and North Section Street:

All lands within twenty (20) feet of the boundaries of U.S. Highway 98 and within twenty (20) feet of all boundaries of North Section Street and Alabama Highway 104, within the corporate limits of the City of Fairhope, in all zoning districts, are hereby required to be reserved by owners or developers of such land as greenspace and tree protection zones, such lands being required to conform to all applicable provisions of this ordinance. Provided, however, that the greenspace shall be landscaped as follows:

- a. Where no vegetation, other than grass exists, new landscaping and plantings shall be installed within the twenty (20) foot strip as approved by the City Horticulturist; otherwise the following shall apply:
- b. For front facing structures, the reserved area may be:
 - 1) Left in its natural state;
 - 2) Natural growth partially maintained, but enhanced with addition of trees and shrubs;
 - 3) Natural growth removed and all new landscaping and plantings installed as approved by the City Horticulturist.
- c. For rear facing residential structures, the reserved area shall be maintained in as opaque a condition as possible.

15. Steps for Approval: Before a building permit can be issued or Preliminary Plat approval can be obtained **AND** prior to any clearing of property for development, a site plan must be reviewed and accepted by **both** the Fairhope City Horticulturist and City Planner.

- a. An inventory of all live trees greater than twenty-four (24) inches in DBH on a site shall be included in the Sketch Plan submitted to the City Horticulturist and the City Planner so that the developer may be advised on tree protection prior to site clearing or development. The City Horticulturist will normally have a period of seven (7) days to review the sketch plan and reply to the developer in writing. If more than seven (7) days is required, the city Horticulturist shall notify the developer in writing and specify a definite period for completing the review.

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- b. A full landscape plan shall be submitted as part of the Preliminary Site Plan for any development. It is required that landscape plans be drawn by a licensed landscape architect or a qualified landscape designer. The landscape plan must be of professional quality and shall include:
 1. Date, scale, north arrow, title, names and contact information for property owner(s), developer and landscape designer.
 2. Location of existing boundary lines; dimensions of building site; location of existing water courses; significant drainage features; existing and proposed streets or alleys; existing or proposed utility easements on or adjacent to the building site; road rights-of-way; required setbacks; location of proposed parking spaces; location of existing or proposed sidewalks.
 3. The locations, species and DBH of existing, significant trees indicating those to be retained for credit and those to be removed, along with written justification for removal of and any significant trees.
 4. The location(s) and dimension(s) of the proposed landscape area within the parking area(s) including descriptions and locations of new trees and plant materials to be placed within landscape area(s). Common name **and** botanical name must both be included.
 5. An indication, using written or graphic information, of how the applicant plans to protect from damage, during construction, any existing trees or other vegetation which are proposed to be retained for credit.
 6. Statistics verifying that the minimum landscaping percentages set forth under this Ordinance are met.
 7. Location, type and design of any proposed irrigation system(s).
 8. Location and species of buffer zone vegetation.
- c. The City Horticulturist will review the full landscape plan as certified by the landscape architect/designer. If deficiencies are found, the landscape architect/designer will be required to revise the plan before a building permit will be issued. In cases of permit denial, a written explanation must be given by the City Horticulturist. A revised plan may be resubmitted for evaluation and shall be reviewed according to the same procedures as the initial submission.
- d. A building permit will not be issued unless accompanied by a certified landscape plan.
- e. If proposed construction causes changes in the landscape plan, a revised plan must be submitted to the City Planner and will be forwarded to the City Horticulturist for re-evaluation.
- f. Once the approved landscape plan has been implemented on the site, the City Horticulturist must be contacted for an on-site inspection. The City Horticulturist normally shall have a period of five (5) working days to inspect the property and confirm the landscape plan has been implemented properly. If more than five (5) days is required, the City Horticulturist shall notify the developer in writing of a specific date for completing the re-inspection.
- g. Once the on-site approval has been completed, the property owner will be notified in writing and may apply for Final Plat approval or an occupancy permit.
- h. **AN OCCUPANCY PERMIT WILL NOT BE ISSUED UNTIL THE SUBMITTED AND APPROVED LANDSCAPE PLAN HAS BEEN IMPLEMENTED.**
- i. The Mayor or the City Horticulturist may designate a City Official to act for the City Horticulturist, if necessary. The City will provide written notice of such designation to affected applicants.

IV. Special Provisions for City Properties and Utility Rights of Way.

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1. **City Right of Way.** The City Horticulturist (or appointed staff) shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the City rights-of-way and all other public property as may be necessary to insure public health, safety and welfare or to preserve or enhance the beauty and symmetry of such public grounds. However, the City Horticulturist and/or Fairhope Utilities Board must obtain proper permission from the Fairhope Tree Committee prior to removal of any significant tree unless the significant tree is diseased or represents a public hazard.
2. **City Owned Property.** Development of any City owned property must adhere to this Ordinance.
3. **License Required.** It shall be unlawful for any person, individual, corporation, institution, or agent of such to engage principally in the business or occupation of pruning, fertilizing, or removing trees within the Planning and Zoning Jurisdiction of the City of Fairhope without first applying for and procuring the appropriate business license from the City of Fairhope.
4. **Unlawful Removal.** It shall be unlawful to remove, prune, or otherwise damage any tree on public property or the right-of-way without approval from the City Horticulturist.
5. **Contractor Requirements.** All work on City property covered under this Ordinance must be performed by a licensed, bonded, and insured contractor under the direct supervision of a certified arborist.
6. **Permits.** Public Utilities that perform routine tree maintenance operations must apply for an annual permit.
7. **Standards.** All routine pruning of trees on city owned property and City maintained utility easements must conform to standards set forth by the International Society of Arboriculture and the National Arborist Association. Routine pruning shall be based on a maximum three (3) year rotation.

V. Tree Protection Requirements:

Applicability: The following requirements apply to all properties other than single family residences.

1. A significant tree is defined as any living tree(overstory or understory) with a DBH that exceeds twenty-four (24) inches. Significant trees are protected under this Ordinance and cannot be cut or intentionally harmed without expressed written consent of the City Horticulturist.
2. Any person wishing to remove or relocate a significant tree shall, under the provisions of this section, make written application with the City Horticulturist. The application shall include a landscape plan (as defined above). The City Horticulturist must approve or deny the permit within fourteen (14) working days after receipt of the application.
3. All tree removal will be at the property owner's expense except for; 1) trees on the City right-of-way which are diseased, injured, in danger of falling close to existing structures, or which create unsafe vision clearance, the removal of which shall be funded by the City; or 2) trees beneath utility lines which threaten to damage the utility line, the removal of which is the duty of the utility company.
4. Criteria for Issuance of a Tree Removal Permit:
 - a. The tree is located in an area where a structure or improvement will be placed according to an approved plan.

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- b. The tree is diseased, injured, in danger of falling too close to an existing or proposed structure(s) interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
- c. The tree is, or will be after construction, in violation of federal, state, or local laws, including but not limited to, laws and regulations pertaining to government programs for financing the construction.
- d. A permit may be denied if the tree is considered vital to the natural heritage of the City of Fairhope and/or the Fairhope Tree Committee determines that reasonable alternatives to cutting the tree exist.

VI. Nuisance Trees: The City Horticulturist may require landowners, inclusive of single family residences, to prune and remove trees, which may endanger public safety or be likely to endanger other trees through the spread of disease or insect infestation.

VII. Fees, Fines, Etc. All fines and fees collected will be used to cover operational costs, to implement this Ordinance on city properties and to purchase plants for the City.

1. **Fees for Services Rendered.** All commercial building permits shall require payment of a \$75.00 landscape Review Fee before the permit will be issued.
2. **Fines/Penalties.** Violators of the Terms of this Ordinance may be cited to Municipal court by means of a Municipal Offense Ticket issued by any authorized enforcement officer of the City. Such violators may also be brought before the court on issuance of complaint and arrest summons by any such officer. Upon conviction of any provision herein, a violator shall be subject to a maximum fine as allowable by statute and/or a sentence to the City Jail, not to exceed six (6) months, at the discretion of the Municipal Judge. Upon a second or subsequent conviction, the violator shall be subject to the minimum in the City Jail of three (3) days and a maximum sentence of six (6) months. The Municipal Judge shall have the discretion to allow community service in lieu of jail time at the rate of five (5) days community service for every one (1) day of jail time.
3. **Restitution.** Person who are convicted of causing intentional injury or harm to any tree on city property or on public rights-of-way will be required to make restitution to the City in the following amounts:

\$100.00 for each tree 1-2 inches DBH
\$500.00 for each tree 2-5 inches DBH
\$1000.00 for each tree 5-10 inches DBH
\$2000.00 for each tree 10-15 inches DBH
\$3000.00 for each tree 15-20 inches DBH
\$10,000.00 for each tree 20-30 inches DBH
\$10,000.00 for each tree 30 inches plus DBH

VIII. Appeal of Grant or Denial of Permit. Appeals of either a grant or denial of permits pursuant to these requirements shall be to the Fairhope Tree Committee and may be made by the applicant or any officer, department, or board of the City aggrieved by any decision of the City Horticulturist with respect to the administration or enforcement of these requirements. The Fairhope Tree Committee shall have the power to grant permits upon a showing by the applicant of clear and convincing evidence that the applicant will suffer an extreme and extraordinary hardship. A party aggrieved by the decision of the Fairhope Tree Committee may appeal to the Fairhope Board of Adjustments and Appeals.

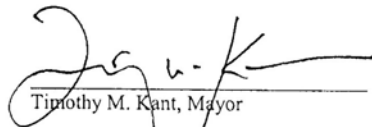
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IX. Interference/Severability:

1. **Interference.** No person shall hinder, prevent, delay or interfere with the City Horticulturist, Fairhope Tree Committee, or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.
2. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

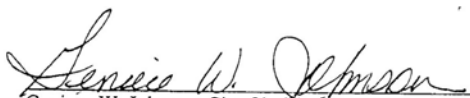
X. Effective Date: This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED THIS 10th DAY OF November, 2003



 Timothy M. Kant, Mayor

Attest:



 Geniece W. Johnson, City Clerk/Treasurer

Ord. No. 1193 Published in
 FAIRHOPE COURIER
 on 11/10/03
Geniece W. Johnson City Clerk

Fairhope

APPENDIX I DEFINITIONS

DBH	Diameter at Breast Height, or 4.5 feet above the grade. Used to measure all existing trees.
Caliper	Diameter of a tree trunk. Caliper is used to determine the minimum size of trees planted to fulfill this ordinance. For trees less than 4 inches in diameter, it is measured 6 inches above the ground. For trees between 4 inches and 12 inches in diameter, it is measured 12 inches above the ground.
City Horticulturist	Refers to the official appointed by the City Council to enforce the City of Fairhope Tree Protection and Landscape Ordinance.
Recommended Tree	Any of the trees listed in Appendix II or III, or others as approved by the Fairhope Tree Committee.
Significant Tree	Any living tree (overstory or understory) with a DBH that exceeds twenty-four inches.
Public Tree	Any tree located on city of Fairhope property. This includes City right-of-ways.
Tree Credits	A means of crediting existing trees for trees that would have to be planted if existing trees could not be saved and protected as stated in this ordinance.
Overstory Trees	Trees which, at maturity, comprise the canopy of a natural forest. Generally greater than fifty feet at mature height.
Understory Trees	Trees which, at maturity, comprise the sub-canopy of a natural forest. These are generally twenty to forty feet at mature height.
Sketch Plan	Initial drawings or sketches of a proposed development, which are submitted to both the Fairhope Planning & Zoning Board and the Fairhope Tree Committee so the developer may be advised prior to any clearing of the property.
Landscape Plan	Detailed drawings of proposed landscaping, which are evaluated by the Fairhope Tree committee to meet this ordinance. (<i>See Section V, Article 2</i>)

APPENDIX II RECOMMENDED OVERSTORY TREES

The following species are recommended for planting within the city of Fairhope. Other species that are recognized as suitable for this area may be used (*if approved by the City Horticulturist*) Species native to coastal Alabama (*Baldwin, Escambia, and Mobile Counties*) are preferred.

<i>Acer barbatum</i>	Southern Red Maple
<i>Betula nigra</i>	River Birch
<i>Carya spp.</i>	Hickory (<i>any species native to coastal Alabama</i>)
<i>Celtis laevigata</i>	Hackberry/Sugarberry

Fairhope

<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus spp.</i>	Ash (<i>any species native to coastal Alabama</i>)
<i>Liquidambar styraciflua</i>	Sweetgum/Redgum
<i>Liriodendron tulipifera</i>	Yellow-poplar/Tulip-tree
<i>Magnolia acuminata</i>	Cucumber Magnolia
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa sylvatica</i>	Blackgum
<i>Quercus spp.</i>	Oak (<i>any arborescent species native to coastal Alabama</i>)
<i>Pinus spp.</i>	Pine (<i>any species native to coastal Alabama</i>)
<i>Taxodium ascendens</i>	Pondcypress
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus alata</i>	Winged Elm

Fairhope

APPENDIX III RECOMMENDED UNDERSTORY TREES

The following species are recommended for planting within the City of Fairhope. Other Species that are recognized as suitable for this area may be used if approved by the City of Fairhope Horticulturist. Species native to coastal Alabama (*Baldwin, Escambia and Mobile Counties*) are preferred in most cases.

<i>Amelanchier aboreum</i>	Downy Serviceberry
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar
<i>Chionanthus virginicus</i>	Fringe-tree/Grandsie-graybeard
<i>Crataegus marshallii</i>	Parsley Hawthorne
<i>Ginkgo biloba</i>	Ginkgo/Maidenhair Tree (<i>use male plants only</i>)
<i>Halesia caroliniana</i>	Carolina Silverbell
<i>Halesia diptera</i>	Two-wing Silverbell
<i>Ilex spp.</i>	Holly/Ilex (<i>arborescent species native to coastal Alabama</i>)
<i>Juniperus virginiana</i>	Eastern Red cedar
<i>Juniperus silicicola</i>	Southern Red cedar
<i>Lagerstroemia indica</i>	Crape-myrtle (<i>varieties over 15 feet tall at maturity</i>)
<i>Magnolia spp.</i>	Magnolia (<i>any species native to coastal Alabama plus arborescent deciduous oriental varieties</i>)
<i>Nyssa ogeche</i>	Ogeeche Gum
<i>Ostrya virginiana</i>	Eastern Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Persea borbonia</i>	Redbay
<i>Styrax americanum</i>	American Snowbell
<i>Ulmus parvifolia</i>	Chinese Elm

Fairhope

APPENDIX IV RECOMMENDED EVERGREEN PLANTINGS

The following species are recommended for planting within the City of Fairhope. These species may be used in buffer zone landscaping. Other species that are recognized as suitable for this area may be used if approved by the City Horticulturist.

<i>Agarista populifolia</i>	Fetterbush
<i>Camellia japonica</i>	<i>Camellia</i>
<i>Camellia sasanqua</i>	Sasanqua
<i>Cliftonia monophylla</i>	Buckwheat tree/Black Titi
<i>Ilex cassine</i>	Dahoon Holly
<i>Ilex myrtifolia</i>	Myrtle Holly
<i>Illicium floridanum</i>	Florida Anise
<i>Illicium parviflorum</i>	Star Anise
<i>Myrica cerifera</i>	Southern Bayberry/Waxmyrtle
<i>Osmanthus americanus</i>	American Olive/Devilwood
<i>Rhododendron spp.</i>	Azalea (large evergreen species/varieties adapted to coastal Alabama)
<i>Viburnum</i>	Viburnum

Fairhope

APPENDIX V PLANTS NOT SUPPORTED BY THIS ORDINANCE

The following plants are exotic species, which are difficult to control, or otherwise unsuitable for this area, and are not acceptable to meet any of the requirements for overstory trees, understory trees or buffer zone planting.

<i>Albizia julibrissin</i>	Mimosa
<i>Ailanthus altissima</i>	Tree of heaven
<i>Cinnamomum camphora</i>	Camphor Tree
<i>Ligustrum sinense</i>	Chinese Privet
<i>Melia azedarach</i>	Chinaberry
<i>Pawlonia tomentosa</i>	Princess Tree
<i>Sapium sebiferum</i>	Chinese Tallowtree/Popcorn Tree

Additionally, all non-native species of bamboo (except those in the genus *Bambusa*) and all invasive exotic vines (such as Kudzu, Chinese Wisteria, Japanese Honeysuckle, and Air Potato) are not acceptable.

Fairhope

ORDINANCE NO. 1223

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH,
SAFETY, WELFARE AND AESTHETIC BEAUTY OF THE CITY
OF FAIRHOPE, ALABAMA BY AMENDING ORDINANCE NO.
1193

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
FAIRHOPE, ALABAMA, as follows:

TREE ORDINANCE

Amend 15. Steps for Approval:

Add under section b.

9. Locations, species, and sizes of all trees, shrubs, and other landscape vegetation on public rights-of-ways adjacent to the development.

Amend V Tree Protection Requirements to the following:

V. Tree Protection Requirements:

Applicability: The following requirements apply to all properties inside the Central Business District regardless of use. Outside the Central Business District, these requirements apply to all properties, regardless of use, except those listed below:

- Properties zoned R-A RESIDENTIAL, -- AGRICULTURAL.
- Single-family residences in property zoned for single-family use.

Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

X. Effective Date: This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED THIS 9th DAY OF August, 2004

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk/Treasurer

Flomaton

ORDINANCE # 252

TO ESTABLISH A TREE COMMISSION FOR TOWN OF FLOMATON, ALABAMA

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counter-point to the man made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Flomaton, Alabama as follows:

Section 1: Creation and Establishment of a Tree Board

There is hereby created and established a Tree Board for the Town of Flomaton, Alabama which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the Council.

Section 2: Term of Office

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 3: Compensation

Members of the Board shall serve without compensation.

Section 4: Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council and develop and/or update, as needed, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to the Town Council and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the Town of Flomaton, Alabama. The Board, when requested by the Town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 5: Operation

Flomaton

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 6: Review by Town Council

The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

DONE THIS THE 25th DAY OF Jan, 1988.

APPROVED: Jan. 25, 88

ADOPTED: Jan 25, 88

Leslie Davis
Mayor

Myrtle S Hill
Town Clerk

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORENCE, ALABAMA, AS FOLLOWS:

The Public Welfare requiring it and under the authority granted by Title II, Section 11-52-78 of the Code of Alabama, 1975, BE IT ORDAINED by the Council of Florence, Alabama, as follows to wit:

THAT THE CODE OF FLORENCE, ALABAMA, AS AMENDED and particularly APPENDIX C - ZONING, is amended, changed and modified as follows:

SECTION 1. SECTION VI, OFF-STREET PARKING AND OFF-STREET TRUCK LOADING, SUBSECTION (A) OFF-STREET PARKING; ITEM (3) CONSTRUCTION AND MAINTENANCE; SUB-ITEM (f), SCREENING AND LANDSCAPING is hereby repealed upon this ordinance becoming effective.

SECTION 2. IN LIEU THEREOF THERE IS HEREBY ADOPTED SECTION VI,(A) (3) (f), SCREENING AND LANDSCAPING;

(f) Screening and Landscaping. All parking facilities within the City of Florence and the extraterritorial zoning jurisdiction shall be landscaped and screened in accordance with provisions outlined in Section VI(C), Off-Street Parking and Maneuvering Area Landscaping Requirements.

SECTION 3. SECTION VI. OFF-STREET PARKING AND OFF-STREET TRUCK LOADING; SUBSECTION (C) OFF-STREET PARKING AREA LANDSCAPING REQUIREMENTS; is hereby repealed upon this ordinance becoming effective.

SECTION 4. IN LIEU THEREOF THERE IS HEREBY ADOPTED SECTION VI. OFF-STREET PARKING AND OFF-STREET TRUCK LOADING; SUBSECTION (C) OFF-STREET PARKING AND MANEUVERING AREA LANDSCAPING REQUIREMENTS.

(C) Off-Street Parking and Maneuvering Area Landscaping Requirements

(1) Purpose. This section is designed to:

(a) Require planting and preservation of trees and other landscape elements to improve the appearance of commercial structures, off-street parking areas and promote the City of Florence as an attractive trade and service center;

(b) Establish criteria for off-street parking areas in order to protect and preserve the appearance, character and value of surrounding properties, and thereby promote the general welfare, safety and aesthetic quality of the City of Florence;

(c) Partition large off-street parking areas with planting islands and peninsulas;

(d) Insulate public rights-of-way and adjoining properties from noise, glare, overall visual impact and other distractions originating from off-street parking areas;

(e) Provide safer vehicle and pedestrian circulation within off-street parking areas and along public rights-of-way;

(f) Protect streams and watercourse from excessive runoff and erosion, and replenish underground water reservoirs by using natural drainage and infiltration systems.

(2) **Scope of Application.** The provisions of this section apply to all developments within the corporate limits of the City of Florence and to the zoning jurisdiction of the municipality.

(a) **General Requirements and Landscape Plans:** A minimum of six percent (6%) of the total site area shall be landscaped in accordance with criteria outlined in this chapter.

The following landscaping criteria shall be adhered to:

- **Interior Landscaping** - A minimum of six percent (6%) of the total land area shall be landscaped as outlined in Section (C)(4)(d) and shall include requirements for Frontage and Perimeter landscaping. All interior landscaping shall be between the right-of-way and the primary structure.
- **Frontage Landscaping** - Frontage landscaping shall be required for all developments providing areas for parking or vehicular movement. **Developments supporting up to fifty (50) parking spaces shall require Frontage and Interior landscaping only.** Frontage landscaping requirements are outlined in Section (C)(4)(b).
- **Perimeter Landscaping** - In addition to Frontage and Interior landscaping, **Perimeter landscaping shall be required for developments containing fifty-one (51) or more parking spaces.** Perimeter landscaping requirements for developments containing fifty-one (51) to ninety-nine (99) spaces are outlined in Section (C)(4)(c)1. Perimeter landscaping requirements for developments containing one hundred (100) or more spaces are outlined in Section (C)(4)(c)2. Should the development abut an R-1, R-2, R-3, or R-B zoning district, the criteria outlined in section (C)(4)(c)4 shall pertain.

***It is recommended that large shade trees be planted wherever feasible in or near off-street parking areas.**

(b) **Existing Off-Street Parking Areas:** An off-street parking area which is in existence and does not conform to the provisions of this section may continue until such time as it is altered by more than fifty percent (50%) of its existing parking capacity, at which time a landscaping plan shall be submitted to the office of the building official for approval.

(c) **Parking Decks:** Only perimeter landscaping will be required for parking decks.

(d) **Minimum Compliance:** The requirements of this section are minimum standards.

(e) **Exceptions:** Single family dwellings shall be exempt from the provisions of this section. I-1 and I-2 Districts shall require Frontage Landscaping *only*, provided the building site does not abut an R-1, R-2, R-3, or R-B zone in which case Section (C)(4)(c)4 will apply.

(3) **Definitions.**

APPROVING AUTHORITY (for Landscape Plans). The Building Department of the City of Florence.

BERM. A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitate mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

CALIPER. Trunk diameter of a tree used in landscaping, measured six (6) inches above ground for trees up to four (4) inch caliper and twelve (12) inches above ground for larger trees.

CROWN. The branches and leaves of a tree or shrub, with the associated upper trunk.

DECIDUOUS PLANTS. Those that shed their leaves during their dormant season and produce new leaves the following growing season.

EVERGREEN PLANTS. Those that retain their leaves during their dormant season.

FRONTAGE LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking or maneuvering area and adjacent rights-of-way.

GROUND COVER. Plants, mulch, gravel and other landscape elements used to prevent soil erosion, compaction, etc.

INTERIOR LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation within an off-street parking or maneuvering area between the right-of-way and the primary structures.

ISLAND. An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

LANDSCAPE ELEMENT. A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

MULCH. A material (pinestraw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

MULCH BED. An area, generally bordered by a retaining device, with a covering of mulch over the soil.

OFF-STREET PARKING AREA. An area, other than on public right-of-way, designated for the parking and movement of vehicles.

ORGANIC LANDSCAPING MATERIALS. Plants or nonliving materials made from plants. (pinestraw, bark chips, etc.)

PARKING DECK. A structure used for parking of vehicles and having one or more parking levels above the grade of the surrounding land.

PARKING SPACE. An area marked for the parking of one vehicle.

PENINSULA. An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

PERIMETER LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking area and adjoining properties and/or rights-of-way, but **excluding** landscaping between an off-street parking area and buildings on the same property.

SHRUB. A woody plant, generally multi-stemmed, of smaller stature than a tree.

STEM. See trunk.

TREE. A woody plant, generally with no more than one or two principal stems.

TRUNK. A principal upright supporting structure of a tree or shrub.

VISIBILITY TRIANGLE. An area of critical visibility between the heights of 2.5 feet and 8 feet above the street grade at an intersection in which landscaping is restricted in the interest of vehicular traffic safety. The visibility triangle will be determined by points twenty-five (25) feet from intersecting right-of-way lines with a straight line connecting such points.

(4) General Off-Street Parking Area Landscaping Requirements.

Landscaping of off-street parking areas shall be of three (3) types as described below, **FRONTAGE LANDSCAPING, PERIMETER LANDSCAPING AND INTERIOR LANDSCAPING**, and shall conform to landscape plans submitted and approved in accordance with the requirements of this section.

(a) **Landscape Plan Requirements**. A master site plan in sufficient detail to indicate the number of parking spaces, the overall amount of off-street parking area, frontage landscaping, perimeter landscaping and interior landscaping, shall be submitted and approved by the Building Department before issuance of a building permit.

For those developments requiring Planning Commission approval, the Planning Department shall furnish the Building Official with a copy of the proposed Landscape plan. The Building Official shall in turn review the Landscape plan and transmit, in writing, to the Planning Department his review for Planning Commission disposition.

Landscape plans submitted under this section shall include information as listed below:

1. General information, including date, north arrow and scale of one (1) inch to no more than fifty feet (50); all property lines, locations of all existing and proposed easements and rights-of-way; existing and proposed topography, drawn at a maximum contour interval of five (5) feet and indicating drainage channels; the names, addresses and telephone numbers of developers, architects, surveyors, engineers and owners of the property for which the plan is designed; and the name and business affiliation of the person preparing the landscape plans.
2. Construction information, including the locations of buildings and off-street parking areas; utility fixtures, including light poles, power and service poles, above ground pedestals (low-voltage) and pad-mounted (high-voltage) fixtures, underground electrical communications and television cables and conduits; hose bibs, sprinkler systems, meters, control boxes, etc.; and the amount (square feet) of off-street parking area and intended surface treatments and the total amount (square feet) of interior landscaping in peninsulas and islands.
3. Landscaping details, including the locations, caliper, species (common name) and intended treatment (move, remove or save) of existing trees eight inches (8) or larger in caliper; locations, dimensions and treatments of all perimeter and interior landscaping areas (islands and peninsulas).
4. A schedule of all new and existing plants proposed for landscaping, including size (caliper and height, container size, etc.) condition (bare-root, balled-and-

burlapped, container-grown or pre-existing), common names and botanical names, (genus, species and variety) of tree, shrubs and ground cover, and the type and amount of turfgrasses.

(b) **Frontage Landscaping Requirements.** Frontage and interior landscaping shall be required for all developments providing areas for parking or vehicular movement.

1. Planting areas existing in a public right-of-way shall not count toward the required Frontage landscaping strip.
2. The amount of Interior landscaping required shall include the required Frontage landscaping.
3. Frontage landscaping shall require a landscaped strip five (5) foot in depth between the street right-of-way and the parking area, or vehicular maneuvering area. This depth shall be increased to eight (8) feet where parking bays are located at the frontage strip.
4. For developments of five (5) or more acres with frontage of 250 feet or more, the Frontage strip shall be thirty (30) feet in width and bermed in order to minimize the visual impact of the off-street parking area, unless administrator determines that the natural topography does not require site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscaping of bermed perimeter strips shall be in accordance with all requirements as outlined in this section.
5. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.
6. Frontage Landscaping, at driveways and street intersections, shall have an area of visibility between the heights of 2.5 feet and 8 feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. This area at street intersections is a visibility triangle as defined in Section (3) Definitions.
7. Should the development abut an R-1, R-2, R-3 or R-B district, the criteria outlined in Section (C)(4)(c)4 shall pertain *with the exception that a solid, unbroken visual screen will not be required.* Frontage landscaping required under these provisions shall be planted in accordance with (C)(4)(b)5.

(c) **Perimeter Landscaping Requirements.** In addition to Frontage and Interior landscaping, **Perimeter landscaping shall be required for developments with fifty-one (51) or more parking spaces, or where parking or maneuvering areas abut R-1, R-2, R-3, or R-B districts.** Landscaping shall be provided within the property lines **between the development and adjoining properties.** Planting areas existing on adjoining property shall not count toward the required perimeter landscaping strip.

1. Perimeter landscaping for developments containing **fifty-one (51) to ninety-nine (99) spaces** shall be at least five (5) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.
2. Perimeter landscaping for developments containing **one hundred (100) or more spaces** shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.

3. Perimeter landscaping shall be planted in accordance with requirements for Frontage landscaping as outlined in section (C)(4)(b)5.

Note: Where a development is proposed adjacent to an existing commercial development, the respective property owners may make application to the Building Official for common access through the required perimeter strip. This application must be in writing from all property owners involved and be accompanied by a revised landscaping plan illustrating the proposed strip modifications.

4. A development adjacent to an R-1, R-2, R-3 or R-B district shall have a twenty (20) foot landscaped buffer for developments requiring Perimeter Landscaping. All other developments adjacent to an R-1, R-2, R-3 or R-B district shall have a ten (10) foot landscaped buffer area. All landscaped buffer areas required under this section shall consist of a **solid unbroken visual screen**, eight (8) feet high within two years of planting, and in sufficient density to afford protection to the residential districts from the glare of lights, from blowing paper, dust and debris, from visual encroachment and to effectively reduce the transmission of noise. A perimeter buffer area shall be maintained in a clean and neat condition.
5. At the option of the developer, application may be made to the Building Official for the following reductions of the required landscaped buffer adjoining R-1, R-2, R-3 and R-B districts.
 - a) Developments of up to fifty (50) parking spaces: **Provided** a wooden fence eight (8) feet high is constructed at the property line to obstruct view from adjoining properties, the required buffer may be reduced to five (5) feet where parking bays are proposed, and three (3) feet where maneuvering area only is proposed. The strip area between the fence and the parking or maneuvering area shall be planted in accordance with Section (C)(4)(b)5.
 - b) Developments of fifty-one (51) or more parking spaces: **Provided** masonry wall eight (8) feet high is constructed at the property line to obstruct view from adjoining properties, the required buffer may be reduced to eight (8) feet. The strip area between the wall and the parking or maneuvering area shall be planted in accordance with Section (C)(4)(b)5.

(d) Interior Landscaping Requirements. Planting Islands and/or peninsulas shall be provided for all parking areas subject to these regulations with percentages, dimensions and arrangement as given below:

1. The required amount of interior landscaping shall be minimum of six percent (6%) of the total land area. All interior landscaping shall be between the right-of-way and the primary structure.
2. Each island or peninsula, to count toward the total interior landscape requirements, shall be at least one hundred (100) feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be five hundred (500) square feet.
3. Island and peninsulas must be at least six (6) feet in their least dimension, measured from back of curb to back of curb.
4. Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be

placed at the ends of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows.

5. The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per one hundred (100) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.
6. Required interior landscaping shall not include the area of any plantings against the primary structure.

(e) **Plant Materials and Installation Requirements.**

1) Trees and Shrubs. All trees and shrubs planted (in addition to any existing trees allowed under "Existing Plant Materials") in required perimeter and interior landscaped areas shall:

- a) (for trees) Be of species other than those determined by this section as unacceptable for parking lot landscaping.
- b) (for trees and shrubs) Conform to the minimum size standards in Table 1, based on the American Standard for Nursery Stock, ANSI Z60.1-1990, published by the American Association of Nurserymen and approved by the American National Standards Institute on October 27, 1980, as follows:

TABLE 1 - MINIMUM SIZE STANDARDS FOR PLANTING STOCK

<u>SHADE & FLOWERING TREES</u>	<u>MIN. SIZE REQUIREMENTS</u>
Type 1, Shade Trees (e.g., red maple, tulip poplar, oaks)	1.5'-2.5' caliper, 12' height range with 16' max. height
Type 2, Shade Trees e.g. Goldenrain tree, Southern Magnolia)	1.5" caliper, 6'8" TO 8' height range, with 9'4" max. height
Type 3, Small Upright Trees (e.g., Crabapple)	1" caliper, 6' to 7' height range
Type 4, Small Spreading Trees, (e.g., Flowering Dogwood, Star Magnolia)	5' to 6' height range
<u>CONIFEROUS EVERGREENS</u>	
Type 5, Pyramidal (e.g. Deodar Cedar, Pine species)	5' to 6' height range
<u>SHRUBS</u>	
All classes	Perimeter landscaping: 15" min. height Interior landscaping: 15" min. height <u>or</u> 15" min. spread

- c) (for trees and shrubs) Be planted within a bed of mulch or ground cover other than turfgrass, and be protected by some barrier to damage from vehicles and maintenance equipment.
- d) (for trees) Be spaced no closer than ten (10) feet to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirements may be closer than ten(10) feet apart .

2) Grass or other permanent ground cover shall be installed and maintained on all parts of each landscaped area.

- a) Effective measures shall be taken to control erosion and stormwater runoff through the use of mulches, ground cover plants, erosion-control netting, etc.
- b) Ground cover may include shrubs and low-growing plants such as Liriope, English Ivy (Hedera helix), Periwinkle (Vinca minor) and similar materials.

Ground cover may also include non-living organic materials such as bark or pinestraw and inorganic materials such as pebbles, crushed rock, brick, tile and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area.

3) Installation Requirements

- a) Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.
- b) When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust and engine heat damage to trees.
- c) The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.
- d) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this ordinance.
- e) Hedges, walls and berms are encouraged to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three (3) feet of run.
- f) The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, retard erosion, runoff and stream siltation, protect tree roots and stems, and foster tree health.
- g) Planting dates recommended by the City are shown in Table 2.

TABLE 2 - RECOMMENDED PLANTING DATES

<u>Type of Plant Materials</u>	<u>Normal Planting Dates</u>
Non-Container-grown deciduous	Oct.1 - April 1
Non-container-grown, other	Oct.1 - April 1
Container-grown, all	Year-round-if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond.

h) Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, and television cables and conduits, public water supply lines, and storm and sanitary sewer lines.

(f) Credit for Existing Plant Materials. Each existing tree meeting the following criteria may count, at the option of the owner, for two (2) of the trees in its class (interior of perimeters) required in this section if other landscaping requirements are met, and if it:

- 1) has a minimum caliper of three (3) inches;
- 2) is at least four (4) feet from the nearest planned curb and is within a planned planting of at least on hundred (100) square feet.
- 3) has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury.
- 4) is indicated on the landscaping plan as a tree "to be saved"; and
- 5) if situated so that it can be incorporated into a planned perimeter landscaping area, island or peninsula with minimal grade cut or fill; and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials and activities from the area that is to become a part of this landscaped area.
- 6) is not one of the following species hereby **determined to be unacceptable** for parking lot landscaping;

LARGE TREES

- Boxelder
- Silver maple
- Tree-of-Heaven
- Catalpa
- Cottonwood
- True poplars

- Native elms
(American, winged,
cedar, slippery &

MEDIUM TREES

- Camphor
- Cutleaf European birch
- Silktree (mimosa)
- Chinaberry
- Yellowwood
- Mulberry
- Eastern redbud

- Princesstree (Paulownia)
- Slash Pine
- Eastern White Pine

September
Colorado Blue Spruce
Red Spruce
Live Oak
Laurel Oak

Willows
Sassafras
Siberian Elm

SMALL TREES
Sumac

(g) **Required Maintenance.** The owner, lessee, or his agents shall be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.

(h) **Notice of Installation.** Upon the beginning of installation of plant materials required by this section, the property owner or developer shall notify the Building Department. The Building Department will require correction of conditions contrary to the requirements of this section and replacement of plant materials that are dead, diseased, damaged or planted so as to kill or injure the plants.

(i) **Guarantees of Performance.** No certificate of occupancy shall be issued until the provisions of this section have been met or a performance bond, an irrevocable letter of credit or a certified check has been posted. When circumstances preclude immediate planting, a certificate of occupancy may be granted after (1) the owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting; (2) the property owner or developer posts a performance bond, an irrevocable letter of credit or a certified check with the Building Department in an amount equal to one hundred (100) percent of the cost of the total required planting, including labor. Selected surety shall be made payable to the City of Florence. Landscaping must be completed and approved within six (6) months (180 calendar days) after a certificate of occupancy is issued in order to redeem the bond.

(j) **Annual Inspection.** The City of Florence Building Department or the City's designated agent shall visit the development once a year to ensure the required landscaping is in accordance with the approved plan. Failure of the developer or owner to comply with the approved landscaping plan and/or failure to provide necessary maintenance of such shall be deemed a violation of the zoning ordinance and be subject to penalties as outlined in Section VIII(A)(4).

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT UPON THE PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

ADOPTED this 20th day of SEPTEMBER, 1994.

Sam Kuehlter
Walter J. ...
Billy J. ...
David ...
Jan ...

 Councilmen

APPROVED this 20th day of SEPTEMBER, 1994.

Eddie Frost
 Mayor

PASSED and APPROVED this 20th day of SEPTEMBER, 1994

Steven A. Eason
 City Clerk

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A SYSTEM OF PERMITS TO ASSURE CORRECT PLANTING, MAINTENANCE, REMOVAL AND REPLACEMENT OF TREES AND SHRUBS ON PUBLIC AND SEMI-PUBLIC PROPERTY WITHIN THE CITY OF FOLEY, ALABAMA

WHEREAS, the City of Foley, Alabama, is blessed with an abundance and diversity of native and re-introduced trees and shrubs, and

WHEREAS, much of the City of Foley and surrounding area was divested of most of its native trees and shrubs through agricultural practices observed over many decades, and

WHEREAS, the City of Foley, being located in extremely level terrain, has experienced severe drainage problems through a combination of heavy seasonal rainfall, agricultural practices, and expanding development which has significantly depleted moister absorbing vegetation and soil cover, and

WHEREAS, trees, shrubs and other landscape elements assist significantly in the natural control of flooding and erosion, and

WHEREAS, the appearance of the City of Foley, Alabama, from the public ways, contributes to the economic prosperity of the City, but which also often necessitates the removal of trees, shrubs and other natural landscaped areas, thereby resulting in a less pleasing appearance and flooding and erosion problems, and

WHEREAS, the City of Foley has long been established as a bird and wildlife sanctuary, with trees, shrubs and natural landscaped areas serving as the natural habitat for such creatures, and

WHEREAS, it is of the utmost importance to protect and manage the valuable assets of trees, shrubs and landscaped areas located on public and semi-public property to protect the health, safety and welfare of the citizens of the City of Foley, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Foley, Alabama, that the following Ordinance is adopted for the establishment of regulations for the protection, management, installation and removal of trees and shrubs on public and semi-public property within the City of Foley, Alabama, and the establishment of a system of permits to assure correct planting, maintenance, removal and replacement of trees and shrubs on said public and semi-public property within the City of Foley, Alabama.

SECTION 1 - SHORT TITLE

This Ordinance shall be known and cited as the Foley Tree Ordinance.

SECTION 2 - PURPOSE

The intent and purpose of this Ordinance is as follows:

- A. Regulate the protection, installation, removal and long-term management of trees, shrubs and other natural and created landscaped areas on public and semi-public property in the City of Foley.

Foley

- B. Encourage the proper protection and maintenance of existing trees, shrubs and other natural and created landscaped areas on all public and semi-public property now or hereafter composing the City of Foley.
- C. Charge the City Clerk to prescribe procedures for the proper protection, installation and long-term management of landscape elements on all public and semi-public lands in the City of Foley.
- D. Establish a system of permits to assure the correct planting, maintenance, protection, replacement and removal of trees and shrubs on public and semi-public lands in the City of Foley.
- E. Establish penalties for violations of the provisions of this Ordinance.

SECTION 3 - DEFINITIONS

For the purpose of this Ordinance, terms and words as used herein are defined as follows:

- A. Adopted Standards - those standards of tree installation, maintenance, pruning and methods of protection during construction, adopted from some recognized national organization responsible for such standards, recommended for adoption by the Tree Committee and duly ratified by the Mayor and City Council of the City of Foley, Alabama.
- B. City Arborist - a duly appointed and designated person, referred to as City Clerk's designee, who shall be duly trained and qualified to issue permits, make inspections, and render opinions relative to the enforcement of this Ordinance.
- C. Critical Root Zone - a circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to a point that is the maximum drip point from any branch of the tree.
- D. Damage - any intentional or negligent act which will cause vegetation to decline and die within a period of five years, including but not limited to, such damage inflicted upon the root system by the operation of heavy machinery; the change of the natural grade above the root system, or around the trunk of a tree; and damages from injury or from fire inflicted on vegetation which results in or permits infection or pest infestation.
- E. Hazard Tree - any tree that has the potential to have parts of, or the entire tree fall under moderate to mild environmental changes, conditions, or man made forces.
- F. Historic or Special Interest Tree - a tree or shrub located on public or semi-public property, or on private property by application of the owner in the City of Foley that is recommended by the Tree Committee for such designation and duly recognized by the Mayor and City Council to be of notable interest due to meeting one or more of the following criteria:
 - 1. Has a trunk diameter of twelve (12) inches or more and is of one of the varieties designated in the Adopted Standards.

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2. Has a trunk diameter of twenty-four (24) inches or more in diameter and is of one of the varieties designated in the Adopted Standards.

(same as 1 above)

3. Has a trunk diameter of thirty-six (36) inches, regardless of variety,
 4. A shrub for any reason relative to size, historic significance, location or unique species,
 5. Is listed on any historic register of the City of Foley, State of Alabama, or U.S. Government,
 6. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law, or
 7. Represents an uncommon species to the south Baldwin County area that the Tree Committee or Mayor and City Council considers to be desirable and not pose a threat to the local ecological balance.
- G. Maintain, Maintenance - includes pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of the landscape vegetation.
- H. Owner - the possessor of title to the land on which particular trees stand, or his agent; in the case of a tree on semi-public land (see definition), ownership rights and responsibilities are as defined in Section 7 of this Ordinance, in the absence of other specific provisions by deed or other binding agreement.
- I. Person - any individual acting on his own behalf or on behalf of any other person, company, partnership, agency, corporation or other entity.
- J. Public Land - any land owned by the City of Foley, Alabama, or any land owned by any other entity for which the City of Foley has specifically assumed responsibility for maintenance.
- K. Semi-Public Land - any land on which public right-of-way, utility easement or other public interest has been granted.
- L. Shrub - any bushy, woody plant, usually with several permanent stems and usually not over ten (10) feet high at its maturity.
- M. Tree - any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more when measured at a point of four and one half (4-1/2) feet above the ground level and which normally attains an overall height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches, or may appear to have several stems or trunks as in some varieties.

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- N. Tree Committee - any member of the Tree Committee, as established under Ordinance No. 280, or any person assigned or contracted by the Tree Committee or City of Foley acting in pursuit of the objectives of this Ordinance within the scope of the same.
- O. Tree service, commercial - commercial practices, including pruning, cavity filling, wound treatment, bracing, cabling, and other repairs; feeding of trees; protection of trees from lightning, insects and disease; and removal of trees in the following situations: Trees on property approved for occupancy by the Foley Inspection Department; trees being removed under contract in the course of utility or right-of-way maintenance; trees being removed by any person who receives compensation commercially in his capacity as a tree specialist.
- P. Utility, private - a commercial service distributed by use of the public streets, alleys, and easements of the City by the use of facilities and fixtures located therein but not regulated by the State of Alabama Public Service Commission.
- Q. Utility, public - a service distributed by wire, pipe, or airwaves to customers and either regulated by the State of Alabama Public Service Commission (as in the case of telephone service) or not regulated by the Public Service Commission but established as a municipal utility (as in the case of water, electric, and gas service).

SECTION 4 - PERMITS REQUIRED

A. Activities Requiring a Permit

Except as otherwise specifically exempted herein, it shall be unlawful to:

- 1. remove, prune, apply chemicals that are harmful to or disturb any tree, or the soil within the critical root zone of any tree; or
- 2. clear vegetation from a site; or
- 3. begin any excavation, remove soil or place fill within the critical root zone of any tree or shrub on any site on public and semi-public property

within the City of Foley, Alabama, until the City Clerk, or City Clerk's designee has issued a permit certifying that such activity complies with applicable provisions of this Ordinance.

B. Applicability

The provisions of this Section of the Ordinance shall not apply to trees, vegetation, shrubs and land disturbing activity located on private lands except voluntarily specified and accepted historic or special interest trees.

C. Emergency Waiver

The provisions of this Section are waived if compliance would hamper the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as wind storms or other disasters. Any emergency work shall follow as closely as possible the standards outlined in the City's Adopted Standards.

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D. Enforcement

Notwithstanding any provision of Section 9 hereof, upon a determination by the City Clerk or City Clerk's designee that work has been undertaken without the issuance of a permit, or not in conformance with the terms of the permit, the City Clerk or City Clerk's designee shall issue a Stop-Work Order which shall remain in effect until all corrections have been made that are necessary to conform to the provisions of this Ordinance.

SECTION 5 - PUBLIC AND SEMI-PUBLIC LAND

A. Tree and Shrub Planting

All existing plantings of trees and shrubs on all public and semi-public land owned or maintained by the City and all future additions and substitutions shall be under the authority and direction of the City Clerk or City Clerk's designee.

Trees may be planted on the public street right-of-way of any public street provided they comply with any plan for public landscaping that has been approved by the State of Alabama or the City of Foley, that they will not hinder the repair or construction of public utilities, and a permit has been issued by the City Clerk or City Clerk's designee.

Trees or shrubs may be planted on the public street right-of-way of any other public street of a variety and in a location desired by the abutting property owner except that no trees or shrubs shall be planted close enough to any public street intersection to interfere with the sight distance at the intersection or interfere with streets, sidewalks, street lights or above and below-ground utility lines as specified in the City's adopted standards.

All planting of trees and shrubs on public property shall be subject to general considerations of public health, safety and welfare, and the material and aesthetic value accruing to the whole community. Planting shall be restricted to the varieties known to be suited to the local climate and environment and shall be intended to preserve and enhance the beauty and variety of the public landscape as recommended in the City's adopted standards and/or plan that may pertain to such area.

B. Prohibited Trees

It shall be unlawful to plant in any public property or semi-public property right-of-way any trees which by the nature of their fruit, root system, brittleness of wood, or susceptibility to disease are deemed undesirable as specified in the City's adopted standards.

C. Tree Maintenance

The City will provide tree maintenance on all public property and on designated thoroughfares. The City will not be responsible for the maintenance or replacement of trees or shrubs planted on the right-of-way except those planted by the City. Trees and shrubs which are planted on the right-of-way of any public street and not properly maintained in a safe, healthy and attractive condition may be removed by the City.

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D. Abuse and Mutilation of Trees

Except to abate a hazard as defined in Section 5.1. of this Ordinance, it shall be a violation of this Ordinance to damage, destroy or mutilate any tree or shrub on public or semi-public property, or attach or place any rope or wire (other than one to support a young or broken tree), sign poster, handbill or any other thing to or on any tree or cause or permit any wire charged with electricity to come into contact with any such tree.

E. Public Hazards

It shall be the duty of the owner of the property wherein or whereupon a public hazard exists, to abate the hazard by removing or trimming the growth. Trees or shrubs on private property whose roots may damage sidewalks, curbs or public streets, by causing them to buckle or break or whose roots may enter into public sewers or water mains shall also be public hazards and may be trimmed or removed as deemed necessary by the City Clerk of City Clerk's designee.

If the owner of property, after being notified in writing, of the existence of a public hazard of their property, fails to abate the hazard within thirty (30) days the City Clerk of City Clerk's designee shall have the hazard abated and assess the exact cost to the owner as provided by law in the case of special assessments or liens.

F. Hazards Caused by Trees and Shrubs Located on Public and Semi-Public Property to Private Property

Where the roots of a tree or shrub on public or semi-public property constitute a hazard to private property, the affected property owner may prune or cut the offending roots at his property line, provided the tree is not a historic or special interest tree and the action will not create an unsafe condition. A permit for such cutting or pruning shall be granted only after the proposed work has been reviewed and approved by the City Clerk or City Clerk's designee.

Where the growth and limbs of public trees constitute a hazard to private property, the City, upon notice of owner, shall correct the condition.

Where the growth of trees interferes with public utilities such conditions shall be corrected by proper pruning, removal or replacement of the tree causing the interference. Corrective measures shall be carried out in accordance with the provisions of this Ordinance and the City's adopted standards.

G. Removal of Trees

Trees and shrubs shall not be removed from public or semi-public property without a permit issued by the City Clerk or City Clerk's designee. Trees and shrubs on all public or semi-public land may be removed only when they are dead, dangerous to life and property, seriously diseased or constitute a public hazard, or where necessary to accommodate the construction of a public facility.

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The City retains the right to remove any tree on any public street or highway right-of-way or easement owned or maintained by the City which is necessary to permit the proper maintenance or improvement of the public street except that no historic or special interest tree shall be removed from land or easements owned by the City or any public street or highway right-of-way unless the City Clerk or City Clerk's designee determines there is no reasonable way the land or street can otherwise be developed, improved or properly maintained and the tree saved.

The City may remove dead or diseased trees from the public street right-of-way, easement owned or maintained by the City on any public street. A tree on the line which is half or more than halfway on the right-of-way at its base will be considered to be on the right-of-way.

Trees and shrubs located on public and semi-public property shall be preserved to the extent that it is possible and feasible. If removed they will be replaced where practicable.

H. Construction and Repair Activity on or Adjacent to Public and Semi-Public Land

A permit shall be required for:

1. any construction or repair activity;
2. any excavation of trenches or tunnels for the installation or repair of utilities; or
3. any laying of pavement

taking place within the critical root zone of any tree on public or semi-public land regardless of whether the critical root zone occupies public or private lands.

No construction or repair activities within the critical root zone of any tree located on public or semi-public land shall take place until the City Clerk or City Clerk's designee has approved a Landscape Protection Plan that indicates tree protection measures and preservation strategies as defined in Section 5.B. of this Ordinance.

All trees to be saved on streets or public land near any excavation or construction of any building, structure, or new streets shall be guarded with protective fencing or other equally effective measures consistent with the City's adopted standards at a location specified in an approved Landscape Protection Plan. All construction material; dirt, or other debris shall be kept outside the protected area.

No person shall deposit, place, store, or maintain upon any public land, easement, street, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree or shrub growing therein, without having first obtained a permit from the City Clerk or City Clerk's designee.

SECTION 6 - HISTORIC AND SPECIAL INTEREST TREES

A. Historic and Special Interest Trees on Public and Semi-Public Land

Historic and special interest trees on public and semi-public land will be protected in the manner contained in Section 5 of this Ordinance.

B. Historic and Special Interest Trees on Developing Land

Historic and special interest trees shall be shown on all preliminary Landscape Protection Plans and located by survey on the approved Landscape Protection Plan. The City Clerk or City Clerk's designee may visit the site to determine the accuracy of identification. The location and identification of historic and special interest trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed.

Proposed development should be designed to maximize the preservation of historic and special interest trees. Where historic and special interest trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save them.

No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any historic and special interest tree to be preserved unless the City Clerk or City Clerk's designee determines there is no reasonable way the property can be developed without such disturbance or unless the proposed work will be carried out in accordance with the specifications for such work in the City's adopted standards.

No historic or special interest tree shall be removed from developing land unless the City Clerk or City Clerk's designee determines there is no reasonable way the property can otherwise be developed, improved or properly maintained and the tree saved.

C. Voluntary Protection of Historic and Special Interest Trees on Any Private Land

Historic and special interest trees which are located on individual lots with single and two-family homes, not otherwise addressed herein, shall be protected if voluntarily registered by the property owner, and so designated by recommendation of the Tree Committee and recognition by the Mayor and City Council.

Registration of such trees shall survive transfer of ownership if language is contained in the document transferring ownership and shall extend the coverage hereof and render the owner of the lot subject to the following privileges:

1. The owner shall be entitled to consultation with the City Arborist concerning proper care of the tree.

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2. If a permitted auxiliary structure or addition to a house is being planned, notwithstanding any provision of the Zoning Ordinance of the City of Foley to the contrary, saving of a rare or specimen tree may constitute sufficient evidence that Section 10.3.3.A. of the Zoning Ordinance have been met in any variance application.

Once so registered, trees may not be removed from the register at a later date at the request of the property owner.

SECTION 7 - ENFORCEMENT AND ADMINISTRATIVE PROCEDURES

- A. The City Clerk or City Clerk's designee shall prescribe specific actions and provision of information for all applications for permits called for in this Ordinance as follows:
 1. the form(s) for all applications called for in this Ordinance;
 2. any information that may reasonably be required to determine compliance with this Ordinance and the City's adopted standards; and
 3. a statement from the Building Inspection Department that proposed actions are in compliance with the Subdivision Regulations and Zoning Ordinance of the City of Foley.

Unless otherwise specified in this Ordinance, for applications requiring City Clerk or City Clerk's designee approval, action to approve or deny an application shall be taken by the City Clerk or City Clerk's designee within fifteen (15) days of the acceptance of a completed application, or within such further time consented to by written notice from the applicant or by resolution of the City Council.

B. Permits

A permit shall be issued by the City Clerk or City Clerk's designee for all activities requiring a permit as defined in this Ordinance, including but not limited to utility line clearance pruning, planting on public land and tree or soil disturbing repairs around existing trees. Permits will be issued only after a finding has been made by the City Clerk or City Clerk's designee that all applicable provisions of this article and the City's adopted standards have been met.

Permits may authorize work for up to one year for ongoing utility maintenance and installation activities and may be renewed annually subject to continued compliance with conditions of the permit. Applications for annual permits shall be accompanied by a statement of measures that will be taken to protect and preserve trees, shrubs and landscape materials.

Permits for all other activities shall be issued by the City Clerk or City Clerk's designee not less than two (2) working days before the work is to be done, except in the case of an emergency where action is required to protect the safety, health and welfare of the public, or the repair of utilities. Notice of completion of work shall be given within five (5) days of completion to the City Clerk or City Clerk's designee for inspection.

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Any permit granted shall contain a date of expiration and the work shall be completed in the time allowed by the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

C. Appeals

The interpretation and decisions rendered relative to application requests under the provisions of this Ordinance are vested to the City Clerk or City Clerk's designee, subject to provisions of Section 10.3.3 of the Foley Zoning Ordinance relative to application and plan compliance with conditions of development contained therein.

Any person may appeal any decision, ruling or interpretation made by the City Clerk or City Clerk's designee relative to an application submitted under the provisions of this Ordinance to the Mayor and City Council in writing no more than ten (10) days from the date of the decision, ruling or interpretation. Upon such written request the Mayor and City Council shall set a date to hear the appeal and affirm, reverse or amend the decision, ruling or interpretation.

D. Fees

Reasonable fees sufficient to cover the costs of administration, inspection, and permit issuance shall be charged to applicants for any permit required herein. Said fees shall be fixed by the Mayor and City Council, and may be altered annually upon review and recommendation of the City Clerk and Tree Committee, and action of the Mayor and City Council in accordance with Alabama law.

E. Initial Implementation Amendment Provision

For the first five years after its adoption, this Ordinance shall be reviewed annually by the City Clerk, with the recommendations made by the City Arborist and Tree Committee, for report to the Mayor and City Council relative to the effectiveness of the Ordinance and recommended amendments to the same.

F. Penalties

Any Police Officer of the City of Foley shall serve upon any person, upon probable cause, violating any provision of this Ordinance, a citation to appear in the Municipal Court of the City of Foley at a time and date specified thereon to be heard and tried in the same manner as the violation of any Ordinance of the City of Foley. Any person in violation of any provision of this Ordinance, shall, upon conviction, be deemed guilty of a misdemeanor and thereof shall be punished as provided for in Section 1-8 of the Code of Ordinances of the City of Foley, Alabama.

SECTION 8 - SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9 - ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ADOPTED this _____ day of _____, 1992.

Arthur A. Holk, Mayor

Attest:

Barbara J. Lee, Acting City Clerk

6.12 Design and Landscaping of Offstreet Parking Lots Consisting of 10 or More Parking Spaces.

The design and appearance of parking areas is intended to enhance and be compatible with the character of the community while making the area more visually appealing. Toward this objective, the following standards shall be observed in the construction of offstreet parking area construction accommodating ten (10) or more parking spaces as otherwise defined herein:

6.12.1 A minimum of ten (10%) percent of the total interior area intended for offstreet parking shall be suitably landscaped. Such landscaping to include the placement of a shade tree at intervals approximately fifty (50) linear feet with a minimum of five (5) shrubs per shade tree.

Note: Section 6.12 of the Foley Zoning Ordinance was amended by Ordinance No. 415-89 on May 1, 1989

6.12.2 Interior portions of the parking area shall be broken by provision of landscaped islands.

6.12.3 A maximum of twelve (12) parking spaces in a row will be permitted without an island.

6.12.4 Each square landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirement.

6.12.5 Landscaped areas shall be protected from vehicular encroachment by the use of curbing.

6.12.6 When lawful paved or unpaved offstreet parking area already exists at the effective date of the ordinance, such area may continue until it is expanded by more than five (5%) percent of its existing parking capacity as calculated pursuant to this part at which time the entire parking area must be brought into conformity with requirements for new construction.

6.12.7 Cross-visibility at the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2½) feet and fifteen (15) feet within an area defined by projecting lines parallel to and twenty five (25) feet from the point of intersection of curb lines projected.

6.12.8 The owner, tenant, agent of either or other person in charge of premises shall be jointly and severally responsible for the compliance with this section of the ordinance as well as the maintenance of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed in accordance with applicable municipal ordinance.

6.12.9 The Building Official of the City of Foley shall provide the owner, tenant and/or agent information as to assistance in planning proposed improvements.

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF FORT PAYNE

ORDINANCE NO. 87- 13

AN ORDINANCE TO ESTABLISH A TREE BOARD FOR THE CITY OF FORT PAYNE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT PAYNE, ALABAMA AS FOLLOWS:

Section 1. DEFINITIONS: Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

SECTION 2. CREATION AND ESTABLISHMENT OF A CITY TREE BOARD: There is hereby created and established a City Tree Board for the City of Fort Payne, Alabama, which shall consist of five members, who shall be appointed by the mayor with the approval of the City Council.

Section 3. TERM OF OFFICE: The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. COMPENSATION: Members of the board shall serve without compensation; however, they may be reimbursed for actual expenses incurred in the performance of their duties.

Section 5. DUTIES AND RESPONSIBILITIES: It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Fort Payne, Alabama. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. OPERATION: The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. STREET TREE SPECIES TO BE PLANTED: The following list constitutes the official Street Tree species for the City of Fort Payne, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Fort Payne

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SMALL TREES	MEDIUM TREES	LARGE TREES
Apricot	Ash, Green	Coffeetree, Kentucky
Crabapple,	Hackberry	Maple, Silver
Flowering (sp)	Honeylocust	Maple, Sugar
Golden Rain Tree	(thornless)	Oak, Bur
Hawthorne (sp)	Linden or Basswood (sp)	Sycamore
Pear, Bradford	Mulberry, Red	Sycamore, London plantree
Redbud	(fruitless, Male)	Cottonwood
Soapberry	Oak, English	(Cottonless, male)
Lilac, Jap. Tree	Oak, Red	
Peach, Flowering	Pagodatree, Japanese	
Plum, Purpleleaf	Pecan	
Serviceberry	Birch, River	
	Osageorange	
	(Male, thornless)	
	Persimmon	
	Poplar, White	
	Sassafras	

Section 8. SPACING: The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. DISTANCE FROM CURB AND SIDEWALK: The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. DISTANCE FROM STREET CORNERS AND FIREPLUGS: No Street Tree shall be planted closer than 35 feet of any any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet to any fireplug.

Section 11. UTILITIES: No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. PUBLIC TREE CARE: The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Council may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. The Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 through 11 of this ordinance.

Section 13. TREE TOPPING: Any person, firm, corporation, city department, or utility that is required to top any Street Tree, Park Tree, or other tree on public property shall exercise due and reasonable care so as not to injure or destroy said tree or otherwise impair its natural appearance as far as is practical. Every effort shall be made to insure the natural beauty and health of the tree, so long as that activity is consistent with the removal of the branches required to prevent said tree from interfering with the utility lines, traffic control devices and other similar activities.

Fort Payne

Section 14. PRUNING, CORNER CLEARANCE: Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light or interferes with visibility of any traffic control device or sign.

Section 15. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY: The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. REMOVAL OF STUMPS: All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. INTERFERENCE WITH CITY TREE BOARD: It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. REVIEW BY CITY COUNCIL: The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council who may hear the matter and make a final decision.

Section 19. PENALTY: Any person violating any provision of this ordinance shall, upon conviction, or a plea of guilty, be subject to a fine not to exceed \$500.00.

This ordinance shall take effect upon its passage, approval, and publication.

Done this the 13th day of October, 1987.

J. David Stout
J. David Stout, Mayor

THE MUNICIPALITY OF
FORT PAYNE, ALABAMA

200 GAULT AVENUE SOUTH * FORT PAYNE, ALABAMA 35967

ATTEST:

James C. McGee
James C. McGee its Clerk

OFFICE OF THE CITY CLERK

RE: TREE ORDINANCE

ORDINANCE NO. 415

AN ORDINANCE TO ESTABLISH A TREE COMMISSION
FOR THE CITY OF FULTONDALE, ALABAMA

The City Council of the City of Fultondale finds and determines that trees are a valuable asset to any City, providing a more healthful and beautiful environment in which to live and work; providing shade and beauty to man-made urban settings; that trees are beneficial in attracting new industry, residents and visitors; that properly grown in the right places, trees enhance the value and marketability of property and promote the stability of desirable neighborhoods. Council further finds and determines that valuable advice and guidance will result from the creation of a City Tree Commission.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULTONDALE, ALABAMA, AS FOLLOWS:

SECTION 1. There is hereby established a City Tree Commission. That the Council shall appoint a Tree Commissioner and two (2) Council Members as members of the Tree Commission. The Mayor shall also serve as an ex-officio member. Terms of council members shall expire when newly elected Council takes office. In addition, Council shall appoint 5 additional members who shall be residents of the City of Fultondale; 2 of which shall be appointed for a term of one (1) year, 2 for a period of two (2) years, and 1 for a period of three (3) years. Following the initial appointments, members shall be appointed for a term of three (3) years, or until their successors are appointed and qualified. Members shall serve without compensation.

SECTION 2. The Commission shall provide for regular periodic meetings and such special meetings as may be required.

SECTION 3. The City Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality concerning a tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the City; shall assist in providing information regarding the protection, maintenance, removal and planting of trees on public property, and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use of trees; shall recommend which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and make recommendations to Mayor and Council on other matters concerning trees in the City of Fultondale.

SECTION 4. This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED this the 10th day of May, 1993.

ATTEST:

Jane Hazlegrove
Jane Hazlegrove, City Clerk

John N. McCain
John N. McCain, Mayor

I, Jane L. Hazlegrove, City Clerk of the City of Fultondale, Alabama do hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the City of Fultondale, Alabama at its meeting held 5/10/93, and as same appears of record in the minute book of said date of said City.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Fultondale, Alabama this 10th day of May, 19 93.

Jane Hazlegrove

Geneva

STATE OF ALABAMA

GENEVA COUNTY

ORDINANCE NO. 06-85-03

AN ORDINANCE TO ESTABLISH A TREE COMMITTEE FOR THE CITY OF GENEVA, ALABAMA

WHEREAS, trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When grown in the right place and of the proper varieties, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. Unless and until otherwise directed by the Mayor, the City Street Commissioner and Park Commissioner shall serve on a committee within the framework of the Mayor and Council, which shall be known as the "Committee for Park and Street Trees." It is further recognized that additional advice and guidance to the Mayor and Council will result from the appointment on this committee of other interested citizens of the City of Geneva.

BE IT THEREFORE ORDAINED by the Mayor and Council of the City of Geneva, Alabama, as follows:

Section 1: That there is hereby established a Committee for Park and Street Trees, and that the Mayor, with the concurrence of the Council, shall appoint on this committee two (2) members of the Council, and the Mayor shall serve as an ex-officio member. The Council members' term shall expire on the date that a newly elected council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the City of Geneva, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years, and two (2)

Geneva

of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

Section 2: This committee shall meet at such times as provided in the minutes of their meetings, and in addition, meetings may be called by the Mayor, by either of the two (2) Council members, or by any three (3) of the other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

Section 3: The duties of the Committee for Park and Street Trees shall be to determine and make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and where requested by the owner on private property; to meet with the City Planning Commission and assist and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of said plan; to recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; to make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality as from time to time as requested by the Mayor and Council.

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED this the 17th day of June, 1985.

CITY OF GENEVA, ALABAMA

ATTEST:

Marian Engstrom
City Clerk

By: W. Herring Jr.
Mayor

Georgiana

Ordinance No. 1989-3

Georgiana

AN ORDINANCE TO ESTABLISH A TREE COMMISSION

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Mayor and Council of the City of Georgiana, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor and two Councilmembers who shall be named by Mayor shall serve as ex-officio members. In addition, the Mayor shall appoint six additional members for the City of Georgiana. Two shall be appointed for one year; two shall be appointed for two years; and two shall be appointed for three years. Following the initial appointment, two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed. Members shall not be compensated for serving on this commission.

Section 2. This Commission shall provide in its minutes for regular meetings. Meetings may also be called by the Mayor, by either of the two Council members, or by any three of the other members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission may make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; may assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; may recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and may make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.



CITY OF GEORGLANA
P.O. Box 310
Georgiana, Alabama 36033

Georgiana

Section 4. Nothing contained in this Ordinance shall be constructed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utility's facilities on public streets, alleys or right of ways; nothing contained in this Ordinance shall prevent the City from removing any tree or portion of any tree which the City deems to be dangerous, not only from the tree's infected condition or danger of falling, but to be dangerous at corners or intersections in that the same would obscure the view of motor vehicles approaching said intersection.

Section 5. Nothing contained herein shall prevent the removal of any trees or portions of trees on private property, and this Ordinance is not intended to restrict the removal of trees by owners of private property.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED THIS 1st day of May, 1989.

CITY OF GEORGIANA, ALABAMA

BY: Lynn H. Watson
Mayor

ATTEST:

Barbara Clem
City Clerk

Gordo

ORDINANCE NO. 1992-4

Town of Gordo

P. O. Drawer I
Gordo, AL 35466

AN ORDINANCE ESTABLISHING A TREE COMMISSION FOR THE
TOWN OF GORDO, ALABAMA

WHEREAS, the Town Council of Gordo, Alabama recognizes that trees are valuable assets as they provide a more healthful and beautiful environment in which to live and they provide oxygen, shade, aesthetics, and a priceless psychological counterpoint to the man-made urban setting; and,

WHEREAS, trees are economically beneficial in making our community more attractive to new industry, residents and visitors and,

WHEREAS, when the proper species are grown in the right places, they enhance the value and promote the maintenance and the stability of desirable neighborhoods by fostering an attitude of pride in our landscape; and,

WHEREAS, it is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

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

1. That there is hereby established a Gordo Tree Commission and the Mayor shall appoint to the Tree Commission five(5) members for staggered five year terms. The Mayor shall designate a Chairperson from this group. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority. Appointees should represent all community groups which are interested in tree preservation, including but not limited to preservation groups, beautification groups, garden clubs, utility companies and developers.

2. The Tree Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, or by any two of the Commission members, after giving not less than three (3) days notice of the date, time, and place of the special meeting.

3. The Gordo Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program, shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality, shall assist the Mayor and Council by making recommendations regarding the protection, maintenance, removal, and planting of trees on public property, shall develop an information and education program on the selection, care, and planting of trees for the citizens of Gordo; shall assist and promote in making a master street plan by recommending the use and species of trees; and shall recommend removal of dead, dying, diseased or insect infested trees; and when requested shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

4. This ordinance is not intended to grant or delegate to the Tree Commission any regulatory powers possessed by the Town of Gordo.

5. That this ordinance shall become effective immediately upon passage, approval and publication as provided by law.

ADOPTED AND APPROVED THIS 6 day of APRIL, 1992.

Bennie Bence
ATTEST: TOWN CLERK

Robert L. Smyth
ROBERT L. SMYTH, MAYOR

ORDINANCE NO. 89-159

TO ESTABLISH A TREE COMMISSION FOR THE CITY OF GREENSBORO, ALABAMA

The City Council recognizes that trees are valuable assets as they provide a more healthful and beautiful environment in which to live. They provide oxygen, shade, aesthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in making our community more attractive to new industry, residents, and visitors. When the proper species are grown in the right places, they enhance the value and promote the maintenance and the stability of desirable neighborhoods by fostering an attitude of pride in our landscape. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Greensboro, Alabama, as follows:

Section 1. That there is hereby established a Greensboro Tree Commission and that the Mayor with the concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council and the Mayor shall serve as ex-officio member. The Council members term shall expire on the date a newly elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

Section 2. The Greensboro Tree Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Council members, or by any two of the Commission members, after giving not less than three days notice of the date, time, and place of the special meeting.

Section 3. The Greensboro Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council by making recommendations regarding the protection, maintenance, removal, and planting of trees on public property; shall develop an information and education program on the selection, care, and planting of trees for the citizens of Greensboro; shall assist and promote in making a master street plan by recommending the use and species of trees; and shall recommend removal of dead, dying, diseased, or insect infected trees; and when requested, shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

Adopted this 24th day of January, 1989

Shara Davis

City Clerk

John Jay Jr
Mayor

Sec. 2-7. City-county library board.

(a) Pursuant to a joint resolution adopted by the county of Jennifer P. Stringer is hereby established a joint public library service to be held at P.O. Box 158 County Public Library." This library shall be administered by Greenville, AL 36037 seven (7) members. Three (3) members shall be appointed by the council. Each appointing body shall appoint one (1) member for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years. Also, the council shall appoint one (1) member for four (4) years. Following these initial appointments, all appointments shall be for four (4) years.

(b) All vacancies and appointments, whether for expired or unexpired terms, shall be filled by appointment of the governing body that made the appointment of the outgoing board member.

(c) Members of the library board shall serve without compensation.

(d) The library board created by this section shall have all of the powers and duties authorized in the Code of Alabama, 1975, Chapter 90 of Title 11, as last amended.

(e) The library shall operate under such rules of governance as may be prescribed by law, or in the absence of statutory direction, as prescribed by the library board.

(f) Upon dissolution, all of the Greenville-Butler County Public Library assets remaining after the payment or discharge of all liabilities; the return, transfer or conveyance of assets held on conditions requiring the same; and the transfer or conveyance of assets received and held subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall be distributed as follows: to the City of Greenville, Alabama, or its successors in name or charter, or to some other duly qualified entity organized and operating as a Section 501(c)(3) organization under the Internal Revenue Code of the United States of America.

(Ord. No. 1985-7, 9-9-85; Ord. No. 1991-4, § 2, 6-7-91)

State law references—Free public libraries, Code of Ala. 1975, § 11-90-1 et seq.; library boards generally, Code of Ala. 1975, § 11-90-2 et seq.; establishment and maintenance of joint library service, Code of Ala. 1975, § 11-90-4.

Sec. 2-8. Tree commission.

(a) There is hereby established a tree commission. The mayor and the councilmen who serve as chairmen of the committee on sanitation and of the committee on parks and recreation shall serve as ex officio members. The mayor shall appoint six (6) additional members for the city. Two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years. Following the initial appointment, two (2) members shall be appointed annually to serve for three (3) years. Members shall serve until their successors are appointed. Members shall not be compensated for serving on this commission.

(b) The tree commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the mayor, by either of the two (2) council members, or by any three (3) of the other members, after giving not less than three (3) days' notice of the date, time and place of the special meeting.

(c) The tree commission may make recommendations to the mayor and the council on the needs of the city in connection with its tree planting program; it may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; it may assist the council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; it may meet with the city planning commission and assist in making a master street plan by recommending the use and species of trees; it may recommend to the council which trees are considered to be unwanted or weed trees, and identify and recommend removal of any dead, dying, diseased or insect-infected trees; and it may make studies and report back to the council with recommendations on matters concerning trees in the city.

(d) Nothing contained in this section shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utility's facilities on public streets, alleys or rights-of-way; nothing contained in this section shall prevent the city from removing any tree or portion of any tree that the city deems to be dangerous, not only from the tree's infected condition or from a danger of falling, but where dangerous at corners or intersections in that the tree would obscure the view of the drivers of motor vehicles approaching the said intersection.

(e) Nothing contained in this section shall prevent the removal of any trees or portions of trees on private property, and this section is not intended to restrict the removal of trees by the owners of private property.

(Ord. No. 1985-4, §§ 1-5, 5-27-85)

Cross references—Parks and recreation, Ch. 14; streets and sidewalks, Ch. 18; weeds and debris, § 13-46 et seq.

State law references—Planning commissions, Code of Ala. 1975, § 11-52-2 et seq.; master plan for physical development of city, Code of Ala. 1975, § 11-52-8 et seq.; municipal forest lands, Code of Ala. 1975, § 11-84-1 et seq.

Secs. 2-9-2-25. Reserved.

Greenville
LANDSCAPE AND TREE PRESERVATION
ORDINANCE

(Draft)
Greenville 1

SECTION 1

Findings

A. Trees in the landscape provide a productive land use with significant water quality and wildlife habitat benefits. Trees also diminish air pollution, reduce noise, moderate temperature extremes, and increase property values, but can be affected adversely by indiscriminate development.

B. Inadequate attention during development to the ecologic function of trees can result in measurable environmental and economic damage to property.

C. Tree protection in land development should be a shared community responsibility: Developers need to approach their projects with some environmental sensitivity; citizens need to understand the needs of the developers; and the City of Greenville must be compromising, yet fully recognize and support the need for tree protection and replacement. If we all do our part, everyone wins. And our cities can grow physically and economically, while remaining beautiful and environmentally healthy.

D. The City of Greenville is committed to the coordination of controlled development with environmental objectives. The presence of trees in the landscape helps to achieve these goals.

SECTION 2

Purpose

The purpose of this ordinance is to protect and promote the public health, safety, property and general welfare by establishing standards of practice for the preservation of trees and the environmental design of landscapes in development areas in order to better control soil erosion and the transport of sediment, improve the environmental quality of surface and groundwater, screen noise, and preserve, protect and enhance wildlife habitat. This ordinance established guidelines that will permit construction while minimizing impact to existing woodland communities and encourages reforestation with species native to the area.

SECTION 3

Landscape plans

Landscaping plan required: Whenever any construction or redevelopment on any parcel, not otherwise exempt, is proposed no permit for such work shall issue until a landscape plan conforming to the requirements of this ordinance is submitted and approved. Such plan shall be fully dimensioned and drawn to scale and shall include, at the minimum, the following:

1. Species, size, and location of existing trees to be retained.
2. Species, size, location of trees to be planted.
3. Shrubs and other landscape material to be provided.
4. Screening and buffers required hereunder.
5. Proposed structures and vehicle use areas.
6. Relationship of site to adjacent public or private streets and properties.
7. Such other information as the zoning officer may reasonably require to ascertain compliance herewith.

A landscape plan may be required for any development within the City of Greenville, but is mandatory for all multi-family developments including apartments, townhouses, condominiums and planned unit developments, and for all business and industrial developments. Such plan shall be submitted to the Building Inspector prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs. In such case, the developer's landscape plan shall indicate replacement trees at least six (6) feet tall and two (2) inches in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan shall include renderings by a landscape architect and any other documentation required by the Building Inspector.

Required landscaped areas shall be exclusive of the land occupied by curbs and sidewalks. Vehicles shall not overhang more than two (2) feet onto landscaped areas.

Total tree requirement within the required landscaped area shall be in ratio of one tree for each fifty (50) feet, or fraction thereof, of primary or secondary frontage. Fifty (50) percent or more shall be shade trees.

All new developments along major arterial shall be set back thirty (30) feet from the right-of-way and shall maintain a minimum of five (5) feet of the required thirty (30) foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan.

All existing developments along major arterial that presently have no landscaping along the front property line shall present an

acceptable landscape plan to the Building Inspector within three (3) years of the date of adoption of this ordinance.

A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass of other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Inspector. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.

All new businesses related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be visible from the roadway on which the building fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are properly screened from view. All existing businesses related to car, truck or other vehicle service and repair, regardless of orientation of the service and repair bays, shall have in place within three years of the adoption of this Ordinance adequate screening so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are not visible from the roadway.

Interior Landscaping Requirements: Where accommodations are provided for parking of fifty (50) or more vehicles, interior landscape areas shall be provided, so located as to break the expanse of the pavement and to guide traffic flow. The total area provided for interior landscaping shall be at least ten (10) percent of the total paved area for parking and access. Trees, shrubs, grass and other ground cover shall be planted in the same ratio as required in perimeter landscaping.

In addition to the foregoing, parking lots to accommodate large volumes of parking such as shopping centers, the following requirements shall apply:

1. A continuous landscape strip of at least six (6) feet in width at every fourth parking row, with solid protective curbing. Vehicles shall not overhang more than two (2) feet into landscape areas.
2. No more than eighteen (18) continuous parking spaces shall occur without an intervening planting area at least six (6) feet wide located adjacent and parallel to the parking spaces.
3. Required trees and ground cover shall be as provided for perimeter landscaping.

Maintenance: All landscaped areas shall be maintained by the owner of the property at all times. Maintenance shall include the prompt replacement of all dead or damaged landscaped material so as to ensure continued compliance with the landscaping requirements of this section.

Gulf Shores

**City of Gulf Shores, Alabama
Tree Preservation Regulations**

Tree Permit requests with the City shall be set by resolution of the Council. In the case of tree removal or relocation activities that will be required on a continuing or repetitive basis, the City may issue a blanket Tree Permit on such terms and for such duration as are determined to be appropriate under the circumstances. The City will approve or deny the application, with or without conditions, within five (5) working days following receipt of the application and, if approved, issue a Tree Permit authorizing the proposed activity. Failure of the City to act upon an application within such time period shall constitute approval of the application and permission to proceed with the requested activity. The Mayor of the City of Gulf Shores may declare an emergency and impose a temporary moratorium on the enforcement of this requirement, following severe storm events within the city.

Criteria for Issuance of a Tree Permit

A Tree Permit for the requested activity shall be issued if:

- A. The tree is located in an area where a structure or improvement is to be placed according to a site plan or building permit approved by the City; or
- B. The tree is diseased, injured, in danger of falling close to existing or proposed structures (approved in A. above), interferes with existing or proposed essential utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations of the City; or
- C. Removal of the tree will not result in any adverse material affect to the appearance of the site, since other Protected Trees of similar age, height, and species are present on the site and/or a sufficient number of replacement trees are proposed to be planted on the site in appropriate locations and of sufficient size to prevent such adverse affect.
- D. The tree is to be removed and relocated as part of (1) the bona fide harvesting or thinning of timber from land currently assessed and managed as forest property; (2) the bona fide thinning of growth from undeveloped property for the purpose of the maintenance of the overall health of the trees and growth on such property; (3) the release from nursery inventory of trees commercially cultivated for the purpose of resale; or (4) the preservation of such tree in connection with the expansion of agricultural operations in the vicinity of such tree.

If in the determination of the City the application does not meet the above criteria, it will be denied and the reasons communicated to the applicant who may appeal the decision to the City Council within ten (10) working days by filing a written request with the Community Development Department in a format or on a form as specified by the department.

Enforcement and Penalties

Whenever the Director of Community Development, or his designee, shall determine that a violation of this Article has occurred, any of the following actions may be initiated singly or in combination:

- A. On any new construction site, a Stop Work Order may be immediately issued to the contractor or property owner. Upon receipt of such Order, construction may not be resumed until an approved plan authorizing the removal of the subject trees is

Gulf Shores

City of Gulf Shores, Alabama
Tree Preservation Regulations

Ordinance 833 - Adopted August 28, 2000

These provisions are intended to regulate the removal and/or destruction of trees within the community for the purpose of:

- A. Preserving the existing character of the city, part of which is derived from existing groves of mature pine, oak and other species of trees;
- B. Reducing the effects of noise and air pollution;
- C. Preventing soil erosion and the siltation of drainage improvements and waterways;
- D. Protecting and enhancing the aesthetic qualities of the community; and
- E. Adding an element of landscape maturity to new developments in the city thereby enhancing buffering, privacy and increasing the value of property.

Applicability

These regulations shall apply to each Protected Tree within the corporate limits and police jurisdiction of the City of Gulf Shores, except a Protected Tree on any lot zoned or used exclusively for single family and/or duplex uses or any lot in the police jurisdiction located in a subdivision intended for single family and/or duplex uses.

General Regulations

No Protected Tree as defined in this Article shall be removed, relocated, destroyed or otherwise directly or indirectly injured unless and until a Tree Permit under this Article has first been issued. The City may issue an annual permit to public utility companies exempting them from this requirement with respect to the trimming of Protected Trees that may interfere with utility lines located within public rights-of-way, upon such terms and conditions as may be determined by the City. No Tree Permit shall be required for the incidental trimming or pruning of a Protected Tree located on private property by the owner of the property or the owner's agent.

Definitions

- A. Caliper: The measurement of the diameter of a tree trunk four (4) feet above existing grade.
- B. Tree, Protected: Any tree that has a caliper of at least six (6) inches or is a live oak, sand live oak, or sand pine.

Tree Permit

Any person wishing to remove, relocate, destroy, or otherwise injure a Protected Tree shall, under the provisions of this section, make written application to the City of Gulf Shores Community Development Department, which application shall include a landscape plan as provided in Section 15-9.D of the Zoning Ordinance (if a site plan has been approved) or other information that adequately explains the request. Application fees for the filing of

City of Gulf Shores, Alabama Tree Preservation Regulations

Tree Permit requests with the City shall be set by resolution of the Council. In the case of tree removal or relocation activities that will be required on a continuing or repetitive basis, the City may issue a blanket Tree Permit on such terms and for such duration as are determined to be appropriate under the circumstances. The City will approve or deny the application, with or without conditions, within five (5) working days following receipt of the application and, if approved, issue a Tree Permit authorizing the proposed activity. Failure of the City to act upon an application within such time period shall constitute approval of the application and permission to proceed with the requested activity. The Mayor of the City of Gulf Shores may declare an emergency and impose a temporary moratorium on the enforcement of this requirement, following severe storm events within the city.

Criteria for Issuance of a Tree Permit

A Tree Permit for the requested activity shall be issued if:

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- B. The tree is diseased, injured, in danger of falling close to existing or proposed structures (approved in A. above), interferes with existing or proposed essential utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations of the City; or
- C. Removal of the tree will not result in any adverse material affect to the appearance of the site, since other Protected Trees of similar age, height, and species are present on the site and/or a sufficient number of replacement trees are proposed to be planted on the site in appropriate locations and of sufficient size to prevent such adverse affect.
- D. The tree is to be removed and relocated as part of (1) the bona fide harvesting or thinning of timber from land currently assessed and managed as forest property; (2) the bona fide thinning of growth from undeveloped property for the purpose of the maintenance of the overall health of the trees and growth on such property; (3) the release from nursery inventory of trees commercially cultivated for the purpose of resale; or (4) the preservation of such tree in connection with the expansion of agricultural operations in the vicinity of such tree.

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Whenever the Director of Community Development, or his designee, shall determine that a violation of this Article has occurred, any of the following actions may be initiated singly or in combination:

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Gulf Shores

City of Gulf Shores, Alabama Tree Preservation Regulations

presented to the Community Development Department or a remediation proposal is presented to the department and approved by the City as provided in subsection (C) below.

- B. On an existing developed site, depending upon the circumstances of the violation, a Cease and Desist Order, Warning Citation, or formal citation may be issued to the violator as determined by the Director of Community Development or his designee. A Cease and Desist Order shall specify the nature of the violation and require that any work not permitted under this Article immediately cease and desist. The property owner shall, within two (2) weeks, present a remediation proposal to the City for correcting the violation.
- C. Each remediation proposal shall be reviewed by the Director of Community Development, who shall present the proposal to the City Council along with a recommendation for acceptance or rejection, or modification thereof.
- D. Any person violating any of the provisions of this Article shall be guilty of an offense against the City and shall, upon conviction, be punished for each violation as provided in Section 1-8(a) of the City's Code of Ordinances as now in force or as hereafter amended. Each Protected Tree removed, relocated, destroyed, or otherwise injured without a Tree Permit shall constitute a separate violation.

Amended through:

- Ordinance No. 843, Adopted October 23, 2000
- Ordinance No. 1055, Adopted March 25, 2002

TREE COMMISSION

AN ORDINANCE ESTABLISHING A TREE COMMISSION FOR THE CITY OF GUNTERSVILLE, ALABAMA

BE IT ORDAINED by the City Council of the City of Guntersville, Alabama as follows:

SECTION 1. The City Council finds and determines as follows: That trees are recognized as a valid asset, providing a more healthful and beautiful environment in which to live, they provide oxygen, shade, esthetics and a priceless psychological counterpoint to the man-made urban setting, and they are economically beneficial in attracting new industry, residents and visitors; when the proper varieties are grown in the right places, they enhance the value and marketability of property and promote the stability of desirable neighborhoods; and that valuable advice and guidance to the Mayor and City Council will result from the appointment of a Tree Commission.

SECTION 2. There is hereby established in the City of Guntersville, Alabama, a Tree Commission. The Mayor and the members of the City Council shall serve as ex-officio members of the Commission. In addition, five (5) additional members residing within the City of Guntersville, Alabama, shall be appointed. Two shall be appointed for one (1) year; two shall be appointed for two (2) years; and one shall be appointed for three (3) years. Following the initial appointment, two members shall be appointed annually to serve for three (3) years. Members shall serve until their successors are appointed.

SECTION 3. The Commission shall provide in its minutes for regular, periodic meetings. Meetings shall also be called by the Mayor or by any of the Council Members, or by any three members of the commission, after giving not less than three days notice of the date, time and place of the special meeting.

SECTION 4. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property, and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and City Council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased or insect-infested trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

SECTION 5. The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Commission. Any person may appeal from any ruling or order of the Tree Commission to the City Council, who may hear the dispute and make a final decision thereon.

PASSED, APPROVED, AND ADOPTED THIS THE 16th DAY OF November, 1987.

Robert L. "Bob" Hembree, Mayor

Dan Parker, Councilman, Place 1

Leamon Jarmon, Councilman, Place 2

Joy Alves Cranford, Councilman, Place 3

(Absent)

M. James Hindman, Councilman, Place 4

Robert M. Kelley, Councilman, Place 5

ATTEST:

Leha Kennamer, City Clerk

Guntersville

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I, Lena Kennamer, City Clerk of the City of Guntersville, Alabama hereby certify that the foregoing Ordinance No. 616, was published one time the the local newspaper, the Advertiser Glean on

Lena Kennamer
Lena Kennamer, City Clerk

RESOLUTION NO. 878

WHEREAS, The City Council of the City of Guntersville, Alabama has approved Ordinance Number 616 establishing a Tree Commission for the City of Guntersville, and

WHEREAS, the Tree Commission is directed by a Board of five (5) members with the Mayor and City Council Members serving as ex-officio members, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the following citizens of the City of Guntersville be appointed to serve the respective terms of office as members of the Guntersville Tree Commission:

Place 1	Caroline Sparks	1 year
Place 2	Velpo Mabrey	1 year
Place 3	Vicki Mann	2 years
Place 4	Linda Reynolds	2 years
Place 5	Jeannie Wallace	3 years

BE IT FURTHER RESOLVED that following the initial terms of service successors will be appointed for three year terms.

PASSED, APPROVED AND ADOPTED THIS THE 16th DAY OF November, 1987

Robert L. Hembree

Robert L. "Bob" Hembree, Mayor

Dan Parker

Dan Parker, Councilman, Place 1

Leamon Jarmon

Leamon Jarmon, Councilman, Place 2

Joy Alves Cranford

Joy Alves Cranford, Councilman, Place 3

Absent

M. James Hindman, Councilman, Place 4

Robert M. Kelley

Robert M. Kelley, Councilman, Place 5

ATTEST:

Lena Kennamer
Lena Kennamer, City Clerk

Ord. No. 616

Title Tree Commission

Date Approved

11/16/87

**CODE OF ORDINANCES
City of GUNTERSVILLE, ALABAMA**

**Codified through
Ord. No. 902, enacted Aug. 2, 2005.
(Supplement No. 13)**

ARTICLE II. URBAN FOREST BEAUTIFICATION AND CONSERVATION

Sec. 8.5-11. Title.

This article shall be known as the "Urban Forest Beautification and Conservation Ordinance" of the City of Guntersville, Alabama.
(Ord. No. 809, § I, 3-15-99)

Sec. 8.5-12. Purpose.

The purpose of this article is to promote the beauty and conservation of functional forests and woodlands on lands in the City of Guntersville, Alabama by establishing guidelines for the commercial logging of environmentally and visually sensitive areas.
(Ord. No. 809, § II, 3-15-99)

Sec. 8.5-13. Definitions.

[For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them:]

Basal area (BA). The cross-sectional area (in square feet) of trees per acre measured at approximately four and one-half (4 1/2) feet from the ground.

Commercial logging. The harvest of timber from forests with the intent to sell the product.

Environmentally sensitive areas. Areas, such as steep slopes, stands of mature vegetation, areas of high water table, and areas of rock outcrop, which are easily destroyed causing irreversible loss of cultural, scientific, ecological, and/or aesthetic values.

Extraordinary tree. A tree that is unique due to its age, species, or historic significance.

Land clearing. The removal of trees of six (6) inches and greater diameter at breast height (four and one-half (4.5) feet above the natural grade at the base of the tree) or greater.

Person. Any individual acting on his own behalf, or on behalf of a company, agency, corporation, or other body.

Public land. Any land belonging to the City of Guntersville; for the purpose of this ordinance, federal and state land is excluded from this category, unless the City of Guntersville has specifically assumed responsibility for its maintenance.

Professional forester. A person who performs or directs works, services, or undertakings that require specialized knowledge, training, and experience in forestry. Such person must be a registered forester as defined by Section 34-12-1 (3) of the Code of Alabama.

Semi-public land. Land on which public right-of-way, utility easement, or other public interest has been granted.

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Shoreland zone. The land area located within two hundred fifty (250) feet, horizontal distance of the normal high-water line of any pond or lake, or river within two hundred fifty (250) feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Tree service. Commercial practices including trimming, removal, and other maintenance of trees.

Utility, public. A service distributed by wire, pipe, or airwaves to customers, and either regulated by the State of Alabama Public Service Commission (as in the case of telephone service) or not regulated by the Public Service Commission, but established as a municipal utility (as in the case of water, electric and gas service).

Visually sensitive areas. Areas which can be viewed from travel routes and recreational areas which include highways, roads, trails, lakes, and waterways, resorts, campgrounds, and picnic areas.

(Ord. No. 809, § III, 3-15-99; Ord. No. 811, 6-7-99)

Sec. 8.5-14. General provisions.

(a) *Administration.* The building official of the city shall administer this article.

(b) *Applicability.* This provision shall apply to all incorporated lands within the city's jurisdiction for which any of the following conditions apply:

(1) All landowners, operators or agents who cause or permit forest growth to be cut within the boundaries of the City of Guntersville, Alabama.

(2) The building official shall be authorized to determine whether the provisions of this article apply to any specific parcel.

(c) *Changes in existing and/or conflicting ordinances.*

(1) *License required.* Any tree service operator conducting business in the city must obtain a city business license before a permit will be issued.

(2) *Severability.* Should any section, clause, or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole, or parts thereof, other than the part so declared to be invalid.

(3) *Effective date.* This article shall be in force and effect after its passage and publication as provided by law.

(d) *Notification required.*

(1) Any person is required to notify the building official before they conduct or cause to be conducted a forest harvesting operation encompassing three (3) or more acres.

a. No more than one harvesting operation may occur where notification of the building official is not required (less than three (3) acres), in a three-year period without approval.

b. In some situations, to comply with the above restriction, a., notification to the building official will be required for harvesting less than three (3) acres.

(2) The notification must be submitted at least two (2) weeks before the harvesting operation is started. The notification shall be valid only for the site designated.

(3) A notification filed under this article shall expire one year from the date of notification, unless the period is extended by the administrator.

(4) For the purposes of this article, notification shall consist of a copy of the "Notification of Intent to Harvest Forest Products" form including the sketch map of the site and a brief description of the harvest technique to be used. The information is to be submitted to the building official.

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(5) The applicant must comply with the performance standards of section 8.5-15 except as provided in section 8.5-16.

(e) *Forest alteration permits.*

(1) Except as provided for herein, no person or corporation shall destroy or significantly alter any forest or woodland through tree damage or removal, clearing, grading, tilling, burning, application of chemicals, or any other means unless they possess a valid forest alteration permit.

(2) No person or corporation shall be granted a permit for subdivision, grading, building, or the construction of any improvement on wooded or forested lands unless they possess a valid forest alteration permit.

(3) Any alteration of wooded or forested lands shall conform to the conditions and specifications of the forest alteration permit.

(4) The building official as the designee of the city of the applicant's notification.

(5) Issuance of a forest alteration permit is contingent upon the following requirements:

a. The forest management plan (see section 8.5-20) shall be prepared by a professional forester. Plan preparation shall be at the applicant's expense.

b. If applicable, the forest management plan (see section 8.5-20) for the subject property must be approved by the building official.

c. All reforestation planting required as a condition of approval must be installed at least one year subsequent to the issuance of the forest alteration permit, and must be approved as adequate after inspection by the building official or other designee of the city.

d. All other requirements pursuant to city ordinances, and other applicable county, state, and federal laws and regulations must be fulfilled.

(Ord. No. 809, § IV, 3-15-99)

Sec. 8.5-15. Performance standards.

(a) Not more than a maximum of fifty (50) percent of the basal area of trees shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees and shrubs and their living, undamaged root systems shall be left in place.

(b) Dead, diseased, unsafe or fallen trees or shrubs may be removed. Their removal shall not be used in computing the percentage limitations under subsection (a).

(c) All trees cut must be delimited at or near the cutting site. Roadside delimiting is not permitted. Burning of trees or limbs is not permitted.

(d) Forest harvesting operations shall be conducted to minimize soil erosion and sedimentation of waterways. Log landings, yards, tote roads (except stream crossings), and skid trails shall be at least seventy-five (75) feet from the normal high water mark of any water body.

(e) Areas of somewhat poorly drained or wetter soils, U.S.D.A. - Soil Conservation Service, Marshall County Soil Survey, are to be harvested during periods when minimal soil disturbance will occur (dry soil conditions).

(f) When any forest harvesting operation or phase of the forest harvesting operation is completed landings, yards, skid trails, tote roads and other disturbed areas are to be returned to their approximate original contours. Erodible areas are to be stabilized with mulch and/or vegetation as soon as is feasible or no later than sixty (60) days.

(g) Forest harvesting operations occurring in shoreland zones, other regulated areas or in conjunction with other regulated activities also must conform to all applicable local, state

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and/or federal regulations. All required permits must be secured and copies submitted with the forest harvesting notification.

(Ord. No. 809, § V, 3-15-99)

Sec. 8.5-16. Modifications of waivers of performance standards.

(a) The building official may modify or waive any of the notification requirements or performance standards in section 8.5-15 when he or she decides that because of special circumstances of the site that all of the following conditions are met:

- (1) The ordinance requirements would not be applicable.
- (2) The proposed action would be considered sound forest management (see section 8.5-20).
- (3) The proposed action is recommended and supervised by a professional forester (all fees incurred shall be the responsibility of the applicant).

(b) The building official may also modify or waive any of the notification requirements or performance standards in section 8.5-15 when the municipal authority decides that all of the following conditions are met:

(1) The site is to be converted to a legal nonforest use. For example, construction of a single-family residential structure where such structure is the principal use on an individual lot, are exempted from compliance with the clearing and tree provisions of this article. The exception is that extraordinary trees on such lots will not be exempt.

(2) All applicable local, state, and federal regulations are met.

(3) All required local, state, and federal permits are secured and copies submitted with the modification or waiver request.

(c) It is the responsibility of the applicant for the modification or waiver to notify the abutting landowners within two hundred fifty (250) feet of the area affected by the modification or waiver. Such notification will include the date, time and place of the city council meeting during which the modification or waiver will be reviewed.

(d) The city through the building official reserves the right to ask for an opinion from a professional forester of the city's choice before deciding on a modification or waiver request (all fees incurred shall be the responsibility of the applicant).

(Ord. No. 809, § VI, 3-15-99)

Sec. 8.5-17. Tree maintenance and protection.

(a) Trees on public land shall be maintained by the department having jurisdiction over such lands, either by city crews or by crews under contract to the city, in accordance with adopted standards.

(b) Trees on, or affecting the use of semi-public lands (see definitions, section 8.5-13) are the property of the current owner of the land from which the rights-of-way, easements, etc., were granted, in the absence of other specific provisions by prior binding agreement; such ownership entails:

(1) That such owner is responsible for the general maintenance, at his own expense, of such trees, including removal of deadwood and treatment of disease and/or insect infestation.

(2) That when such tree(s) become hazardous to person or property, it is the owner's responsibility to remove it (or them) at his own expense.

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- (3) That tree maintenance required for the protection and proper operation of public utilities, safe public use of rights-of-way, etc., shall be done by or under the supervision of the appropriate public office or public utility, in accordance with adopted standards.
 - (4) That any tree maintenance done on behalf of private utilities, beyond that required by public utilities and municipal services, requires prior consent of the owners of tree concerned, and shall be done in accordance with adopted standards.
 - (5) That unsafe conditions involving utilities, rights-of-way, etc., arising between normal periodic tree-maintenance cycles, may be reported by adjacent landowner's or other persons to the building inspector, for referral to the appropriate agency.
 - (6) That conditions of serious tree disease, insect infestation, storm damage or disintegration posing a hazard, credible in the approving authority's judgement, may be reported by persons or agencies for referral to the appropriate landowner, for remedy at the landowner's expense, with[in] sixty (60) days of notification.
 - (7) That any public department or utility desiring to remove a tree from semi-public land do so in accordance with standards adopted by the council in accordance with this article.
- (c) Trees on private land are the property and responsibility of the landowner, and the public interest in such trees is described as follows:
- (1) The building official shall have the right to cause the treatment or removal of any tree that is dead, or is infected by disease or infested by insects, when such tree constitutes a hazard to person or property, credible in the judgement of the council, or when such disease or insect problem constitutes a threat to other trees in the city in the judgement of the city council. The building official will notify in writing the owner of such tree; treatment or removal shall be done by said owner (or at his or her own expense) within sixty (60) days after the date notification is served. In the event of failure of the owner to comply with these instructions, the city shall have the authority to treat or remove such trees, and to charge the cost to the owner, either for direct payment or through obtainment of a lien.
 - (2) Trees on undeveloped land are the property and responsibility of the owner of such land. Yet such trees also have public usefulness and value in energy conservation in moderating extremes of temperature and humidity; in reducing noise, glare, and air pollution; in reducing soil erosion; and in improving the city's aesthetic character. To encourage conservation of this resource the Guntersville City Council is empowered to take the following measures:
 - a. Provide information and technical referral service to landowners, developers, builders, and other interested parties, including persons and private and public agencies, in protecting trees during planning and construction;
 - b. Cooperate with interested public and private parties in conservation efforts such as an Arbor Week observance, plant digs, community tree-planting, etc.;
 - c. Participate in cooperative community projects as authorized and directed elsewhere in this article.
- (d) Protection of trees on public and semi-public lands from wanton, malicious, and negligent harm. In relation to any tree on public or semi-public land, the following acts shall be illegal:
- (1) To break, injure, mutilate, burn, kill, remove, or destroy any tree without authority to do so as set forth in this article;

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- (2) To knowingly permit any leak to exist in any gas pipe or main, within the root zone of such tree or shrub;
- (3) To permit any toxic chemical, either solid or liquid, to pass, drain, or be emptied on or about any such tree or shrub;
- (4) To knowingly permit any wire designed to carry electrical current to be attached to any tree or shrub, except in accordance with adopted standards;
- (5) To excavate any tunnel, ditch, or to lay any driveway, sidewalk, or pavement through or across the root zone of any such tree or shrub, except in accordance with adopted standards;
- (6) To attach any wire, rope, cable, poster, sign, nail, or other fastener to such tree or shrub, except in accordance with adopted standards;
- (7) To place, deposit, or store any stone, brick, sand, earth, other material so as to impede the passage of water, air, and fertilizer to the roots of any such tree or shrub, except in accordance with adopted standards;
- (8) To move any building or other large object along any street in such a manner as to damage any tree or shrub that is maintained in accordance with adopted standards;
- (9) To undertake to build any structure, pavement, utility, or other construction without prior consideration of such trees and shrubs in accordance with adopted standards;
- (10) To prevent, delay, or interfere with the city council or any of its agents engaging in or about the planting, maintenance, or removal of any tree or shrub on public, or private lands as authorized in this article;
- (11) To conduct commercial tree service practices in the city without current licensure by the state.

(Ord. No. 809, § VII, 3-15-99)

Sec. 8.5-18. Civil violations.

(a) *Violations and enforcement.*

(1) Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor; and upon conviction thereof shall be fined a sum sufficient to restore any damage resulting from the violation, not to exceed five hundred dollars (\$500.00) per tree or shrub damaged, and may be required to make such restitution in goods and/or labor as may be determined by the proper court of law, or may be sentenced to any combination of these penalties.

(2) The city or the building official upon finding that any provision of this article is being or has been violated is authorized to start legal proceedings to enjoin violations of this article. It shall be the duty of the municipal authority to enforce the provisions of this article. If it is found that any provision of this article is being violated, or has been violated the person responsible for such violation shall be notified in writing by the municipal authority. If this action does not result in correction or abatement of the violation, the municipal authority is authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines that may be appropriate or necessary to enforce the provisions of this article in the name of the municipality.

(b) *Fines.* A person who violates the provisions of this article shall be guilty of a civil violation and, if corrective action is not taken within fourteen (14) days, on conviction shall be fined not less than one hundred dollars (\$100.00) nor more than twenty-five

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hundred dollars (\$2,500.00) per offense and for each day such violation continues. Such person(s) shall be liable for court costs, professional forester fees, and attorney fees incurred by the municipality.

(c) *Corrective action.* If the city decides that a violation has occurred, they shall order necessary correctional actions. A person who violates a provision(s) of this article or the condition(s) of a permit shall consult at the applicant's expense with a professional forester, designated by the municipal authority to decide what corrective action is necessary and follow exactly the recommendations of this professional. Such corrective action shall commence within fourteen (14) days after the violator receives written notice of the violation from the municipal authority.

(Ord. No. 809, § VIII, 3-15-99)

Sec. 8.5-19. Appeals.

(a) When it is claimed that the true intent of and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant or persons aggrieved may appeal the decision to the board of adjustment within thirty (30) days from the building official's final decision and further to the proper court of law.

(b) In deciding any appeal, the board of adjustment may:

- (1) Interpret the provisions of the ordinance;
- (2) Go along with the denial of the permit based on the municipal authority's decision;
- (3) Grant a variance based on undue hardship and considering the recommendation of the professional forester designated by the municipal authority.

(c) The board of adjustment shall notify the building official, the petitioner, and adjoining landowners of any hearing. Such persons may be present at the hearing.

(Ord. No. 809, § IX, 3-15-99)

Sec. 8.5-20. Forest management plan.

(1) The purpose of the forest management plan (FMP) is to establish specific methods to conserve existing and potential woodland resources. The FMP shall be submitted by the applicant.

(2) The FMP shall provide that a project meets the retention and reforestation standards of this provision through any, or a combination of the following methods or in accordance with Alabama's Best Management Practices for Forestry, whichever is more stringent.

(a) Minimizing the extent of the development and siting it to avoid impacts on existing woodlands.

(b) Clustering development on a portion of the project area to retain continuous stands of trees in the nondeveloped portion. Transfers of development density from nondeveloped portions of the project area may be allowed only if nondeveloped portions meet the criteria for developable land.

(c) Providing for reforestation of equivalent sites within or outside of the project area that will not be subject to future development. Where reforestation is used to replace existing woodlands removed for development, estimated basal area twenty (20) years after planting shall be used to calculate the equivalent basal area provided.

(d) Public acquisition of title to or permanent conservation easements on the developable lands with equivalent woodland resources located outside of the project area.

Guntersville

Total area, basal area, woodland type, and habitat value shall be considered in determining whether off-site resources are equivalent to those of the project site.

(3) Methods that protect and enhance existing woodlands shall be given precedence over those that restore nonwooded lands. Protection of woodlands within the project area shall be given precedence over off-site acquisition. The location of off-site mitigation areas is subject to the approval of the approving authority.

(4) The building official shall prescribe the format and content requirements for the forest management plan and maintain a list of acceptable foresters to prepare the forest management plan.

(Ord. No. 809, App., 3-15-99)

Haleyville



Haleyville

Where "911" Begar

1901 11th Avenue

Haleyville, Alabama 35565

ORDINANCE #709

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALEYVILLE, ALABAMA,
AS FOLLOWS:

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Haleyville, Alabama, as follows:

Section 1: That there is hereby established a Tree Commission and that the Mayor with the concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council and the Mayor shall serve as an ex-officio member. The Council members term shall expire on the date that a newly elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the City of Haleyville, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

Section 2: The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Councilmembers, or by any two of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3: The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend the removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED AND APPROVED THIS THE 24TH DAY OF JANUARY, 1991.

ATTEST:

Debra Hood
Debra Hood, Acting City Clerk

W. G. Campbell
W. G. Campbell, Mayor

REGARDS -
Toby G.

Hamilton

Hamilton

10. The cast and crew were all volunteers receiving no financial compensation for their endeavors; now, therefore:

BE IT ENACTED BY THE CITY COUNCIL OF HAMILTON, ALABAMA:

SECTION 1. For their diligence, sacrifice, artistic excellence, and exemplary representation of the citizens of Hamilton, Alabama, the City Council of Hamilton, Alabama highly commends the cast and crew of Revill Community Theatre's touring production of the Holocaust drama, "I Never Saw Another Butterfly" by Celeste Respanti.

SECTION 2. This act shall take effect September 2, 1997, the public welfare requiring it.

John Tuck then motioned that this commendation be included in the permanent minutes of the City. Wade Williams seconded the motion which passed unanimously.

Tony Avery then advised the Council that the Tree Management Ordinance should be passed incorporating the Tree Board with the Hamilton Beautification Board.

Neal Childers motioned that immediate consideration be given to consider this Ordinance. Stanley Nixon seconded the motion which passed unanimously.

Neal Childers then motioned that the following be accepted:

ORDINANCE 536A
A TREE MANAGEMENT BEAUTIFICATION ORDINANCE
FOR THE CITY OF HAMILTON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, ALABAMA AS FOLLOWS:

The City Council recognizes that trees, flowers and ornamental enhancements are an asset to the City providing a more healthful and beautiful environment in which to live. Trees and plants provided oxygen, shade, aesthetics and a priceless psychological benefit to the urban setting. Trees and plants and ornamental enhancements are beneficial in attracting new industry, residence and visitors. When the proper varieties of trees and plants are grown in the right place, they enhance the value and market ability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Beautification and Tree Board.

SECTION 1. DEFINITIONS

Street Trees: "Street Trees" are herein defined as trees, shrubs, bushes and all other vegetation on land lying between property lines on either side of streets, avenues or ways within the City.

Street Plants: "Street Plants" are herein defined as both flowering and nonflowering herbaceous plants planted on right of ways on either side of public streets within the City.

Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes, and all their woody vegetation in public parks having individual names, and all areas, owned by the City, or to which the public has free access as a park.

Park Plants: "Park Plants" are herein defined as both flowering and nonflowering herbaceous plants planted in public parks having individual names, and all areas, owned by the City, or to which the public has free access as a park.

Ornamental Fixtures: "Ornamental Fixtures" are those articles that are placed on public property in the City for the primary purpose of increasing the aesthetic appearance of said public property. For the purpose of this ordinance, park benches will be considered ornamental fixtures.

SECTION 2. CREATION AND ESTABLISHMENT OF A BEAUTIFICATION AND TREE BOARD.

There is hereby created and established a Beautification and Tree Board for the City of Hamilton, Alabama, which shall consist of 7 members, appointed by the Mayor with approval of the Council.

SECTION 3. TERM OF OFFICE

The term of the persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. Following the initial appointment, two members shall be appointed annually to serve for three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members shall serve until their successors are appointed.

SECTION 4. MEETINGS

The Beautification and Tree Board shall provide in its minutes for periodic or called meetings. Meetings may also be called by the Mayor or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the meeting.

SECTION 5. DUTIES AND RESPONSIBILITIES

The Beautification and Tree Board shall make recommendations to the Mayor and City Council on the needs of the municipality in connection with its beautification and tree program; shall recommend the type and kind of trees, plants to be planted or placement of ornamental fixtures upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and placement of trees, plants or ornamental fixtures on public property and where requested by the owner, on private property; shall meet with the City Council and assist in making a master street plan by recommending the use and species of trees or plants; shall recommend to Mayor and City Council which trees are considered unwanted wood trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and report back to the Mayor and City Council with recommendations on matters concerning trees, plants or ornamental fixtures in the municipality.

Hamilton

066

Any person causing damage to any trees, plants or ornamental fixtures planted or placed on public property within the city in accordance with this ordinance shall be guilty of a misdemeanor; and upon conviction thereof shall be fined a sum sufficient to restore any damage resulting from the violation, not to exceed \$500.00 per tree, plant or ornamental fixtures damaged.

SECTION 7. APPEALS

Appeals of arbitration, decisions, or other actions by the Beautification and Tree Board may be made to the Mayor and City Council of the City of Hamilton, Alabama.

This Ordinance shall take effect as provided by law, after passage, approval and publication.

Adopted and approved this the 2nd day of September, 1997.

Stanley Dixon then seconded the motion that this Ordinance be accepted. Motion passed without opposition.

ORDINANCE NO. 597-02

An Ordinance to protect the health, safety and welfare of the public, protect the environment and quality of public life and to enhance tree resources by regulating the planting, maintenance, removal and management of trees for the City of Helena, Alabama and its citizens.

Section I – Purpose

The City Council of the City of Helena, Alabama finds that this Ordinance is necessary and advisable in order to protect the environment and economic quality of life of the public and the City of Helena and to protect the health, safety and general welfare of its citizens. This Ordinance, therefore, will also provide minimum standards for the preservation of trees as part of the land development process, prevent clearing or grading of undeveloped land, without provision for replacement of trees, and will protect trees during construction in order to enhance the quality of life and protect the health, safety, and welfare of the public within the City of Helena. The City Council finds the benefits derived from this ordinance include but not limited to the following:

- a. Protection of the health, safety and general welfare of the public
- b. Visual buffering and enhanced beautification of the city.
- c. Control of soil erosion.
- d. Protecting natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation.

Section II – Applicability of this Ordinance

All rules, regulations and requirements set forth in this Ordinance are applicable to any person, corporation or legal entity within the City of Helena that violates any provision thereof.

Section III – Tree Retention Goals

The goal of this ordinance shall be to retain numbers of existing trees where practical.

Helena

Section IV – Steps for Approval and Issuance of a Clearing and/or Grading Permit

- a. Prior to any clearing or grading of property, in excess of five (5) acres, a site plan must be presented to and reviewed by the City Building Official with his recommendations referred to the City Council for approval and issuance of a work permit from the city. The elements and minimum requirements for obtaining a Clearing and/or Grading Permit shall include a sketch plan of the property in question.
- b. The City Building Official shall review and give a report to the City Council. If deficiencies are found, the person(s) submitting the plan will be required to revise the plan before a work permit will be issued. A revised plan may be re-submitted for evaluation and shall be reviewed according to the same procedures as the initial submission.
- c. If proposed construction changes the plan, a revised plan must be submitted for re-evaluation.
- d. The City Council will act on the recommendation of the City Building Official no later than its next regular meeting.
- e. In cases where an immediate threat to life, public safety or structure exists, "Clearing and/or Grading Permit" requirements are not required.

Section V – Provisions for Timbering

- a. Clearing and/or Grading Permit is required prior to tree removal, clearing or grading of any land to be used for timber harvesting. Additionally, any land, which has been approved and cleared, cannot be used for residential development for a period of five years from the original permit date, regardless of transfer of ownership, without being re-vegetated (see re-vegetated definition).

Section VI – Public Utility Easements and Maintenance

It is recognized that Utility Easements must be maintained unobstructed from trees and underbrush that interfere with proper service, restoration and safety of the public, therefore; normal necessary and customary Utility line clearing activities by the person or entity responsible therefore shall not be subject to the provisions and restrictions of the Ordinance and shall be exempted there from.

Helena

Section VII – City of Helena shall be exempt from this Ordinance

Section VIII – Enforcement

The City Building Official or his/her designate or other designee of the City of Helena will be charged with enforcing all provisions of this ordinance.

Section IX – Penalties

Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provision of this ordinance, upon being found guilty of violation shall be subject to imprisonment or hard labor not to exceed six (6) months and/or a fine for each separate offense, not to exceed five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense.

Section X – Definitions

When used herein the following definitions shall be applicable but should not be construed to expand or limit the status of the common or statutory law except as expressly modified by the provisions of this Ordinance.

1. **CLEARING** – the removal of vegetation in an area consisting of canopy, understory trees or groundcover.
2. **GRADING** – the disturbance of removal of soil.
3. **RE-VEGETATED** – size, number and type of trees based on Zoning Classifications
See Addendum or Zoning Regulations

Section XI - The provisions of this ordinance are severable and if any part, section or provision hereof is held to be illegal, unconstitutional or invalid, the portions and sections remaining shall remain valid and fully enforceable and shall not be affected.

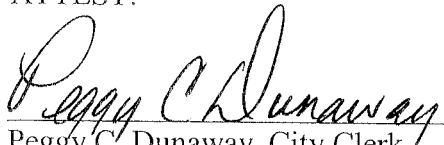
Helena

Section XII – This ordinance shall go into effect upon its passage and publication as required by law.

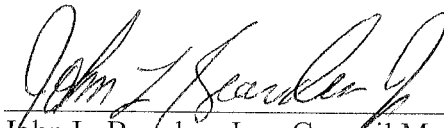
ADOPTED and PASSED this 21 day of October, 2002.

[SEAL]

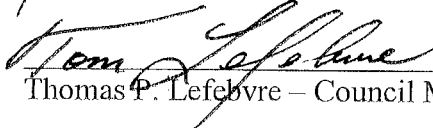
ATTEST:


Peggy C. Dunaway, City Clerk

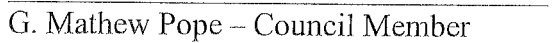

Charles W. Penhale, Mayor


John L. Bearden, Jr. – Council Member


Connie Brady – Council Member


Thomas P. Lefebvre – Council Member


Paul DeCarlo – Council Member


G. Mathew Pope – Council Member

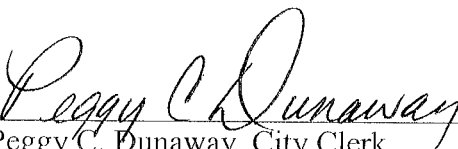
Helena

STATE OF ALABAMA SHELBY COUNTY

I, Peggy C. Dunaway, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of an ordinance duly adopted by the City Council of the City of Helena at its meeting held October 21, 2002, and as same appears of record in the ordinance records of said City, and approved by the Mayor on October 21, 2002.

Given under my hand and corporate seal of the City of Helena, this the 21 day of October, 2002.

[SEAL]


Peggy C. Dunaway, City Clerk

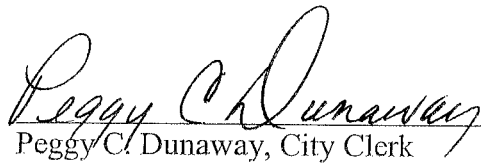
Helena

CERTIFICATION

I, Peggy C. Dunaway, the duly appointed and acting City Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number **597-02** is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three (3) public places in said City, being on the bulletin board of the City Hall, in the United States Post Office in the City of Helena, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 28 day of October, 2002, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 21 day of October, 2002.

[SEAL]


Peggy C. Dunaway, City Clerk

ORDINANCE NO. 597-02 AMENDED

AN ORDINANCE AMENDED TO PROVIDE INFORMATION FOR CLEARING AND GRADING PERMIT ON NEW CONSTRUCTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA, AS FOLLOWS:

Section IV-A That Ordinance Number 597-02 of the City of Helena, Alabama is hereby amended to add the following:

All new residential, commercial, industrial, agricultural or other construction that requires or involves clearing and/or grading will require a permit issued by the City of Helena, Building and Inspections Department before any work may be started, effective this date.

The permit will require:

- Permit Application Completed
- Site Plan to show all areas to be cleared and/or graded
- Site Plan to show the location of the structure(s) and all easements and buffers
- Location of all erosion control protection
- Location of all significant tree(s) (6" DBH or larger) located in the clearing and/or grading area that will be retained or removed with appropriate marking of the tree(s)
- Approximate location of all driveways and/or sidewalks
- Permit required for each lot with a charge of \$25.00 per permit
- Permit card must be posted at the front of each lot, visible from the road

In the event that all trees are removed from the front and/or rear of the intended lot of a residential site, the tree replanting guidelines are to be followed: (Bush type trees will not satisfy this type of tree replacement)

- Up to a 40 foot wide lot – one (1) tree to be planted in front yard
- 41 to 70 foot wide lot – two (2) trees to be planted in front yard
- 71 to 100 foot wide lot – two (2) trees to be planted in front yard and one (1) tree to be planted in the rear yard
- 101 foot and above wide lot – a total of four (4) trees with a minimum of two (2) trees to be planted in the front yard
- Minimum tree size shall be 1" in diameter or greater, 6" above the root ball to meet the required tree plantings listed above

Helena


COMMERCIAL SITES – All new construction on commercial sites fall under the purview of existing site plan regulations of the Helena Planning and Zoning Commission.

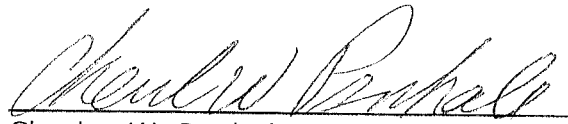
The purpose of these requirements is to preserve trees.

This amendment to Ordinance 597-02 shall become effective immediately upon publication after adoption by the City Council of the City of Helena.

APPROVED and ADOPTED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA on this, the 18 day of August, 2003.

ATTEST:


Peggy C. Dunaway
City Clerk


Charles W. Penhale
Mayor


John L. Bearden, Jr., Councilman


Jerry Pate, Councilman

Paul DeCarlo, Councilman


G. Mathew Pope, Councilman


Thomas P. Lefebvre, Councilman

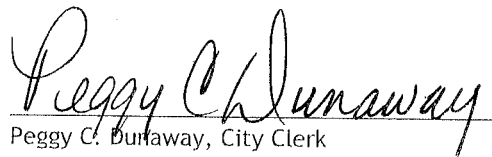
Helena

**STATE OF ALABAMA
SHELBY COUNTY**

I, Peggy C. Dunaway, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of an ordinance duly adopted by the Council of the City of Helena at its meeting held August 18, 2003, and as same appears of record in the ordinance records of said City, and approved by the Mayor on August 18, 2003.

Given under my hand and corporate seal of the City of Helena, this the 18 day of August, 2003.

[SEAL]


Peggy C. Dunaway, City Clerk

Helena

CERTIFICATION

I, Peggy C. Dunaway, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number **597-02 AMENDED** is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, in the BP Coosa Mart in the City of Helena, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 23 day of August, 2003, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 18 day of August, 2003.

[SEAL]


Peggy C. Dunaway, City Clerk

Hoover

ARTICLE XV. HIGHWAY 280 OVERLAY DISTRICT REGULATIONS

Sec. 1.0. Intent

[1.1.] It is the intent of this article to establish minimum standards for the development of property in the Highway 280 Corridor, as depicted on the zoning map. All of requirements of the Hoover Zoning Ordinance (Ordinance No. 263 as amended), shall apply to property in the Highway 280 Corridor as shown on the zoning map. The requirements of this article supplement the requirements of the zoning ordinance as amended. Where the requirements of this article conflict with other requirements of the zoning ordinance, the more restrictive requirement shall apply.

1.2. *Compliance.* Prior to issue of a building permit for property located in the Highway 280 Corridor as depicted on the zoning map, the property owner or his or her agent shall submit a site plan and accompanying information to the building official. The applicant should meet with the building official to review the proposed site plan, prior to preparation and submission of the final site plan. The site plan shall be drawn to a scale no smaller than one (1) inch equals fifty (50) feet and shall show the following information:

- A. All dimensions and distances, property lines, easements, landscaping, buffers and public and private rights-of-way.
- B. Existing and proposed buildings and structures, including signs, trash containers, fences, walls, light poles, power poles, outdoor utility equipment and structures, and roof and ground mounted mechanical appurtenances.
- C. Location, height, size, materials, color and lighting of all signs.
- D. Existing and proposed buildings and structures on adjacent property affected by a required buffer.
- E. Bodies of water, water detention areas, drainage structures and sanitary sewer lines and facilities and water distribution lines.
- F. Driveways, accommodations for bicycles and pedestrians, parking areas, existing and proposed parking spaces, access aisles, other vehicle maneuvering areas and all required landscaping.
- G. All existing and proposed built improvements, natural features such as rock out-crops, streams, and other landscape elements; plant materials keyed to a planting schedule with botanical names, common names, quantity of materials and size of materials at time of planting.
- H. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this article are fully satisfied.
- I. The site plan shall be accompanied by:
 1. A grading plan which shows all areas of cut and fill and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property.
 2. An access management plan which shows compliance with section 2.0. Proposed median access cuts must be approved by the Alabama DOT prior to submission of the site plan and access management plan

Hoover

3. Certification that building orientation, materials and design comply with the requirements of sections 3.0, 4.0 and 6.0.
4. An exterior lighting plan which shows compliance with section 5.0, including the proposed foot candles of artificial light on and off premises.
5. A sign plan which shows compliance with section 7.0.
6. A tree conservation plan, pursuant to Article XIII.
7. An erosion and sedimentation plan.
8. Other plans or specifications necessary to show compliance with this article.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 2.0. Highway 280 Access

All parcels which adjoin private property shall either share access with adjoining properties or have access to a frontage road.

- A. The number and location of access points to Highway 280 shall be determined as part of the site plan review process.
- B. The development of each parcel in areas where a frontage road is either available or planned, shall incorporate the frontage road into the site design.
- C. In areas where a frontage road is not available or planned, each parcel shall be designed to share paved highway access drives with adjoining properties, unless the adjoining property is zoned for residential use.
- D. Access to Highway 280 may be prohibited from any tract having access to a street intersecting Highway 280 or any tract with frontage on Highway 280 which has access through an existing joint-use access easement or driveway. Otherwise, access to Highway 280 shall be limited to one driveway unless otherwise permitted.
- E. Maximum practical spacing between driveways shall be required. Unless otherwise approved by the city engineer, no driveway accessing Highway 280 shall be located:
 1. Closer than three hundred (300) feet from the nearest adjacent driveway, unless no other access is available to a parcel of land;
 2. Where the sight distance is less than ten (10) times the posted speed limit;
 3. On the inside radius of a curve; or,
 4. Where the roadway grade of Highway 280 exceeds seven and one-half (7.5) percent.
- F. Minimum spacing between local streets intersecting Highway 280 shall be six hundred (600) feet and between collector streets shall be one thousand three hundred twenty (1,320) feet; and, improvements to intersections will be based upon a review of a professional traffic analysis.
- G. Highway 280 medians shall be landscaped. The number of median breaks on Highway 280 should be minimized. All future connecting streets should align with median breaks to the greatest extent practicable.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 3.0. Building design and orientation

The following standards shall apply to all development in the corridor, except single family detached dwellings:

- A. Minimum building setback from the Highway 280 right-of-way shall be fifty (50) feet. Minimum front building setback from other public street rights-of-way shall be forty

Hoover

- (40) feet. Minimum side and rear building setbacks from other public street rights-of-way shall be twenty-five (25) feet.
- B. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from off the premises and shall be visually screened from view from public property. Trash receptacles shall be located within a four sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves.
 - C. The outdoor display of sales merchandise, except automobiles, live plants, Christmas trees and vending machines; and outdoor storage when permitted; shall not be visible from public property.
 - D. Mechanical units shall be ground mounted when feasible. Roof mounted units shall be screened from view from public property.
 - E. Building orientation shall be such that loading and service areas do not face Highway 280, except in the case of double frontage lots, where such areas may be located in a rear or side yard which faces the highway. All loading and service areas shall be screened from view from off the premises.
 - F. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on portions of the building which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.
 - G. Awnings shall not project more than seven (7) feet from the building wall, shall not be lower than eight feet nor higher than fourteen (14) feet above grade and shall not be internally illuminated.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 4.0. Fences and walls

- A. Screening walls and fences shall match the color and materials of the building on the premises.
- B. Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl which is designed and fabricated to appear as wood, or a combination of these materials. Chain link, plastic or wire fencing is not permitted for fences visible from public property.
- C. When visible from public property, solid fences shall have an evergreen landscaped strip on the Highway 280 side of the fence.
- D. Fences and walls shall not restrict traffic intersection sight lines.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 5.0. Exterior lighting

- A. Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from public property.
- B. The intensity, location and design of lighting shall be such that not more than one foot (1) candle of light is cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises.
- C. Exterior lights shall not exceed twenty (20) feet in height.

Hoover

- D. Wooden light poles are prohibited on private property.
- E. Light poles and fixtures shall be compatible with the architecture of the buildings on the premises.
- F. Flashing, blinking or intermittent lights and neon tubing, are prohibited.
(Ord. No 99-1719, § 1, 2-7-00)

Sec. 6.0. Grading and drainage

- A. Except for retaining walls, smooth topographic transition shall be provided throughout the site and between properties. Slopes steeper than 1:3 rise to run are prohibited.
- B. The exterior surface of retaining walls shall be compatible with the architecture and site design of the property.
- C. Retaining walls which exceed eight feet in height and are visible from public property, shall be visually screened with vegetation.
- D. In areas which are visible from public property, subsurface drainage structures and grass swales shall be used to manage storm water. Open ditches are prohibited.
- E. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way and areas which are visible from the through and auxiliary lanes of Highway 280.
- F. Prior to issue of a certificate of occupancy for the premises, all slopes shall be stabilized with grass or other evergreen groundcover or other vegetation.
(Ord. No 99-1719, § 1, 2-7-00)

Sec. 7.0. Signs

7.1. Permits, fees and inspections

[7.11. *Reserved.*]

7.12. Permits required

Except as otherwise provided in this ordinance it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done, without first obtaining a building permit for each sign from the building official as required by this ordinance. Permits are not required for routine sign maintenance.

7.13. Application for permit

Application for a permit shall be made to the building official upon a form provided by the building official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city, including:

- A. Name and address of owner of the sign.
- B. Name and address of the owner or the person in possession of the premises where the sign is located or to be located.
- C. Clear and legible drawings which show the location of the sign which is subject to the permit and all other existing signs.
- D. Drawings showing the dimensions, construction supports, size, electrical wiring and components, materials of the sign and method of attachment.

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7.14. *Issuance denial*

When a permit is denied by the building official, he or she shall give notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.

7.15. *Appeals of permit denial*

Appeal may be taken to the board of adjustment upon denial by the building official to issue a building permit.

7.16. *Permit fees*

Application for permits shall be filed with the building official, together with a permit fee, as specified by the building official for each sign in accordance with this ordinance. Building permit fees for signs shall be determined in the same manner as other building permits issued by the city.

7.17. *Inspection of signs*

The person erecting, altering, relocating, enlarging or converting any sign shall notify the building official upon completion of the work for which permits are required and issued. All free standing signs shall be subject to a footing inspection and all signs to an electrical inspection by the building official.

7.18. *Unlawful signs*

Every sign in the city shall be maintained in good structural condition. The building official may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned. Removal will be at the sign owner's expense.

7.2. *Signs permitted in the A-1, E-1, E-2, R-1, R-2, R-3, PRD, R-T-4 and RE districts*

- A. Each residential subdivision is permitted a maximum of two, non-illuminated or indirectly illuminated, free-standing signs per public street entrance to the subdivision. A maximum of one (1) sign is permitted on each side of the entrance street. The signs shall only identify the name of the subdivision and shall be incorporated into landscaping which compliments the design of the signs and creates an entrance feature for the subdivision. The signs shall not be located in the public street right-of-way.
 1. Maximum height of the sign shall be six feet.
 2. The maximum sign face area of the sign shall be thirty-two (32) square feet.
 3. Signs shall be setback at least three feet from any property line.
- B. With the exception of home occupations, conditional uses in the above stated districts are permitted one freestanding sign which does not exceed thirty-two (32) square feet of sign face area; or one building wall sign which does not exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum sign face area of thirty-two (32) square feet. Freestanding signs shall not exceed eight (8) feet in height. Signs shall not be internally illuminated. All indirectly illuminated signs shall be constructed so that the light is focused on the premises and does not illuminate off the premises.

7.3 *Signs permitted in the R-4 District*

- A. One indirectly illuminated sign, not to exceed thirty-two (32) square feet of sign face area, is permitted per public street entrance.

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- B. All such signs shall be attached to an entrance wall, shall not exceed six (6) feet in height and shall be setback at least ten (10) feet from any property line.

7.4. *Signs permitted in the C-P District*

- A. Signs permitted for individual buildings.
 - 1. Buildings with less than twenty thousand (20,000) square feet of floor area are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, or one building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 2. Buildings with more than twenty thousand (20,000), but less than one hundred thousand (100,000) square feet of floor area, are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, and one building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 3. Buildings with more than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor eighty (80) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of sixty (60) square feet of sign face area.
 - 4. An office building with a retail tenant(s) shall incorporate signage for the retail tenant(s) into the type of sign and sign face area permitted for the office building.
- B. Signs permitted for office park identification. Each office park which contains more than two (2) buildings, other than accessory buildings, may have one (1) free-standing sign per public street entrance, which identifies the name of the park.
 - 1. Maximum height of the sign shall be eight (8) feet.
 - 2. The maximum sign face area of an internally illuminated sign shall be forty-eight (48) square feet; one hundred (100) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 3. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be sixty (60) square feet; one hundred and twenty (120) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 4. Signs with sign face area of one hundred (100) square feet or more, shall be setback at least fifty (50) feet from any property line.

7.5. *Signs permitted in the C-I District*

- A. Nonretail uses which are permitted or conditional uses in the residential or C-P districts shall have signs as permitted for that use in the applicable subsection of this section.

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- B. Nonretail establishments which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area.
- C. Permitted signs for free standing retail structures.

Table 1

TABLE INSET:

	Less Than 2,400 Square Feet of Floor Area		More Than 2,400 Square Feet of Floor Area	
Type of sign permitted	Building wall sign	Free standing sign	Building wall sign	Free standing sign
Sign face area (square feet)	15% or* 50 square feet	20	15% or* 50 square feet	25
Maximum height	Top of building wall	16 feet	Top of building wall	18 feet
Maximum number	One	One	One	One

Note To Table 1: *Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed fifty (50) square feet of sign face area.

- D. Permitted signs for retail establishments located in a shopping center.

Table 2

TABLE INSET:

	Less Than 3,000 Square Feet of Floor Area	More Than 3,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 30 square feet	15% or* 50 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

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Note To Table 2: *Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

E. Permitted shopping center locator signs:

Table 3

TABLE INSET:

	Less Than 6,000 Square Feet of Floor Area	6,000 to 15,000 Square Feet of Floor Area	More Than 15,000 Square Feet of Floor Area
Type sign permitted	Free standing sign	Free standing sign	Free standing sign
Sign face area (square feet)	30	40	50
Maximum height	16 feet	18 feet	20 feet
Maximum number	One	One	One

F. Establishments located in the C-1 District may qualify for a larger building wall sign if the establishment is situated more than one hundred (100) feet from the public street right-of-way on which it fronts.

Table 4

TABLE INSET:

Distance From Public Right-of-Way	Percent Increase in Permitted Building Wall Sign Face Area
100 to 200 feet	20
200 to 300 feet	30
300 to 400 feet	40
More than 400 feet	50

(Ord. No 99-1719, § 1, 2-7-00)

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7.6. *Signs permitted in the C-2, C-3 and C-4 Districts.*

- A. The following signs are permitted for nonretail uses which are not located in a shopping center:
 - 1. Nonretail uses which are permitted or conditional uses in the residential or C-P districts shall have signs as permitted for that use in the applicable subsection of this section.
 - 2. Nonretail establishments with less than ten thousand (10,000) square feet of floor area, which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area.
 - 3. Nonretail establishments with more than ten thousand (10,000) square feet of floor area, which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) feet of sign face area and one (1) free standing sign not to exceed twelve (12) feet in height nor sixty (60) square feet of sign face area.
- B. Nonretail uses located in a shopping center may have signs as permitted for retail uses located in a shopping center.
- C. Permitted building wall signs for free-standing retail structures.

Table 5

TABLE INSET:

	Less Than 15,000 Square Feet of Floor Area	15,000 to 30,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 40 square feet	15% or* 100 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

Note to Table 5: *Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

Table 6

TABLE INSET:

	More Than 45,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign

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Sign face area	15% or* 150 square feet
Maximum height	Top of building wall
Maximum number	One per facing street

Note to Table 6: *Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed one hundred fifty (150) square feet.

- D. Permitted free standing signs, eight (8) or less feet in height, for free standing retail structures.

Table 7

TABLE INSET:

	Less Than 2,800 Square Feet of Floor Area		2,800 to 15,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or nonilluminated	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	60	60	66/80*	80
Maximum height	8 feet	8 feet	8 feet	8 feet
Maximum number	One	One	One	One

Note To Table 7: *Maximum sign face area may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of 80 square feet.

Table 8

TABLE INSET:

	15,000 to 45,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	66/100*	80/100**
Maximum height	8	8

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Maximum number	One per facing street	One per facing street
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Notes To Table 8: *Maximum sign face area is 66 square feet, but it may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of one hundred (100) square feet.

**Maximum sign face area is eighty (80) square feet, but it may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of one hundred (100) square feet.

- E. Permitted free standing signs, more than eight (8) feet in height, for free standing retail structures.

Table 9

TABLE INSET:

	Less Than 30,000 Square Feet of Floor Area	More Than 30,000 Square Feet of Floor Area
Type of illumination	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	55	66
Maximum height	20 feet	20 feet
Maximum number	One	One per facing street

- F. Permitted signs for retail establishments located in a shopping center:

Table 10

TABLE INSET:

	Less Than 2,000 Square Feet of Floor Area	2,000 to 10,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 30 square feet	15% or* 60 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

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Table 11

TABLE INSET:

	10,000 to 30,000 Square Feet of Floor Area	More Than 30,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 140 square feet	15% or* 150 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One**

Note To Tables 10 and 11: *Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

**A tenant space with more than fifty thousand (50,000) square feet of gross floor area may have one (1) building wall sign per facing street, if the tenant space is located at the end of the shopping center building which faces a public street intersection.

G. Permitted shopping center locator signs.

Table 12
Permitted Free Standing, Shopping Center Locator Signs

TABLE INSET:

	Less Than 10,000 Square Feet of Floor Area		10,000 to 30,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or non-illuminated	Internally illuminated	Indirectly or non-illuminated
Sign face area (square feet)	55/75*	66/75**	55/96***	66/100****
Maximum height	20 feet	20 feet	20 feet	20 feet
Maximum number	One	One	One	One

Notes To Table 12: *The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square

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foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of seventy-five (75) square feet.

**The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of seventy-five (75) square feet.

***The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of ninety-six (96) square feet.

****The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of one hundred (100) square feet.

Table 13
Permitted Free Standing, Shopping Center Locator Signs

TABLE INSET:

	More Than 30,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Non- or indirectly illuminated
Sign face area (square feet)	55/96*	66/120**
Maximum height	20 feet	20 feet
Maximum number	One	One

Notes To Table 13: *The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of ninety-six (96) square feet.

**The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of one hundred twenty (120) square feet.

Note To Table 12 and 13

- H. Establishments located in the C-2, C-3 and C-4 districts may qualify for a larger building wall sign if the establishment is situated more than two hundred (200) feet from the public street right-of-way on which it fronts:

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Table 14

TABLE INSET:

Distance From Public Right-of-Way	Percent Increase in Permitted Building Wall Sign Face Area*
200 to 300 feet	20
300 to 400 feet	30
400 to 500 feet	40
More than 500 feet	50

Note to Table 14: *No building wall sign may exceed two hundred ten (210) square feet of sign face area.

7.7. *Signs permitted in the Mixed Use District.*

Each retail or service business may have one (1) building wall sign or one (1) projecting sign per exterior wall of the tenant space or establishment, except that such signs are not permitted on a rear building wall unless the business has a customer entrance in the rear of the tenant space or establishment that enters directly to pedestrian oriented open space or a parking area. Each retail or service business may also have one awning sign on the front building facade, if the tenant space or establishment fronts the street.

Each office or institution may have one (1) building wall sign or one awning sign on the front building wall of the tenant space or establishment

Internally illuminated signs and free standing signs are prohibited.

The copy area of each building wall sign for retail and service businesses shall not exceed sixty (60) percent of the signable area of the front building wall of the tenant space or establishment. The copy area of each building wall sign for offices, institutions and similar uses shall not exceed forty (40) percent of the signable area of the front building wall of the tenant space or establishment.

Signable area is defined as a continuous portion of the front building facade unbroken by doors or windows, that is specifically designed to accommodate a sign, and which shall not extend above the window sill of the story above unless the establishment to which it pertains is located above the first floor.

The copy area of a canopy sign shall not exceed twenty (20) percent of the canopy area. Only cut-out letters and/or symbols may be attached to, painted, stenciled, or otherwise placed on a canopy.

Projecting signs shall clear sidewalks by at least eight (8) feet. They shall project not more than four (4) feet from the building wall or one-third of the sidewalk width, whichever is less. They

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shall be pinned away from the wall at least six (6) inches and shall project from the wall at an angle of ninety (90) degrees. Angular projection at the corner of a building is prohibited. Projecting signs shall not extend vertically above the window sill of the second story.

(Ord. No. 04-2013, § 8, 4-5-04)

7.8. *Signs permitted in the I-1 Light Industrial District.*

- A. Signs permitted for individual buildings.
 - 1. Buildings with less than twenty thousand (20,000) square feet of floor area are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, or one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 2. Buildings with more than twenty thousand (20,000), but less than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 3. Buildings with more than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor eighty (80) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of sixty (60) square feet of sign face area.
- B. Each industrial park which contains more than two (2) buildings, other than accessory buildings, may have one free-standing sign per public street entrance, which identifies the name of the park.
 - 1. Maximum height of the sign shall be eight (8) feet.
 - 2. The maximum sign face area of an internally illuminated sign shall be forty-eight (48) square feet; one hundred (100) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 3. The maximum sign face area of a nonilluminated or indirectly illuminated sign shall be sixty (60) square feet; one hundred twenty (120) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 4. Signs with sign face area of one hundred (100) square feet or more, shall be setback at least fifty (50) feet from any property line.

(Ord. No. 04-2013, § 8, 4-5-04)

7.9. *Free-standing signs, generally*

- A. Except as otherwise permitted by this article, all free standing signs shall be setback at least ten (10) feet from any property line.
- B. No sign shall be located so as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.

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- C. Except as otherwise permitted by this article, the height of a free standing sign shall be measured from the average elevation of the ground at the base of the sign to the highest point of the sign structure. Berms or fill material which raise the base of the sign above the average elevation of the surrounding ground, shall not be used to increase the height of a free standing sign.

(Ord. No. 04-2013, § 8, 4-5-04)

7.10. *Prohibited signs.*

The following signs are prohibited, unless otherwise exempted or permitted by this article.

- A. Signs which do not comply with the adopted building, electrical or fire codes.
- B. Any sign which constitutes a safety hazard, as determined by the appropriate governmental authority, including signs which obstruct visibility at intersections.
- C. Signs which are not permanently attached to the ground or a building, including, portable signs, inflatable signs, banners and similar devices.
- D. Off-premise signs, except as permitted in subsection 7.9.B. of this section.
- E. Signs located in the public right-of-way and signs attached to trees or poles, including signs attached to private property located in the public right-of-way.
- F. Animated signs, including signs which move, revolve, rotate, or appear to be animated by mechanical, electronic or other means.
- G. Signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs.
- H. Strings of light bulbs, inflatable signs, and signs which emit noise, odor or visible matter such as smoke or steam.
- I. Wind driven signs including banners, flags, pennants, ribbons, spinners, streamers, captive balloons and similar devices.
- J. Roof signs and projecting signs.
- K. Signs that incorporate projected images, emit any sound that is intended to attract attention or involve the use of live animals.
- L. Signs or sign structures that interfere, in any way, with the free use of any fire escape, emergency exit or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations.
- M. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; or, non-governmental signs that use the words "STOP," "LOOK," "DANGER," or any similar word, phrase or symbol.
- N. Signs that contain any writing or control mechanism that causes unreasonable interference with radio, television or other communication signals

(Ord. No. 04-2013, § 8, 4-5-04)

7.11. *Signs permitted throughout the corridor.*

The following signs are permitted on private property throughout the corridor, subject to the following restrictions:

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- A. Not more than three (3) flags of governmental, religious, charitable, fraternal or other organizations may be displayed on any lot or parcel of land. Each flag shall not exceed sixty (60) square feet in area and shall be flown from a pole, the top of which is less than forty (40) feet in height.
- B. A maximum of one (1) off-premise directional sign per premises, for institutions, churches, schools and other public facilities, provided the sign does not exceed two square feet in sign face area nor five (5) feet in height.

(Ord. No. 04-2013, § 8, 4-5-04)

7.12. *Permit exceptions, exempt and temporary signs.*

- A. Permit exceptions.
 - 1. Changing of the advertising copy of message or an existing approved sign or marquee which (is) specifically designed for the use of replaceable copy.
 - 2. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- B. The following signs are exempt from the requirements of this article, provided they do not create a safety hazard as determined by the appropriate governmental authority.
 - 1. Directional signs which do not exceed four (4) square feet of copy area nor three (3) feet in height, located in parking or vehicle maneuvering areas, which are intended to direct traffic through the area and do not contain any advertising.
 - 2. Regulatory, statutory and traffic control signs necessary to promote the public health, safety and welfare; as required by the municipal, county, state or federal government.
 - 3. Legal notices, memorial and historical markers and other official government signs.
 - 4. Holiday lights and decorations.
 - 5. Signs incorporated into vending machines by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine, including gasoline pumps, and telephone booths.
 - 6. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
 - 7. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
 - 8. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
 - 9. Works of art that do not constitute advertising.
 - 10. Signs carried by a person.
 - 11. Political campaign signs, subject to the following:
 - a. Signs shall only be located in a residential zoning district on property which is improved with a dwelling.
 - b. Signs shall not be affixed to utility poles nor trees and shall not exceed four (4) feet in height nor three (3) square feet in sign face area. Signs shall not be illuminated.
 - c. Owners of residential property may grant permission for the placement of signs in their yard and on portions of the street right-of-way they maintain, provided that no sign shall protrude over

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paved or improved streets, including valley gutters. Any signs which are a hazard to vehicular traffic are prohibited.

- d. Portable, trailer or mobile signs are prohibited, except signs placed in windows or on the sides of motor vehicles.
- e. Signs shall be removed by the candidate within three (3) days following the election. Otherwise the city shall remove the signs at the candidate's expense.

C. Temporary signs.

1. Each business, institution or public building may have one temporary banner affixed to the building wall, which advertises a sale or special event. However, each business, institution or public building shall be limited to not more than a total of thirty (30) days each calendar year, during which such a temporary sign may be displayed, except that no such sign may be erected for a period of ten (10) days or more. A temporary sign permit shall be obtained prior to erection of the sign.
2. Each new business may have one illuminated, temporary sign, which may be a banner, which shall not to exceed thirty-two (32) square feet in sign face area and shall be attached to the building wall of the premises for a period not to exceed thirty (30) days, or until a permanent sign is installed, whichever time period is shorter. A temporary sign permit shall be obtained prior to erection of the sign.
3. Commercial property may have one (1), nonilluminated, free standing, temporary identification sign per facing street, while the property is being developed, which shall not exceed forty-eight (48) square feet of sign face area nor ten (10) feet in height. For single tenant project, the sign shall be removed when the project is complete, or the permanent sign has been erected, whichever occurs first. For multi-tenant projects, the sign shall be removed when seventy-five (75) percent of the tenant spaces have been leased, or the permanent sign has been erected, whichever occurs first.
4. Residential subdivisions with five (5) or more lots may have one (1) free standing, on-premise, temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet of sign face area nor ten (10) feet in height. The sign shall not be illuminated and shall be removed within one hundred twenty (120) days after construction begins on the first dwelling in the subdivision, or the permanent subdivision identification sign has been erected, whichever occurs first.
5. Each premise may have one (1) on-premise, for sale or for rent sign, which does not exceed six (6) square feet of sign face area when located in a single family residential zoning district, and twenty-four (24) square feet in all other zoning districts. The signs shall be removed upon the sale or lease of the premises.

(Ord. No. 04-2013, § 8, 4-5-04)

7.13. Nonconforming signs.

- A. All signs constructed after adoption of this ordinance shall conform in all respects to the requirements and provisions contained herein.
- B. Within the districts established by this ordinance or amendments that may later be adopted, there exists signs which were lawful before the ordinance was passed or

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amended, but which would be prohibited, regulated or restricted under the terms of the ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to remain until they are removed, discontinued or altered, but not to encourage their survival.

- C. Nonconforming on-premise signs.
 - 1. Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
 - 2. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
 - 3. The sign face area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided the sign message is not changed.
 - 4. Maintenance of copy area on a nonconforming sign in which the copy area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of this ordinance.
- D. Nonconforming off-premise signs. Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without jeopardizing the legal nonconforming status of the sign.
- E. A nonconforming sign which is damaged by fire, wind, or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this ordinance.

(Ord. No. 04-2013, § 8, 4-5-04)

7.14. *Abandonment.*

A sign which no longer advertises a bona ride business, institution, person, event, location, product, or service for a continuous period of sixty (60) days or more, shall be altered or removed to conform in all respects to the provisions of this ordinance.

(Ord. No 99-1719, § 1, 2-7-00; Ord. No. 04-2013, § 8, 4-5-04)

Sec. 8.0. Buffers and landscaping.

8.1. *Impervious surfaces.*

Impervious surfaces such as roofs and pavement shall not cover more than eighty (80) percent of a lot or parcel, except in the Mixed Use District. (Ord. No. 04-2013, § 8, 4-5-04)

8.2. *Buffers.*

- A. *Applicability.* Buffer regulations are set forth in each of the zoning district sections of Article VI. If proposed development activity requires a buffer, a tree conservation plan including supplemental information required in this section, shall be submitted pursuant to the requirements of Article XIII.
- B. *Standards.* In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers.
 - 1. When natural vegetation exists on a site, buffer areas shall be left in an undisturbed, natural state, except that underbrush may be cleared and plantings added. Nothing herein shall be construed as preventing removal

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of junk, debris, dead trees or limbs, abandoned structures, fences and the like from the buffer areas.

2. The buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length of the planting strip. In addition, the buffer shall include at least one (1) tree that qualifies for tree canopy credit in the Tree Selection and Cover Guide, for each thirty (30) linear feet of buffer. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the planting. The entire surface area of the buffer shall be planted as prescribed in this section. When natural or man-made topography enhances the effectiveness of a buffer, the width of the buffer may be reduced by up to thirty (30) percent. Only plant materials listed in the Tree Selection and Cover Guide that are noted with (# and ^) may be planted in the required buffer.

(Ord. No. 03-1982, § 4, 9-15-03)

3. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer, as determined by the city's landscape architect. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the city.
4. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.
5. Electrical, telephone, gas, water, sanitary sewers, storm drainage and other utility facilities may be constructed in the required buffer under the following conditions:
 - a. The developer shall submit adequate data such as an existing tree survey and photographs to verify pre-development conditions in the affected buffer area.
 - b. The administrator shall condition the land disturbance and building permits upon restoration of the area in compliance with.
 - c. The approved tree conservation plan within four (4) months after utility construction is complete.
 - d. The developer shall be required to restore the buffer in compliance with the approved tree conservation plan.
 - e. If construction of utilities will result in the disturbance of more than fifty (50) continuous feet of the required buffer, the administrator may require additional planting to satisfy the buffer standards.
6. When easements or rights-of-way that prevent planting of the required vegetation are located within a buffer, the width of the easement or right-of-way shall not be included when calculating the width of the buffer, except as follows:
 - a. Where twenty-five (25) and thirty-five (35) foot wide buffers are required, the width of the buffer may be reduced by one (1) foot for every five (5) feet of easement or right-of-way located on the

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- subject property, provided that the planted buffer shall not be less than twenty (20) feet in width.
- b. Where a fifty (50) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than thirty-five (35) feet in width.
 - c. Where a one hundred (100) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than eighty (80) feet in width. **(Ord. No. 03-1982, § 4, 9-15-03)**
7. Buffers which are approved as undisturbed buffers shall not require irrigation. All planted buffers shall be irrigated in compliance with the requirements of this section. **(Ord. No. 03-1982, § 4, 9-15-03)**
 8. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris. **(Ord. No. 03-1982, § 4, 9-15-03)**

8.3. *Landscaping for parking and vehicle areas.*

Landscape plans for developments that have one hundred (100) or more off-street parking spaces shall be prepared by a registered landscape architect or a licensed landscape designer. All submitted plans shall bear the architect's/designer's seal, signature and State of Alabama registration number.

- A. *Applicability.* These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from public property, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. Multi-level parking structures are exempt from the interior planting requirements.

This subsection shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all conditional uses and for permitted uses in the R-4, R-T-4, C-P, C-1, C-2, C-3, C-4 and I-1 Districts. The enlargement of any existing parking area by ten (10) percent or more shall require that the existing and new parking areas conform the requirements of this article. If proposed development activity requires the installation of landscaping in parking areas, a tree conservation plan, including supplemental information required in this subsection, shall be submitted pursuant to the requirements of Article XIII.

- B. *Design standards.* Only large trees may be planted to comply with the requirements of this section, except when site visibility at intersections or when overhead utilities prevent the use of large trees, in which case medium or small trees may be used. Interior landscaped islands and perimeter planting areas shall be planted with trees equal to or greater than one tree for each nine hundred (900) square feet of impervious parking area. Only trees listed in the tree selection guide in Article XIII, and noted with (*) may be planted within or on the perimeter of a parking area.

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Large parking areas shall be designed as a series of smaller lots that provide space for not more than one hundred (100) cars. The smaller lots shall be separated by internal planting areas that form a perimeter which is at least nine (9) feet wide, planted with large trees and shrubs. These planted areas shall be counted as part of the ten (10) percent internal planting requirement for parking areas.

1. Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.
2. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of Transportation. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.
3. Perimeter planting. The width of required perimeter planting areas, which are located within required buffer areas, may be included as part of the minimum buffer width, provided that the plant materials meet the minimum standards for a buffer.
 - a. Parking areas shall be separated from the Highway 280 right-of-way by a fifteen-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one tree per twenty-five (25) feet of Highway 280 frontage. Large trees shall be planted on thirty-five-foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
 - b. Parking areas shall be separated from other public road rights-of-way by a ten-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one (1) tree per twenty-five (25) feet of public street frontage. Large trees shall be planted on thirty-five-foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
 - c. Parking areas shall be separated from other private property by an eight-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one (1) tree per fifty (50) feet of abutting property line. Large trees shall be planted on thirty-five (35) foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
4. Interior planting. Whenever the impervious surface of a parking area exceeds eight thousand (8,000) square feet, an area equal to ten (10) percent of the impervious surface area shall be provided for landscaping islands in the interior of the parking area. Plant material located within six (6) feet of a building shall not be included as part of the minimum interior

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planting requirement. The interior parking area planting requirement is in addition to the required perimeter planting. Gasoline service stations and automobile sales lots are exempt from the interior planting requirements. The interior islands shall be at least nine (9) feet by twenty (20) feet, planted with a combination of large trees and evergreen shrubs. One (1) landscaped island shall be required for each row of twelve (12) contiguous parking spaces. Each landscaped island have contain at least one (1) large tree which meets the minimum requirements of this subsection.

- C. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- D. All required landscaping shall be irrigated in compliance with the automatic irrigation system regulations of subsection 8.5; except required landscaping within an existing parking area which is being landscaped to comply with the requirements of this section.

8.4. *Plant materials standards.*

All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs that are listed in Article XIII, Tree Selection and Cover Guide may be planted in required landscaping and buffer areas. (Ord. No. 03-1982, § 4, 9-15-03)

8.5. *Automatic irrigation system regulations.*

- A. Complete irrigation plans which comply with the plumbing code of the city, shall be submitted as part of every tree conservation plan. Irrigation plans shall be drawn at the same scale as the tree conservation plan and shall cover the entire area where irrigation is required.
- B. A fully automated irrigation system shall be constructed where irrigation is required. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.
- C. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.
- D. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.
- E. The owner shall keep the irrigation systems in proper working condition as part of a regular maintenance program.
- F. Workmanship and materials shall conform to the plumbing code of the city.
- G. At the conclusion of the work, the contractor shall submit three (3) copies of the as-built plans to the city.

8.6. *Enforcement.*

- A. Permitted and conditional uses in the R-T-4, R-4, CP, C-1, C-2, C-3, C-4, and I-1 Districts and conditional uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts:
 - 1. No tree conservation plan required by this section shall be approved by the administrator until a financial guarantee of performance is submitted, in an

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amount determined by the administrator to be not less than one hundred ten (110) percent of the cost of implementing the tree conservation plan. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the city.

2. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy for the premises, the administrator shall determine that the tree conservation plan has been implemented.
- B. Permitted uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts. A certificate of occupancy shall not be issued for any dwelling until the lot on which the dwelling is located complies with the tree conservation plan approved for the lot or subdivision.

(Ord. No 99-1719, § 1, 2-7-00)

Tree Selection and Cover Guide (Deciduous)

Revised 02/19/04

SMALL DECIDUOUS TREES (up to 40' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2" – 3"
1	Acer barbatum / Florida Maple # * ^	100
2	Acer palmatum / Japanese Maple (std. green) # * ^	75
3	Acer palmatum / Japanese Maple (std. red) # * ^	50
4	Cercis canadensis / Eastern Redbud # * ^	75
5	Cornus kousa / Kousa Dogwood # * ^	75
6	Koelreuteria paniculata / Goldenraintree # * ^	75
7	Lagerstroemia indica / Common Crapemyrtle cultivars - mature height (0 – 10') # *	0
	- mature height (10' - 20') # * ^	25
	- mature height (20' +) # * ^	75
8	Magnolia x soulangiana / Saucer Magnolia # * ^	75
9	Oxydendrum arboreum / Sourwood # * ^	75
10	Pistacia chinensis / Chinese Pistache # * ^	75
11	Prunus L. / various flowering cherries and plums # * ^	75
12	Rhus copallina / Shining Sumac # * ^	50
MEDIUM DECIDUOUS TREES (from 40' – 60' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2" – 3"

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13	<i>Acer rubrum</i> / Red Maple # * ^	200
14	<i>Acer saccharum</i> / Sugar Maple # * ^	200
15	<i>Betula nigra</i> / River Birch # * ^	200
16	<i>Diospyros virginiana</i> / Common Persimmon # * ^	200
17	<i>Fagus grandifolia</i> / American Beech # ^	200
18	<i>Fraxinus pennsylvanica</i> / Green Ash # * ^	200
19	<i>Nyssa sylvatica</i> / Black Gum # * ^	200
20	<i>Quercus acutissima</i> / Sawtooth Oak # * ^	300
21	<i>Quercus lyrata</i> / Overcup Oak # * ^	300
22	<i>Quercus nuttallii</i> / Nuttall Oak # * ^	300
23	<i>Quercus phellos</i> / Willow Oak # * ^	300
24	<i>Quercus stellata</i> / Post Oak # * ^	300
25	<i>Quercus shumardii</i> / Shumard Oak # * ^	300
26	<i>Taxodium distichum</i> / Common Baldcypress # * ^	250
27	<i>Ulmus parvifolia</i> / Chinese elm # * ^	250
LARGE DECIDUOUS TREES (60' and above)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2" – 3"
28	<i>Fraxinus americana</i> / American ash # * ^	200
29	<i>Ginkgo biloba</i> / Ginkgo # * ^	200
30	<i>Liriodendron tulipifera</i> / Tulip poplar # * ^	200
31	<i>Liquidambar styraciflua</i> / Sweetgum # * ^	300
32	<i>Metasequoia glyptostroboides</i> / Dawn Redwood # * ^	300
33	<i>Platanus occidentalis</i> / Sycamore planetree # * ^	300
34	<i>Quercus alba</i> / White Oak # * ^	300
35	<i>Quercus macrocarpa</i> / Bur oak # * ^	200
36	<i>Quercus palustris</i> / Pin Oak # * ^	250
37	<i>Quercus prinus</i> / Chestnut Oak # * ^	200
38	<i>Ulmus americana</i> / American elm # * ^ - Dutch Elm Disease resistant cultivars	200
39	<i>Zelkova serrata</i> / Japanese zelkova # * ^	200

- Permitted in landscaped buffers

* - Permitted in interior areas

^ - Rates canopy credit

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Tree Selection and Cover Guide (Evergreen)

Revised 02/19/04

SMALL EVERGREEN TREES & TALL SHRUBS		Tree Cover Area in Square Feet and Height at Planting	
(Mature growth potential of less than 25' in height) * tree-form specimens *			
No.	Botanical / Common Name	6' – 8'	8' – 10'
1	Ilex x attenuate 'Fosteri' / Foster's Holly # * ^	25	50
2	Ilex c. burfordi / Burford Holly # * ^	25	50
3	Ilex latifolia / Lusterleaf Holly # * ^	25	50
4	Ilex x 'Nellie R. Stevens' / Nellie R. Stevens' Holly # * ^	25	50
5	Ilex vomitoria / Yaupon Holly # * ^	25	50
6	Magnolia grandiflora x 'Little Gem' Magnolia # * ^	50	75
7	Myrica cerifera / Southern Wax Myrtle # * ^	50	75
8	Prunus caroliniana / Carolina Cherrylaurel # * ^	75	100
MEDIUM EVERGREEN TREES		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)	
(Mature growth potential of 25' to 50' in height) * tree-form specimens *			
No.	Botanical Name / Common Name	2" – 3"	
9	Cryptomeria japonica / Japanese Cedar # * ^	100	
10	Ilex opaca / American Holly # * ^	125	
11	Magnolia grandiflora x (medium height cultivars) # * ^	125	
12	Magnolia virginiana / Sweetbay Magnolia # ^	100	
LARGE EVERGREEN TREES		Tree Cover area in Square Feet and Caliper at Planting (measure 6" above grade)	
(Mature growth potential of at least 50' in height)			
No.	Botanical Name / Common Name	2" – 3"	
13	Cedrus deodara / Deodar Cedar # * ^	200	
14	Juniperus virginiana / Eastern Red Cedar # * ^	150	
15	Magnolia grandiflora / Southern Magnolia # * ^	200	
16	Quercus virginiana / Live Oak # * ^	200	

- Permitted in landscaped buffers

* - Permitted in interior areas

^ - Rates canopy credit

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ORDINANCE NO. 96-1477

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF HOOVER, ALABAMA

BE IT ORDAINED by the City Council of the City of Hoover, Alabama, in regular meeting, duly assembled, a quorum being present that the Municipal Code, Appendix I, Zoning, of the City of Hoover, is hereby amended as follows:

1. Delete Article III, Section 2.11(A)(4)
2. Delete Article III, Section 2.30(A)(3), and replace with: Tree Conservation Plan
3. Amend Article IV to include the following **definitions**:

Clearing: Any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other woody vegetation which will cause the tree or woody vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials or by the change of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions.

DBH: Diameter-at-Breast-Height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

Dripline: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

Tree: Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more and normally attaining a mature height of 25 feet.

Tree Cover: The area directly beneath the crown and within the dripline of a tree.

4. Delete Article VI, Section 1.6; Replace with: 1.6 Buffer regulations. All conditional uses requiring a structure shall provide a twenty (20) foot wide buffer on all rear and side property lines. See Article XIII, Section 3.0.
5. Delete Article VI, Section 1.7(I); Replace with: I. Tree Conservation, Buffers and Landscaping, Article XIII
6. Delete Article VI, Section 2.6; Replace with: 2.6 Buffer regulations. All conditional uses requiring a structure shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut a residential district. Schools and churches shall provide a twenty (20) foot wide buffer on all rear and side property lines which abut a single family residential district. See Article XIII, Section 3.0.
7. Delete Article VI, Section 2.7(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII
8. Delete Article VI Section 3.6; Replace with: 3.6 Tree Conservation, Buffers and Landscaping, Article XIII
9. Delete Article VI, Section 3.7(D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
10. Delete Article VI Section 4.6; Replace with: 4.6 Tree Conservation, Buffers and Landscaping, Article XIII
11. Delete Article VI, Section 4.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
12. Delete Article VI Section 5.6; Replace with: 5.6 Tree Conservation, Buffers and Landscaping, Article XIII

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13. Delete Article VI, Section 5.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
14. Delete Article VI Section 6.6; Replace with: 6.6 Tree Conservation, Buffers and Landscaping, Article XIII
15. Delete Article VI, Section 6.7 (D); Replace with: D. Tree Conservation, Buffers and Landscaping, Article XIII
16. Delete Article VI, Section 7.6; Replace with: 7.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single-family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
17. Delete Article VI, Section 7.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
18. Delete Article VI, Section 8.6; Replace with: 8.6 Buffer regulations. When a townhouse development is located wholly or partially adjacent to a single-family or two-family residential district or Agriculture District, said use shall provide as a minimum a ten (10) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
19. Delete Article VI, Section 8.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
20. Delete Article VI, Section 9.6; Replace with: 9.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a residential district or Agriculture District, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. Schools and churches shall provide a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. No paving shall be permitted within twenty (20) feet of a property line which abuts said districts. See Article XIII, Section 3.0.
21. Delete Article VI, Section 9.7(E); Replace with: E. Tree Conservation, Buffers and Landscaping, Article XIII
22. Delete Article VI, Section 10.6; Replace with: 10.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a residential district, Office or Agriculture district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. No paving shall be permitted within twenty (20) feet of a property line which abuts said districts. See Article XIII, Section 3.0.
23. Delete Article VI,Section10.7(H); Replace with: H. Tree Conservation, Buffers and Landscaping, Article XIII
24. Delete Article VI, Section 11.6; Replace with: 11.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
25. Delete ArticleVI,Section 11.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII
26. Delete Article VI, Section 12.6; Replace with: 12.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.
27. Delete ArticleVI,Section 12.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII
28. Delete Article VI, Section 13.6; Replace with: 13.6 Buffer regulations. When any permitted or conditional use is located wholly or partially adjacent to a single family or two-family residential district or Agriculture District, said

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use shall provide as a minimum a twenty (20) foot wide buffer on all rear and side property lines which abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or Office district, said use shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut said districts. See Article XIII, Section 3.0.

29. Delete Article VI, Section 13.7(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

30. Delete Article VI, Section 14.6; Replace with: 14.6 Buffer regulations. All structures and facilities developed within the I-1 District shall provide a twenty (20) foot wide buffer on all rear and side property lines, except those property lines which abut property zoned I-1. See Article XIII, Section 3.0.

31. Delete Article VI, Section 14.7(K); Replace with: K. Tree Conservation, Buffers and Landscaping, Article XIII

32. Delete Article VI, Section 15.9(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

33. Delete Article VI, Section 16.7; Replace with: 16.7 Buffer regulations. All conditional uses requiring a structure shall provide as a minimum a twelve (12) foot wide buffer on all rear and side property lines which abut a residential district. Schools and churches shall provide a twenty (20) foot wide buffer on all rear and side property lines which abut a single family residential district. See Article XIII, Section 3.0.

34. Delete Article VI, Section 16.8(C); Replace with: C. Tree Conservation, Buffers and Landscaping, Article XIII

35. Delete Article VII, Section 10.0 Landscape Buffer Regulations

36. Delete Article VIII, Section 2.0(C) and (D); Replace with: C. Tree Conservation Plan

37. Amend Article XII, Section 2.3(C) to include: 10. Tree Conservation Standards which meet or exceed the requirements of Article XIII, Section 2.0

38. Delete Article XIII; and replace with the following:

ARTICLE XIII TREE CONSERVATION, BUFFERS AND LANDSCAPING

Section 1.0 Purposes and Objectives.

The purposes of this Article are to promote the quality of life in the City of Hoover by promoting health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to encourage a responsible land ethic. This Article has been made with reasonable consideration, among other things, to the character of the zoning districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

The objectives are achieved by the conservation and protection of the land, water, air, vegetation and other natural resources of the City by requiring measures to preserve and/or replace trees during all phases of land disturbing activity, to make incompatible land uses more compatible by requiring a buffer between the uses and to provide shade within and enhance the appearance of parking and other vehicle maneuvering areas.

Benefits derived to the community include the protection and enhancement of property values, as well as reduced storm water run-off, soil erosion and sedimentation. Trees and other forms of vegetation, in the process of photosynthesis, remove some carbon dioxide from the atmosphere, generate a significant amount of oxygen that is necessary for life support, and absorb and hold some chemical pollutants.

Section 2.0 Tree Conservation.

Tree Conservation is intended to create incentives to retain a small percentage of the trees during the land development process. The incentive is created by the establishment of a minimum percentage of each lot or

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parcel which must have trees after development is complete. This minimum percentage may be comprised of trees which were retained, planted trees or a combination of both.

In residential development, techniques such as retaining trees in areas of severe terrain, flood areas, and along rear property lines, drainage ways and the periphery of the project, are the most practical ways to comply with the minimum standards of this Article. Trees required in the front yard of each dwelling also count toward the minimum requirement for the subdivision.

In non-residential projects, trees within the parking areas and buffers may be applied to the required minimum coverage. Retention and planting of trees in areas of severe terrain and along the periphery of the project will facilitate compliance with the minimum standards.

In all districts, planning for the location of tree save areas prior to land disturbance is the most practical way to comply with the requirements of this Article. This approach is reinforced by the requirement to submit a Tree Conservation Plan to the City prior to land disturbance.

2.1 Method. A land disturbance permit shall be required prior to any land disturbance which is regulated by this Article. The permit shall only be issued by the City upon receipt and approval of a land disturbance permit application. If the property is the subject of a conditional use, special use, special exception or variance application, a Tree Conservation Plan shall be submitted as part of said application.

2.2 Applicability. Land disturbance is defined as the making of any material change to the natural surface of the land or the removal of trees and other woody vegetation; including clearing, grading, excavating, filling, borrowing, creating spoil areas, and dumping of materials.

A. The following land disturbance shall be exempt from the provisions of this Article:

1. Land disturbance on an occupied single family residential lot; provided that such disturbance is conducted by the owner/occupant or his or her agent.
2. Enlargement of a single family residential dwelling or the construction or placement of an accessory building or structure on the premises of an existing single family dwelling.
3. Repair and maintenance of public utilities and storm drainage structures
4. Installation and maintenance of structures and facilities of a railroad company
5. Construction of streets within a public right-of-way or within an area approved by the City as a public street right-of-way on a preliminary subdivision plat
6. Emergency work to protect life, limb or property and emergency repairs

B. Each PUD approved after the effective date of this ordinance shall adopt and enforce tree conservation requirements which meet or exceed the requirements of Section 2.0 Tree Conservation, but may be exempt from the requirements of Section 6.0 Enforcement. Such requirements shall be submitted for review by the City as part of the PUD zoning application.

2.3 Tree Conservation Plan.

A Tree Conservation Plan as defined in Sub-Section 2.4 or 2.5 of this Article shall be approved prior to issue of a land disturbance permit, clearing permit, grading permit, or building permit. The purpose of the plan is to incorporate tree conservation with site development to provide an economically feasible project with the least amount of site disturbance. The Tree Conservation Plan is intended to provide a site development plan for property which delineates areas of site disturbance, tree save areas and/or areas for the replanting of trees, in compliance with the requirements of this and all other land development regulations. If a buffer or landscaping within a parking or vehicle maneuvering area is required for the proposed development, those requirements shall be part of the Tree Conservation Plan.

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2.4 Land Disturbance Permit Application.

The land disturbance permit application shall be filed on forms provided by the City and accompanied by a Tree Conservation Plan, drawn to a scale no smaller than one inch equals 50 feet with topographic information at five foot contour intervals.

A. For residential uses in the A-1 District and for permitted uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts, a Tree Conservation Plan may be approved for individual lots or for more than one lot.

1. A Tree Conservation Plan for an individual lot, pursuant to a building plan, shall not require topography and shall contain the following information:

- a. The boundaries of all tree save areas
- b. All dimensions and distances, property lines, easements and rights-of-way
- c. Existing and proposed buildings and structures
- d. Bodies of water, including water detention and retention areas
- e. Driveways and parking areas
- f. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Section are fully satisfied
- g. The plan shall be accompanied by quantitative data which certifies compliance with the Tree Conservation Standards of Section 2.9

2. A Tree Conservation Plan which covers more than one lot shall be a conceptual plan which shows the manner in which the Tree Conservation Standards of Section 2.9 will be fulfilled. The Plan shall contain the following information:

- a. The boundaries of all tree save areas
- b. All dimensions and distances, property lines, easements and rights-of-way
- c. Bodies of water, including water detention and retention areas
- d. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Section are fully satisfied
- e. The plan shall be accompanied by a statement which describes the manner in which the Tree Conservation Standards of Section 2.9 are to be met and certification that the Tree Conservation Plan complies with those standards.

B. For uses other than a dwelling in the A-1 District and for conditional uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts and for all uses in the R-T-4, R-4, C-P, C-1, C-2, C-3, C-4 and I-1 districts, the Tree Conservation Plan which is pursuant to a building plan, shall contain the following information:

1. The boundaries of all tree save areas
2. All dimensions and distances, property lines, easements, rights-of-way and buffers
3. Existing and proposed buildings and structures, including signs, dumpsters, light and power poles, utility and drainage structures

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4. Existing and proposed buildings and structures on adjacent property affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include an elevation which accurately shows the comparative elevations of the buildings.
5. Bodies of water, including water detention and retention areas
6. Driveways, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas.
7. The location, species, size, description and spacing of all required ground covers, shrubs and trees to be planted. Shrub bed plantings at a scale of one inch equals 20 feet and sections of planting through typical berms and slopes greater than ten (10) percent gradient shall be provided at the request of the Administrator.
8. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied.
9. The plan shall be accompanied by:
 - a. A grading plan which shows all areas of cut and fill as well as borrow areas and areas for stockpiling of soil and materials
 - b. Quantitative data which certifies compliance with the Tree Conservation Standards of Section 2.9
 - c. Detailed drawings and specifications of tree protection measures including: Protective tree fencing, erosion control fencing, tree protection signs, transplanting specifications, tree wells and aeration systems, staking specifications, and other applicable drawings

2.5 Speculative Land Disturbance.

The following restrictions shall apply to land disturbance on property for which building plans are not available.

- A. Speculative land disturbance in the E-1, R-E, R-1, R-2, and R-3 districts shall leave 20 percent of the land area in tree cover area, as required in Sub-Section 2.9. The tree cover area shall be located along the rear and side property lines of a tract or parcel and along the rear property line of a lot.
- B. Speculative land disturbance in the E-1, R-E, R-1, R-2 and R-3 districts, on property owned by an entity which is a conditional use in those districts, shall not be permitted within 50 feet of an adjacent single family residential district boundary nor within any required buffer.
- C. Speculative land disturbance in the A-1, PRD, R-4 and R-T-4 districts shall not be permitted within 50 feet of an adjacent single family residential district boundary nor within any required buffer.
- D. Speculative land disturbance in the C-P, C-1, C-2, C-3, C-4, and I-1 districts and those areas not yet zoned by the City of Hoover, shall not be permitted within 100 feet of an adjacent single family residential district boundary nor within any required buffer.
- E. A Tree Conservation Plan drawn to a scale no smaller than one inch equals 50 feet, which contains the following information, shall be approved by the Administrator prior to any speculative land disturbance.
 1. The boundaries of all tree save areas
 2. All dimensions and distances, property lines, easements and rights-of-way
 3. Bodies of water, including water detention and retention areas

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4. Sufficient information and detail to clearly demonstrate that all applicable requirements of this Sub-Section 2.5 are fully satisfied.

F. A complete Tree Conservation Plan, as required in Sub-Section 2.4, shall be submitted as part of any subsequent conditional use, special use, special exception or variance application and prior to issue of any building permits.

2.6 Land Disturbance Guidelines

A. Land disturbance shall not include any unnecessary clearing.

B. Water retention and detention areas and sedimentation basins shall be constructed so as to take advantage of the natural terrain in order to minimize grading and vegetation removal.

C. Proposed utilities shall be located so as to have minimum impact upon existing vegetation. Adequate clearing shall be shown for the installation of utilities, including equipment access, excavating and deposition of soil.

2.7 Review of Land Disturbance Permit Applications.

Upon receipt of a complete land disturbance permit application, the Administrator shall either approve, return for revisions or deny the application. All tree protection measures, as required in the Administrative Guidelines, shall be installed and inspected by the Administrator prior to land disturbance.

2.8 Maintenance.

Except for occupied single family dwellings, the owner shall be responsible for the maintenance of all plant material required by this Section. All plant material shall be tended and maintained in a healthy growing condition and replaced when dead.

2.9 Tree Conservation Standards.

All land disturbing activities regulated by this Article shall include the preservation and/or planting of trees on the site to the extent that minimum tree cover shall be provided as follows:

Zoning Districts Percent Coverage

Permitted Uses in the A-1, RE, E-1, E-2, R-1,R-2, R-3 and PRD districts - **20%**

Permitted and Conditional uses in the R-T-4, R-4 and CP districts and Conditional Uses in the A-1, RE, E-1, E-2, R-1,R-2, R-3 and PRD districts - **15%**

Permitted and Conditional Uses in the C-1, C-2, C-3, C-4, and I-1 districts - **10%**

A. For detached single family residential dwellings and subdivisions, the percent coverage shall be applied to gross land area minus public street rights-of-way.

For all other uses, the percent coverage shall be applied to the adjusted gross site area which is defined as gross site area in square feet, minus:

1. The footprint area of all buildings, excluding parking deck structures
2. Public street, utility and drainage easements and rights-of-way
3. Lakes, detention and retention ponds, based upon the normal surface elevation

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4. Absorption fields for on-site sewage disposal systems

5. Baseball, softball, football, soccer and similar athletic fields

B. Enlargement of a building, other than a single family residential dwelling or accessory building, by twenty (20) or less percent of the building floor area, shall be exempt from the percent coverage requirements of this Section, provided no trees are cleared as part of the development process. If trees are cleared, then trees equaling the tree cover area of the trees which were cleared shall be planted on the property, in a location determined by the Administrator.

C. Enlargement of a building, other than a single family residential dwelling or accessory building, by more than twenty (20) percent of the building floor area, shall require that the premises of the enlarged building comply with the percent coverage requirements of this Section.

D. The 20 percent tree coverage requirement for single family detached dwellings may be applied to each lot or to the area covered by the Tree Conservation Plan as a whole. If applied to the area as a whole, a Tree Conservation Plan shall be submitted and approved for the entire area within the boundary of the Tree Conservation Plan prior to clearing of any lots within that area.

E. The following minimum number of trees shall apply to each front yard(s) of all residential lots in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4 and PRD zoning districts:

Lot Width Minimum Number of Large Deciduous Trees

70 feet or less = 1 tree

More than 70 feet = 2 trees

If the prospective homeowner states in writing that trees are not desired in the front yard, then the trees allocated to that lot may be re-allocated to other front yard or public street plantings within the boundary of the Tree Conservation Plan.

F. When a Tree Conservation Plan is submitted for an individual single family residential lot, compliance with the Tree Conservation Standards of this Section shall not result in the requirement to plant more than four large deciduous trees on the subject lot.

G. When a Tree Conservation Plan is submitted for more than one single family residential lot, compliance with the Tree Conservation Standards of this Section shall not result in the requirement to plant a total number of large deciduous trees which is greater than the number of lots in the Tree Conservation Plan, multiplied by the number four (4).

2.10 Tree Preservation Credit

A. Existing trees may meet all or part of the tree cover requirements of this Section. Existing trees shall qualify for tree cover credit if they are located within a tree save area identified on the Tree Conservation Plan, protected during land disturbance as required in the Administrative Guidelines and meet the minimum requirements of this Section.

B. The credit allowed for a freestanding tree or cluster of trees shall be 1.25 multiplied by the area defined by the boundaries of the existing drip line of a freestanding tree or group of trees as delineated on the Tree Conservation Plan.

C. The minimum size tree to be allowed for tree cover credit shall be two inches DBH.

D. When existing trees are to be preserved for tree cover credit, efforts should be made to avoid fragmentation of the preservation areas from other woodlands within or contiguous to the site.

E. Tree cover credit shall only be given to trees with main trunks located on the subject property.

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F. If during construction, trees that are shown to be preserved are cleared or removed, so that the tree cover standard is no longer met, then replacement trees shall be required. Conversely, if additional trees are preserved in compliance with the Administrative Guidelines, then tree cover credit may be added to the calculations in accordance with this Section.

2.11 Tree Planting Credit

A. Tree cover credit shall only be given to trees with main trunks located on the site being developed, except that required trees may be planted within an adjacent public street right-of-way, if shown on the approved Tree Conservation Plan and approved by all applicable governments and utilities.

B. The tree cover calculations for planted trees shall be based upon the tree coverage area for each tree as shown in the Tree Selection and Cover Guide. Other trees and larger tree sizes may be given tree cover credit with submission of supporting tree cover data to the Administrator.

C. The trees that are to be planted shall be selected from species suitable for the proposed site conditions.

Section 3.0 Buffers.

3.1 Applicability. Buffer Regulations are set forth in each of the zoning district sections of Article VI and in Table One at the end of this Article. If proposed development activity requires a buffer, a Tree Conservation Plan including supplemental information required in this Section, shall be submitted pursuant to the requirements of this Article.

3.2 Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by the Zoning Ordinance.

A. When natural vegetation exists on a site, buffer areas shall be left in an undisturbed, natural state, except that underbrush may be cleared and plantings added. Nothing herein shall be construed as preventing removal of junk, debris, dead trees or limbs, abandoned structures, fences and the like from the buffer areas.

B. The buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length of the planting strip. In addition, the buffer shall include at least one (1) tree that qualifies for tree canopy credit in the Tree Selection and Cover Guide, for each thirty (30) linear feet of buffer. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the planting. The entire surface area of the buffer shall be planted as prescribed in this section. When natural or man-made topography enhances the effectiveness of a buffer, the width of the buffer may be reduced by up to thirty (30) percent. Only plant materials listed in the Tree Selection and Cover Guide that are noted with (# and ^) may be planted in the required buffer.

C. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer, as determined by the Administrator. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the City.

D. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.

E. Electrical, telephone, gas, water, sanitary sewers, storm drainage and other utility facilities may be constructed in the required buffer under the following conditions:

1. The developer shall submit adequate data such as an existing tree survey and photographs to verify pre-development conditions in the affected buffer area.

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2. The Administrator shall condition the land disturbance and building permits upon restoration of the area in compliance with the approved Tree Conservation Plan within four (4) months after utility construction is complete.
3. The developer shall be required to restore the buffer in compliance with the approved Tree Conservation Plan.
4. If construction of utilities will result in the disturbance of more than fifty (50) continuous feet of the required buffer, the Administrator may require additional planting to satisfy the buffer standards.

F. When easements or rights-of-way that prevent planting of the required vegetation are located within a buffer, the width of the easement or right-of-way shall not be included when calculating the width of the buffer, except as follows:

1. Where twenty five (25) and thirty five (35) foot wide buffers are required, the width of the buffer may be reduced by one (1) foot for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than twenty (20) feet in width.
2. Where a fifty (50) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than thirty five (35) feet in width.
3. Where a one hundred (100) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than eighty (80) feet in width.

G. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

Section 4.0 Landscaping for Parking and Vehicle Areas

4.1 Applicability. These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from the public right-of-way, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. All such areas with less than five (5) vehicle spaces are exempt from the provisions of this Section.

This Section shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all conditional uses and for permitted uses in the R-4, R-T-4, C-P, C-1, C-2, C-3, C-4 and I-1 Districts. If proposed development activity requires the installation of landscaping in parking areas, a Tree Conservation Plan, including supplemental information required in this Section, shall be submitted pursuant to the requirements of this Article.

4.2 Design Standards.

A. Interior Parking Areas

1. Each parking area shall have interior landscaping covering not less than ten (10) percent of the total parking area, all of which shall be devoted to tree canopy area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
2. The primary landscaping materials used in parking areas shall be shade trees. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
3. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

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B. Peripheral Parking Area Landscaping Adjacent to Rights-of-Way

1. A landscaped strip at least fifteen (15) feet wide, which shall not include a sidewalk or trail, shall be located between the parking area and the public right-of-way, except where driveways are located. Required landscaping and trees may be planted within the adjacent public street right-of-way, if shown on the approved tree conservation plan and approved by all applicable governments and utilities.
2. Shrubs shall be evergreen and a minimum of thirty (30) inches high at installation, with a minimum height of three (3) feet within one growing season. Required shrubbery shall be planted in double staggered rows on not more than thirty six (36) inch centers within the planting strip.
3. At least one tree for every thirty (30) linear feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.
4. Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.
5. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of Transportation. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.

C. Peripheral Parking Area Landscaping Adjacent to Private Property

1. A landscaped strip at least eight (8) feet wide shall be located between the parking area and abutting property lines, except where driveways are located.
2. At least one tree for every thirty (30) feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.

D. Maintenance

The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

E. Irrigation

All required landscaping shall be irrigated in compliance with the Automatic Irrigation System Regulations of this Article; except required landscaping within an existing parking area which is being landscaped to comply with the requirements of this Section.

4.3 Plant Material Standards.

All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs that are listed in the Tree Selection and Cover Guide may be planted in required landscaping and buffer areas.

Section 5.0 Automatic Irrigation System Regulations

A. Complete irrigation plans which comply with the Plumbing Code of the City of Hoover, shall be submitted as part of every Tree Conservation Plan which must comply with Sections 2 or 3 of this Article. Irrigation plans shall

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be drawn at the same scale as the Tree Conservation Plan and shall cover the entire area where irrigation is required.

B. A fully automated irrigation system shall be constructed where irrigation is required. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.

C. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.

D. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.

E. The owner shall keep the irrigation systems in proper working condition as part of a regular maintenance program.

F. Workmanship and materials shall conform to the Plumbing Code of the City of Hoover.

G. At the conclusion of the work, the contractor shall submit three (3) copies of the as-built plans to the City of Hoover.

Section 6.0 Enforcement.

6.1 Permitted and Conditional Uses in the R-T-4, R-4, CP, C-1, C-2, C-3, C-4, and I-1 Districts and Conditional Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts:

A. No Tree Conservation Plan required by this Article shall be approved by the Administrator until a financial guarantee of performance is submitted, in an amount determined by the Administrator to be not less than one hundred and ten (110) percent of the cost of implementing the Tree Conservation Plan. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the City of Hoover.

B. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy for the premises, the Administrator shall determine that the Tree Conservation Plan has been implemented.

6.2 Permitted Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts

A certificate of occupancy shall not be issued for any dwelling until the lot on which the dwelling is located complies with the Tree Conservation Plan approved for the lot or Tree Conservation Plan area as a whole.

Tree Selection and Cover Guide (Deciduous)

SMALL DECIDUOUS TREES (up to 40' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2"– 3"
1	Acer barbatum / Florida Maple # * ^	100
2	Acer leucoderme / Chalkbark Maple # ~	75

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3	Acer palmatum / Japanese Maple # *	75
4	Carpinus caroliniana / American Hornbeam # ~	75
5	Cercis canadensis / Eastern Redbud # *	75
6	Chionanthus virginicus / American Fringetree # ~	75
7	Cladastris kentuckea / Kentucky Yellowwood # *	75
8	Cornus florida / Florida Dogwood # ~	75
9	Cornus kousa / Kousa Dogwood # *	75
10	Halesia tetraptera / Carolina Silverbell # ~	75
11	Koelriuteria paniculata / Goldenraintree # *	100
12	Lagerstroemia indica / Common Crape myrtle cultivars	25
	<ul style="list-style-type: none"> • mature height (0 – 10') 	
	<ul style="list-style-type: none"> • mature height (10' - 20') # * 	50
	<ul style="list-style-type: none"> • mature height (20' +) # * ^ 	75
13	Magnolia soulangeana / saucer Magnolia # *	75
14	Ostrya virginiana / American Hophornbeam # ~	75
15	Oxydendrum arboreum / Sourwood # * ^	100
16	Pistacia chinensis / Chinese Pistache # * ^	100
17	Prunus L. / various flowering cherries and plums # *	75
18	Rhus copallina / Shining Sumac #	75

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MEDIUM DECIDUOUS TREES (from 40' – 60' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2" – 3"
19	Acer rubrum / Red Maple # * ^	200
20	Acer saccharum / Sugar Maple # * ^	200
21	Betula nigra / River Birch # * ^	200
22	Diospyros virginiana / Common Persimmon # * ^	200
23	Fagus grandifolia / American Beech # * ^ ~	200
24	Fraxinus pennsylvanica / Green Ash # * ^	250
25	Nyssa sylvatica / Black Gum # * ^	250
26	Quercus acutissima / Sawtooth Oak # * ^	300
27	Quercus lyrata / Overcup Oak # * ^	300
28	Quercus nuttallii / Nuttall Oak # * ^	300
29	Quercus phellos / Willow Oak # * ^	300
30	Quercus stellata / Post Oak # * ^	300
31	Quercus shumardii / Shumard Oak # * ^	300
32	Taxodium distichum / Common Baldcypress # * ^	250
33	Ulmus parvifolia / Chinese elm # * ^	250
LARGE DECIDUOUS TREES (60' and above)		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" from ground)
No.	Botanical Name / Common Name	2" – 3"

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34	Fraxinus americana / American ash # ^	250
35	Ginkgo biloba / Ginkgo # ^	200
36	Liriodendron tulipifera / Tulip poplar # ^	250
37	Liquidambar styraciflua / Sweetgum # * ^	300
38	Metasequoia glyptostroboides/ Dawn Redwood # * ^	300
39	Platanus occidentalis / Sycamore planetree # * ^	300
40	Quercus alba / White Oak # * ^	300
41	Quercus macrocarpa / Bur oak # * ^	250
42	Quercus palustris / Pin Oak # * ^	250
43	Quercus prinus / Chestnut Oak # * ^	250
44	Ulmus americana / American elm # * ^ <ul style="list-style-type: none"> • Dutch Elm Disease resistant cultivars 	250
45	Zelkova serrata / Japanese zelkova # * ^	250

(#) - Permitted in landscaped buffers; (*) - Rates interior credit; (^) - Rates canopy credit; (-) - Requires shade

Tree Selection and Cover Guide (Evergreen)

SMALL EVERGREEN TREES & TALL SHRUBS (Mature growth potential of less than 25' in height)		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical / Common Name	4' – 6'	6' - 8'	8' -10'
1	Ilex x attenuata 'Fosteri' / Foster's Holly # *	50	75	100

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2	Ilex c. burfordi / Burford Holly # *	50	75	100
3	Ilex latifolia / Lusterleaf Holly # *	50	75	100
4	Ilex x 'Nellie R. Stevens' / Nellie R. Stevens' Holly # *	50	75	100
5	Ilex vomitoria / Yaupon Holly # *	50	75	100
6	Ligustrum japonicum / Japanese Privet # *	50	75	100
7	Ligustrum sinense / Chinese Privet 'Variegatum' # *	50	75	100
8	Magnolia grandiflora x 'Little Gem' Magnolia # *	50	75	100
9	Myrica cerifera / Southern Wax Myrtle # *	50	75	100
10	Prunus caroliniana / Carolina Cherrylaurel # * ^	50	75	100
MEDIUM EVERGREEN TREES		Tree Cover Area in Square Feet and Caliper at Planting (measure @ 6" above ground)		
(Mature growth potential of 25' to 50' in height)				
No.	Botanical Name / Common Name	2" – 3"		
11	Cryptomeria japonica / Japanese Cedar # * ^	125		
12	Cupressocyparis leylandii / Leyland Cypress # * ^	125		
13	Ilex opaca / American Holly # * ^	200		
14	Magnolia grandiflora x (medium height cultivars) # * ^	150		
15	Magnolia virginiana / Sweetbay Magnolia *	100		
BUFFERING & REFORESTING MATERIAL		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical Name / Common Name	BR	2' - 4'	4'-6'

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16	Pinus echinata / Shortleaf Pine # *	5	10	15
17	Pinus virginiana / Virginia Pine # *	5	10	15
LARGE EVERGREEN TREES (Mature growth potential of at least 50' in height)		Tree Cover area in Square Feet and Caliper at Planting (measure @ 6" above ground)		
No.	Botanical Name / Common Name	2" – 3"		
18	Cedrus atlantica / Atlas Cedar # * ^	200		
19	Cedrus deodara / Deodar Cedar # * ^	200		
20	Juniperus virginiana / Eastern Red Cedar # * ^	200		
21	Magnolia grandiflora / Southern Magnolia # * ^	250		
22	Quercus virginiana / Live Oak # * ^	300		
BUFFERING & REFORESTING MATERIAL		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical Name / Common Name	BR	2' - 4'	4' – 6'
23	Pinus elliottii / Slash Pine # * ^	5	10	15
24	Pinus glabra / Spruce Pine # * ^	5	10	15
25	Pinus palustris / Longleaf Pine # * ^	10	15	25
26	Pinus taeda / Loblolly Pine # * ^	5	10	15

(#) - Permitted in landscaped buffers; (*) - Rates interior credit; (^) - Rates canopy credit

Buffer Regulations Summary Table		
ZONING DISTRICT	ADJACENT ZONING:	BUFFER WIDTH (ft.)*
Conditional uses (churches, schools, etc.) in A-1, E-1, E-2, R-	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	35

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1, R-2 and R-3		
R-T-4	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	25
R-4	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD and RT4	25
CP	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD, RT4 and R4	25
C-1	A-1, RE, E-1, E-2, R-1, R-2, R-3, PRD, RT4, R4 and CP	25
C-2, C-3, C-4 and I-1	R-4 and CP	50
C-2, C-3, C-4 and I-1 (Less than 100,000 square feet)	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD	50
C-2, C-3, C-4 and I-1 (More than 100,000 square feet)	A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD.	100

Please direct questions/comments regarding Hoover's Tree Conservation Ordinance to:

Sharon Nelson @ 444-7743 or deeps@ci.hoover.al.us

or

Colin Conner @ 739-7141 or connerc@ci.hoover.al.us

To purchase a copy of the Ordinance contact the Hoover City Clerk's Office @ 444-7500

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HUNTSVILLE TREE ORDINANCE CITY OF HUNTSVILLE NO. 04-45 (unofficial copy)

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Article II, Trees, of Chapter 27, Vegetation, of the Code of Ordinances, City of Huntsville, Alabama, as adopted and approved on the 24th day of April, 2003, be and the same is hereby amended as follows:

Section 1. Section 27-31 is hereby amended to read as follows:

Section 27-31. Purpose.

The purpose of this article is:

- (a) to establish recognized standards of tree planting and maintenance on public and easement-laden lands in the city;
- (b) to protect trees and shrubs on public and easement-laden lands from willful and/or negligent harm; and
- (c) to provide for active and continuing programs for public education about, and management of, trees.

Section 2. Section 27-32 is hereby amended to read as follows:

Section 27-32. Policy.

The policy of the city is to establish and maintain trees upon and within the rights-of-way of improved public streets and highways maintained by the city for ornamentation and to protect the public health, safety, and welfare. Interest in, and responsibility for, trees on the rights-of-way of improved public streets and highways maintained by the city is shared by the city and the owner of the adjoining land, in the absence of other specific provisions to the contrary. No tree planted by the city for ornamentation or public safety purposes within said rights-of-way shall be removed or intentionally damaged, injured, or destroyed, except by a duly authorized person, company, organization, or agent of the city who has first secured a permit from the city forester. Any tree presently located within such a right-of-way which is maintained by the owner of the adjacent property for ornamentation, shade, screening, or other purposes, may continue to be so maintained so long as that portion of the right-of-way is not improved for travel or utility purposes, and so long as maintenance of said tree is not inconsistent with the health, safety, and welfare. Such trees shall not be removed by the city without notice of the adjoining owner, except when such notice would impede the City's protection of the safe movement of vehicular and pedestrian traffic, or the safe operation and maintenance of the street or highway, or of public utilities or drainage facilities located within said rights-of-way. Removal for any other purpose shall be preceded by reasonable notice to the owner of the adjacent property, and based upon a finding by the city forester that such removal is in accordance with adopted standards.

Section 3. Section 27-33 is hereby amended to read as follows:

Section 27-33. Definitions.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted Tree Care Standards are those standards of tree maintenance, trimming clearances, and methods of protection of trees during construction, as established in the American National Standards Institute (ANSI) Standard A300 (2001), National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Part 1 - Standard Pruning Practices, as may be amended; and the American National Standards Institute (ANSI) Standard Z133.1 (2000), Arboricultural Operations - Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements, as may be amended.

Caliper means tree trunk diameter, measured six inches above ground for trees with up to a four inch caliper, and 12 inches above ground for larger trees.

City means the City of Huntsville and its authorized agents and contractors.

Critical Rooting Distance means the radius around the base of a tree including both the root plate and the transport roots attached to them, in which soil disturbance is likely to affect the overall health of the tree, and root damage is likely to introduce disease-causing organisms into the tree. This radius, in feet, is approximately 2.5 times the tree's d.b.h. in inches. (See also, "root plate" and "d.b.h.")

d.b.h. means "diameter breast height." For a single trunk tree, the d.b.h. is derived by measuring the trunk circumference of a tree at a point that is four and one-half feet above ground on the uphill side of the tree and then dividing the circumference by 3.14. For a multi-stemmed tree, the d.b.h. is derived by obtaining the sum of the separate circumferences measured at a point four and one-half feet above ground, then dividing the sum of the circumferences by 3.14.

Easement-laden land means privately owned land on which an easement has been granted to the city or another entity to allow for public services such as utility distribution, water distribution and drainage, access to maintain the public services, etc. An easement is only a right of use. The grant of an easement does not transfer ownership rights.

Electric power facilities refer to power transmission and distribution lines, transformers, substations, and associated equipment.

Hedgerow means a row of closely-spaced shrubs or bushes used to delineate space, restrict access, provide screening, or achieve a similar function.

Lateral separation means distance, measured horizontally at ground level, such as between an electrical conductor and the center of the trunk of a tree.

Live crown ratio means the fraction or percentage of the overall height of a tree bearing living, healthy branches.

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Mulch means any organic material or rock placed over the soil surface of a planting area which serves the same function as leaf-litter in a natural forest environment.

Owner means the possessor of title, his agent or assignee, to the land on which particular trees stand. In the case of a tree on easement-laden land, ownership rights and responsibilities are defined in section 27-51, in the absence of other specific provisions by deed or other binding agreement.

Person means any individual acting on his own behalf, or on behalf of a company, agency, corporation, or other body.

Planting means establishing a tree, shrub, groundcover, vine, or other species of vegetation in a location where it is to remain for an extended period, usually the useful lifespan of the plant in the absence of unforeseen circumstances.

Private land means land belonging to a person or corporate entity, and not the city or other agency of government.

Public land means any land belonging to the city, including platted rights-of-way or streets and alleys. For the purposes of this definition, federal, state and county land is excluded from this category unless the city has specifically assumed responsibility for its maintenance.

Root Plate means the area around the base of a tree in which the roots taper rapidly from pedestal roots to small transport roots; these structural roots are constantly subjected to compression and tension during windy conditions, so damage to these roots and subsequent decay commonly leads to catastrophic failure, especially during windy weather. (See also "critical rooting distance.")

Shrub, see the definition of *trees and shrubs* below.

Trees and Shrubs mean all woody vegetation, whether naturally occurring or planted; rights, responsibilities, and standards applying to trees shall, from a legal standpoint, apply to shrubs as well.

Tree Commission means any member of the Huntsville Tree Commission as described in Division 8 of Article VIII of Chapter II of the Code of Ordinances of Huntsville, Alabama, or any individual, including the city forester, assigned or contracted by the Tree Commission, acting in pursuit of the objectives of this article within its scope and within the bounds of law.

Utility, private means a commercial service distributed by use of the public streets, alleys, and easements of the City by the use of facilities and fixtures located therein, but not regulated by the State of Alabama Public Service Commission.

Utility, public means a service distributed by wire, pipe, or airwaves to customers, and either regulated by the State of Alabama Public Service Commission (as in the case of telephone service) or not regulated by the Public Service Commission, but established as a municipal utility (as in the case of water, electric and gas service).

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Section 4. Section 27-34 is hereby amended to read as follows:

Section 27-34. Offenses.

In relation to any tree or shrub located on public or easement-laden land, it shall be unlawful for any person not authorized to do so:

- (a) to break, injure, mutilate, burn, kill, remove, or destroy any tree or shrub without authority to do so as set forth in this article;
- (b) to knowingly permit any leak to exist in any gas pipe or main, within the root zone of such tree or shrub;
- (c) to permit any toxic chemical, either solid or liquid, to pass, drain, or be emptied on or about any such tree or shrub;
- (d) to knowingly permit any wire designed to carry electrical current to be attached to any tree or shrub, except in accordance with adopted standards;
- (e) to excavate any tunnel, ditch, or trench, or to lay any driveway, sidewalk, or pavement through or across the root zone of any such tree or shrub, except in accordance with adopted standards;
- (f) to attach any wire, rope, cable, poster, sign, nail, or other fastener to such tree or shrub, except in accordance with adopted standards;
- (g) to place, deposit, or store any stone, brick, sand, earth, or other material so as to impede the passage of water, air, and fertilizer to the roots of any such tree or shrub, except in accordance with adopted standards;
- (h) to move any building or other large object along any street in such a manner as to damage any tree or shrub that is maintained in accordance with adopted standards;
- (i) to undertake to build any structure, pavement, utility, or other construction without proper consideration of such trees and shrubs in accordance with adopted standards;
- (j) to unreasonably prevent, delay, or interfere with the City Tree Commission or any of its agents engaging in or about the planting, maintenance, or removal of any tree or shrub on public, easement-laden, or private lands as authorized in this article.

Section 5. Section 27-35 is hereby amended to read as follows:

Section 27-35. Enforcement.

When it comes to the attention of a city department or Huntsville Utilities that trees or other vegetation is in violation of these standards, that agency will request the city forester to inspect the problem jointly with a representative of that department. If a violation

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is believed to exist, the city forester will refer the matter to the property owner for redress, at his or her expense, within 14 calendar days. If the owner has not corrected the problem within that time, the city forester will refer all information to the appropriate enforcement authority.

Section 6. Section 27-36 is hereby amended to read as follows:

Section 27-36. Penalties and appeals.

(a) *Penalties.* Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum sufficient to restore any damage resulting from the violation not to exceed \$500.00 per tree or shrub damaged, and may be required to make such restitution in goods and/or labor as may be determined by the proper court of law, or may be sentenced to any combination of these penalties.

(b) *Appeals.* Appeals of arbitration, decisions or other actions by the tree commission may be made first to the city council and further to the proper court of law.

Section 7. Section 27-51 is hereby amended to read as follows:

Section 27-51. Trees on Public Land or Easement-laden land.

(a) *Maintenance.* Maintenance of trees located on public or easement-laden lands shall be performed under the supervision of the city forester who shall be in consultation with the city department having jurisdiction over the property in question.

(b) *Abatement of Hazards.* When it comes to the attention of an officer or agent of the city that any tree maintained on a parcel of property which adjoins any public land or easement-laden land which is, or is likely to become, a threat to the public safety, the appropriate agent of the city, including the city forester, shall take one or more of the following actions:

(1) (a) If the tree in question is deemed to be on private property, the officer or agent of the city shall, if possible, give notice to the property owner upon whose land the hazardous condition exists and allow the property owner a fixed period of time to take the necessary action or actions needed to remedy the hazardous condition; or

(b) The officer or agent of the city may forthwith abate the hazardous condition by taking the appropriate and necessary action or actions in accordance with adopted standards.

(c) If the tree in question is deemed to be wholly located on private property, and the owner of the private property has failed to abate the hazardous condition, the cost of the city's abating the hazard shall be assessed against the property owner.

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- (2) If the tree in question is deemed to be partially located on private property and partially located on public property, then the cost of abating the hazard shall be borne both by the city and the private property owner. The assessment of costs that shall be attributed to the city and to the property owner shall be assessed and prorated based on the proportion of the stump diameter of the tree located on private and public property.

When it comes to the attention of any owner of a parcel of land which adjoins any public land or easement-laden land that any tree maintained by him is, or is likely to become, a threat to the public safety, it is the duty of said owner to abate said hazard by appropriate action in accordance with the adopted standards.

(c) *Planting of trees on public land.* Any tree hereafter planted on, or in such location that as it matures it will affect the safe use of public land shall be selected, sited, planted, and maintained in accordance with the tree care standards set out in this article. Further, any tree classified by the city forester and the tree commission as unacceptable for planting on city property may be removed through the processes described in this article. A copy of the acceptable and unacceptable species of trees for planting shall be provided upon request by the city forester.

(d) *Removal and replacement of trees on public land.*

(1) Tree removal permits. Any public department or public utility removing a tree or shrub from public land shall do so in accordance with the standards adopted in this article. Any person or agency, private or public, needing to remove a tree six inches or more in d.b.h. from public land shall first obtain by telephone a removal permit from the city forester. Such permits may be granted for one tree or for groups of trees, and shall be issued at no cost under guidelines established by the tree commission.

(2) Replacement of trees removed by permit. Any person or agency removing trees, by permit, which are six inches or more in d.b.h. shall provide for the planting of new trees in approximately equal numbers and in appropriate locations mutually agreed upon by the city forester and the person obtaining the permit. Failure to obtain a permit when one would be required for removal of a tree shall not relieve responsibility for its replacement.

The city forester shall coordinate planting of trees as needed to replace those removed during construction by any city agency.

Section 8. Section 27-52 is hereby amended to read as follows:

Section 27-52. Trees on private land.

(a) Trees located on private land are the property and responsibility of the owner of such land. Yet such trees also have public usefulness, and value in energy conservation; in moderating extremes of

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temperature and humidity; in reducing noise, glare, and air pollution; in reducing soil erosion; and in improving the city's aesthetic character. To encourage conservation of this resource, the tree commission is empowered to take the following measures:

- (1) provide information and technical referral service to landowners, developers, builders, and other interested parties, including persons and private and public agencies, in protecting trees during planting and construction;
- (2) cooperate with interested public and private parties in conservation efforts such as Arbor Week observance, plant digs, community tree-planting, etc.;
- (3) participate in cooperative community projects as authorized and directed elsewhere in this article.

(b) *Trees on, or affecting, the use of easement-laden lands.* Trees on easement-laden lands are the property and responsibility of the owner of the land on which the easement lies. The city accepts no responsibility for the management of such trees beyond what is necessary to accomplish its lawful activities on such land, or consequent to such activities within applicable statutes of limitations. All removal or maintenance work involving such trees shall be conducted in accordance with the tree care standards adopted herein.

Section 9. Section 27-53 is hereby amended to read as follows:

Section 27-53. Tree Care Standards.

(a) *Tree planting.*

(1) *Planting procedures.* The planting specifications approved by the city forester and the tree commission shall be used for all planting projects executed or coordinated by the city. These procedures are to be adapted for individual planting sites by the city forester. The procedures include proper watering, mulching, staking, guying, etc. Additional information, including a copy of the planting specifications, shall be available from the city forester upon request.

(2) *Minimum size of trees to be planted on city property.*

Mature tree size (A copy of the classification chart is available through the city forester.)	Minimum size at planting
Large & medium	1 1/2 caliper (2" - 2.5" preferred)
Small	5-6' height (6-8' preferred)

(3) *Planting distance from above ground electrical utility lines, as measured horizontally from a line on the ground directly under the nearest charged conductor, generally:*

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Mature tree size (A copy of the classification chart is available through the city forester.)	Minimum lateral separation
Large	20'
Medium	15'
Small	no lateral separation required
<p>In instances where the minimum lateral separation requirement would prevent the planting of a tree, the city department having jurisdiction over the property in question shall work with Huntsville Utilities in order to reach a solution which will allow for the planting of a tree. Should the parties involved be unable to reach an agreement, the matter will be settled by a majority vote of the Tree Commission only after each of the involved parties have had an opportunity to present argument.</p>	

(4) *Planting distance from sewer lines, sanitary & storm, generally:*

Tree species	Minimum lateral separation
Most trees, other than exceptions listed below	5'
Hackberry, pines, and all hedgerows	10'
Species deemed unacceptable by the city forester and the tree commission. Further information is available upon request from the city forester.	May not be planted
<p>In instances where the minimum lateral separation requirement would prevent the planting of a tree, the city department having jurisdiction over the property in question shall work with Water Pollution Control and/or Public Works in order to reach a solution which will allow for the planting of a tree. Should the parties involved be unable to reach an agreement, the matter will be settled by a majority vote of the Tree Commission only after each of the involved parties have had an opportunity to present argument.</p>	

(5) *Parking lot landscaping plantings.* All parking lot landscaping must conform to Appendix A, Zoning, of the Code of Ordinances of the City of Huntsville, Alabama, as amended or supplemented.

(b) *Greenspace planting agreement.*

The city wishes to encourage and promote the planting of shade trees along streets within the city; however right-of-way space is limited and not always adequate for large-growing shade trees. Space on private property adjoining the right-of-way is often adequate for the planting of shade trees by the city, and the use of such space would insure that many streets and neighborhoods that would otherwise be excluded from the city tree planting program would be included. The planting of shade trees by the city on private property adjoining the right-of-way would produce significant public benefits by providing a healthy and attractive tree canopy along city streets, and also serve to encourage property owners to plant suitable shade trees in a similar manner on their property.

For these reasons, the city forester is hereby authorized to contract with property owners within the city using the following contract:

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"GREENSPACE PLANTING AGREEMENT

"This Greenspace planting agreement is made by the undersigned property owner(s) and the Huntsville City Forestry Division, under the authority of Section 2-1455 of the Code of Ordinances of the City of Huntsville. The purpose of this agreement is to encourage the planting of desirable trees in locations that will benefit all citizens of the City of Huntsville, to disseminate useful and accurate information on the selection, planting, and care of urban trees, and to stimulate public interest and pride in the ownership of trees.

"THE UNDERSIGNED PARTIES HEREBY AGREE AS FOLLOWS:

"1. The Huntsville City Forestry Division agrees:

- "a. to provide one or more trees of mutually acceptable species, under the terms described below;
- "b. to select mutually acceptable locations(s), as described below, in which the tree(s) will be planted to maximize public and private benefits, and minimize the likelihood of future tree-related problems;
- "c. to provide information on the planting and maintenance of trees;
- "d. to provide initial horticultural pruning approximately one year after planting.

"2. The undersigned property owner agrees:

- "a. to plant the tree(s), unless other arrangements are made, in the location(s) and manner agreed upon as described below;
- "b. to use reasonable care in maintaining the tree(s), including periodic watering and mulching, and reasonable efforts to prevent or minimize damage to the tree(s), particularly with mowing equipment;
- "c. to notify the Urban Forestry Division of tree problems affecting the use of adjacent rights-of-way.

"3. This agreement in no way limits or restricts the authority of the City of Huntsville to prune branches or otherwise abate conditions constituting a danger or hazard to the public, and in no way limits or restricts the authority of Huntsville Utilities to prune or trim trees under provisions set out in Article II, Trees, of Chapter 27, Vegetation, of the Code of Ordinances of the City of Huntsville, Alabama.

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conducted in accordance with ANSI Standard A300. Branches or leaders to be cut back shall either be pruned to the next lateral having a diameter at least 1/3 of that being cut, or else be pruned just outside the branch-collar at the base of the branch.

(b) Except as provided in subsection (c) below, the following maximum clearances shall be periodically established between electrical conductors at various voltages and adjoining vegetation:

- (1) Telephone, TV cable, and other insulated communication lines require no minimum clearance;
- (2) Secondary electric lines which carry voltage between 21-750 volts, insulated, shall require a clearance of 2' for areas of existing construction, and a clearance of 4' for areas of new construction;
- (3) Distribution and transmission lines which carry voltage between 750-35,000 volts, uninsulated, shall require a clearance of 10';
- (4) Distribution and transmission lines which carry voltage in excess of 35,000 volts, uninsulated, shall require a clearance of 15'.

(c) To lengthen the time between clearance pruning cycles for electric transmission and distribution lines, and to facilitate proper pruning to laterals as described in ANSI Standard A300, as referenced in subsection (a), above, clearances around transmission and distribution lines as set out in subsections (b)(3) and (b)(4), above, may be increased to 15' and 20', respectively, at the discretion of Huntsville Utilities, for the following species only:

Hackberry & Sugarberry (*Celtis occidentalis* and *Celtis laevigata*)
Boxelder (*Acer negundo*)
Silver maple (*Acer saccharinum*)
Tree of heaven (*Ailanthus altissima*)
Cottonwood (*Populus deltoides*)
Princesstree (*Paulownia tomentosa*)
Siberian elm (*Ulmus pumila*)
Black cherry (*Prunus serotina*)
Loblolly pine (*Pinus taeda*)

(d) **[As amended by City of Huntsville Ordinance 05-576, adopted 7-14-2005.]** *Removal and replacement of street trees near electric power facilities.* When in the judgment of Huntsville Utilities, a tree interferes with the safe and reliable operation of the electric power system along a street right-of-way, and cannot be pruned in accordance with ANSI Standard A300 so as to provide the required clearance as listed in subsection (b) and (c), above, Huntsville Utilities may offer to remove the tree and request replacement planting by the city, with a species and in a location mutually acceptable to the city, to Huntsville Utilities, and to the property owner. Such trees may be planted on public land, or

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private property, within the limitations and intent of section 27-53(b).

Section 12. Section 27-56 is hereby amended to read as follows:

Section 27-56. Required Right-of-way Clearances.

(a) The pruning clearances applicable to sidewalks, streets, allies, or any other rights-of-way, traffic control signals or signs, and all street lighting shall be in accordance with the standards adopted in section 25-462 of the Code of Ordinances of the City of Huntsville, Alabama.

Section 13. Section 27-57 is hereby amended to read as follows:

Section 27-57. Protection of trees on public land during construction.

(a) Plans for any construction done by or for the city, on either public land or easement-laden land, shall include a tree management plan, developed by or in cooperation with the city forester, for existing trees on the construction site. This plan shall:

- (1) Identify and provide protection instructions for trees whose species, condition and location justify their preservation on the construction site. Protection instructions shall include, at a minimum, measures to:
 - a. prevent mechanical damage to the trunks and branches of trees to be preserved;
 - b. prevent construction activities of all types in trees' root-plate area;
 - c. evaluate planned construction (grade cuts and fills; paving; materials storage; traffic and parking; fires; attachment of signs, fences, utility boxes; improper handling and dumping of toxic materials; washing and maintenance of equipment; etc.) in the critical rooting distance of trees to be saved, and provide measures to minimize damage to the trees in such areas;
 - d. provide landscaping recommendations for interfaces between construction areas and tree-save zones;
 - e. provide elements of an education program for work crew members and their supervisors.
- (2) Provide for the removal of trees that cannot or should not be preserved during construction.

(b) The project manager shall consult the city forester for individual tree problems when necessary.

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(c) For the disposal or removal of tree-maintenance residues, see Article III, Storage and Collection, of Chapter 22, Solid Waste, of the Code of Ordinances of the City of Huntsville.

Section 14. Section 27-58 is hereby amended to read as follows:

Section 27-58. Education of tree care workers.

(a) The city forester will acquire or develop training materials oriented toward field tree-service crews and their supervisors, on the following topics and others as needed:

- (1) company and public policies, ordinances, etc.;
- (2) tree anatomy and growth;
- (3) tree reactions to injury and decay;
- (4) tree maintenance standards (ANSI Standard A-300);
- (5) safety and aerial rescue (ANSI Standard Z-133);
and
- (6) utility pruning techniques.

(b) The city forester shall provide appropriate assistance, as requested by city departments, utility companies, commercial tree-service companies, etc., in the training of crews, supervisors, and other personnel, and may contract with instructors available from outside sources, if needed, with costs shared by agencies requesting the training.

Section 15. This ordinance shall become effective upon its adoption and publication.

ADOPTED on this the ____ day of _____, 20__.

President of the City Council of
the City of Huntsville, Alabama

APPROVED on this the ____ day of _____, 20__.

Mayor of the City of Huntsville,
Alabama

Irondale

ORDINANCE NO. 936-93

TO ESTABLISH A TREE COMMISSION FOR THE CITY OF IRONDALE

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Irondale, Alabama, as follows:

SECTION 1. That there is hereby established a Tree Commission and that the Mayor with the concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council and the Mayor shall serve as an ex-officio member. The Council members term shall expire on the date that a newly elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the City of Irondale, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

SECTION 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Councilmembers, or by any two of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

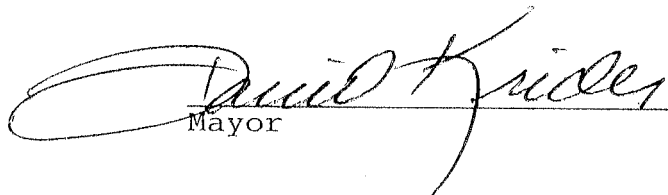
SECTION 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall assist in making a master street

Irondale

plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

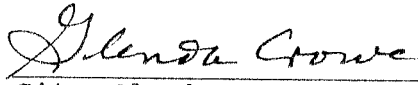
This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

Adopted and approved this 16th day of February, 1993.



Mayor

Authenticated By:



City Clerk

CITY OF IRONDALE

101 South 20th Street
P.O. Box 100188
Irondale, Alabama 35210



**AMENDING CHAPTER 28 OF THE CITY CODE
TO ESTABLISH OFF-STREET PARKING AND
VEHICULAR USE AREA (PVA) LANDSCAPING REQUIREMENTS**

WHEREAS, the Council finds that it is in the best interests of the citizens of Jacksonville that requirements be established so as to provide for landscaping around and/or within off-street parking and vehicular areas (PVAs) located with the City of Jacksonville, and;

WHEREAS, the purposes of such requirements are to:

- A. Require planting and preservation of trees and other landscape elements to improve the appearance of paved and unpaved off-street parking and vehicular use areas (PVAs);
- B. Establish criteria for off-street parking areas in order to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general welfare, safety, and aesthetic quality of the City of Jacksonville;
- C. Partition large PVAs with planting islands and peninsulas;
- D. Insulate public rights-of-way and adjoining properties from noise, glare, and other distractions originating from off-street PVAs;
- E. Provide safer vehicle and pedestrian circulation within off-street PVAs and along public rights-of-way;
- F. Protect streams and watercourses from excessive runoff and erosion, and to replenish underground water reservoirs by using natural drainage and infiltration systems.

THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, Alabama, as follows:

SECTION I. Chapter 28 (Zoning Code) of the City Code of the City of Jacksonville, be and it is hereby amended to add the following:

“Sec. 28-909. Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements.”

909.1. Scope of Application.

- A. Requirements and Landscape Plans – Any off-street PVA (or system of PVAs), having one (1) to thirty-nine (39) parking spaces on a single parcel of land, must be constructed in accordance with landscape plans complying with this article. Perimeter landscaping is required for all such PVAs; in addition, interior landscaping is required for PVAs of forty (40) or more parking spaces.
- B. Existing Paved or Unpaved PVAs – When a lawful paved or unpaved off-street PVA already exists at the effective date of this article, such area may continue until it is

Jacksonville

expanded by more than five percent (5%) of its existing parking capacity as calculated pursuant to this article at which time the entire PVA must be brought into conformity with requirements for new construction.

C. Parking Garages and Underground PVAs – Only perimeter landscaping is required for parking garages; landscaping requirements for adjoining PVAs at or near the grade of surrounding land will be calculated separately. Wholly underground PVAs are exempt from the requirements of this article.

D. Minimum Compliance – The requirements of this article are minimum standards.

909.2. Definitions

Access Way – One or more driving lanes intended for use by vehicles entering or leaving a PVA.

Approving Authority (for Landscape Plans) – The Planning Commission of the City of Jacksonville.

Berm – A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three feet of run.

Caliper – Trunk diameter of a tree used in landscaping, measured six inches above ground for trees up to four-inch (4") caliper, and twelve inches above ground for larger trees.

Crown – The branches and leaves of a tree or shrub with the associated upper trunk.

Deciduous Plants – Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen Plants – Those that retain their leaves during their dormant season.

Ground Cover – Plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc.

Interior Landscaping – Treatment of grade, ground cover, vegetation, and ornamentation within a PVA.

Island – An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscape Element – A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding PVA surfacing materials.

Mulch – A material (pinestraw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch Bed – An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-Street Parking and Vehicular Use Area (PVA) – An area, other than on public right-of-way, designated for the parking and movement of vehicles.

Parking Garage – A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking Space – An area marked for the parking of one vehicle.

Peninsula – An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by PVA.

Perimeter Landscaping – Treatment of grade, ground cover, vegetation, and ornamentation between a PVA and adjoining properties and/or rights-of-way, but excluding landscaping between a PVA and buildings on the same property.

PVA – See Off-Street Parking and Vehicular Use Area.

Shrub – A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem – See Trunk.

Tree – A woody plant, generally with no more than one or two principal stems.

Trunk – A principal upright supporting structure of a tree or shrub.

Underground PVA – A parking area completely covered by a structure or by grass or other landscaping elements.

Visibility Triangle – An area of critical visibility defined by Jacksonville Zoning Chapter 28, Sec. 28-1103 (Visibility at intersections and railroad crossings) in which landscaping is restricted in the interest of vehicular traffic safety.

909.3. General PVA Landscaping Requirements

Landscaping of PVAs when required shall be of two types as described below: Perimeter Landscaping and Interior Landscaping, and shall conform to landscape plans submitted and approved in accordance with the requirements of this article.

A. Landscape Plan Requirements – A master landscape plan in sufficient detail to indicate the number of parking spaces, the overall amount of PVA area, the amount of interior landscaping area, and the extent of perimeter landscaping shall be submitted and approved as a part of the development review process. Landscape plans submitted under this article shall include information as listed below:

- (1) General information, including date, north arrow, and scale of one inch to no more than thirty (30) feet unless approved; all property lines, locations of all

Jacksonville

existing and proposed easements and rights-of-way; and the name and business affiliation of the person preparing the landscape plans.

- (2) Construction information, including the locations of buildings, parking spaces and vehicular use areas; utility fixtures, including light poles, power and service poles, above-ground pedestals (low-voltage) and padmounted (high-voltage) fixtures, underground electrical, communications, and television cables and conduits; hose bibs, sprinkler systems, meters, control boxes, etc; and the amount (square feet) of PVA and intended surface treatments; and the total amount (square feet) of interior landscaping in peninsulas and islands.
- (3) Landscaping details, including the locations, caliper, species (common name), and intended treatment (move, remove, or save) of existing trees eight inches (8") or larger in caliper; locations, dimensions and treatments of all perimeter and interior landscaping areas (islands and peninsulas).
- (4) A schedule of all new and existing plants proposed for landscaping, including size (caliper and height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or pre-existing), common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grasses.

B. Perimeter Landscaping Requirements – For any PVA of one (1) to thirty (39) parking spaces, perimeter landscaping according to these standards must be provided within the property lines between the PVA and adjoining properties and public rights-of-way. Planting areas existing in the public right-of-way or on adjoining property shall not count toward the required perimeter landscaping area.

1. Perimeter landscaping areas shall be at least five (5) continuous feet in depth, excluding walkways, measured perpendicularly from the adjacent property line or right-of-way to the back of curb or pavement edge of the parking area.
2. Access ways through perimeter landscaped areas, between PVAs and public rights-of-way and between adjacent PVAs, shall conform to the following standards:
 - a. Access ways for sites must have specific approval from the City Street Department, Planning Commission and (if fronted on a state highway) the Alabama Department of Transportation.
 - b. The width of access ways may be subtracted from the perimeter dimension used in determining the number of trees required.
3. Perimeter landscaping shall include at least an average of one (1) tree and six (6) shrubs per full fifty (50) linear feet of perimeter requiring perimeter plantings (less access ways); shrubs are optional in areas where a berm at least three (3) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

Jacksonville

4. Landscaping at driveways and street intersections shall conform to Jacksonville Zoning Chapter 28 Sec. 28-1103 (Visibility at intersections and railroad crossings.).

C. Interior Landscaping Requirements – Planting islands and/or peninsulas shall be provided for any PVA of forty (40) or more parking spaces as per the dimensions and arrangements given below:

- (1) The minimum area of required interior landscaping shall be determined by the following formula:

$$\text{MIN INTERIOR LANDSCAPE AREA} = \frac{\text{Total PVA Area (sq.ft.)} \times [1.826 + (0.00435 \times \text{total number of parking spaces planned})]}{100}$$

... up to a maximum requirement of four percent (4%) of PVA area for PVAs containing five hundred (500) or more parking spaces. No interior landscaping is required for PVAs containing fewer than forty (40) parking spaces.

- (2) Each island or peninsula, to count toward the total interior landscape requirement, shall be at least one hundred (100) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be one thousand (1,000) square feet.
- (3) Islands and peninsulas must be at least five (5) feet in their least dimension, measured from back of curb to back of curb.
- (4) Islands and peninsulas in PVAs shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the ends of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and the demarcate parking rows.
- (5) The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per two hundred (200) square feet of landscaped area. Each island or peninsula shall contain at least one tree.

D. Credit for Existing Plant Materials – Each existing tree meeting the following criteria may count, at the option of the owner, for two (2) of the trees in its class (interior or perimeter) required in this section if other landscaping requirements are met, and if it

- (1) Has minimum caliper of three inches (3");
- (2) Is not one of the following species hereby determined to be unacceptable for parking lot landscaping:

LARGE TREES

Jacksonville

Box elder	Native elms (American, winged, cedar, slipper, and September)
Silver maple	
Tree-of-Heaven	Colorado blue spruce
Catalpa	Red spruce
Sycamore	Live oak
Cottonwood true poplars	Laurel oak

MEDIUM TREES

Camphor	Princesstree (Paulownia)
Cutleaf European birch	Slash pine
Silktree (mimosa)	Eastern white pine
Chinaberry	Willows
Yellowwood	Sassafras
Mulberry	Siberian elm

SMALL TREES

Sumacs

- (3) Is at least two (2) feet from the nearest planned curb or standard protective wheel stop and is within a planned planting of at least one hundred (100) square feet;
- (4) Has a live crown at least thirty percent (30%) of the total tree height and is free from serious root, trunk, and crown injury;
- (5) Is indicated on the landscaping plan as a tree "to be saved;" and
- (6) Is situated so that it can be incorporated into a planned perimeter landscaping area, island, or peninsula with minimal grade cut or fill; and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials, and activities from the area that is to become a part of this landscaped area.

E. Landscaping Checklist – A completed and signed checklist generally reflecting the requirements of this article shall be included in the development review application.

909.4. Plant Materials and Installation Requirements

A. Trees and Shrubs – All trees and shrubs planted (in addition to any existing trees allowed under "Existing Plant Materials") in required perimeter and interior landscaped areas shall:

- (1) (For trees) Be of species other than those determined by this section as unacceptable for parking lot landscaping.
- (2) (For trees and shrubs) Conform to the minimum size standards in Table 1, based on the American Standard for Nursery Stock, ANSI Z60.1-1980, published by the American Association of Nurserymen and approved by the American National Standards Institute on October 27, 1980, as follows:

TABLE 1 – MINIMUM SIZE STANDARDS FOR PLANTING STOCK

<u>Shade and Flowering Trees</u>	<u>Min. Size Requirements</u>
Type 1, Shade trees (e.g. Red maple, tulip poplar)	2.5" caliper, 12 ft. height range, with 16 ft. max. height
Type 2, Shade trees (e.g. Goldenrain tree, Southern Magnolia)	1.5" caliper, 6'8" to 8'0" height range, with 9'4" max.
Type 3, Small upright trees (e.g. Redbud, Crabapple)	1" caliper, 6 to 7 ft. height range
Type 4, Small spreading trees (e.g. Flowering Dogwood, Star Magnolia)	5 to 6 ft. height range
<u>Coniferous Evergreens</u>	
Type 4, Pyramidal (e.g. Deodar Cedar, Pine species)	5 to 6 ft. height range
<u>Shrubs</u>	
All classes	Perimeter landscaping: 24" min. height Interior landscaping: 15" min. height or 15" min.

(3) (For trees and shrubs) Be planted within a bed of mulch or ground cover other than turfgrass, or be protected by some barrier to damage from vehicles and maintenance equipment.

(4) (For trees) Be spaced no closer than ten (10) feet to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirement may be closer than ten (10) feet apart.

B. Grass or Other Permanent Ground Cover shall be installed and maintained on all parts of each landscaped area.

Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.

Ground cover may include shrubs and low-growing plants such as Liriope, English ivy (*Hedera helix*), periwinkle (*Vinca minor*), and similar materials. Ground cover may also include non-living organic materials such as bark or pinestraw, and inorganic materials such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten percent (10%) of the landscaped area.

C. Installation Requirements

Jacksonville

- (1) Required landscaped areas adjacent to parking areas shall be protected by fixed curbing or other permanent wheel stops along all sides exposed to parked or moving vehicles.
- (2) When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.
- (3) The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.
- (4) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines, or other plants shall not be used in lieu of plant requirements in this ordinance.
- (5) Hedges, walls, and berms, though not required, are encouraged to help minimize the visual impact of PVAs. Berms with ground cover that necessitates mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.
- (6) The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, retard erosion, runoff, and stream siltation, protect tree roots and stems, and foster tree health.
- (7) Planting dates recommended by the City of Jacksonville are shown in Table 2.

<u>Type of Plant Materials</u>	<u>Normal Planting Dates</u>
Non-container-grown, deciduous	October 1 to April 1
Non-container-grown, other	October 1 to May 1
Container-grown, all	Year-round, if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is a doubt, obtain a variance or a performance bond.

- (8) Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, and television cables and conduits, public water supply lines, and storm and sanitary sewer lines.
- (9) When irrigation systems are utilized no component shall be installed beyond the property lines.

D. Maintenance – The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification, or during the next appropriate planting period, whichever comes first.

909.5. Notice of Completion

Upon the completion of installation of plant materials required by this article, the property owner or developer shall notify the Planning and Building Department. A representative of the Planning and Building Department shall make an inspection and will require correction of conditions contrary to the requirements of this article and replacement of plant materials that are dead, diseased, damaged, or planted so as to kill or injure the plants.

909.6 Bonding

No certificate of compliance shall be issued until the provisions of this article have been met or a performance bond, letter of credit or certified check has been posted. When circumstances preclude immediate planting, a certificate of compliance may be granted after (1) the owner or developer has completed all curbing, irrigation systems, and other construction preliminary to planting, and (2) the property owner or developer posts a corporate surety bond, letter of credit, or cashier's check with the City Clerk in an amount equal to one hundred percent (100%) of the cost of the total required planting, including labor. Such bond shall be made payable to the City of Jacksonville. Landscaping must be completed and approved within six months (180 calendar days) after a certificate of compliance is issued in order to redeem the bond.

909.7. Inspection

The Planning and Building Department shall make inspections as necessary pursuant to this article and shall initiate appropriate action to bring about compliance with it. Upon becoming aware of any violation of the provisions of this article, the Planning and Building Department shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).”

SECTION II. Effect Upon Existing Law.

All other ordinances/resolutions or parts of ordinances/resolutions, including parts of the Code of the City of Jacksonville, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III. Effective Date.

This ordinance shall become effective upon its adoption and publication as required by law.

Jacksonville

ADOPTED AND APPROVED this the 19th day of May, 2005.

ATTEST:

Deborah P. Wilson
City Clerk

Johnny L. Smith
Mayor

[Signature]
Council Member

[Signature]
Council Member

Sandra Fox Suddoth
Council Member

Council Member

Council Member

Chapter 20.5

TREES*

Sec. 20.5-1. Tree commission—Established; composition; appointment.

There is hereby established a tree commission consisting of six (6) citizens of the City of Jasper. The Jasper City Council shall appoint five (5) members of said commission with terms of office being three (3) years. The mayor shall appoint one member of said commission to serve concurrently with the mayor's term in office. (Ord. No. 1986-42, § 1, 12-16-86; Ord. No. 1986-42A, § II, 6-1-93)

Sec. 20.5-2. Same—Meetings; staff and officers.

The Commission shall hold an initial meeting within thirty (30) days of its appointment and shall provide minutes for regular periodic meetings. The mayor shall assign a staff member to work with the commissioners. The commission shall choose its own officers. (Ord. No. 1986-42, § 2, 12-16-86)

Sec. 20.5-3. Same—Compensation.

Members of the commission shall serve without compensation. (Ord. No. 1986-42, § 3, 12-16-86)

Sec. 20.5-4. Same—Functions.

The tree commission shall make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the mayor and council in providing information regarding the protection, maintenance, removal and planting of trees of public property and

*Editor's note—Ord. No. 1986-42, adopted Dec. 16, 1986, did not specifically amend the Code and at the discretion of the editor §§ 1-8 of said ordinance have been codified herein as Ch. 20.5, §§ 20.5-1-20.5-8.

Cross references—Height of vegetation at intersections, § 18-4; destruction of shrubbery along public ways, § 18-7.

where requested by the owner, on private property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the mayor and council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased and insect infected trees; and shall make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality. (Ord. No. 1986-42, § 4, 12-16-86)

Sec. 20.5-5. Removal of hazardous trees on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The commission will notify in writing the owner of such trees. Removal shall be done by said owner at their own expense within sixty (60) days after the date of service notice. In the event of failure of owner to comply with such provision, the city shall have the authority to remove such trees and charge the cost of removal to the said owner. (Ord. No. 1986-42, § 5, 12-16-86)

Sec. 20.5-6. Tree maintenance in connection with utility facilities and street intersections.

Nothing contained in this article shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utilities facilities on public streets, alleys, or rights-of-way; nothing in this article shall prevent the city from removing any tree or portion of any tree which the city deems dangerous because of its location at the corners of intersections thus interfering with a motorist or pedestrian's view of approaching traffic. (Ord. No. 1986-42, § 6, 12-16-86)

Sec. 20.5-7. Rights of owners of private property relative to tree removal.

Nothing contained herein shall prevent the removal of any trees or portions of trees on private property, and this article is not intended to restrict the removal of trees by owners of private property. (Ord. No. 1986-42, § 7, 12-16-86)

Sec. 20.5-8. Severability.

Should any provision, section, or part of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other section, provision, or part thereof. (Ord. No. 1986-42, § 8, 12-16-86)

Application for Recertification

Mail completed application with requested attachments to your state forester no later than December 31. The TREE CITY USA award is made in recognition of work completed by the city during the calendar year. Please provide information for the year ending.

(Some states require information in addition to that requested on this application. Check with your state forester.)

As Mayor of the city of Linden
(Title -- Mayor or other city official)

I herewith make application for this community to be officially recertified as a Tree City USA for 1995, having achieved the standards set forth by The National Arbor Day Foundation as noted below.
(year)

Standard 1: A Tree Board or Department

List board members, and meeting dates for the past year; or name of city department and manager.

Ordinance dated August 1, 1983

Bill Blackwell, Chairman

Walter Davis

Betty Young

James Black

Standard 2: A Community Tree Ordinance

Check one: Our ordinance as last submitted is unchanged and still in effect.

Our ordinance has been changed. The new version is attached.

Standard 3: A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita

Total community forestry expenditures \$ 13,573.20

Community population 2,548

Attach annual work plan outlining the work carried out during the past year. Attach breakdown of community forestry expenditures.

Standard 4: An Arbor Day Observance and Proclamation

Date observance was held February 15, 1994

Attach program of activities and/or news coverage. Attach Arbor Day proclamation.



Mayor

9-28-94

Signature

Title

Date

Please type or print the following:

Mayor or equivalent

Name: B. R. Dunn

Title: Mayor

Address: 211 N. Main St.

City, State, Zip: Linden, AL 36748

Phone #: (205) 295-5051

City Forestry Contact

Name: _____

Title: _____

Address: _____

City, State, Zip: _____

Phone #: _____

NOTE: If your community forestry work involves some new ideas or special projects please send photos, news stories, brochures, or other documentation for possible inclusion in National Arbor Day Foundation publications. (Such additional material is not necessary for your community to be designated as a Tree City USA.)

Certification

(To Be Completed By The State Forester)

(Community)

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be recertified as a Tree City USA, for the _____ calendar year, having in my opinion met the four standards of achievement in urban forestry.

Signed _____ State Forester Date _____

Person in State Forester's Office who should receive recognition material:

Name: _____ UPS Address: _____

Title: _____ City, State, Zip: _____

Agency: _____ Phone #: _____

Linden



City of Linden

211 North Main Street
Linden, Alabama 36748

Phone:
(205) 295-4121
(205) 295-5051
FAX (205) 295-0224

TREE BUDGET

Salaries (50% of 2 employees' salaries	\$13,123.20
Dead tree removal	<u>450.00</u>
Total	\$13,573.20

Tree activity:

Removed dead trees

Picked up leaved and limbs over town

Planted Tree at Scott Park

Linden

City of Linden
211 North Main Street
Linden, Alabama 36748

P R O C L A M A T I O N

Arbor Week

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, the last week of February has been designated as Arbor Week in Alabama; and

WHEREAS, trees protect the soil, reduce heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide wildlife habitat; and

WHEREAS, trees are a renewable resource, providing us with paper, lumber, fuel and other wood products; and

WHEREAS, trees in our city increase property values, enhance economic vitality, beautify the landscape; and

NOW, THEREFORE, I _____ Mayor of the City of _____, do hereby proclaim the week of February, 20-26, 1994 as Arbor Week. I urge all citizens to support efforts to protect our trees and to support our cities urban forestry program; and further urge all citizens to plant trees to promote the well being of future generations.



MAYOR



DATE

Loxley

Town of Loxley

P.O. BOX 9

LOXLEY, ALABAMA 36551

CITY TREE ORDINANCE NO. 227

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXLEY, ALABAMA, as follows:

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park Trees: "Park trees" are herein defined as trees, shrubs bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the Town of Loxley, Alabama which shall consist of five members, citizens and residents of this town, who shall be appointed by the mayor with the approval of the Council.

Section 3. Term of Office

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the Town of Loxley, Alabama. The board, when requested by the Town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted

The following list constitutes the official Street Tree species for Loxley, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no

Loxley

trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet, except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 15. Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees

Loxley

constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required or any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by Town Council

The Town Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the Town Council who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$100.00.

ADOPTED THIS 25th DAY OF July, 1983.

/s/ A. Jack Ryals
Mayor

ATTEST:

/s/ Merle W. Shambo
Town Clerk

Lynn

Town Of Lynn

P.O. BOX 145

LYNN, ALABAMA 35575

PROCLAMATION

WHEREAS, the economic and aesthetic welfare of the people of Alabama is largely dependent on the trees and forestlands of the state; and

WHEREAS, everyone in the City of Lynn benefits either directly or indirectly from trees and forestlands; and

WHEREAS, trees provide jobs, products, habitat for wildlife, and recreational opportunities; and

WHEREAS, trees produce oxygen, help purify the air, play an important role in the water cycle, help neutralize waste water, stabilize the soil, and

WHEREAS, trees are an invaluable physical and psychological addition to the city, provide shade, cool the air, reduce noise levels and glare; and

WHEREAS, trees are an economic asset to the city, attract tourism, increase property values, enhance shopping patterns; and

WHEREAS, the management of trees increases their benefit to our city through planning, planting, maintenance, timely removal and replacement, and;

WHEREAS, well-maintained city trees benefit present and future generations,

NOW, THEREFORE, I Eric Bass Mayor of the City Lynn, do hereby proclaim the week of February 21-27 as Arbor Week and encourage each citizen to participate in tree planting activities during this week.

IN WITNESS THEREOF, I have hereunto set my hand and have caused the seal of the City of

Lynn to be

affixed in the city of Lynn

on this the 23rd of February 1994.

Eric Bass
Mayor

Maplesville

ORDINANCE

100

An Ordinance to Establish a Tree Commission for the Town of Maplesville.

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a psychological counterpoint to man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Maplesville, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor and Town Council members who are Chairmen of the Committee on streets, Committee on Sanitation, and of the Committee on Park and Recreation shall serve as ex-officio members from the Town of Maplesville. Two shall be appointed for one year; two shall be appointed for two years; and one shall be appointed for three years. Following the initial appointment, two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the three Council Members, or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the Municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by owner, on private property; shall meet with the Town Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the Municipality

This Ordinance shall become effective upon its passage, approval and publication as provided by law.

TOWN OF MAPLESVILLE

P.O. BOX 9

9400 HWY.22

MAPLESVILLE, AL 36750

Maplesville

Ord. 100

DONE THIS THE 14 DAY OF March, 1988

ATTEST:

Evelyn Roebuck
Evelyn Roebuck, Clerk

Billy E. Dennis
Billy E. Dennis, Mayor

APPROVED

March 14, 1988

Maplesville



STATE OF ALABAMA
HIGHWAY DEPARTMENT

FIFTH DIVISION, DISTRICT FOUR
OFFICE OF DISTRICT ENGINEER
P.O. BOX 23
MAPLESVILLE, ALABAMA 36750
Telephone: 368-2954

March 12, 1993

The Honorable Timothy R. Mims
Town of Maplesville
P. O. Box 9
Maplesville, Alabama 36750

Dear Sir:

Re: Grading/Landscaping
Permit No. 5-4-1006 & 5-4-1008
Town of Maplesville

Attached is approved Agreement for Grading and/or Landscaping on Right-of-Way and Agreement for the Cooperative Maintenance of Public Right-of-Way. This covers the planting and maintenance of Flowering Dogwoods and Grape Myrtles along SR-22 and SR-139 in Maplesville

Sincerely,

A handwritten signature in cursive script, appearing to read "W. D. Britt".

W. D. Britt
District Engineer

JTS:JME
Attachments
cc: Mr. L. R. Stewart
File

Maplesville

Revised 8/92

AGREEMENT FOR GRADING AND/OR LANDSCAPING ON RIGHT OF WAY

County Chilton Permit No. 5-4-1006
Milepost SR-22 51.70 to 53.00 SR-139 0.00 to 1.35 M.S. No. 11-022-52A 11-139-51A

This Agreement is entered into this the 2 day of February, 1993, by and between the State of Alabama Highway Department, hereinafter referred to as the STATE and Town of Maplesville hereinafter referred to as the Applicant.

WITNESSETH

Whereas, the Applicant proposes to grade and/or landscape State Highway Right of Way located and described as follows: Plant Flowering Dogwoods and Crape Myrtle on SR-22 from Int. US-82 east along SR-22 to Int. SR-139 then north along SR-139 to just north of Maplesville High School.

Whereas, the STATE wishes to preserve said Highway Right of Way in safe, functional conditions:

Now, therefore, it is agreed between the parties hereto as follows:

1. All grading on the right of way will be confined to the limits of Applicant's own property which is adjacent to and coextensive with the right of way.

2. All work shall be subject to the inspection and approval of the

Maplesville

Page 2 of 4

State of Alabama Highway Department and located as shown on the attached plans which is made a part of this Agreement.

3. A copy of the Agreement and the attached plans will be kept at the site of work at all times by the Applicant.

4. The STATE does not grant Applicant any right, title, or claim, to any highway right of way.

5. The Applicant will not store material, excess dirt, or equipment on the shoulders or pavement and in case of multi-lane highways, in the median strips. The pavement will be kept free from any mud or excavation waste from trucks or other equipment by the Applicant. On completion of the work, all excess material shall be removed from the right of way by the Applicant.

6. All disturbed areas shall be topsoiled, grassed and fertilized by the Applicant in accordance with standard specifications of the Alabama Highway Department.

7. In accomplishment of the work by Applicant, no drainage structures or channels will be changed or altered other than as shown on the plans.

8. Applicant shall provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the Alabama Manual on Uniform Traffic Control Devices. The Applicant shall be solely responsible for and hold harmless the STATE, its officials, agents, servants and employees from and against any and all loss arising from claims for damage occasioned to existing private property, public utilities, or the traveling public. The Highway Department will not be held responsible for any damage done to the facility regardless of cause.

Maplesville

Page 3 of 4

9. Any Utility adjustment will be by agreement between Applicant and utility, which agreement shall be subject to the approval of the State of Alabama Highway Department.

10. This Agreement when executed will not be valid or binding until the Applicant has complied with all existing ordinances, laws, and zoning boards that have jurisdiction in the county, city, or municipality in which the facilities are located.

11. The Applicant will file with the State of Alabama Highway Department a certified check or bond in the amount of \$ N/A made payable to the State of Alabama Highway Department to guarantee that the Applicant will maintain this work suitable to the Highway Department for a period of one (1) year from completion and acceptance of the work on the part of the STATE. At the end of one (1) year from such completion and acceptance of this work, the STATE will return the certified check or bond to the Applicant provided that the Applicant has complied with all provisions of this Agreement. Otherwise, the Highway Department shall apply the certified check or bond on the cost of repairing the right of way with State Forces.

12. All work to be performed by the Applicant under this Agreement shall be completed within one year from the date of the agreement, unless additional time for completion is granted in writing to the Applicant by the State.

Maplesville

This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

Attest

Ernest R. Clark
SIGNATURE AND TITLE

TOWN OF MAPLESVILLE
(LEGAL NAME OF APPLICANT)

BY: Timothy R. Mims Mayor
(SIGNATURE AND TITLE)

Approved as to form

By: Jack F. Narta
COUNSEL
STATE OF ALABAMA HIGHWAY DEPARTMENT

RECOMMENDED FOR APPROVAL:

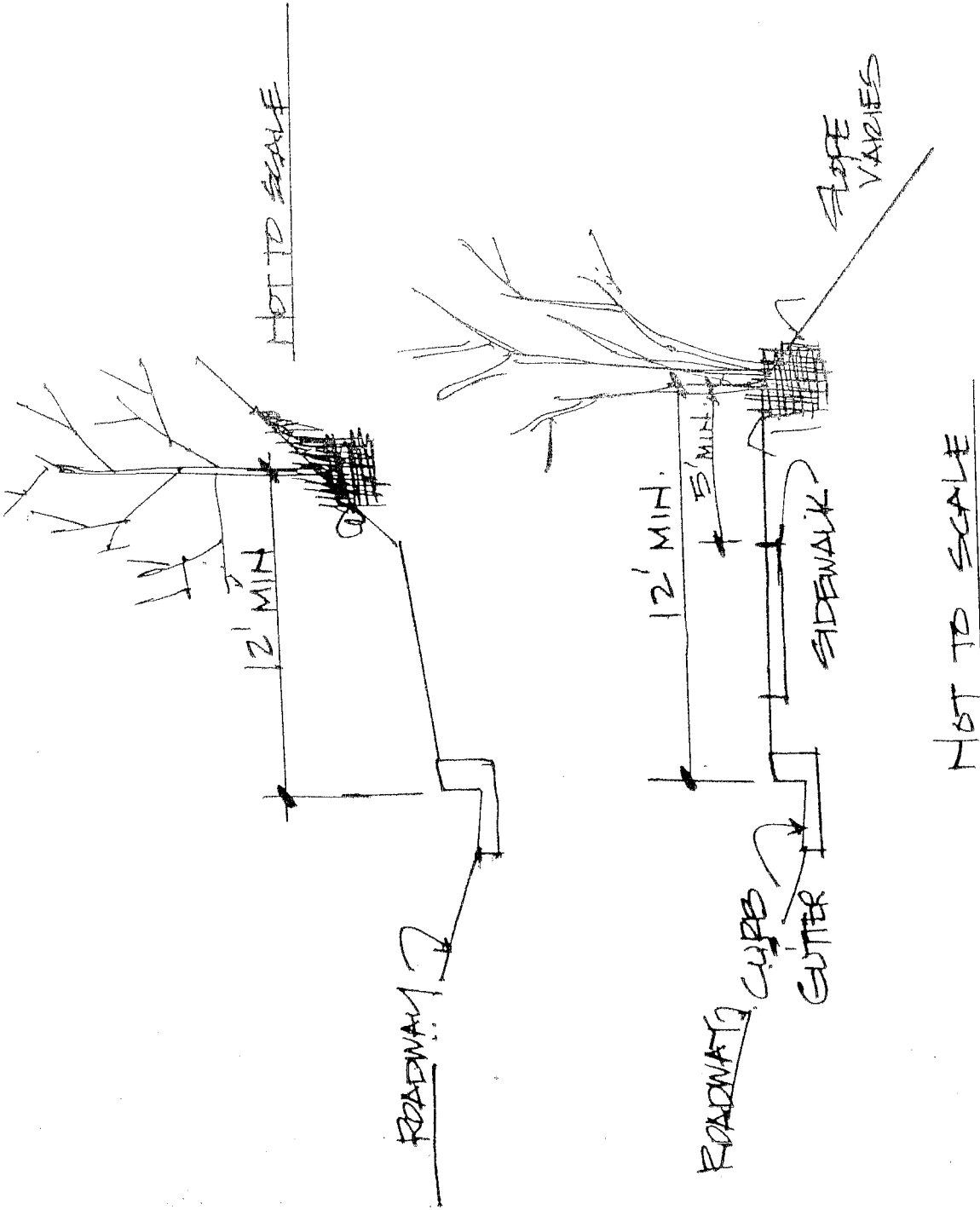
By: W. D. Bull
DISTRICT ENGINEER

STATE OF ALABAMA HIGHWAY DEPARTMENT

By: J. D. Duce
DIVISION ENGINEER

BY: B. M. [Signature]
MAINTENANCE ENGINEER

Maplesville



Maplesville

PERMIT NO. 5-4-1008

AGREEMENT FOR THE COOPERATIVE MAINTENANCE OF PUBLIC RIGHT OF WAY

DIVISION Five DISTRICT Four

This Agreement, entered into this the 2 day of February, 1993,
by and between the State of Alabama Highway Department and Town of
Maplesville, in an effort to secure a more pleasing appearance on
the roadside between Int. US 82 & SR-22 east along SR-22 to Int. SR-139 then
north along SR-139 to just north of High School
on Route 22 & 139 the Town of Maplesville

Town of Maplesville agrees to maintain the vegetative cover in the
above designated area by means of mowing with a flail or
rotary mower and hand trimming such that a clean and attractive appearance is
obtained. Mowing operations shall be conducted when the height of the vegeta-
tive cover reaches inches. Reschedule mowing operations in accordance
with the planned frequency. In the event that shrubs and/or minor trees are
planted within the area, trimming around the plant materials shall be done in
conjunction with mowing to obtain a clean and attractive appearance. Clippings
or other incidental debris (such as branches, trash, etc.) shall be removed if
mounting of the clippings or other incidental debris occurs.

In accepting the above, the Highway Department and club, group, business, or
municipality agrees to do the following:

1. The Highway Department will see that adequate sight distances are maintained for maximum public safety; otherwise the Highway Department reserves the right to remedy this situation in the most expedient manner.
2. The Highway Department is not responsible for the safety of the individual involved or taking part in this work during maintenance operations. Signs indicating "MEN WORKING" can be obtained from the Highway Department prior to work and must be returned after completion of work.

Maplesville

3. If Highway Department construction (repair of drainage and traffic structures, crossovers and other minor construction) is done in the subject area, it will be the responsibility of the Highway Department to establish a stand of vegetative cover if deemed necessary by the Highway Department and then the groups', clubs', business', or municipalities' responsibility to maintain the vegetative cover as stipulated herein. In the event of major construction in the subject area, this Agreement shall be voided at a time designated by the Highway Department.
4. All work shall be subject to the inspection and approval of the State of Alabama Highway Department. Description of the proposed work must accompany this and any associated proposal. If the maintenance is not conducted as specified herein, the Highway Department shall assume maintenance and this Agreement will be invalid. A copy of this Agreement must be kept by all parties that sign the Agreement. The State of Alabama does not grant applicant any right, title, or claim on any highway right of way.
5. The club, group, business or municipality agrees to store no equipment, branches, mounds of clippings or plant debris of any kind or any other material on the shoulders of pavement and in the case of multi-lane highways, in the median strips. The pavement will be kept free from waste (clippings, mud and other debris) and equipment.
6. The group, club, business or municipality shall be solely responsible for and hold harmless the State of Alabama Highway Department for any claim for damage done to existing private property, public utility, or the traveling public.
7. This Agreement is executed with the understanding that it is not valid until the club, group, business or municipality has complied with all existing ordinances, laws and zoning boards that have jurisdiction in the county, city or municipality.
8. Failure of the club, group, business or municipality to conform to the provisions of this Agreement will be cause to terminate this Agreement. Notification prior to termination will be made by the Highway Department.

The above conditions are agreed upon:

For the Highway Department:

For the Club, Group, Business or Municipality:

TOWN OF MAPLESVILLE

W. D. Ruff
District Engineer

2-2-93
Date

Timothy R. Mims Mayor

2-2-93
Date

J. D. Dean
Division Engineer

2-5-93
Date

Date

M. W. [Signature]
Maintenance Engineer

Date

Date

Construction bond means a bond posted to ensure proper and complete construction and/or repair of a permitted facility pursuant to a permit as determined by the city engineer.

Construction standards for miscellaneous construction, utility excavation, and right-of-way and pavement restoration (construction standards) means the compilation of provisions and requirements that provide the technical specifications and details for the construction of facilities in the right-of-way (see appendix B to this article).

Department means the city engineering department.

Department inspector means any person authorized by the city engineer to carry out inspections related to the provisions of this article.

Emergency means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property or utility service. "Emergency" also includes requests for service which the applicant deems urgent and can be classified as small project types A and B.

Excavation shall mean any work in the surface or subsurface of the public right-of-way including but not limited to opening the right-of-way, installing, servicing, repairing or modifying any facilities in or under the surface or subsurface, and restoring the surface and subsurface of the public right-of-way.

Facilities means any tangible thing located in any right-of-way; but shall not include boulevard plantings or gardens planted or maintained in the right-of-way between a person's property and the street edge of pavement.

Geotechnical engineer shall mean a professional engineer experienced in soils engineering and materials testing.

Geotechnical engineering company shall mean a professional engineering company that provides soils engineering and testing services, laboratory and field testing services, construction material testing, and possesses a certificate of authorization from the state board of registration for professional engineers and land surveyors.

In, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

Landscape or landscaping means trees, shrubs and other plantings of materials that are or may grow to a height of eighteen (18) inches or more, and irrigation systems (in unpaved areas), in the right-of-way.

Major project shall mean construction of water, sewer, gas, telephone, fiber optic, electric power conduit, cable and duct, TV cable, jacking, boring, pushing and tunneling, retrofitting existing facilities, storm drain and any other miscellaneous major facility construction projects that involve more than one continuous block or five hundred (500) linear feet of right-of-way.

Minor project shall mean construction of miscellaneous utility service lines, manhole installation not associated with major project construction, main line point repairs and installation, miscellaneous utility service line repair, storm drain and inlet repairs, vaults, irrigation systems and other miscellaneous construction and repair projects that involve less than one block or five hundred (500) linear feet of right-of-way.

Municipal environmental court means a part of the city's municipal court system designed to enforce laws and ordinances relating to the physical appearance of the city and the health and safety of the public.

Municipal offense ticket (M.O.T.) means a citation issued for a violation of this article. An M.O.T. may require payment of a fine as defined by the municipal offense ticket system (M.O.T) fine schedule, as may be amended from time to time, appearance in environmental court, and if determined by a judge of said court, jail or community service.

Notice of violation written warning issued by the department for a violation or possible violation of this article.

(b) *Permit applications.* Application for a permit is made to the city engineer.

- (1) All permit applications shall contain, and will be considered complete only upon compliance with the requirements of the construction standards, as appropriate.

Tree and landscaping requirements of this article shall be administered and enforced by the city's urban forester in cooperation with the city engineer.

(c) *Issuance of permit; conditions.*

- (1) If the city engineer determines that the applicant has satisfied the requirements of this article, the city engineer shall issue a permit or issue notification and reason for denial.
- (2) The city engineer may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.

(d) *Permit fees.*

- 1. *Permit fee.* Permit fees shall be established by the city council upon recommendation of the city engineer. Said fees shall be in an amount sufficient to recover the following costs:
 - a. The city cost, including administration, inspection, and enforcement; and
 - b. The cost for obstructing the right-of-way, including lost parking meter revenue, costs associated with traffic management that results from street obstruction, lost tax revenues resulting from streets blocked and as an encouragement to minimize costs and to encourage timely, efficient use of the right-of-way.

The current schedule of permit fees is set forth in appendix A to this article.

- (2) *Payment of permit fees.* No permit shall be issued without payment of such fees unless the city engineer authorizes payment to be made thirty (30) days following billing. All changes in fees shall be approved by the city council.
- (3) *Nonrefundable fees.* All permit fees are nonrefundable.
- (4) *Joint applications.* Applicants are encouraged to make joint application for permits to construct or obstruct the right-of-way at the same place and time.

(Ord. No. 57-022, § 4, 3-30-99)

Sec. 57-235. Construction; restoration.

(a) *Compliance with construction standards.* All construction or maintenance of facilities shall be in accordance with this Code, the construction standards and such other conditions imposed on the permit by the city engineer under section 57-234(c).

(b) *Location of facilities.* The city engineer shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests or permittees to occupy and use the right-of-way. In making such decisions, the city engineer shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

(c) *Least disruptive technology.* Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption of the right-of-way. Applicants will be required to use trenchless technology for major and minor construction projects, within roadway limits, in arterial and other high volume streets and in streets

**APPENDIX B
CONSTRUCTION STANDARDS FOR MISCEL-
LANEOUS CONSTRUCTION,
UTILITY EXCAVATION, AND RIGHT-OF WAY
AND PAVEMENT RESTORATION**

**Section 1. Construction plan submittal re-
quirements within public rights-
of-way and easements.**

1.1. Major projects.

A) Major projects within roadway limits:

- 1) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans and specifications, including the following information, for review and approval:
 - a) The location of all visible topographic features affected by the project within the right-of-way.
 - *b) Complete plan and profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size pipe, and other related structures, profile and other elevations necessary for roadway and right-of-way restoration, and the design details of the proposed construction and pavement and right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects. A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, com-

***Note**—Complete plan and profile sheets and other information currently required for gravity flow systems will be required for projects submitted after the ordinance is amended to include provisions for the implementation of GIS mapping requirements.

ponents and type material used, and dimensions and depth of the proposed installation, will be required for nongravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the city engineer.

- c) An erosion control plan and best management practices complying with provisions of the city's stormwater management ordinance.
 - d) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
 - e) A traffic control plan complying with all the provisions of the Federal Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the city traffic engineer.
 - f) A landscape plan complying with the tree landscaping and protection ordinance; and
 - g) Complete as-built construction plans of the construction project shall be submitted to the city engineer, after final inspection of the project. The as-built plans shall be submitted in hard copy medium or CAD files in DXF Format.
- B) Major projects outside roadway limits:**
- 1) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans and specifications, including the following information for review and approval:
 - a) The location of all visible topographic features within the

right-of-way that will be impacted by the proposed project.

- *b) Complete plan and profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size pipe, and other related structures, profile and other elevations necessary for right-of-way restoration and the design details of the proposed construction, including the right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and type material used, and dimensions and depth of the proposed installation, will be required for nongravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the city engineer.

- c) An erosion control plan with best management practices complying with provisions of the city's stormwater management ordinance.
- d) A safety plan to indicate methods to be used to protect the general public from injury, and

**Note*—Complete plan and profile sheets and other information currently required for gravity flow systems will be required for projects submitted after the ordinance is amended to include provisions for the implementation of GIS mapping requirements.

including the proposed use of barricades, signs, lights, fencing and other barriers.

- e) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the city traffic engineer, if any roadway traffic is affected.
- f) A landscape plan complying with the tree landscaping and protection ordinance; and
- g) Complete as-built construction plans of the construction project shall be submitted to the city engineer, after final inspection of the project. The as-built plans shall be submitted in hard copy medium or CAD files in DXF Format.

1.2. *Minor projects.*

A) *Minor projects within roadway limits.*

- 1) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:
 - a) A plat prepared at a scale acceptable to the city engineer to indicate the plan view of the proposed project, location with respect to centerline, edge of roadway, and right-of-way, tie-in to nearest subdivision lot corner or street intersection, components and type material used for the project, and dimensions and depth of proposed installation.
 - b) An erosion control plan with best management practices complying with provisions of the city's stormwater management ordinance.
 - c) A safety plan to indicate methods to be used to protect the general public from injury, and

including the proposed use of barricades, signs, lights, fencing and other barriers.

- d) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the city traffic engineer, if any roadway traffic is affected; and
- e) Complete as-built construction plans of the construction project shall be submitted to the city engineer, after final inspection of the project. As built plans shall be submitted in hard copy medium or CAD files in DXF Format.

B) *Minor projects outside roadway limits.*

- 1) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:
 - a) A plat prepared at a scale acceptable to the city engineer to indicate the plan view of the proposed project, location with respect to edge of roadway, centerline, and right-of-way, tie-in to nearest subdivision lot corner or street intersection, components and type material used, dimensions and depth of proposed excavation.
 - b) An erosion control plan with best management practices complying with provisions of the city's stormwater management ordinance.
 - c) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
 - d) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Con-

trol Devices, current edition, shall be submitted to the city traffic engineer, if any impact on traffic movement is involved.

- e) A landscape plan complying with the tree landscaping and protection ordinance.
- f) Complete as-built construction plans of the construction project shall be submitted to the city engineer, after final inspection of the project. The as-built plans shall be submitted in hard copy medium or CAD files in DXF Format.

1.3. *Small projects.* The applicant will not be required to submit a construction plan or plat for small projects. However, a location sketch will be required for approval of small projects (Type A). Any pavement or areas in the right-of-way that is disturbed, shall be restored in conformance with sections 6 and 7.

Section 2. Bond requirements.

2.1. *Construction bond.* The applicant shall be required to provide an irrevocable, unconditional letter of credit or bond to guarantee the proper construction and completion of right-of-way restoration. The amount of the bond shall be based on the estimated cost of the required right-of-way restoration provided by the permittee and approved by the city engineer. A construction bond will not be required for small projects if no paved area or right-of-way is disturbed by the project. The city engineer may waive the requirement for the construction bond for permittees who evidence financial ability to pay the cost of the repairs to the city's rights-of-way resulting from their permitted activity.

2.2. City departments performing installation of facilities, routine maintenance and repair, and other agencies working in the right-of-way that are not involved in the installation, repair and maintenance of utilities, are exempt from the requirements of section 2.

**SUBDIVISION REGULATIONS
FOR THE
CITY OF MOBILE, ALABAMA**

RP4674Pg0200



**ADMINISTERED BY:
LAND USE ADMINISTRATION
SECTION OF THE
URBAN DEVELOPMENT
DEPARTMENT
(334) 208-5895**

If the land to be subdivided is located in an area having poor drainage or other physical impairment or is subject to flooding (as determined by the City or County Engineering Department), the Planning Commission may approve the subdivision, provided the subdivider agrees to make such improvements as are necessary to render the area substantially safe for residential use, or, in lieu of the improvements, shall furnish a surety bond or a certified check covering the cost of the required improvements, as provided herein and any necessary permits from applicable federal, state and local agencies.

4. Natural Features. Consideration shall be given to the natural scenic features of the land, such as streams, and the design of the subdivision should protect and utilize such natural scenic features.

5. Trees. Because of their value in soil conservation, health, and community appearance, large trees shall be preserved wherever possible. Street trees placed within the public right-of-way shall not be of a low, bushy, species that might obstruct vision. No tree shall be planted in the neutral ground within 40 feet of the intersecting property lines at a street intersection.

6. Reserve Strips. There shall be no reserve strips controlling land dedicated or intended to be dedicated to street or other public use except where their control is placed in the appropriate governing body under conditions approved by the Planning Commission.

7. Buffer Planting Strips or Privacy Fence. Where a residential subdivision adjoins land zoned for or used for a railroad right-of-way, an industrial area, a commercial area, or other land use which would have a depreciating effect on the residential use of the land, a buffer planting strip or a wooden privacy fence of 6 feet in height may be required by the Planning Commission.

8. Names. The name of the subdivision and new street names shall not duplicate nor closely approximate phonetically the name of any other subdivision or street in Mobile County. Street names shall be subject to approval of the Planning Commission. In general, the use of names associated with the history and development of the City of Mobile and the State of Alabama is desirable. The Subdivider should check proposed subdivision and street names with the City or County Engineer, as appropriate, prior to preparation of a Final Plat.

B. STREETS

1. Street Layout. The street layout shall be devised for the most advantageous development of the entire neighborhood or neighborhoods in which the land to be subdivided is located. Existing streets that abut the subdivision shall be continued, and the continuations shall be at least as wide as the existing streets and in alignment with them. The street layout shall also provide for the future projection into unsubdivided lands adjoining of a sufficient number of streets to provide convenient circulation.

2. Major Street. Wherever a subdivision embraces a major street, as shown on the Major Street Plan component of the Comprehensive Plan, such major street shall be platted in the general location and of the width called for by the Major Street Plan, and, to the extent that the right-of-way for such major street is embraced within such subdivision, shall be dedicated for public use.

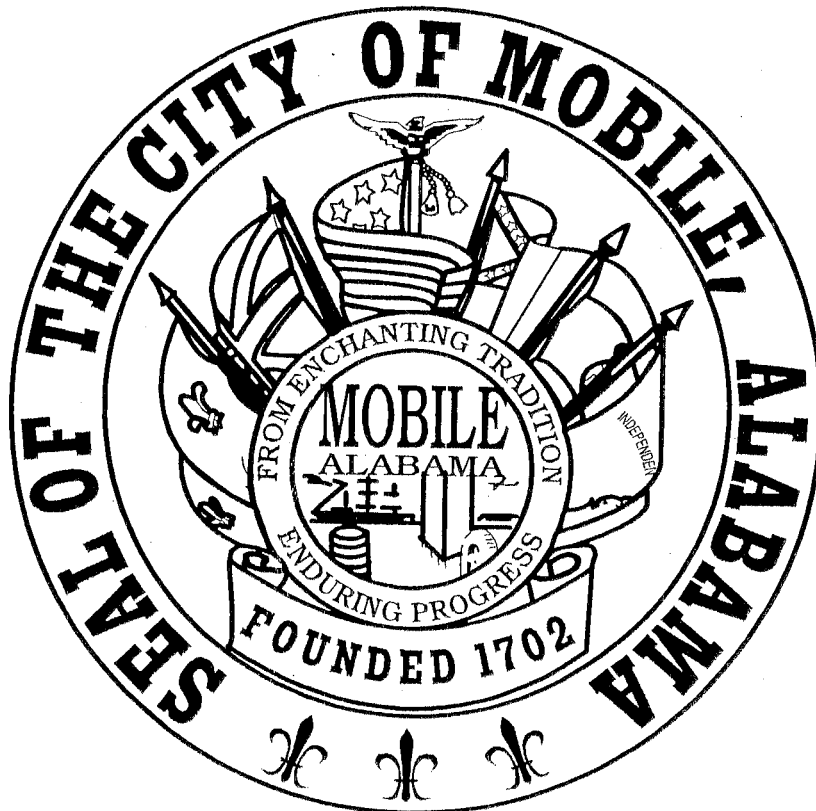
3. Marginal Access Streets. Where a subdivision has frontage on a major or collector street, as shown on the Major Street Plan, a marginal access street may be required if a need for such marginal access street is determined by the Planning Commission. Within the right-of-way of the marginal access street,

Mobile

ZONING ORDINANCE

of the

CITY OF MOBILE



Adopted: May 16, 1967
City Code Chapter 64,
Ordinance 80-057

Effective Date: June 1, 1967
With Amendments through: November 29, 2005

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Hazardous material or substance: A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures.

Heritage live oak tree: A live oak tree which is at least twenty-four (24) inches DBH.

Heritage tree: Any of the following list of trees which is at least twelve (12) inches DBH: oak (excluding water oak and scrub oak), hickory, sycamore, yellow poplar, sweet gum, magnolia, cypress, and new trees required by section E or section H.4(f) of this article.

Historic district: A geographic area designated by the city council as a historic district, including all historic districts existing as of the date of this ordinance and future districts designated by the Mobile City Council.

Historic district overlay boundaries (HDOB): All property located within the boundaries of the seven city historic districts and any historic districts hereafter designated by the city council. The districts include: Ashland Place, Church Street East, DeTonti Square, Leinkauf, Lower Dauphin, Oakleigh and Old Dauphin Way. In addition, the HDOB includes all properties defined by the Hank Aaron Loop, and the Government Street Corridor.

Historic district overlay (HDO): Site development requirements that supersede specific regulations set forth in Section 3, B.--F. of the Zoning Ordinance; excluding properties zoned LB-2, B-2 and B-3.

Home occupation: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five (25) percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as furnished by a physician, dentist, musician, artist, cosmetician, or seamstress when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such service.

Hotel: A building containing guest rooms in which lodging is provided, with or without meals, compensation, and which is open to transient or permanent guests, or both; the term includes "motel."

Hospital: An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Improvement: Sidewalks, driveways and drainage necessary to a structure.

Land clearing: Those operations where trees and vegetation are removed and which occur previous to the construction of building; e.g., road right-of-way excavation or paving, lake and drainage system excavation, utility excavation, grubbing, and any other necessary clearing operations.

Landfill: A disposal site for the controlled burial of solid waste according to applicable governmental rules and regulations. Hazardous or radioactive waste disposal is not permitted in a sanitary landfill.

Landscape material: Living plant material which shall include, but not be limited to, trees, shrubs, flowers, vines, lawn grass and other ground cover; natural features and areas; and nonliving durable material commonly used in landscaping which shall include, but not be limited to, rocks, pebbles, sand, mulch, wood chips, exterior lighting fixtures, planters, fountains, reflecting pools, works of art, walkways, fences, walls, benches and other types of appropriate outdoor furniture.

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Nonliving landscape material shall not include artificial or synthetic material in the form of trees, flowers, shrubs, vines, or ground cover.

Landscaped area: An area which shall consist of landscape material, as defined, such that the use of living landscape material predominates over the use of nonliving landscape material.

Large tract: A tract of property of less than one (1) acre in size.

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate court of Mobile County, or a lot described by metes and bounds, the description of which has been recorded in the office of the probate court of Mobile County.

Mobile home: A detached one-family dwelling unit with all of the following characteristics:

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
- c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

Mobile home park: Any plot of ground on which two (2) or more mobile homes are located for long-term occupancy (for periods of thirty (30) days or more) for use as dwellings. Mobile home parks shall not be occupied by travel trailers.

Mobile Tree Act: The common name of the local law enacted by the Alabama State Legislature (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) for the purpose of protecting the trees on both public and private property within the incorporated areas of the city.

Mobile tree commission: Hereafter called the "commission," [the Mobile tree commission] is the agency designated by the Alabama State Legislature to enforce the Mobile Tree Act.

Nonconforming structure: A building or part thereof lawfully existing on the effective date of this ordinance and which does not conform to all of the regulations of the district in which it is located.

Nonconforming use: A use which lawfully occupies a building or land on the effective date of this ordinance and which does not conform to the regulations of the district in which it is located.

Nursing home: A facility which provides chronic and/or convalescent care for not less than twenty-four (24) hours in any one (1) week to individuals not related by blood or marriage to the owner and/or administrator. Chronic and convalescent care includes care given because of prolonged illness or defect, or during recovery from injury or disease, and shall include any or all of the procedures commonly employed in waiting on the sick, application of dressings and bandages, and carrying out of treatments prescribed by a physician.

Overstory: The top portion or canopy of trees above a cluster of smaller trees.

Permitted structure: A structure meeting all the requirements established by this chapter for the district in which the structure is located.

Permitted use: A use meeting all the requirements established by this chapter for the district in which the use is located.

Protection buffer: A wall, fence, or screen planting strip intended to physically separate unlike uses and minimize light, debris, and visual intrusion onto adjacent lots. Requirements for various buffers are found in Section 64.4D, supplementary yard regulations.

Mobile ZONING ORDINANCE

- Protective barrier:* A physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this article. Variations of these methods may be permitted by the urban forester upon written request if they satisfy the intent of this ordinance.
- Public tree:* A tree located on any property owned by the City of Mobile, Alabama.
- Recreational vehicle:* A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pick-up campers, camping trailers, travel trailers, RV's, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles.)
- Recreational vehicle park:* Any plot of ground on which two or more travel trailers are located for short-term (less than thirty (30) days) occupancy during travel, recreational or vacation use. Recreational vehicle (or travel trailer) parks shall not be occupied by any travel trailer for thirty (30) days or more, nor by any mobile home.
- Recyclable materials recovery facility:* A facility that is not a junkyard and which recoverable resources, such as newspapers, glassware, and metal cans, are collected, sorted, stored, flattened, crushed, or bundled, and processed to a condition in which they may again be used for production.
- Recycling drop-off center:* An incidental use that serves as a neighborhood collection point for temporary storage of recoverable resources such as glass, paper, and aluminum. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.
- Recycling plant:* A facility that is not a junkyard and in which pre-sorted recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- Recycling transfer station:* A permanent, fixed, supplemental collection and transportation facility, where pre-sorted solid waste materials are taken from smaller collection vehicles and placed in larger transportation units like railroad cars, barges, or truck trailers. In some transfer operations, compaction or separation for recycling may be done at the station.
- Relocation:* The digging up by a property owner of a tree from one (1) place on his property and the planting of the same tree in another place on the same property.
- Rental/leasing activities:* Establishments that involve retail sales may also engage in the rental or leasing of those items in the same districts, unless the rental or leasing of the item is specifically listed otherwise in the chart of permitted uses.
- Residential care facility, youth:* Provides 24-hour supervisory care for individuals less than eighteen (18) years of age.
- Restaurant:* A business which prepares, sells, and serves food and beverages to customers for consumption within the restaurant building or on the building site at the outside tables. Businesses of this type include, but are not limited to, cafe, cafeteria, dining room, tearoom, coffee shop, hot dog stand, and sandwich shop. Carry-out service may be provided, but not curbservice or drive-thru window service.
- Restaurant, drive-in:* A restaurant providing automobile curbservice in which the parking area is designated for the consumption of food which is served by an employee to the customer in his automobile. Carry-out and drive-thru window service may be provided.
- Restaurant, drive-thru:* A restaurant providing automobile drive-thru service or window facilities for the consumption of food on or off the premises. Automobile curbservice may not be provided.

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Street: A public right-of-way more than twenty (20) feet in width which provides vehicular access to adjacent properties.

Street frontage: The land extending the full width of the building site and located between the street line and a building wall fronting on a street.

Street line: The line or boundary separating the public right-of-way from the land or property adjoining.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground; except (a) public utility poles, wires, guy wires, and cables; and, (b) fences and walls other than building walls.

Swimming pool: Any concrete or impervious masonry structure used for bathing or swimming purposes, and filled with a controlled water supply.

Teen club: Any club, business or establishment providing an on-going place of entertainment, to include but not limited to, night clubs, discotheques or such similar establishments, either with or without payment for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.

Trailer park: Any plot of ground on which two (2) or more travel trailers are located for short-term (less than 30 days) occupancy during travel, recreational or vacation use. Trailer parks shall not be occupied by any travel trailer for thirty (30) days or more, nor by any mobile home.

Travel trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

| *Tree:* Any self-supporting, woody plant of a species suitable for growing in the proposed environment as well as the City of Mobile.

| *Understory:* The trees which grow beneath the overstory to include dogwood, crepe myrtles, Bradford pears, red buds and others approved by the urban forester.

| *Urban forester:* The city employee specially trained in forestry, arboriculture and urbiculture, or his/her duly authorized designee.

Vehicular use area: All areas used by any and all types of vehicles, boats, trailers, or other equipment, whether such vehicles, boats, trailers, or equipment are self-propelled or not for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, and activities of a drive-in nature in connection with banks, restaurants, gas stations, grocery and dairy stores, and the like.

Vocational or trade school: A non-academic establishment offering vocational training, including but not limited to automobile body and engine repair, construction equipment operation, truck driving, building trades, and mechanical or electrical equipment/appliance repair. Courses offered normally would exclude those listed under business college or technical school.

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the building site upward; provided however that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility contained herein, and further provided that:

- a. Ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, and necessary mechanical features may project not more than two (2) feet into any yard, and

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2. *Minimum side yard width.* In any district where side yards are not required by the district regulations, if a side yard is provided it shall have a width of at least five (5) feet.
3. *Side yard for corner building site.* In any district a corner building site having to its rear a building site facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner building site a yard having a width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than thirty (30) feet nor require a side yard of more than twenty (20) feet.
4. *Visibility at intersections.* On a corner building site in any district in which a front yard is required, no fence, wall, hedge, structure, dumpster or planting creating a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the street grade at the intersection shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points equidistant from such point of intersection and passing through a point which point is the intersection of lines defining the front and side yards.
5. *Major street lines.* Front yard depth and, in the case of a corner building site, side yard width shall be measured from the future street right-of-way line of a major street established on the major street plan.
6. *Fences and walls.* No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of three (3) feet, and no fence or wall, shall be erected or altered in any required side or rear yard to exceed a height of eight (8) feet.
7. *Side yard exception for small lots.* Where side yards are required and a lot of record is less than sixty (60) feet in width, the sum of the widths of the two (2) side yards shall be not less than one-third the width of the lot, and neither side yard shall have a width of less than one-seventh the width of the lot; provided, however, that in no case shall either yard have a width of less than five (5) feet.
8. *Approved innovative subdivision.* In a subdivision of innovative or unconventional design, such as a cluster subdivision or one designed for town house or patio house development or the like, the yard requirements set out herein for the district are waived in favor of the minimum yard dimensions shown on the approved subdivision final plat.
9. *Dumpsters.*
 - a. The placement of a dumpster in the front yard of the building site or in the street right-of-way shall be prohibited.
 - b. Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability.

E. Minimum landscape requirements.

1. *Purposes and objectives.*
 - a. *Purposes.* The purpose of this section is to prevent, protect, and enhance the ecological and aesthetic environments of the City of Mobile. Inasmuch as landscaped areas serve to protect soil erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; safeguard and enhance property values; buffer and screen adjacent properties; promote the pleasant appearance and character of neighborhoods and cities; provide shade; to preserve the economic base attracted to the city by such

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factors; and facilitate the safe movement of traffic in vehicular use areas, it is further the purpose of this section to improve the appearance, quality, and quantity of landscaped areas throughout the City of Mobile, with emphasis on vehicular use areas.

- b. *Objectives.* In pursuit of these purposes, the objectives to be met in enforcing the minimum landscaping requirements of this section are as follows:
- (1) *Conservation.* To conserve and protect, insofar as possible, healthy, existing plant material.
 - (2) *Reforestation.* To replenish the local stock of plant material suitable for growing in the City of Mobile.
 - (3) *Protection.* To protect and preserve the unique identity of neighborhoods as well as the City of Mobile.
 - (4) *Flexibility.* To allow flexibility in landscape development in order to encourage innovative and diversified design.
 - (5) *Environment.* To off-set the effects of large impervious surfaces.
 - (6) *Attractiveness.* To provide an attractive appearance to streets.
 - (7) *Tree preservation.* To encourage the preservation of existing heritage trees.

2. *Application of section.*

- a. Such landscaping requirements shall become applicable as to each building site at the time that an application for a building permit for a new structure on such building site is made, except that the said requirements shall not apply to property zoned R-1 and R-2 under this article.
- b. In order to encourage the renovation, upgrading and maintenance of existing structures, these landscaping requirements shall apply to sites with an existing structure(s) in the event that the total gross floor area of the presently existing structure(s) is increased or decreased by fifty (50) percent. Increases or decreases can occur by either additions or deletions to existing structure(s), or the placement or removal of structures on the site.
- c. In those areas within the central business district where landscaping is required by the architectural review board and/or the community development block grant program/Mobile housing board, landscaping will be required to fulfill said requirements.
- d. Existing landscaping on sites with existing structures or areas suitable for landscaping shall not be reduced below the landscape requirements established herein.

These requirements shall remain with any subsequent owner.

3. *Landscaping requirements.*

- a. *Landscaping percentage requirements.* On any building site for which an application for a building permit is made, at least five (5) percent in 1987; six (6) percent in 1988, ten (10) percent in 1992; and twelve (12) percent in 1993 of the total building site shall be landscaped as applications are made for building permits. At least sixty (60) percent of this landscaping percentage requirement shall be located on the building site between the street line(s) and the building wall(s) facing the street, as illustrated in figure 1. The front setback must contain at least one (1) heritage tree for every thirty (30) feet of road frontage. In addition, the building site must contain one (1) heritage tree or one (1) understory tree for every thirty (30) feet of the outside lot perimeter, less those heritage trees required in the front setback. As to the trees required by the preceding sentence, in no case shall more than half of such trees be understory trees. If new trees must be planted to meet the requirements of this section, they must be a minimum of an initial diameter of three (3) inches DBH, have a warranty of at least two (2) years, and meet the

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species specification for a heritage tree or understory tree under this article. All such trees shall immediately become heritage trees upon planting. Notwithstanding the foregoing, should the urban forester determine that the number of trees required hereby, after the application of credits, is inappropriate for the site involved, he may, at his discretion, waive any number of trees required, and in such case the applicant shall instead donate the trees waived to the Mobile Tree Commission to be planted as public trees.

b. **Parking lots.**

- (1) *Parking lot requirements.* Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Such landscaping shall be provided in such a manner as to break up the expense of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. If a parking lot provides more than three hundred (300) uncovered parking spaces at street level and the public is required to park its own vehicles (self-parking), landscaping shall be provided in accordance with the circulation and parking layout requirements for off-street parking in section 64-6 of the zoning ordinance. In addition to the foregoing, parking lots must be landscaped in the interior of the lot to break up the expanse of paving. A ratio of one (1) understory tree for every twenty (20) parking spaces shall be required.
- (2) *Landscaping design criteria.* The landscape material shall be as per section 64-2, "Definitions; Landscape material" except where other landscape material or protection buffer is allowed or required in accordance with the requirements for buffer protection in section 64-4.D(1)(a) and (b) of the zoning ordinance.
- (3) *Sight visibility.* Landscape material shall not obstruct visibility between the heights of three (3) and eight (8) feet above grade in vehicular use areas. There shall be an exception for existing trees as provided for in section 64-4.E.4(a).

- c. *Installation.* All landscape material shall be installed in a sound workmanlike manner and in accordance with the landscape plan, as finally approved.
- d. *Maintenance.* All landscaped areas shall be maintained by the owner of the property at all times. Maintenance shall include the prompt replacement of all dead or damaged landscaped material so as to ensure continued compliance with the landscaping requirements of this section. This applies to right-of-way and median maintenance for developers who elect to take credits toward landscaping requirements. Any subsequent owner of property whose predecessor in interest took credits for right-of-way and median maintenance must continue to maintain said right-of-way or median in compliance with these landscape provisions.
- e. *Irrigation.* All landscaped areas shall be provided with an adequate water supply through the use of one (1) or more appropriate methods of irrigation, including hose bibbs and/or automatic or manual irrigation systems and/or any other appropriate methods.
- f. *Sight visibility.* Landscape material shall not create an obstruction to visibility at intersections as required in section 64-4.D(4) of the zoning ordinance.
- g. *Protection of landscaped areas.* All landscaped areas shall be protected by the use of protective tree grates, concrete curbs, wheel stops, continuous border plants or hedgerows, railroad ties, or other suitable barriers to allow sufficient percolation of water and air to the root system of living landscape material and to protect from damage due to heavy foot traffic or vehicular encroachment.

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4. *Credits toward landscaping requirements.* Allocations of credits, if any, referred to in paragraphs 1 and 2 above, and approval of plans shall be made by the inspection services department, zoning and subdivision staff. Any disagreement with the determination made by the inspection services department, zoning and subdivision staff shall be resolved by the board of zoning adjustment.
- a. Where natural features and amenities such as trees, water courses, historic sites, and similarly irreplaceable assets exist on a building site prior to development and provision is made to preserve the aforementioned permanently, up to one hundred (100) percent may be credited toward the landscaping percentage requirement for the total building site set out in section 64-4.E.3.a., provided it is determined that such credit satisfies all purposes, objectives and requirements of this section.
 - b. Credit will be allowed toward the landscaping percentage requirements for the total building site for landscape material in adjacent rights-of-way and medians not to exceed three (3) percent of the total landscape requirements. At no time will the landscaping requirements be less than five (5) percent on the main site. Credit for right-of-way and median landscaping must be replanted as to meet all criteria in section 64-4.E. of the zoning ordinance entitled "Minimum landscaping requirements".

Allocations of credits, if any, referred to in paragraphs 1 and 2 above, and approval of plans shall be made by the zoning and subdivision staff. Any disagreement with the determination made by the planning commission staff shall be resolved by the City of Mobile planning commission. Total on-site landscaping requirements will not be reduced below five (5) percent except in cases of hardship, developments in historic districts or professional buildings with specific site criteria. Added credits may be issued upon documentation of the need.

- c. *Tree credit.* Preservation of existing heritage trees or existing pine trees with a minimum DBH of twelve (12) inches can be credited toward the tree planting requirements of this article according to the following ratio: the number of credited trees shall be determined by measuring at a height of four and one-half (4 1/2) feet above grade level, the diameter (in inches) of each preserved heritage tree or pine tree and dividing the sum by six (6). To be included in the computation for credit for preserved trees, each preserved tree must be at least twelve (12) inches in diameter; however, any existing heritage tree less than twelve (12) inches in diameter by meeting the minimum tree planting size requirements of this article, may be credited for one (1) required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to ensure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle which has as its center the trunk of the tree or the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and the replacement trees will be of the same species or variety as the credited tree(s) lost.

In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain a ratio of at least one (1) heritage tree for every thirty (30) feet of frontage.

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5. *Landscape plan approval.* A landscape plan shall be submitted for approval at the time that an application for a building permit is made on any land where the landscaping requirements of this section are applicable. Such landscape plan shall be drawn at the same scale and be provided in the same number of copies as the site plan, and shall contain the following information:
- a. The date, scale north arrow, title, and name of owner.
 - b. The approximate location of existing boundary lines and dimensions of the building site.
 - c. The location, species, and size of existing trees and other vegetation that the applicant proposes to remain on the site and have made a part of the landscape development.
 - d. The approximate center line of existing watercourses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
 - e. The location and size of proposed landscaped areas, in square feet.
 - f. The location, number, size, and name of proposed landscape material.
 - g. Statistics verifying the minimum percentage of landscaping required under this section will be met.
 - h. The locations, species and DBH of existing heritage trees and heritage live oak trees indicating those to be retained, and those heritage live oak trees to be removed, and whether they are to be counted as part of the landscaping requirements. An indication of how healthy existing trees proposed to be retained will be protected during construction. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
 - i. An indication, using written or graphic information, of how the applicant plans to protect existing trees and other vegetation, which are proposed to be retained, from damage during construction.
 - j. The proposed irrigation type and design.
 - k. Certification that the landscape plan has been prepared by one of the following: a registered landscape architect, professional engineer, architect, landscape designer, full time building designer, and that it satisfies all purposes, objectives and requirements of this section.

F. Design standards for drive-thru businesses.

1. *Purpose.* Because of the unique character of these types of businesses, site development and traffic control standards are necessary to insure the protection of the public and community from potentially hazardous and adverse conditions.
2. *Vehicle stacking area.*
 - a. A queuing space is defined as a minimum of nine (9) feet wide by seventeen (17) feet long.
 - b. All drive-thru lanes shall be constructed in accordance with the standards set forth in section 64.4 of this chapter.
 - c. Each drive-thru lane shall provide a minimum of three (3) queuing spaces from the street right-of-way to the order station if both an order station and service window are provided in separate locations. (See diagram #5a).
 - d. Each drive-thru lane shall provide a minimum of three (3) queuing spaces between the order station and the service window. (See diagram #5a).

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- e. Each drive-thru lane shall provide a minimum of three (3) queuing spaces from the street right-of-way to the service window if a separate order station is not provided. (See diagram #5b).
 - f. Upon leaving the service window, there shall be a minimum of one (1) queuing space provided between the service window and the street right-of-way. (See diagram #5c).
 - g. Each drive-thru lane shall be striped, marked, or otherwise distinctly delineated in accordance with the Alabama Manual on Uniform Traffic Control Devices or as approved by the city traffic engineering director.
 - h. Circulation design alternatives, such as multiple queuing lanes, shall be approved by the city traffic engineering director.
3. *Screening.* Where a drive-thru business adjoins residentially zoned property, a six (6) foot high masonry wall or wooden privacy fence shall be constructed and maintained on interior property lines.
4. *In shopping centers.* Drive-thru businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center and common circulation routes within the center, unless an alternative circulation plan is approved by the city traffic engineering director.

G. Reserved.

H. Tree protection requirements.

1. Purpose.

- a. To promote environmental and ecological awareness;
- b. To improve the city's image and aesthetic charm and beauty;
- c. To protect property values from the adverse aesthetic and ecological effects of imprudent tree removal;
- d. To promote ground and surface water stabilization and decrease the adverse impact of the water table fluctuations caused by imprudent removal;
- e. To protect against greater noise pollution which is increased by the imprudent removal of buffer trees;
- f. To protect existing vegetation from greater wind velocities resulting from the imprudent removal of buffer trees;
- g. To promote air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis;
- h. To stabilize the urban wildlife habitat and ecosystem balance;
- i. To provide for the public health, safety and welfare;
- j. To support the provisions of the Mobile Tree Act (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended in 1981);
- k. To provide uniform standards in the removal and replacement of trees on public and private property within the corporate limits of the City of Mobile, with the exception of the rights-of-way of public streets and areas designated as rights-of-way on approved subdivision plats in accordance with both municipal and state laws which are governed by the Mobile Tree Act and the Mobile Tree Commission;

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- l. To educate the public in the economic, aesthetic and historic benefits of preserving trees, including conserving energy, reducing soil erosion, and protecting trees and the ecosystem of the City of Mobile, Alabama;
 - m. To preserve the economic base attracted to the City of Mobile by such factors.
2. *Application of section.* The requirements of this subsection shall apply to all land, other than the public rights-of-way, and areas designated as rights-of-way, located within the corporate limits of the City of Mobile, except R-1 and R-2 lots with an existing habitable structure, which are not located in an historic district subject to the rules and regulations of either the architectural review board and/or the Old Dauphin Way review board. However, R-1 and R-2 lots which are under the purview of the rules and regulations of either the architectural review board and/or the Old Dauphin Way review board are subject to the requirements of this section.
3. *Mobile tree commission.*
- a. The Mobile tree commission shall act in an advisory, research and consultation capacity to the City of Mobile and the general public, in coordination with the city's urban forester.
 - b. Nothing in this section shall be construed to limit the Mobile tree commission's regulatory authority pursuant to the Mobile Tree Act of 1961, (Act. No. 929, Acts of Alabama, 1961 Regular Session, as amended, 1981) with regard to monitoring trees in public rights-of-way.
 - c. Further, the Mobile tree commission shall take active steps to:
 - (1) Conduct regular meetings in a public place in a manner conducive to public comment and participation;
 - (2) Educate the public as to provisions of Article IV, section H of the zoning ordinance and the State Tree Act, as well as the economic, aesthetic and historic benefits of trees to the city and its citizens, both on publicly and privately owned property protected by this section;
 - (3) Promote the planting and replacement of trees in the city;
 - (4) Promote the health, care, watering, fertilization and other desirable measures which promote the maintenance and growth of existing trees in street rights-of-way and public parks in the city;
 - (5) Protect trees located in the city's street rights-of-way and public parks from damage, removal, lack of sustenance or any other act or condition which might threaten the health and growth of such trees; and
 - d. On the 1st day of March in each year, the Mobile tree commission shall make a written report to the mayor, the city council and the planning commission which report shall state:
 - (1) The number of heritage trees and heritage live oak trees preserved during the previous twelve (12) months;
 - (2) The number of public trees and new heritage trees planted during the previous twelve (12) months;
 - (3) Other pertinent information.The inspection services department shall keep monthly totals on the number of heritage trees preserved and planted during the previous month and shall transmit the same to the Mobile tree commission for use in the above referenced report.
4. *Permit.* Any person wishing to remove or relocate a heritage live oak tree shall under the provisions of this section make written application with the city inspection services department, which application shall include a landscape plan as provided in section IV E. Upon paying an

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administrative application fee of thirty dollars (\$30.00) to cover the costs of researching and processing the application, the application and plan shall be stamped with the date and time and forwarded to the city's urban forester for review and approval. All proceeds from the said processing fee shall be earmarked for the use of the city's urban forester for the administration of this subsection.

- a. *Time of permit.* Any and all permits issued by the city as per the requirements of this subsection shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six (6) months. But in no case will the permit be valid for more than twelve (12) months. Permits not used within this period will become null and void and future work will require a new application.
- b. *Permit procedure.* An application may be field checked prior to issuance of a permit, but in no event more than ten (10) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this ten-day period shall result in the automatic issuance of the permit as requested in the application. The urban forester may request a recommendation concerning the application from any or all appropriate city departments, and/or the tree commission.
- c. *Pre-application inspection service.* In connection with applications involving extremely large tracts of property, the urban forester may arrange and coordinate a pre-application inspection of the site involved.
- d. *Issuance and denial of permit.* Upon receiving the field inspection report and any requested recommendations concerning the application, the urban forester shall issue a permit for the removal or relocation of trees if one (1) or more of the criteria in subparagraph (e) is met.
- e. *Criteria for issuance of tree removal permit.*
 - (1) The tree is located in an area where a structure or improvement will be placed according to an approved plan.
 - (2) In addition to criteria #1 above, as to R-1 and R-2 properties only, the tree is located where a swimming pool or detached carport or garage will be located.
 - (3) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
 - (4) The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing the construction.
- f. *Basis for denial of permit.* The urban forester, upon a determination that an application for tree removal does not meet the criteria of subparagraph (e) above, may, within his discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of his decision.
- g. *Historic areas.* All other provisions of this subsection notwithstanding, no heritage tree can be removed, nor can land be cleared or grubbed, in any historic district, area, or property within the jurisdiction of the architectural review board and/or the Old Dauphin Way review board, except under a permit issued by the urban forester after application as provided above, which shall be granted only upon a showing that the said heritage tree is:

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- (1) Diseased or injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other federal, state or local laws and regulations;
- (2) Certified by the architectural review board or the Old Dauphin Way review board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or
- (3) The owner of the property on which the heritage tree is located has demonstrated by clear and convincing evidence that the owner will suffer extreme and extraordinary hardship unless the permit is granted.

In all cases where removal is permitted, the said tree shall be relocated if deemed feasible by the urban forester and the cost does not exceed five hundred dollars (\$500.00). Otherwise the said tree shall be replaced on a two (2) for one (1) basis, with replacement heritage trees in compliance with section IV E. For trees located in areas covered by this subsection the definition of a heritage tree shall be amended to reduce the size to eight (8) inches DBH.

5. *Tree protection during construction.* It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery, or temporary soil deposits within ten (10) feet of any protected tree trunk having a twenty-four-inch or greater DBH above grade.

Before development, land clearing, filling or any land alteration, a permit will be required; the developer shall be required to erect suitable protective barriers, and this protection, where required, shall remain until permanent barriers have been erected. Also, during construction, no attachments or wires shall be attached to any of said trees so protected.

Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt or other impervious material within eight (8) inches per one (1) inch of DBH of any remaining heritage tree or heritage live oak tree, not to exceed five (5) feet. The urban forester shall have the discretion to waive this requirement.

6. *Emergencies.* In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disasters, the requirements of these regulations may be waived by the urban forester, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded.
7. *Exemptions.* The provisions of this article shall not apply to any land recognized by the city upon which bona fide agricultural uses or commercial nursery or tree farm are being conducted, which land exceeds ten (10) acres, as hereinafter defined:
- a. *Bona fide agriculture:* A land used to derive income from growing plants or trees on land, including but not limited to, land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.
 - b. *Commercial nursery or tree farm:* A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of said licensee's business.

This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.

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8. *Removal of public trees.*
- a. No trees shall be removed from public rights-of-way except as provided by the Mobile Tree Act of 1961, as amended, in accordance with the rules and regulations of the Mobile tree commission.
 - b. No public tree located in any city property shall be removed without first filing a notice of intent with the tree commission at least two (2) weeks prior to obtaining a resolution of authority from the city council, said resolution and notice of intent requirements shall be in lieu of obtaining a permit from the urban forester. The foregoing provision shall not apply to public trees whose removal is authorized by the urban forester.
9. *Tree removal companies; construction companies.* All provisions of this subsection H shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or constructing. It shall be unlawful for any person or company to remove or cause to be removed any tree, or undertake any work for which a permit is required pursuant to this ordinance, unless a valid permit therefor is in effect and is displayed in accordance with the provisions of subsection 10 herein. If any such work or removal is performed without the permit being displayed as required in subsection 10 herein, such removal or work shall constitute a violation of this ordinance and shall subject the person or company violating this ordinance to all penalties provided for herein.
10. *Display of permit; inspection.* The applicant shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work is being done as authorized on the permit, and for ten (10) days thereafter. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this ordinance and shall constitute failure to display the permit as required under this subsection H.
11. *Arborists' license and bond.* It shall be unlawful for any person, individual, corporation, institution, or agent of such, to engage principally in the business or occupation of pruning, fertilizing, or removing trees within the corporation limits of the City of Mobile, without first applying for and procuring the appropriate business license from the city. Plus, all local arborists must abide by all relevant state laws.
- a. City employees and public service workers who perform arboricultural duties within the street right-of-way and public parks of the city in protection of the public health, safety and welfare shall not be required to apply for a city business license. However, should such arboricultural work be subcontracted, the city department(s) and/or public service organization(s) which subcontract the work shall be responsible for insuring that their contractors are properly licensed arborists.
 - b. Where federal, state, and local laws require the certification of any person, individual, corporation, institution, or agent of such, to utilize the services of workers certified to practice arboriculture, said certification shall apply, in addition to having a business license from the city.
 - c. Before any permit is issued to a subcontractor for work within the street right-of-way and public parks of the city, the applicant shall file with the executive director of public works evidence of possession of a performance bond, either in the minimum amount of ten thousand dollars (\$10,000.00) or the minimum amount specified by the city for the type of development activity being performed, whichever amount is the greater of the

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two. All other insurance coverage, such as bodily injury, damages and related coverages shall comply with the requirements mandated by the city's legal department. The developer or primary contractor can agree by notarized letter to be the responsible party for damages of subcontractor.

12. *Removal, abuse or mutilation of heritage trees.* No person shall damage, cut, carve, transplant mutilate, abuse or remove any public tree, heritage tree, or heritage live oak tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree, heritage tree, or heritage live oak tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with any such tree, including roots damaged during curb cuts, sidewalk and driveway installation and repair.
- a. Utility line clearing in conformance with International Society of Arboriculture, National Arborist Association Standards and the National Electrical Safety Code clearances does not constitute tree abuse.
 - b. No curb cuts which involve public trees, heritage trees, or heritage live oak trees shall be allowed without prior coordination with the urban forester.
 - c. No action in removing trees due to lightning, hurricanes, or other natural disasters shall be considered tree abuse.
 - d. The removal of trees for which permits have been issued shall not be prohibited by this subsection.
- Notwithstanding the foregoing, heritage trees may be removed pursuant to a properly filed and approved landscape plan.
13. *Enforcement of ordinance.* The urban forester, in coordination with the parks department, traffic engineering department, inspection services department, engineering department and any other affected city department, shall perform, or cause to be performed, the following duties and/or activities:
- a. Direct the enforcement of this section H plus coordinate and educate the various departments of the city and the general public which are affected by the provisions of this section H;
 - b. Develop and maintain a tree inventory for the purpose of creating a master data bank of all trees within the city's street rights-of-way and public properties;
 - c. Develop and maintain a tree disease and injury list for the purpose of establishing the most common problems which afflict trees in Mobile's urban environment;
 - d. To develop and maintain a tree plan for the purpose of establishing design standards for trees and other landscaping materials planted within the public rights-of-way.
14. *Interference with the urban forester.* No person shall hinder, prevent, delay, or interfere with the urban forester, the tree commission or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court or [of] competent jurisdiction for the protection of property rights by the owner of any property within the municipality.
15. *Tree trails.*
- a. *Tree trails.* The following city streets are of significant historic and aesthetic value because of the trees adjoining the land, and hereby are declared tree trails of the city: Government Street, Dauphin Street, Michigan Avenue, Park Avenue, Houston Street, Old Shell Road, Springhill Avenue, and the Avenue of Oaks. Other streets, such as those

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in historic districts, may be designated tree trails by the planning commission upon recommendation by the urban forester, the tree commission, or the public in the future.

- b. All tree trails of the city shall be clearly marked with municipal signs.
 - c. On all designated tree trails within the city, utility companies shall work closely with both the urban forester and the tree commission prior to performing any projects which would affect the trees along these designated streets.
 - d. In no event shall any utility company be authorized to cut or prune more than thirty (30) percent of the existing tree overstory of any tree along these designated streets.
 - e. All oversized vehicles, specifically those vehicles in excess of thirteen (13) feet, six (6) inches in height and ten (10) feet in width, and any vehicle hauling or pulling an oversized load in excess of the dimensions of an oversized vehicle are prohibited from traversing tree trails, without first obtaining a written permit therefor from the urban forester.
16. *Tree planting and preservation trust fund.* The tree commission shall establish a trust fund, known as the tree planting and preservation trust fund, for the purpose of replenishing the urban forest. Endowments for said fund shall be received from private contributions for said purpose. The tree commission, using nationally accepted accounting methods, shall deliver an annual report to the city council regarding the status of the tree planting and preservation trust fund.
17. *Appeal of grant or denial of permit.* Appeals of either a grant or denial of permits pursuant to this section H shall be to the planning commission and may be taken by the applicant or by any officer, department or board of the city affected by any decision of the urban forester, the architectural review board, or the Old Dauphin Way review board, with respect to the administration or enforcement of this section H. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the planning commission. The planning commission shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the planning commission shall be to the circuit court of Mobile County and may be brought by any of the persons listed above.
18. *Civil penalty.* Notwithstanding any other provision of the zoning ordinance, any person, firm, or corporation violating or failing to comply with the stipulations of article IV, section H, pursuant to the provisions of this ordinance, shall be subject to a civil fine, to be assessed by the city's environmental judge, not to exceed five hundred dollars (\$500.00) per violation. In lieu of the foregoing, the environmental judge may require mitigation actions or the payment of the cost of the damage caused to the tree. The proceeds of all fines and damages shall be earmarked for the use of the urban forester in his official duties. Each violation of article IV, section H, including each unpermitted removal or mutilation of a heritage tree, public tree, or heritage live oak tree, is a separate and distinct civil offense.
19. *Civil appeals.* Appeals of municipal court judgments issued pursuant to violations of article IV, section H of the zoning ordinance shall be to the circuit court of Mobile County, as mandated by state law.

I. Adult entertainment enterprises.

- 1. *Purpose.* In the development and adoption of this ordinance, it is recognized that there are some adult entertainment enterprises which due to their very nature have objectionable operational characteristics when located in close proximity to churches, schools, parks, and residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life

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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MONROEVILLE, ORDINANCE APPENDIX A, BY PROVIDING FOR AN ORDINANCE PERTAINING TO LANDSCAPING, LANDSCAPING MAINTENANCE, AND PROTECTION OF TREES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROEVILLE, ALABAMA, A MUNICIPAL CORPORATION, AS FOLLOWS:

Article VI, General Provisions of the Zoning Ordinance of the City of Monroeville, Alabama, Appendix A, as amended, is hereby further amended and supplemented as follows:

ARTICLE VI. SECTION 69.A.0 MINIMUM LANDSCAPE REQUIREMENTS

69.A.1 PURPOSE

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the City of Monroeville; provide for shade and natural cooling; control the erosion of soil and storm water runoff; buffer noise and glare; and contribute to property values.

69.A.2 APPLICATION OF SECTION

- a. Landscaping requirements as set forth in this Tree and Landscape Ordinance shall become applicable to each building site at the time an application for each building permit is made in commercial, industrial, and multi-family zones; and to each commercial site where the owner/developer undertakes a project that increases the square footage of the building by a cumulative total of fifty (50%) percent or more.

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- b. The City of Monroeville Tree Board will be available to assist in the design phases of the project and to review initial and final plans.
- c. All landscape installation must be completed before the development is opened to the public. The City Tree Board must be notified to give compliance or noncompliance to landscaped areas before opening. The City Tree Board must give decision of compliance or noncompliance within seven (7) working days.

69.A.3 DEFINITIONS

- a. Native Tree – A tree that has a caliper of at least 6 inches and is an oak, hickory, sycamore, pine, yellow poplar, sweet gum, elm, hackberry or sugarberry, magnolia, cypress or a newly planted tree on a development site.
- b. Small Shade Tree – medium size tree of thirty (30) to forty (40) feet at maturity.
- c. Large Shade Tree – large trees that grow over small shade trees and have a height of fifty (50) feet or more at maturity.
- d. Drip Line – the circumference of the tree's natural unaltered canopy extended vertically to the ground.
- e. Barrier – a physical structure limiting access to a protected area.
- f. Public Tree – a tree located on city property or any tree owned by the City of Monroeville, Alabama. This includes city right-of-ways.
- g. Caliper – This is the measurement of the width of the trunk 6" above existing grade.

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- h. Tree Credits – means of giving credit for existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.
- i. Removing a Tree – to relocate off site, cut down, poison, or in any other manner destroy or cause to be destroyed, a tree as defined in this ordinance.
- j. Topping – severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- k. Prompt Replacement – to replace within a three (3) week time period.

69.A. 4 LANDSCAPE PLAN APPROVAL

A landscape plan shall be submitted for approval by the City Tree Board at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:

- a. Date, scale, north arrow, title and name of owner.
- b. Approximate location of existing boundary lines and dimensions of building site.
- c. Location, species, size of existing trees and other vegetation applicant proposes to remain on site and have made part of the landscape development. This does not apply to masses of trees outside of the construction area.
- d. The approximate center line of existing water-courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
- e. The location and size of proposed landscaped areas, in square feet.
- f. The location, number, size and name of proposed landscape material.

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- g. Statistics verifying that the minimum percentage of landscaping required under this Section will be met.
- h. The locations, species, and DBH of existing native trees indicating those to be retained, and those native trees to be removed, and whether they are to be counted as part of the landscaping requirements. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
- i. An indication, using written or graphic information, of how the applicant plans to protect from damage existing trees and other vegetation which are proposed to be retained during construction.
- j. The proposed irrigation type and design, if required.
- k. Installation process for all landscape material.
- l. Certification that the landscape plan has been prepared or reviewed by one of the following: a registered landscape architect, professional engineer, architect, landscape designers, full-time builder designer, a qualified nursery man, the County Agent, or any Government Agency with horticulture experience, and that it satisfies all purposes, objectives and requirements of this Section.
- m. Flagging and barrier system as covered in Section 69.A.5 (h).
- n. Permanent utility facility locations.

69.A.5 LANDSCAPING REQUIREMENTS:

- a. Landscaping Percentage Requirements. With the exception of industrial sites, any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover twelve (12) percent of the total building site as determined first by calculating the square footage of the unimproved site, then subtracting the total square footage of the building area which is defined as the total square footage of all structures under roof. At least 60% of the landscaped requirements shall be located in the front setback defined as the area between the

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property line and the building wall(s) facing the public right-of-way. If the application of the percentage creates a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number. Landscape materials are defined as growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by 30. If the result ends in a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half, rounded to the next highest whole number, of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by fifty (50) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one native tree shall be planted for every thirty feet of road frontage. In the case of conflicting overhead utility lines, smaller species shall be substituted.

Planted trees must have a 1½ - 2" caliper and a warranty for at least two (2) years. All planted trees immediately become native trees. After the application of credits, the City Tree Board may waive any number of trees required if inappropriate for site. If waived, these trees shall then be donated to the Monroeville Tree Board to be planted as public trees.

Industrial sites shall be landscaped along the front perimeter only. If the site fronts along two streets, then Industrial sites shall be landscaped along both intersecting streets.

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b. **Parking Lot Requirements:**

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every fifteen (15) parking spaces shall be required.

c. **Site Visibility:**

Landscape material shall not obstruct traffic visibility at intersections, parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

d. **Spacing:**

Trees shall not be planted closer than 4.5 feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet to each other and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

e. **Installation:**

All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the Monroeville Tree Board.

f. **Maintenance:**

Landscaped areas shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements. This also applies to rights-of-way or medians for developers who elect to take credits for landscaping requirements under Section 69.A.6.

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g. Water Supply:

All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation, and/or any other appropriate method of supplying water to the landscaped areas.

h. Protection of Landscaped Areas:

Landscaped areas are to be protected by treegrates, concrete curbs, wheel stops, continuous border plants or hedgerows, railroad ties or other suitable barriers where the area is exposed to pedestrian or vehicle traffic. This specification should be clearly marked in the landscape plan.

69.A.6 CREDITS TOWARDS TREES

Credit can be taken for a tree if the tree meets native tree specifications and if the tree is in good, vigorous, and healthy condition. These tree credits can go toward landscape requirements; however, the front setback must contain one native type tree for every thirty (30) feet of frontage. Credit will not be allowed if proper protection for the credited tree has not been maintained. If the credited tree dies or fails to thrive, the owner must replace the amount of credited trees lost. Tree equivalents shall be as follows:

SIZE OF EXISTING TREE	TREE EQUIVALENCE OR TREES NOT REQUIRED TO PLANT
6" Caliper	1 tree
12" Caliper	2 trees
18" Caliper	3 trees
24" Caliper	4 trees
30" Caliper	5 trees
36" Caliper	6 trees
42" Caliper	7 trees

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69.A.7 TREE PROTECTION DURING CONSTRUCTION

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements.

Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip-line of the tree or group of trees, given the specific site considerations.

SECTION 69.B.0 TREE PROTECTION REQUIREMENTS

69.B.1 APPLICATION

The requirements of this section shall apply to all land, other than public rights-of-way, located within the corporate city limits of the City of Monroeville, except R-1, R-2, R-3, and AG-1 lots, or other lots where a bona fide agricultural or forestry

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operation exists. All definitions set forth in Section 69.A.3 shall apply to the provisions in this section.

69.B.2 PERMIT

Any person wishing to remove or relocate a native tree shall, under the provisions of this Section, make written application with the City of Monroeville, which applications shall include a Landscape Plan as provided in Section 69.A.4 unless waived by the City Tree Board. Upon receipt, all applications shall be stamped with date and time.

a. Time of Permit.

Any and all permits issued by the City as per the requirements of Section 69.A.0 shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six months. But in no case will the permit be valid for more than twelve months. Permits not used within this period will become null and void and future work will require a new application.

b. Permit Procedure.

An application may be field checked prior to issuance of a permit. The City must approve or deny the permit within seven (7) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this seven (7) day period shall result in the automatic issuance of the permit as requested in the application. The City Tree Board may request a recommendation concerning the application from any or all appropriate City departments.

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c. Criteria for Issuance of Tree Removal Permit.

1. The tree is located in any area where a structure or improvement will be placed according to an approved plan.
2. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
3. The tree is, or will be after construction, in violation of federal, state or local laws or regulations, or cause the construction to violate federal, state or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing the construction.

d. Basis for Denial of Permit.

The City Tree Board, upon a determination that an application for tree removal does not meet the criteria of subparagraph c above, may within their discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of decision.

69.B.3 PENALTIES

Any person, firm or corporation violating or failing to comply with this ordinance shall be subject to a fine up to one hundred dollars (\$100) per day per violation for each day said violation remains uncorrected. Proceeds of fines shall be earmarked for the buying and planting of plants in the City of Monroeville. Enforcement of this ordinance shall be by Issuance of Complaint.

69.B.4 NON-APPLICABILITY OF ORDINANCE TO LANDS AND RIGHTS USED FOR FACILITIES OF PUBLIC UTILITIES

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Nothing herein shall affect or derogate in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear (and keep clear) trees and other growth from lands utilized, or to be utilized, for electric or communication facilities of any type, or dangerous trees adjacent thereto whether such rights were acquired by permits, easements, agreements, deeds, documents, or otherwise from landowners, or were acquired by condemnation, franchise or the operation of State law. The utility company shall cooperate with the City Tree Board when clearing or pruning of the rights-of-way is exercised.

69.B.5 APPEAL OF GRANT OR DENIAL OF PERMIT

Appeals of either a grant or denial of permits pursuant to this Section 69.B.0 shall be to the Planning Commission and may be taken by the applicant or by any officer, department or board of the City affected by any decision of the City Tree Board with respect to the administration or enforcement of this Section 69.B.0. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the Planning Commission shall be to the Circuit Court of Monroe County and may be brought by any of the persons listed above.

SEVERABILITY

If any section, subsection, sentence, clause or phrase is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

AFFECT OF ORDINANCE

This ordinance shall be in full force and effect from and after its adoption and publications as required by law with an effective date of April 15, 2004.

ADOPTED AND APPROVED this 6 day of ^{April}~~March~~, 2004.

City of Monroeville, Alabama,
A Municipal Corporation

Anne H. Farish, Mayor

ATTEST:

Toni L. McKelvey, City Clerk

ORDINANCE NO. 94-84

WHEREAS, the City of Montgomery finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live; and

WHEREAS, trees provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting; and

WHEREAS, trees are economically beneficial in attracting new industry, residents and visitors.

BE IT THEREFORE ORDAINED by the Council of the City of Montgomery, Alabama, as follows:

SECTION 1: The Department of Parks and Recreation is hereby designated as the responsible agency for managing the City's trees and an advisory commission is also hereby established consisting of the Board of Directors of Keep Montgomery Beautiful, Inc. as members. The officers of Keep Montgomery Beautiful, Inc. shall advise the City Tree Commission on managing the City of Montgomery's tree resources.

SECTION 2: There is hereby established a Tree Commission. The Parks and Recreation Director, City Horticulturist, City Traffic Engineer, Chief Administrator of Technical Services, and City Maintenance Superintendent shall serve as members.

SECTION 3: This Commission shall provide for regular periodic meetings. Meetings may also be called by the Mayor, or by any three of the other members after giving sufficient notice of the date, time and place of the special meetings.

SECTION 4: The Tree Commission may make recommendations to the Mayor relative to the tree planting program; may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; the Commission may assist the Mayor in providing information regarding the protection, maintenance, removal and planting of trees on public property; and may identify and recommend removal of dead, dying, diseased, or insect infested trees; and may make studies and report back to the Mayor with recommendation on matters concerning trees in the City.

SECTION 5: Nothing contained in this Ordinance shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utility's facilities on public streets, alleys or right of ways; nothing contained in this Ordinance shall prevent the City from removing any tree or portion of any tree which the City deems to be dangerous not only from the tree's infected condition or danger of falling, but to be dangerous at corners or intersections in that the same would obscure the view of motor vehicles approaching said intersection.

SECTION 6: Nothing contained herein shall prevent the removal of any trees or portions of trees on private property, and this Ordinance is not intended to restrict the removal of trees by owners of private property.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Hohn L. Baker, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance which was duly adopted by the Council of the City of Montgomery, Alabama, at a regular meeting held on the 20th day of November, 1984.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the 21st day of November, 1984.

John L. Baker
John L. Baker, City Clerk

APPROVED: November 21, 1984

Emory Folmar
Emory Folmar, Mayor

It shall be unlawful for any unauthorized person to sell any stamp required by this Code or other city ordinance.

It shall be unlawful for any person to reuse or refill with any tobacco products any package from which tobacco products, the tax upon which has been paid, have been removed.

"Tobacco products," as used in this section, means cigarettes and smoking tobacco, and any substitute therefor.

(Code 1964, § 24-62)

Cross reference—Intoxicating liquors generally, Ch. 20.

✓ **Sec. 29-57. Injuries to trees and shrubs.**

It shall be unlawful for any person to plant, cut, trim, dig or pull up, remove, injure, mutilate in any way or destroy any trees or shrubs on property belonging to the city, or under its jurisdiction and control, including the trees and shrubs on the grass plots and parkways in the streets, without first having secured a permit to do so from the city engineer.

(Ord. No. 1964, § 24-64)

Sec. 29-58. Vehicles—Taking or using temporarily without consent of owner.

It shall be unlawful for any person to take or use temporarily any vehicle or conveyance of any kind, owned or controlled by another, without the consent of such owner or person having the control thereof.

(Code 1964, § 24-66)

Cross reference—Motor vehicles and traffic generally, Ch. 25.

Sec. 29-59. Same—Sleeping in or on or loitering in or about without permission of owner, occupant, etc.

It shall be unlawful for any person to sleep in or on a motor vehicle or loiter in or about such motor vehicle while the same is parked on a public street, avenue or alley in the city or while the same is parked on the premises of another person in the city, without first obtaining permission from the owner, occupant or custodian of such premises.

(Code 1964, § 24-67)

Sec. 29-60. Same—Failure to stop upon signal from police vehicle.

(a) The operator of any motor vehicle, motorcycle or motor-driven cycle who willfully and knowingly fails or refuses to bring his vehicle to a reasonably immediate stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given an authorized visual or audible signal or command to stop such vehicle, shall be guilty of a misdemeanor.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, AS FOLLOWS:

Section 1. There is hereby created a Montgomery Historic Commission which shall be referred to hereinafter as the Historic Commission. The Historic Commission shall be composed of eleven (11) members, all to be appointed by the City Council of the City of Montgomery, Alabama. With the exception of the first members of the Historic Commission, the terms of each of the members shall be for four (4) years. Members of the Historic Commission may succeed themselves on the Historic Commission and vacancies shall be filled by interim appointment by the City Council of the City of Montgomery. The terms of each of the memberships on the Historic Commission shall consist of two (2) members whose terms shall be for one (1) year each; three (3) members whose terms shall be for two (2) years each; three (3) members whose terms shall be for three (3) years each; and three (3) members whose terms shall be for four (4) years each. Members shall serve without compensation.

Section 2. The Historic Commission shall operate under a constitution which shall have been approved by the City Council of the City of Montgomery, Alabama. The chairman of the Historic Commission shall be elected by the members of the Historic Commission from among its membership. The term of the chairmanship shall be one (1) year and the chairman shall be eligible for re-election to the chairmanship. The Historic Commission shall hold at least one regular meeting in each calendar month. The Historic Commission shall adopt rules for the transaction of its business and for the conduct of its meetings, and shall keep a record of the business brought before it as well as its resolutions, transactions, findings, determinations, and recommendations. All meetings of the Historic Commission shall be open to the public and all votes taken by the Historic Commission shall be taken in public.

Section 3. The purposes of the Historic Commission shall be:

- A. The preservation and protection of buildings of historic and architectural value in Montgomery Historic Districts as the same are defined by this ordinance, and
- B. The maintenance of the distinctive character of Montgomery Historic Districts, and
- C. The fostering and encouraging of the preservation, restoration, and use of buildings of historic and architectural value in the Montgomery Historic Districts, and
- D. The development and promotion of Montgomery Historic Districts in accordance with the master plan for the City of Montgomery, as continuing major tourist attractions of historic and economic value, and
- E. The exercise of such powers as the Historic Commission shall deem necessary and fitting to carry out the four purposes stated immediately above.
- F. On any new recommendations involving a single property to be historically designated, the written consent and approval of the owner of the property shall be submitted by the Historic Commission to the Council along with the recommendation of the Historic Commission. If such a recommendation is made but the consent and approval of the owner is not obtained and filed with the recommendation of the Historic Commission before a building or demolition permit is granted by the City of Montgomery or

any of its departments or agencies, for the alteration or demolition of the structure involved, and if such permit would otherwise be granted forthwith, the head of the department or agency must give notice of the filing of the application for such demolition to the Chairman of the Historic Commission and sixty days shall elapse from the time of such notice to the Chairman of the Historic Commission before the application is approved. During such sixty day period the applicant shall be required to meet at reasonable times with the Historic Commission in a room designated for such purposes at the City Hall for the purpose of discussing alternatives for the demolition of the structure. If at the end of said sixty day period there has been no resolution of the matter and there has been no default on the part of the applicant to meet with the Historic Commission for the purposes aforesaid, the appropriate officers of the City may proceed with the granting of the demolition permit. If there be a dispute between the applicant and the Historic Commission with respect to the applicant's failure or refusal to meet with the Historic Commission, such dispute shall be reviewed and resolved by the Council at its next regular meeting following the end of the sixty day period aforesaid.

If, in the making of a recommendation for the designation of a new district involving more than one property, the Historic Commission submits with its recommendation the written approval and consent of three-fourths of the property owners within such district, the recommendation shall be acted upon as if all of the property owners within the area had given their consent and approval.

Section 4. The Historic Commission shall submit a written report to the City Council of the City of Montgomery, Alabama, upon the request of the Council. Each report shall set forth the activities of the Historic Commission for the period since the previous report. Nothing in this ordinance shall be construed to grant to the Historic Commission any powers, duties or authority now granted to the City Planning Commission of the City of Montgomery, Alabama.

Section 5. There is hereby created an Architectural Review Board of the City of Montgomery which shall be referred to hereinafter as the Board. The Board shall be composed of five (5) members, and four (4) supernumerary members, all of whom shall be appointed by the City Council of the City of Montgomery, Alabama. All members of the Board shall be electors of the City of Montgomery, and at least three (3) members of the Board shall be registered, licensed architects according to the laws of the State of Alabama. At least two (2) members of the Board shall be members of the American Institute of Architects. With the exception of the terms of the first members, the terms of the five (5) members of the Board shall be five (5) years. The terms of the first five (5) members of the Board shall be one (1), two (2), three (3), four (4), and five (5) years respectively. Members of the Board shall be eligible to succeed themselves and shall serve without compensation. Three members, or two supernumerary members and at least one member, shall constitute a quorum of the Board. If three or more full members are in attendance, supernumerary members present may discuss and debate but shall not vote on matters before the Board.

The Board shall elect a chairman and other officers from among its members for a term of one (1) year, and the officers may succeed themselves in office. The Board shall adopt rules for the transaction of its business and for the conduct of its meetings, including specific procedures for resolving matters demanding immediate action which arise between regularly

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scheduled meetings of the Board, and shall keep a record of the business brought before it as well as its resolutions, transactions, findings, determinations and recommendations. The Board shall meet in regular session at least once a month. The Board shall have authority to hire employees, and to contract with architects and other professional and technical consultants, only with approval of the Mayor. The Board's activities shall be budgeted through the Department of Planning Controls or such other city agency as the Mayor shall from time to time direct. All meetings of the Board shall be open to the public and all votes taken by the Board shall be taken in public. The rules of procedure of the Board shall be subject to approval by the City Council of the City of Montgomery, Alabama.

Section 6. The purpose of the Board shall be the preservation and protection of buildings of historical and architectural value in the Historic Districts of the City of Montgomery, Alabama. To this end the Board is empowered and has the duty to inspect and to approve or disapprove plans for the construction, reconstruction, repair or alteration of buildings or landscaping located, or to be located, within an Historic District of the City of Montgomery, Alabama. Said landscaping shall not include plants or other plantings, or trees twelve feet (12') high or twelve inches (12") in diameter. No permit for building, demolishing, repairing or altering any structure within an Historic District shall be issued by the Chief Building Official of the City of Montgomery, Alabama, until and unless plans have been submitted to the Architectural Review Board and approved by it or by the City Council of the City of Montgomery on appeal thereto. It shall be unlawful to demolish, repair, alter, or construct any structure within an Historic District of the City of Montgomery without first having obtained the approval of the Architectural Review Board, or of the City Council of the City of Montgomery on appeal thereto and first having obtained a permit from the Chief Building Official of the City of Montgomery, Alabama. Any person violating this ordinance may be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

Definition

"Landscaping" as used in this ordinance shall include without limitation grading, paving, construction of walkways, driveways, pools, and all other surface additions and improvements, but shall not be construed to give the Board jurisdiction over the mere planting or removal of plant materials, other than the removal of trees larger than twelve feet (12') in diameter, whose removal will nevertheless be permitted except where, all aspects of the removal having been considered, removal would in the judgment of the Board have a net material adverse impact on the character and appearance of the district. "Repair" as used in this ordinance shall not be construed to give the Board jurisdiction over routine, necessary maintenance of a building or property wherein previously existing materials are to be replaced with identical materials, or wherein existing paint is to be replaced with paint of substantially the same color.

The Board shall adopt and cause to be published forthwith a selection of approved body, roof, and trim paint colors for use on buildings within the Districts. Any person using these pre-approved colors on a building within a District shall be deemed to have the approval of the Board to do so, without having to appear before the Board; but changes to the building other than painting with such pre-approved colors must still be approved by the Board as otherwise provided in this ordinance. Persons wishing to use colors not part of the approved selection may apply to the Board for approval following its regular procedures, and if such color is approved the Board may add it to the selection of approved paint colors. The Board shall forthwith adopt specific procedures for implementing this section. Within fourteen (14) months following the passage of

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this ordinance, the Board shall report to the Council on the effectiveness of this procedure in expediting the approval of paint colors within the Districts.

Section 7. Historic Districts of the City of Montgomery, Alabama, are and shall be defined as those areas within the City of Montgomery, Alabama, so designated by ordinance of the City Council of the City of Montgomery, Alabama. Such ordinances shall delineate the boundaries of each Historic District by a legal description thereof. The Board shall have the authority to, and shall, cause to be recorded in the real estate records of Montgomery County, a document including such legal description and serving as constructive notice to all in the subsequent chain of title that property within each such Historic District is subject to that ordinance and to the procedures and requirements set forth in this ordinance, as these ordinances shall be amended from time to time. Each Historic District shall be one displaying in its overall visual aspect an atmosphere of age and a distinctive or architectural character not found generally in other sections of the City. Historic Districts may be areas used commercially or for residential purposes, or for a combination of residential and commercial uses.

Section 8. Each application for a permit to demolish a structure in an Historic District shall be submitted by the Chief Building Official of the City of Montgomery, Alabama, to the Board for its approval or disapproval. Each application for a permit to build, alter or repair a structure within an Historic District shall be accompanied by plans for the proposed work. Such plans shall consist of drawings or sketches with sufficient detail to show the appearance of the architectural design of the building or work contemplated. With each set of plans there shall be submitted a detailed set of specifications and the plans and specifications shall be sufficient to show the plot plans or site layouts or features such as general exterior appearance, accessory structures, signs, lights, and other appurtenances. Such plans shall be forwarded by the Chief Building Official to the Board for review by the Board. The Board shall promptly review such plans and shall render its decision thereon and submit that decision in the form of a written order to the Chief Building Official of the City of Montgomery. Any applicant may appear in person before the Board in his own behalf and may present evidence. It shall not be mandatory that the usual rules of evidence be followed. If the Board disapproves any plans, it shall state its reasons and its order shall state whether or not specified, suggested revisions will make the plans eligible for reconsideration by the Board. If the Board fails to act or to report on an application within forty-five (45) days, such failure shall be deemed to be approval of the application and its accompanying plans and specifications. No member of the Board may vote on any application in which he has a proprietary, tenancy, or personal interest, nor upon any design or plan which he was employed to make. Immediately upon receipt of the written order of the Board, the Chief Building Official shall notify the applicant of the decision contained in that order. If the order is one of disapproval, the building official shall furnish the applicant with a copy of that order.

Section 9. In passing upon plans and applications, the Board shall consider exterior appearance and shall consider all those aspects required to be shown in the plans and specifications outlined in Section 8 of this ordinance. The Board shall not consider interior design or plan, and it shall not impose any architectural style, traditional or modern, as a condition precedent to approval, except as necessary to ensure that the proposed work will not materially impair the architectural or historic value of the building. The Board shall not exercise any control over land use otherwise provided for by the Zoning Ordinance, nor over the safety standards of construction otherwise provided for by the Building Code. Before the Board

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approves plans for a proposed alteration of an existing structure, the Board shall find that such alteration or addition will not materially impair the architectural or historic value of the building. Before the Board approves the plans for a proposed new building, the Board shall find that such building neither in itself nor by reason of its location will materially impair the architectural or historic value of other buildings or sites in that Historic District. Before the Board approves the proposed demolition of an existing building, the Board must find that the removal of such building will not be detrimental to the historic or architectural character of the district or the Board must find that, after balancing the interest of the City in preserving the integrity of the district against the interests of the property owner in the use and benefits of his property, approval of the plans for demolition is required by consideration of reasonable justice and equity. Before approving any plans for the demolition of a structure, the loss of which will impair the architectural integrity of the district, the Board may issue an order postponing the demolition for a period not to exceed six (6) months in order to give the Historic Commission, the City Council of the City of Montgomery, and other interested parties or groups an opportunity to properly compensate or compromise with the property owner.

Section 10. Any person aggrieved by a decision of the Board may appeal the Board's decision to the City Council of the City of Montgomery within fifteen (15) days of the Board's decision being entered. Such appeal shall set forth in writing the basis on which the appeal is taken. Upon the filing of such appeal, the Board shall transmit to the City Council of the City of Montgomery a certified copy of the proceedings in the case. On appeal to the City Council of the City of Montgomery, the issue shall be tried solely on the question of whether the Board has acted within its powers or has abused its discretion in reaching its decision in the matter.

Section 11. All other ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 12. Should any section, paragraph, sentence or word of this ordinance be declared to be invalid for any reason, it is the intent of the City Council that it would have passed all other portions of this ordinance independently of the elimination therefrom of any such portion that may be declared invalid.

Section 13. By adoption of this ordinance, Ordinances 26-67, 45-67, 87-75, 22-76, 71-78, 46-84, and 52-84 are hereby repealed.

Section 14. This ordinance shall take effect upon its passage and publication as provided by law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY
CITY OF MONTGOMERY

I, John L. Baker, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance which was duly adopted by the Council of the City of Montgomery at its regular meeting held the 19th day of February, 1991.

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GIVEN under my hand and the official SEAL of the City of
Montgomery, Alabama, this the 20th day of February,
1991.

John L. Baker
JOHN L. BAKER, CITY CLERK

APPROVED: February 20, 1991

Emory Folmar
EMORY FOLMAR, MAYOR

ORDINANCE NO. 63-2005

MINIMUM LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING

SECTION I.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Ordinance No. 38-63, Article VI, 8, as amended by Ordinance No. 26-1997 and 26-2000, be amended to read as follows:

8. TRANSITIONAL USE (Omitted June 1, 1977) (Ord. No. 26-77)

8.1 MINIMUM LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING

Purpose

The minimum landscaping requirements for off-street parking are provided to enhance the appearance of buildings and their parking areas, to increase the amount of shade within the parking areas, reduce the rate of stormwater runoff, and to minimize the impact of parking lots on adjacent land uses.

Applicability

(a) Newly Constructed Parking Lots

The landscaping requirements of this Ordinance shall apply to all newly constructed parking lots of ten (10) or more spaces.

(b) Existing Parking Lots:

When any existing parking lot, including those previously with less than ten (10) spaces, is expanded to include a total of at least 50 spaces, the expanded parking lot shall comply with the requirements of this Ordinance. Any changes to landscaping in existing parking lots must meet or exceed the amount and type of landscaping previously maintained.

(c) Maintenance

Section 8.7 of this ordinance shall apply to all off-street parking, whether newly constructed or existing under the previous landscape ordinance.

8.2 DEFINITIONS

Caliper refers to the diameter of a tree 6 in. above ground level.

Canopy Tree refers to a tree that typically reaches a mature height of 40 ft. or greater.

DBH (diameter at breast height) refers to the diameter of a tree 4½ ft. above ground level.

Dripline refers to the perimeter of a tree's canopy.

Landscaping refers to the treatment of grade, groundcover, vegetation and ornamentation for a given area. Landscaping shall include plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

Outparcel refers to a parcel of land within a larger development that is developed as a site for a separate stand-alone building with its own separate parking.

Parking Area shall be the paved area including parking spaces and abutting isle ways.

Parking Lot shall be defined as any off-street area where vehicles will be parked, serviced, or stored.

Parking Space refers to a delineated area reserved for the parking of a single vehicle.

Understory Tree refers to a tree that typically reaches a mature height of 30 ft. or less.

8.3 *LANDSCAPE PLAN REVIEW AND APPROVAL*

Prior to the approval of a development plan, the landscape plan must be approved by the Urban Forester. A preliminary plan which lacks the planting schedule and installation details may be submitted for approval with the initial development plan. A final landscape plan meeting all of the requirements of Section 8.4 must be submitted and approved before the development plan will be released for permitting. The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor shall certify that the landscape plan submitted meets the minimum landscape requirement for off-street parking.

8.4 *LANDSCAPE PLAN SUBMITTAL REQUIREMENTS*

Format and Materials:

The landscaping plan and details shall be drawn to the same standard scale as the development plan. Landscape plans shall be included in the development plan submitted to the Urban Forester.

General Information:

Complete Landscape Plans submitted for review and approval shall include the following:

- (a) A title block, showing the title of the development, the name and address of the owner/developer, the name and address of the person or firm preparing

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the plan, the date of preparation, the scale, the north point, and the date of all revisions.

- (b) A location map, showing the relative location of the site to the nearest existing public street intersection.
- (c) The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements.
- (d) The required number of parking spaces and the proposed number of parking spaces of subject property/development.
- (e) Location and dimensions of all entrances and exits of the parking lot and the manner in which vehicles will be parked, and the location and names of all utility lines, easements or right-of-ways on, or adjacent to, the site.
- (f) All details needed to communicate appearance, and methods of construction and/or installation.
- (g) A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name and cultivar, if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.

8.5 GENERAL REQUIREMENTS

Landscape improvements to parking lots shall be subject to the following requirements:

8.5.1 *Site protection and General Planting Requirements*

a) Topsoil

To the extent practicable, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.

b) Existing Trees

Preservation of each existing healthy tree of an approved species (see attached table), within required landscape areas, shall count toward fulfillment of these requirements.

- 1) The existing tree to be preserved must be approved by the Urban Forester to receive credit.
- 2) Existing trees that are credited towards meeting the requirements of this Section shall be subject to the same maintenance and replacement requirements as newly planted trees.
- 3) Each existing tree that is credited towards meeting the requirements of this Section shall reduce the number of required parking spaces by two (2). This subparagraph shall supercede and take precedence over Article III, Section 3(c) of the City's Zoning Ordinance.

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c) Slope Plantings

Landscaping of all cuts and fills and/or terraces shall be matted or protected until plant cover is adequate to control erosion.

8.6 LANDSCAPING REQUIREMENTS

8.6.1 *Perimeter Planting Requirements for Parking Areas (Public R.O.W. excluded)*

- a) A continuous perimeter planting strip, exclusive of access driveways, with an average width of 8 ft. adjacent to public right-of-way and 4 ft. adjacent to property lines, measured from the edge of the parking area, is required. Existing street trees may be applied towards perimeter planting requirements along public right-of-way.
- b) Canopy trees are required, and trees of a minimum 2 in. in caliper and 12 ft. high shall be planted on 40 to 50 ft. centers. In the event that pre-existing overhead utility lines prevent the use of canopy trees, understory trees shall be planted on 30 to 40 ft. centers. Minimum lateral separation from overhead utilities shall be 20 ft. for canopy trees. At least two (2) separate species must be used. Monocultures are prohibited. Shrubbery with a minimum 18 inch height at installation capable of forming a minimum 3 foot high evergreen hedge shall be provided in the landscape areas adjacent to public right-of-way.
- c) Planting strips are to be sodded, seeded, or mulched so as to leave no bare ground after landscape materials have been installed.
- d) Existing trees which meet, in whole or in part, the perimeter and internal planting requirements, may be applied toward requirements. During construction, trees or groups of trees that are being preserved must have a barrier constructed to the drip-line of the tree or group of trees, given the specific site considerations.
- e) Trees which meet the perimeter planting requirements, whether existing or new, may be counted as one (1) parking space per tree and be used to fulfill the total parking requirement up to 25% of the parking required. Use of trees to fulfill the parking requirements must be noted on the development plan. This subparagraph shall supercede and take precedence over Article III, Section 3(c) of the City's Zoning Ordinance.
- f) Landscaping in and adjacent to parking lots shall not obstruct the driver's view of the right-of-way at driveways and intersections, including that from adjoining properties.
- g) In all districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of 3½ ft. and 15 ft. above street level shall be permitted within 20 ft. of the intersection of the right-of-way lines of two streets, or railroads, or of a street and a railroad right-of-way, subject to the requirements of the Traffic Engineer.

Montgomery

- h) In the event that non-residential development borders residential areas, a 10 ft. wide landscape buffer shall be required along the common property boundary. Canopy trees are required in the landscape buffer, and shall be planted on 20 ft. centers in order to form a screen at maturity. All other aspects of the landscape buffer shall conform to the requirements of this ordinance. Residential boundaries MUST be noted on the development plan. Previously platted lots at the adoption of this ordinance may be exempt from 8.6.1(h) if this requirement adversely affects minimum parking requirements.

8.6.2 *Internal Planting Requirements for Parking Areas*

- a) Based on parking area size and layout, trees shall be planted within the paved parking area so that each parking space is within 60 ft. or less of a tree. Perimeter trees and street trees as outlined above may be used to satisfy this requirement.
- b) There shall be no more than 12 contiguous parking spaces without a landscape island. Trees are required in the landscape island. A landscape island used to satisfy this requirement shall contain a minimum of 250 sq. ft. of area per tree with a minimum width of 8 ft. Tree size and spacing are the same as for the perimeter planting requirements. Shrubbery shall be provided in the island.
- c) Landscape islands, based on the above requirements, shall be sodded, seeded or mulched.
- (d) Interior landscape islands may be counted as two (2) parking spaces per island and be used to fulfill the total parking requirement of the development. Use of landscape islands to fulfill parking requirements must be noted on the development plan. This subparagraph shall supercede and take precedence over Article III, Section 3 (c) of the City's Zoning Ordinance.
- (e) An irrigation system shall be required in all landscape areas where 100 or more parking spaces are constructed.
- (f) Bio-retention as part of the landscape is encouraged and may be used to meet these requirements.

8.7 *MAINTENANCE*

- a) The Owner shall be responsible for maintaining all landscaping in good condition. The maintenance required under this section shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this Ordinance.
- b) Any person, firm or corporation, violating or failing to comply with any of the requirements or provisions of this Ordinance, including but not limited to maintenance, shall be punished by a fine of not more than \$300.00 per violation. A failure to remedy or correct a violation of this Ordinance, within

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30 days, after having received written notice of the violation, shall continue a separate and distinct violation and will subject the person, firm or corporation to an additional fine.

- c) The proceeds of all fines levied by the Montgomery Municipal Court under subparagraph (B), shall be earmarked for the use by the City of Montgomery and marked in compliance and enforcement of this Ordinance and the City's Litter, Weed and Mud Control Ordinance.
- d) Any person, firm or corporation fined under this section shall have the right to appeal to the Circuit Court of Montgomery County, Alabama, as mandated by State Law.

8.8 *COMPLIANCE*

The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor for each project must certify to the Urban Forester that the landscaping has been installed to meet the minimum requirements of this ordinance. The site will be inspected before a final Certificate of Occupancy will be issued.

In the event that inclement weather delays the installation of landscape materials, the developer may make a written request for an extension to the time of completion. The request must specifically state the reason for the delay as well as an estimated date for completion. Failure to complete the installation within 15 days of specified date will constitute non-compliance and will be subject to a fine and/or revocation the Certificate of Occupancy.

8.9 *APPROVED TREE LIST*

Any existing tree to be credited as part of the landscaping requirements of this ordinance must meet the minimum DBH requirements of this table. The tree must also be of good health, retain its natural form, and its mature growth must not conflict with public utilities.

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CANOPY TREES

<u>Common Name</u>	<u>Genus</u>	<u>Minimum DBH</u>
Oak	Quercus	8"
Ash	Fraxinus	8"
Hickory	Carya	8"
Blackgum (Tupelo)	Nyssa	10"
Elm	Ulmus	6"
Yellow Poplar	Liriodendron	10"
Cedar	Juniperus	8"
Sweetgum	Liquidambar	12"
Sycamore	Platanus	10"
Walnut	Juglans	8"
Pine	Pinus	10"
Magnolia	Magnolia	8"
Maple	Acer	4"

UNDERSTORY TREES

<u>Common Name</u>	<u>Genus</u>	<u>Minimum DBH</u>
Dogwood	Cornus	2"
Redbud	Cercis	4"
Mulberry	Morus	4"

SECTION 2. This ordinance shall take effect upon its passage, approval and publication, or as otherwise provided by law.

ADOPTED this 20th day of September, 2005.


BRENDA GALE BLALOCK, CITY CLERK

APPROVED: 9/22/05


BOBBY BRIGHT, MAYOR

EFFECTIVE - October 6, 2005

Montgomery

Tree Removal Policy

Citizens may request tree maintenance or removal by contacting the Urban Forester. Upon receipt of a request, the tree or trees will be inspected and evaluated and an appropriate plan of action will be implemented. The citizen making the request will be notified of the findings of the evaluation and the course of action to be taken. The City of Montgomery will not remove trees growing on private property.

The City of Montgomery will remove a tree from public property when one or more of the following conditions exist:

- 1) The tree is hazardous. A tree will be considered hazardous when all of the following conditions exist:
 - a. The tree has a condition which makes failure imminent.
 - b. The tree is large enough to cause damage
 - c. There is a target which the tree will damage
- 2) The tree will be made hazardous by publicly funded construction and the project can not be reasonably re-routed away from the tree. Damage to 1/3 or more of the root system of a tree will result in a hazard.
- 3) The tree is a sight distance problem and no other cost effective alternative exists. In the event that a removal request is due to a tree causing a blind corner at an intersection, the Urban Forester will work with Traffic Engineering to best address the situation. Options that will be evaluated may include pruning, installing stop or other signage or installing traffic signals. Removal of the tree will be performed only if no other cost effective alternatives exist.
- 4) The tree is recognized by the Alabama Forestry Commission as an exotic/invasive species.

Tree removal requests for the purpose of privately funded construction will only be considered if the proposed construction project can not be reasonably rerouted away from the tree. The Urban Forester may meet with the requester on site to evaluate the scope of the project and the tree in question. If the tree is permitted for removal, the requester must make arrangements with the Urban Forester to provide for suitable replacement or mitigation. This applies to all types of construction, including utility construction and maintenance.

The City of Montgomery will not allow the removal of a tree from public property without the approval of the Urban Forester.

Moundville

CITY TREE ORDINANCE

Be it ordained by the Town Council of the Town of Moundville,
Alabama

SECTION I

DEFINITIONS

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a Park.

SECTION II

CREATION AND ESTABLISHMENT OF A TOWN TREE BOARD.

There is hereby created and established a Town Tree Board for the Town of Moundville, Alabama which shall consist of five members, citizens and residents of the Town, who shall be appointed by the Mayor with the approval of the Council.

SECTION III

TERM OF OFFICE

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

SECTION IV

COMPENSATION

Members of the Board shall serve without compensation

SECTION V

DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive Town tree plan for the Town of Moundville, Alabama. The Board, when requested by the Town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Moundville

SECTION VI

OPERATION

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION VII

STREET TREE SPECIES TO BE PLANTED

The following list constitutes the official Street Tree species for Moundville, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

SMALL TREES

Flowering dogwood
Eastern Redbud
Flowering Crabapple
Japanese maple
Flowering cherry
Tree Sparkleberry

MEDIUM TREES

persimmon
Bradford pear
Sour wood
Am. Holly
Crepe Myrtle
Golden raintree
Japanese Magnolia
iron wood

LARGE TREES

Oaks-Shumard,
scarlet, No. red,
white, post,
swamp white
sawtooth, Laurel
cherry bark
Japanese Zelkova
Chinese Elm
Yellow Poplar
Ginkgo
So. Magnolia
Red Maple
Sugar Maple
Green Ash
White Ash
Bald Cypress
Pecan
Hickory
Sweet Gum
Black Gum
Chinese Pistache
Honeylocust

SECTION VIII

SPACING

The spacing of Street Trees will be in accordance with the three species size classes listed in Section VII of this ordinance, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION IX

DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Moundville

SECTION X

DISTANCE FROM STREET CORNERS AND FIREPLUGS

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines.

No Street Tree shall be planted closer than 10 feet of any fireplug.

SECTION XI

UTILITIES

No Street Trees other than those species listed as Small Trees in Section VI of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION XII

PUBLIC TREE CARE

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections VII through XI of this ordinance.

SECTION XIII

TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

SECTION XIV

PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Moundville

SECTION XV

DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

SECTION XVI

REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION XVII

INTERFERENCE WITH TOWN TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SECTION XVIII

ARBORISTS LICENSE AND BOND

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION XIX

REVIEW BY TOWN COUNCIL

The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

SECTION XX

PENALTY

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$300.00.

Moundville

DULY ADOPTED THIS 5TH DAY OF April, 1986.

Robert Lake
Mayor Robert Lake

E. Price Howell, Jr.
Councilman E. Price Howell, Jr.

Ray Fields
Councilman Ray Fields

R. O. Morrison
Councilman R. O. Morrison

Councilman Randall Ryan

Claudy Hogge
Councilman Claudy Hogge

Northport

§ 4-10

NORTHPORT CODE

3. Each parking area shall have interior landscaping covering not less than five percent of the total parking area. Such landscaping shall be in addition to all planting within six feet of a building.
 4. Planted islands shall be used for interior planting areas to reduce heat radiated from paving, improve auto circulation and safety, and screen automobiles from public views. To accomplish these goals, islands shall be large enough for trees and low shrubs.
 5. The primary landscaping materials used in parking areas shall be shade trees. Shrubs and other planting materials may be used to complement the shade tree planting, but shall not be the sole component of the landscaping.
 6. Preservation of healthy trees existing on a site shall be a major consideration in the planning of any new parking area.
- b. *Walkways.*
1. Sidewalks should be provided between parking and customer entrances.
- (8) *Landscaping standards.* All open areas not covered by paving, buildings or other structures shall be permanently landscaped. Preservation of healthy trees existing on site is strongly encouraged. In locations where healthy and mature shade trees currently exist, the requirement for new trees may be waived or modified.
- a. Minimum size for landscaping materials as measured at the time of planting shall be:
 1. Deciduous trees: Two-inch caliper, measured one foot above the ground.
 2. Ornamental and flowering trees: Two inch caliper measured one foot above the ground, except that a multi-stemmed specimen shall have a minimum caliper of 1½ inches as measured one foot above the ground.
 3. Evergreen trees: Five feet in height.
 4. Flowering and evergreen shrubs and hedges shall be of five gallon size. If in ball and burlap, the minimum size shall be 15 inches in diameter.
 - b. As an extension of the surrounding natural landscape, plant species shall be native or well-adapted to the region.
 - c. All landscape improvements indicated on or contained in an approved landscape plan shall be completed prior to issuance of a Certificate of Occupancy. If landscaping requirements cannot be met because completion of construction occurred outside the planting season, a temporary certificate of occupancy can be issued provided all other conditions necessary for the certificate of occupancy have been met. In this situation, all landscape improvements must be completed by the next planting season within a time frame established by the planning department, but in no case shall exceed two years after issuance of the temporary certificate of occupancy.
 - d. Maintenance and management of all landscaped areas shall be the responsibility of the property owner. Plantings that die shall be replaced by the property owner within 30 days; provided, however, that if planting conditions are not favorable the property owner shall replant at the next favorable planting period not to exceed four months.

Northport

APPENDIX A—ZONING

§ 5-1

- (9) *Signage.* All requirements as listed in the zoning ordinance shall be met. Signage shall be consistent in size, material, and location within each development.
(Ord. No. 1268, § 1, 11-3-97; Ord. No. 1323, § 1, 4-5-99)

Editor's note—Ord. No. 1268, adopted Nov. 3, 1997, amended in its entirety App. A, Art. 4, Section 10, which pertained to design review and derived from Ord. No. 1257, § 1(Exh. A), 9-15-97.

ARTICLE V. DISTRICT REGULATIONS

Sec. 5-1. RS-1, RS-2, RS-3, RS-4, MHP single-family residential.

5-1.1 Intent. These districts are intended as single-family residential areas with low to medium population densities. Use regulations for the single-family districts are identical, but previous development patterns have established five classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single-family residential character.

5-1.2 Permitted principal uses and structures. [The following principal uses and structures are permitted in the single-family residential districts:]

- (1) Single-family detached dwellings located on individual lots.
- (2) Mobile homes in MHP zoning district only (see section 6-5).

5-1.3 Permitted accessory uses and structures. [The following accessory uses and structures are permitted in the single-family residential districts:]

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, toolhouses, private swimming pools, and the like.

- (2) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b. Do not involve the conduct of trade on the premises;
 - c. Are located on the same lot as the permitted principal use structure, or on a contiguous lot in the same ownership;
 - d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and
 - e. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "prohibited uses and structures [section 5-1.5]."

Accessory structures may be located in side and rear yards, but shall not be located in front yards.
(Ord. No. 1437, § 1, 8-5-02)

5-1.4 Permitted special exceptions. After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit as special exceptions:

- (1) Parks, playgrounds, playfields;
- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses, provided that a specific determination is made by the board that such uses or structures are in keeping with the residential character of the district;
- (3) Churches and other places of worship, including educational buildings related thereto, provided that the board of adjustment shall find that the characteristics of such places of worship and related buildings and the site design thereof will be in keeping with the residential character of the district;
- (4) Elementary and high schools, provided that the board of adjustment shall find that the characteristics of such facilities

Northport

6-12

NORTHPORT CODE

- (c) A self-closing and self-latching gate or door, with the mechanism on the inside of the gate or door, out of reach of children, will be required.
- (d) No part of the wall of a multifamily residence which includes a window or door shall be incorporated into the required pool enclosure.

Sec. 6-13. Landscaping requirements.

For the purposes of this section, the terms listed below are defined as indicated:

1. *Screening*: A barrier of natural and/or manmade nature that presents a visual obstacle to the eye. Screens may consist of, but are not limited to, any combination of the following: walls, fences, bushes, trees, hedges, shrubs, and earthen berms.
2. *Buildable area*: That part of the building lot not occupied by improvements (covered by buildings, driveways, walks, swimming pools, patios, etc. or containing overhead or underground obstacles such as power service lines or septic field lines), or projected improvements to the property; easements for access, storm sewers, drainage facilities, or utilities; and located behind the minimum building line and inside the rear and side setback lines.
3. *Owner*: Any person or business, including the developer, who has legal title to a lot and who builds or causes to have built a structure on the property.

The following provisions shall apply to all developments in the City of Northport and its police jurisdiction.

- A. Continuous/unbroken screening shall be required for all new developments where existing dissimilar land uses abut the proposed new development. For the purposes of this section, single-family residential, multi-family residential, commercial, and industrial uses are deemed to be dissimilar to each other regardless of whether or not such uses are in a PUD, Renaissance, or other classification or

whether or not such use is permitted by variance or special exception. In the event a new development is proposed by a dissimilar use, the developer shall install screens and/or buffers as described herein. Screens and/or buffers of man-made materials shall be at least 8-feet high and made of materials that are in character with the existing and proposed development in the Planning and Zoning Department's discretion. Screens of living materials shall initially be at least 5-feet high and provide a year round visual barrier such as evergreens, red tops, and other plant varieties that provide a year round visual barrier. Screens and/or buffers of living materials shall be of a variety that would normally be expected to grow to a height of 8 feet within 5 years after planting. The party responsible for installing such screens and/or buffers (or such party's grantees) shall be responsible for maintaining them at all times that such dissimilar uses abut each other. All such screening and buffers shall be placed outside or behind the utility and street right-of-way boundary in order to prevent the possible need for their removal at a later date.

- B. Developers shall attempt to preserve outside the buildable area of each lot at least one sound and healthy hardwood tree four or more inches in diameter (measured at a point three feet above the natural ground) per 3,000 square feet of developed land outside the buildable area. Whenever this guideline cannot be followed or where no such trees exist, trees or shrubs shall be planted outside the buildable area of each lot at the rate of at least one tree (at least five feet high or three years old) or shrub per 3,000 square feet of land unless the owner as defined in this section expresses by written statement to the secretary of the planning and zoning commission that he/she does not want any or only part of the required trees or shrubs planted. If trees or shrubs are to be planted, the owner or builder may elect to wait until the dormant sea-

Northport

APPENDIX A—ZONING

§ 6-13

son for the vegetation to be planted in order to improve the livability of the vegetation.

C. Landscaping plans will be provided along with site plans for the review and approval of the planning and zoning commission secretary. In cases where owners of the development will develop and build all of the structures within the development, the landscaping plan will identify location of trees or shrubs to be planted.

D. Final site plans shall have indicated thereon all building setback lines (front, sides, and rear). Also, the recorded plat will contain a statement similar to the following: "Each lot shall meet the landscaping requirements of section 6-12 of the zoning ordinance of the City of Northport."

(Ord. No. 1013, § 6-12, 11-2-92; Ord. No. 1397, § 1, 6-18-01)

ARTICLE V. BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR ENTITIES*

DIVISION 1. GENERALLY

Secs. 2-111—2-114. Reserved.

DIVISION 2. TREE COMMISSION†

Sec. 2-115. Establishment; membership; terms.

There is hereby established a tree commission and the mayor with the concurrence of the council shall appoint to the tree commission two (2) members of the council and the mayor shall serve as an ex officio member. The council members' terms shall expire on the date that a newly elected council shall take office. In addition, the mayor shall appoint, with the concurrence of the council, six (6) additional persons in the City of Oneonta, two (2) of which shall be appointed for one (1) year and two (2) of which shall be appointed for two (2) years and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority. (Ord. of 5-22-90, § 1, 5-22-90)

Sec. 2-116. Meetings.

The commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the mayor, by either of the two (2) councilmembers, or by any two (2) of the commission members, after giving not less than three (3) days notice of the date, time and place of the special meeting. (Ord. of 5-22-90, § 2, 5-22-90)

Sec. 2-117. Duties.

The tree commission shall make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the mayor and council in providing information regarding the protection, maintenance, removal and planting of trees on public property and, where requested by the owner, on private property; shall assist in making a master street plan by

*Cross reference—Planning commission, § 18-21 et seq.

†Editor's note—Sections 1—3 of an ordinance adopted May 22, 1990, did not specify manner of codification; hence, inclusion as Div. 2, §§ 2-115—2-117, was at the discretion of the editor.

Cross reference—Weed control, 11.

recommending the use and species of trees; shall recommend to the mayor and council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality.
(Ord. of 5-22-90, § 1, 5-22-90)

Secs. 2-118—2-128. Reserved.

DIVISION 3. POLICE RESERVE FORCE*

Sec. 2-129. Establishment.

As provided by Section 11-43-210, Code of Alabama, 1975, a police reserve force, hereinafter called reserve, is hereby establish within the police department of the City of Oneonta, Alabama.

(Ord. No. R-94-1, § 1, 6-28-94)

Sec. 2-130. Qualifications.

The reserve shall consist of not more than ten (10) members. Any person desiring appointment to the reserve must submit a written application to the chief of police of the City of Oneonta, Alabama, certifying that he or she is a resident of the State of Alabama, is at least nineteen (19) years of age, of good moral character and reputation, and has never been convicted of felony or of a misdemeanor involving force, violence, or moral turpitude. Applicants must consent in writing to a fingerprint and background search.

(Ord. No. R-94-1, § 2, 6-28-94)

Sec. 2-131. Appointment.

Appointments to the reserve shall be made by the chief of police with the approval of the mayor. Such appointments shall be for terms of three (3) years. Members of the reserve serve at the pleasure of the chief of police and may be removed with or without cause and without hearing by the chief of police with the approval of the mayor.

(Ord. No. R-94-1, § 3, 6-28-94)

Sec. 2-132. Supervision.

The reserve shall function under the immediate direction of the chief of police, who shall provide for its organization and training. The chief of police is hereby authorized and directed to establish such rules and regulations as may be necessary for the efficient operation of the reserve.

(Ord. No. R-94-1, § 4, 6-28-94)

*Editor's note—Ord. No. R-94-1, §§ 1-12, adopted June 28, 1994, did not specify manner of codification; hence, inclusion as Div. 3, §§ 2-129—2-140, was at the discretion of the editor.

SECTION X

LANDSCAPE REGULATIONS

SECTION 10.1 PURPOSE

The following landscape regulations are for the purpose of protecting and enhancing the ecological and esthetic environments of the City of Opelika and to implement the goals contained in the City's Comprehensive Plan. Proper landscaping benefits the City by reducing soil erosion and stormwater runoff, glare from vehicles, wind heat, noise, dust, and other offensive conditions. Furthermore, landscaping buffers and screens incompatible land uses, maintains and enhances the character of neighborhoods, serves to attract potential residents and developers to the City, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City of Opelika.

SECTION 10.2 DEFINITIONS

The following words, terms and phrases, when used in the Section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise:

Caliper:	Diameter of a tree trunk. Caliper is used for trees less than 12" in diameter. For trees less than 4" in diameter it is measured 6 inches from the ground. For trees between 4" and 12" in diameter it is measured 12" from the ground.
City Horticulturist:	Refers to the City of Opelika Groundskeeping Superintendent or designated authority.
D.B.H.	Diameter at breast height. D.B.H. is used for trees with a diameter greater than 12" and is measured four (4) feet above the ground.
Developed Area:	All land area disturbed for the purpose of developing structures, parking facilities, landscaped areas, etc.
Developer:	The legal or beneficial owners of a lot or parcel or any land proposed for development and/or inclusion in a development, including the owner of an option, contract to purchase, or lease.
Groundcover:	An evergreen or deciduous planting less than 24" in height, turfgrass is excluded.
Mono-culture:	A single type and species of planting. This type of planting is prohibited by this code.
Mulch:	A natural planting material such as pine straw or tree bark used to control weed growth, reduce soil erosion and reduce water loss.

- Parking Lot Planting:** A planting required due to the construction of non-covered parking. When less than 25 parking spaces are proposed, these plantings may be space around the perimeter of the parking lot. When more than 25 spaces are proposed, these plantings shall be placed within “parking lot islands” and/or “parallel planting peninsulas.”
- Parking Lot Island:** A planting island contained completely within the confines of a parking facility. These islands shall be elevated at least four (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Appendix).
- Parallel Planting Peninsula:** A planting island that extends out into the parking area, and is bounded on at least one side by the outer edge of the asphalt or building. These shall be elevated at least (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Appendix).
- Recommended Tree:** Any one of the trees listed under “Section 10.9 Recommended Trees.” These trees are well suited for the soils and climate of Opelika, Alabama.
- Significant Tree:** Any tree with a caliper of six (6) inches or greater.
- Shrub:** An evergreen or deciduous planting no less than 24” in height, which will remain attractive and full throughout the year.

SECTION 10.3 APPLICABILITY

All rules, regulations, conditions, and requirements set forth in this Section are applicable as follows:

- A) Any new Development or construction in a C-2, C-3, M-1, M-2, I-1, and PUD zoning district. Multi-family developments (buildings composed of three or more dwelling units) in any zoning district which require review by City of Opelika staff are also subject to these regulations.
- B) An alteration to an existing building(s), development(s), or construction which increases or decreases the amount of gross floor area of a structure or building on a lot by more than fifty (50) percent. The property which undergoes such alteration shall be required to come into compliance with all landscaping requirements in place at that time.
- C) Nothing herein shall affect in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear trees and other growth from lands used by the public utility. The utility shall cooperate and coordinate with the City Horticulturist when clearing or pruning of the right-of-way.

- D) Nothing herein shall reduce the lines of sight and traffic visibility standards adopted by the City in the Opelika Public Works Manual. Due consideration should be given to plantings within twenty (20) feet of an intersection along a roadway. In such cases certain height provisions of this code may be modified by the City Engineer.

SECTION 10.4 GENERAL INFORMATION

A. Trees Located Within the Right-of-Way

- 1) Trees located within a local right-of-way are property of the City of Opelika. The removal of significant trees within the right-of-way is prohibited without written permission of the City Horticulturist.
- 2) Any “significant tree” located within a public right-of-way and abutting the subject property shall be shown on the Landscape Plan. “Significant trees” within the right-of-way and abutting the subject property may be applied toward existing tree credits with approval from the City Horticulturist.
- 3) Any “significant tree” located within a right-of-way that is damaged by a developer, such as because of construction, shall be immediately removed and replaced by the developer. The replacement shall be a similar planting with a caliper of a least 2.5”.
- 4) All care of any “significant tree” within the right-of-way applied towards existing tree credits shall become the responsibility of the property owner. This includes limb pruning, tree removal, etc.

B. Size and Quality Requirements

- 1) Any Large Tree planted to meet requirements of this Section shall have at least 2”-2.5” caliper. Any Medium Tree or Understory Tree planted to meet requirements of this Ordinance shall have a caliper between 1.25” and 1.5”, except that multi-stemmed Understory Trees shall be between six (6) and eight (8) feet in height. In addition, deviations from the “Recommended Tree List” may be approved through a written request to the City Horticulturist. These plantings may or may not count towards the point total for the property.
- 2) Tree(s) shall be in a healthy condition at the time of planting.
- 3) Shrubs planted to meet requirements of this Ordinance shall be at least 24” in height.

- 4) Grass shall completely cover the soil after one full growing season.
- 5) No bare ground shall be left exposed. Grass and other approved appropriate groundcover or mulch, such as pine straw or tree-bark, shall cover all non-paved and non-built “developed areas.”
- 6) Irrigation is not required but is highly recommended. Proper irrigation greatly improves the the chances for survival.
- 7) Any planting that dies shall be replaced.

C. Basic Landscaping Requirements:

- 1) Trees, plants, and shrubs shall be planted in sufficient quantities to obtain the required number of points for the parcel.
- 2) One additional point is required for each parking space.
- 3) “Residential Buffer” and “Parking Lot Buffers” may be required.

SECTION 10.5 LANDSCAPE PLANS

A) Landscape plans shall be submitted at the time of application for building permits with other other construction plans.

- 1) Landscape plans shall be submitted on a separate drawing sheet(s) of a standard size (preferably 24” x 36”) and drawn to a standard scale (preferably engineer’s scale).
- 2) Landscape plans will show type, size and locations of existing trees to be preserved, in addition to type, size and locations of proposed trees, shrubs, and groundcover in relation to any existing or proposed structures, roads, property lines, etc.
- 3) Procedures for preserving existing trees during construction shall be submitted and followed accordingly.
- 4) Landscape plans shall show statistics indicating that all point requirements have been met using the format illustrated in Template 1.
- 5) Plants outside of the construction area need not be shown on the Landscape Plan.
- 6) Landscape Plans shall be drawn by an architect, landscape architect, engineer, or licensed landscaper.

- 7) Prior to issuance of a building permit, Landscape Plans shall be reviewed and approved by the City Horticulturist.

SECTION 10.6 LANDSCAPE REQUIREMENTS

A. Steps for Approval:

- Step 1 Determine the number of base points required via shade trees, shrubbery or a combination thereof; [see Section 10.6(B)]
- Step 2 Determine the number of Parking Lot Trees/Shrubs which must be planted. The quantity of plants required is based on the number of parking spaces proposed;
- Step 3 Determine whether Residential and/or Parking Lot Buffers apply to the development; [see Section 10.6(D)]
- Step 4 Develop a Landscape Plan with plantings in sufficient numbers to meet the point requirements and with any applicable buffer. [see Section 10.5(A)]

B. Shade Planting Requirements/Point System:

Each developed area must equal or exceed a minimum number of “base points” in order to obtain approval. The number of points required depends on the size of the developed area (see Table 1). Different types of plantings are worth different points; Large Tree are worth eleven (11) points, Medium Trees are worth eight (8) points, Understory Trees are worth five (5) points, and Shrubs/groundcovers are worth one (1) point (see Table 2).

The developer may use any combination of plantings to obtain the necessary number of points. Different lots and landscapers will lend themselves to different types of plantings. This Ordinance attempts to encourage creativity and diversity in landscaping. In no cases, however, shall a monoculture of plantings be allowed. A variation of plantings, at least three different species, is required.

In order to obtain points, the plantings must be placed on the developing property and not on a public right-of-way.

NUMBER OF POINTS REQUIRED FOR THE SITE

Table 1

Square Footage of the Developed Area*	Number of Points Required
0-10,000	40 (+1 per parking space)
10,000-20,000	60 (+ 1 per parking space)
20,001-30,000	80 (+1 per parking space)

30,001 – 40,000	100 (+1 per parking space)
40,001 – 50,000	120 (+1 per parking space)
50,001 – 60,000	140 (+1 per parking space)

* When only small portions of large lots are developed, (e.g. only one acre of a ten acre lot) only the immediate construction area shall be considered when determining the number of points required. Contact the Planning Department to determine the immediate construction area.

Alternative formula for determining number of points required for sites greater than 60,000 square feet:

$$\text{Base points} = [(X - 10,000)/500] + 40 \quad \{X=\text{Construction Area}\}$$

$$\text{Parking lot points} = 1 \text{ per parking space}$$

Point Values for Various Plantings

Table 2

Type of Plant Material	Minimum Size	Point Value
Large Tree*	2.0" – 2.5" Caliper	11
Medium Tree*	1.25" – 1.5" Caliper	8
Understory Tree*	(Single Trunk) 1.25" – 1.5" Caliper	5
Shrub or Groundcover	Shrub – 24" Groundcover 1 gallon minimum	1

*See Section 10.9 Recommendation Tree List

C. Parking Lot Requirements:

All noncovered, street-level parking facilities established and governed by this Section shall be landscaped in accordance with the following requirements:

- 1) In addition to the number of "base points" required with shade plantings, one (1) additional point is added to the site for each parking space proposed. These points must be used to plant "Parking Lot Trees and/or Parking Lot Shrubs." (e.g. A 26,000 square foot lot requires 80 base points, however it also has 15 parking spaces. The additional 15 points brings the lot up to 95 points, with 15 of those points designated as Parking Lot Trees and/or shrubs.)
- 2) On parking lots with less than 25 parking spaces, "Parking Lot Trees/Shrubs" may be spaced around the lot as desired to provide a uniform and attractive design.

- 3) On lots with more than 25 parking spaces, “Parking Lot Trees/Shrubs” shall be planted on “parking lot island(s)” and/or “parallel planting peninsulas” within the confines of the established parking lot. These plantings will minimize and break the expanse of asphalt and concrete. Acceptable islands and parallel planting peninsulas are displayed in Figures 1 and 2 in the Appendix.
- 4) *Each “parking lot island” or “parallel planting peninsula” shall have at least one tree.*

D. Buffers and Buffer Zones:

In addition to the required number of points above, a parcel may be required to buffer certain portions of the property.

*Trees from the “Recommended Tree List” planted to meet either Residential or Parking Lot buffer requirements, may be applied toward the point requirements. Shrubs may **not** be applied toward the point requirements. This provision allows credit for plantings in the buffer area(s); however, it prevents a property from planting **only** in those areas.*

In cases where the parking area abuts a residential zone, then the more stringent “Residential Zone Buffer” requirements supersede the parking lot buffer.

1) Residential Zone Buffer

On any commercial, industrial, institutional, PUD or multi-family development, except duplexes, adjacent to or abutting a residential zoning district, a buffer, strip along the property line(s) of the developing property is required.

The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any or all of the following: (see Residential Buffer Options in the Appendix)

- a) An opaque fence not less than six feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot AND a four (4) foot wide strip of Evergreen plantings, which will grow to a least six (6) feet in height within three full growing seasons planted on the inside of the fence or;
- b) A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to a least six (6) feet in height and spaced in a manner which after three years will provide an impervious visual barrier or;
- c) Natural, undisturbed forest at least twenty (20) feet in width which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.

2) Parking Lot Buffer

Asphalt closer than ten (10) feet to any property line shall be buffered with one of the following types of buffers:

- a) A planting strip of no less than four (4) feet in width shall be provided between said property line and the off-street parking facilities (asphalt). A planting screen or hedge, of developers choice, and between two (2) and four (4) feet in height shall be provided and maintained on a continuing basis, except that such screen or hedge shall not obstruct or obscure sight lines, restrict vehicular movement, or block pedestrian walkways or sidewalks **and/or**,
- b) A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The trees shall be spaced in a ratio of one understory tree every 15 feet, or one medium tree every 30 feet, or one large tree every 45 feet. Shrubbery shall be provided between the plantings.

The shrub/trees shall be maintained on a continuing basis, except that such plantings shall not obstruct or obscure sight lines, restrict vehicular movement, or block pedestrian walkways or sidewalks. The trees may be applied toward the base point requirement, however, the shrubs may not be applied.

SECTION 10.7 EXISTING TREE CREDITS

In order to encourage the preservation of Opelika's older trees, certain requirements relating to the number and density of new trees may be waived in the event existing trees are preserved.

- A. For each existing "Significant Tree" with a D.B. H. between 6" and 10", fifteen (15) fewer points are required. For each existing "Significant Tree" between 11" and 24", twenty (20) fewer points are required. For each existing "Significant Tree" with a D.B.H. over 24", twenty-five (25) fewer points are required. However, precautions must be taken during construction to prevent damage to the existing tree(s), and any tree that dies during or because of construction must be replaced with a similar species or species approved by the City Horticulturist to equal lost tree points. (e.g. An Oak with a D.B. H. of 25" is claimed as an existing tree, but subsequently dies. The developer must replace the tree with tree plantings which exceed 25 points).
- B. Trees for which a owner/developer wishes to receive credit must be in the developed area and cannot be in undeveloped portions of the parcel. This stipulation prevents a developer with a large tract of land from claiming credit on portions left undeveloped and thus eliminating landscaping on the developed portion of the parcel.

SECTION 10.8 MAINTENANCE

The owner is responsible for all maintenance and upkeep of planted trees in perpetuity within his/her development. After all plantings are finalized, the developer will schedule an inspection of the plantings with the City Horticulturist and landscape installer. If all plantings appear to be in good condition, the City Horticulturist will issue a Certificate of Completion to the developer and building official.

If plantings are subsequently damaged, in poor condition, diseased or dead, the City Horticulturist may require the property owner to replace the plantings and bring the lot back into compliance. Failure to bring the lot into compliance could lead to the City withholding a City of Opelika Business License.

SECTION 10.9 RECOMMENDED TREES

The following is a list of recommended trees. Generally, these trees are suitable for Opelika's environment. Developers may deviate from this list with written approval from the City Horticulturist. The City Horticulturist shall determine the point values for plantings not listed.

Understory or Ornamental (25' tall or less), 1.25" – 1.5" caliper, 5 points

1. Eastern Redbud *Cercis canadensis*
2. Flowering Dogwood *Cornus florida*
3. Crape Myrtle *Lagerstroemia indica fureii*
hybrids var. Natchez, Muskogee
4. Saucer Magnolia *Magnolia soulangiana*
5. Southern Waxmyrtle *Myrica cerifera*

Medium Shade Tree (25'-45" tall), 1.25" – 1.5" caliper, 8 points

1. Red Maple *Acer rubrum*
2. River Birch *Betula nigra*
3. Ginkgo Tree *Gingo biloba*
4. Southern Magnolia *Magnolia grandiflora*
5. Sweetbay Magnolia *Magnolia virginiana*
6. Ironwood *Ostrya virginiana*
7. Sourwood *Oxydendrum aboreum*
8. Chinese Pistache *Pistacia chinensis*
9. Scarlet Oak *Quercus coccinea*
10. Shumard Oak *Quercus shumardii*

Large Canopy Tree (45' tall or greater), 2.0" – 2.5" caliper, 11 points

1. Green Ash *Fraxinum pennsylvanic*
2. Tulip Poplar *Liriodendron Americana*
3. White Oak *Quercus alba*
4. Overcup Oak *Quercus lyrata*
5. Willow Oak *Quercus phellos*
6. Japanese Zelkova *Zeldova serrata*
var.green vase, village green
7. Baldcypress *Taxodium distichum*
8. Chinese Elm *Ulmus parvifolia*
var.drake, Athena

APPENDIX

Residential Buffer Options

Template 1.

Square footage of developed area _____ **sq. feet**

Base points required _____

Base points obtained _____

Parking lot points required _____

Parking lot points obtained _____

Residential buffer yard required? Yes or No

Parking lot buffers required? Yes or No

Important Notes:

1. Template 1. (see page 13.) must be on the landscape plan with appropriate information entered.
2. Plant material that will be use for parking lot points must be labeled on drawings as such, i.e., P.P. (parking lot points) or double underlined. Be sure to note the symbol used for designation.
3. Plant material that will be use for base points must be labeled on drawing as such, i.e., B.P. (base points). Be sure to note the symbol used for designation.
4. Separate plant materials on plant legend for separate uses. For example:

Scientific Name	Common Name	Quantity	Size
BASE POINTS			
<u>Cornus florida</u>	Flowering Dogwood	4	1 ¼-1 ½"
<u>Quercus phellos</u>	Willow Oak	10	2-2 ½"
<u>Ilex cornuta</u> 'Carissa'	Carissa Holly	30	3 gal.
PARKING LOT POINTS			
<u>Pistacia chinensis</u>	Chinese Pistache	10	1 ¼ - 1 ½"
<u>Quercus alba</u>	White Oak	5	2-2 ½"
<u>Ilex vomitoria</u> Nana'	Dwarf Burford Holly	75	3 gal.
PARKING LOT BUFFER			
<u>Ilex cornuta</u> 'Burfordi Nana'	Dwarf Burford Holly	75	3 gal.
RESIDENTIAL BUFFER			
<u>Ternstroemia grynathera</u>	Japanese Cleystera	75	3 gal.

AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OPELIKA, ALABAMA

SECTION 7.3 SPECIFIC DISTRICT REGULATIONS

The following pages contain specific regulations for each district including uses permitted, uses prohibited, required lot area, density limitations, setbacks, and height limitations.

Date of Amendments:

October 12, 1995	Ordinance No. 138-95	(add GC-1, GC-2 zones to matrix)
January 7, 1997	Ordinance No. 100-97	(C-3 - from allowed to conditional)
January 20, 1998	Ordinance No. 102-98	(Gateway - sign regs, ISR, etc.)
December 1, 1998	Ordinance No. 135-98	(Gateway - Ext. materials, uses, etc)
October 19, 1999	Ordinance No. 124-99	(R-2, R-3 from allowed to conditional, etc)
October 3, 2000	Ordinance No. 125-00	(add Adult Businesses to matrix)
December 19, 2000	Ordinance No. 135-00	(Setbacks, GC-1, GC-2, M-1, M-2,etc)
September 18, 2001	Ordinance No. 160-01	(Apartment and Townhouse Uses)
November 6, 2001	Ordinance No. 165-01	(Planned Residential Developments)
January 8, 2002	Ordinance No. 102-02	(No Billboards, Ext. Mats. GC-1 & GC-2, etc.)
January 21, 2003	Ordinance No. 101-03	(Single family homes allowed in commercial districts)

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A. District Regulation

The following regulations govern the yard and area requirements for each district.

AREA REQUIREMENTS ¹	DISTRICTS														
	R-1	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-1 ⁵⁻¹⁰	GC-2 ⁵⁻¹⁰
Minimum Lot Size (s.f.)	43,560	15,000	7,500	7,500	7,500	7,500	7,500							20,000	10,000
Dwelling Units Per Acre ^{2,3}	1	4	4	9	9	16	16	16 ⁴	16	16					
Minimum Lot Width(ft.)	100	100	60	60	60	60	60	60	60	60	60	60	60	150	100
Front Yard Setback(ft.)	50	35	25	25	25	25	25	None	30	30	40	40	20	40 ⁷	40 ⁷
Rear Yard Setback(ft.)	50	30	25	20	20	20	20	None	30	20	30	30	30	20 ⁷	20 ⁷
Side Yard Setback(ft.)	25	12	10	10	10	10	10	None	10	10	30	30	30	20 ⁷	20 ⁷
Maximum Building Area (%)	25	25	40	40	40	60	60	100	40	50	50	50	50	--	--
Max. Impervious Surface Area (%)														70	75
Max. Building Height(ft.)	35	35	35	45	45	45	45	75	75	75	75	75	75	75	75
Maximum Height of Signs	35	35	35	45	45	45	45	75	75	75	75	75	75	30	30

Notes:

1. Area requirements will be applied for each conditional use for uses such as townhouses, patio homes, garden homes, or any other use requiring conditional approval by the Planning Commission.
2. Maximum dwelling units allowed is to be determined as a factor of lot size, fractional number of units allowed per acre, lot coverage allowed, and building height limitations.
3. Densities may be increased by the Planning Commission through conditional use review by a maximum of 25%.
4. For residential development in commercial districts area requirements of R-5 shall apply. However, the Planning Commission may require greater conditions where deemed necessary in its review.
5. GC-1 and GC-2 Overlay districts, Lighting requirements: Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in a manner such that direct or indirect illumination from the source of light shall not exceed one footcandle measured from any property line adjoining a residential

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zoning district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amounts that can create negative impacts. Lighting plans shall be reviewed and approved by the Planning Commission (see Section 7.6 B.2.15). The Planning Commission requires that appropriate lighting in accordance with the latest recommendations of the Illuminating Engineering Society (IES) guidelines be followed. It is recommended that for lighting parking areas, the developer use a vertical burn, super metal halide, forward projection fixture using a cut-off type housing, i.e. shoe-box type housing. In addition, it is recommended that the poles be made of metal and of a platinum color to lessen their visibility during the day and that the height of the poles not exceed 25 feet.

6. GC-1 and GC-2 Overlay districts, General Sign Requirements: Billboards, portable signs, and off-premise signs (including portable sign faces mounted on permanent structures) are prohibited. Wall signs shall not extend above the top of the building wall. Two or more signs are allowed to be erected on one sign pole or freestanding support structure; however, the signs must be joined together and securely fastened by bolts or other fasteners whereby the signs appear as one sign. In this type of freestanding sign, spacing or open gaps between signs are prohibited. Reader boards attached to freestanding signs shall be no larger than 50% of the principal sign.

(a) GC-1 and GC-2 districts, signs for single lot general businesses: The maximum total display area for all general business signs on any single lot with 30,000 square feet or less of floor area shall not exceed 200 square feet. Commercial uses with over 30,000 square feet of floor area, maximum total signage is calculated at 1.6 square feet of sign area for each lineal foot of business frontage, not to exceed 320 square feet. No one freestanding sign shall exceed 100 square feet per sign face. No one freestanding sign shall exceed a height of 30 feet.

(b) GC-1 and GC-2 districts, Signs for group developments (see definition, Section 2.2): A group development is permitted no more than one freestanding sign per street frontage. No one freestanding sign shall exceed 140 square feet of sign face. It is recommended that a multiple use identification sign be used (see definition, Section 2.2). The maximum total display for all general business signs for each tenant is calculated at 1.6 square feet of sign area for each lineal foot of business frontage, not to exceed 100 square feet. A freestanding sign for a tenant of a group development is prohibited.

(c) Convenience stores selling gasoline or gasoline service stations, in addition to other permitted signs: A total of 100 square feet of copy area is permitted on the canopy and spandrells of a gasoline-convenience station with 6 or less pumps or multiple square feet of copy area is allowed. Copy area shall be limited to the brand name and logo of the oil company. The signs shall be constructed as an integral part of the canopy and spandrell structures and shall not extend above the roof line of the canopy. Each car wash may have one building wall sign not to exceed 24 square feet of copy area identifying the car wash. An information-instruction sign not to exceed 15 square feet is permitted on the wall adjacent to the entrance to the car wash.

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(d) Single building housing multiple profit centers/franchises/subtenants as secondary businesses having a shared entrance: No one freestanding sign shall exceed 140 square feet of sign face. The maximum total area for each secondary business wall sign is 16 square feet. The maximum total area for all general business signs shall not exceed 200 square feet. This type of commercial use is allowed no more than one freestanding sign per street frontage.

(e) Nonconforming Signs: It is prohibited to install any new sign(s) on a lot where a nonconforming sign exists unless the lot conforms with the provisions of this ordinance. A nonconforming sign shall be removed if there is a change in the primary use of the property or more than 50% reconstruction or additions is performed on the property.

7. For GC-1 and GC-2 Overlay districts, Setbacks. The setback requirements may be varied by the Planning Commission as part of development plan approval (see Section 7.6), if an alternative access roadway/driveway is provided/available so that access is not taken directly from the designated corridor. It is recommended that access be provided via a perpendicular access road in order to protect the integrity of the subject corridor.
8. For GC-1 Overlay district, Off Street Parking Landscape requirements. In addition to requirements set forth in *Section X, Landscape Regulations* of the Opelika Zoning Ordinance, the following buffer and landscape requirements apply. A 6 foot parking lot buffer shall be planted between the property line and edge of parking lot (asphalt) consisting of medium and understory trees, and shrubbery as listed in Section 10.6, D. 2. b) of the *Landscape Regulations*. Off Street parking lots fronting on a public right of way shall provide a 15 foot wide planting area between the property line and edge of parking lot. The planting area shall consist of plants as listed in Section 10.6, D. 2. b) of the *Landscape Regulations*. Off-street parking lots with 25 parking spaces or more shall designate parking lot islands and/or peninsulas as planting areas. The planting areas shall be located to divide and break up expanses of parking stalls, and the size of each planting area shall be sufficient to accommodate growth of trees and shrubs. Each planting area shall consist of at least 1 canopy tree or 1 medium tree with each consecutive planting area alternating these types of trees. The remaining planted area shall be planted to capacity with shrubs or other approved plantings. Landscape plans shall be approved by City Horticulturists. If these Gateway Corridor requirements and Landscape Regulations coincide or overlap, the most restrictive regulation shall take precedence.
9. GC-1 and GC-2 Overlay districts: All utility meters, ground-mounted air conditioning and similar mechanical units shall be screened so as not to be visible beyond the boundaries of the site. Plans must be approved by relevant utility company for safety.
10. For new construction in the GC-1 and GC-2 Overlay Districts: Fifty percent (50%) or more of the surface area of the façade to be used on new buildings shall be natural in appearance. Preference is given to materials such as wood, brick, stucco, or glass. Second choice of materials include other siding that simulates natural materials. A statement shall be submitted to the Planning Department and Building Official for review. The use of simulated exterior materials must have Planning Commission approval. A natural material or approved simulated exterior material shall cover the wall(s) of a building(s) facing all public right-of-ways. The side or rear of a building visible to a gateway roadway shall be reviewed by the Planning Commission to determine the extent of utilizing the natural material or approved simulated exterior material. Trims, building details, dumpster gates, etc. may be made of a man-made material with Planning Commission approval.

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B. Uses Allowed

Uses allowed in each zoning district are determined from the following matrix. Categories for each use are

1. Allowed - Allowed by right. Applicant need only submit the necessary plans for review to the zoning administrator.
2. Conditional Use - Further review required by the Planning Commission as directed by Section 8.17 of this ordinance.
3. Not Allowed - Use not allowed in this zone.

Allowed - A Conditional - C Not Allowed - N

C. Use Categories

USES	DISTRICTS															
	R-1	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-1	GC-2	
RESIDENTIAL																
Single-Family1	A	A	A	A	A	A	A	C	A	A	N	N	A	A	A	
Duplex	N	N	C	A	A	A	A	N	N	N	N	N	N	C	C	
Apartments	C	N	C	C	C	C	C	C	C	C	C	N	C	C	C	
Townhouse	N	N	C	C	C	C	C	C	C	C	N	N	N	C	C	
Patio Houses	N	N	C	C	C	C	C	N	C	C	N	N	N	C	C	
Planned Residential Development	N	N	C	C	C	C	C	N	N	N	N	N	N	N	C	
Zero-Lot-Line House		N	N	C	C	C	C		N	C	C	N	N	N	C	C
Other Higher Density		N	N	C	C	C	C		C	C	C	N	N	N	C	C
Mobile Home	N	N	N	N	A	N	A	N	N	N	N	N	N	N	N	
Mobile Home Park & Subd.	C	N	N	N	C	N	C	N	N	N	C	N	N	N	N	
Houses For Handicapped or Infirm																
Child Care Homes	N	N	N	C	C	C	C	N	C	C	N	N	A	C	C	
Group Homes	C	C	C	C	C	C	C	N	C	C	N	N	A	C	C	
Domiciliary	C	C	C	A	A	A	A	N	C	C	N	N	C	C	C	
Miscellaneous Rooms for Rent																
Rooming House, Boarding House	N	N	C	A	A	A	A	N	C	C	N	N	N	C	C	
Tourists Home, Bed and Breakfast Inn		N	N	C	A	A	A		N	A	A	N	N	N	C	C
Hotels, Motels, and Similar Business	N	N	N	N	N	N	N	A	A	A	N	N	A	C	C	
Recreational Vehicle Park	C	N	N	N	C	N	C	N	N	N	N	N	N	C	C	

1 Conditional use review before the Planning Commission is required for new single-family home construction in the C-1, C-2, C-3, or I-1 districts.

Opelika

	R-1	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-1	GC-2	
Temporary Emergency, Construction and Repair Residences	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	
COMMERCIAL																
No Storage & Display of Goods Outside Fully enclosed Building																
Less Than 100,000 Square Feet GLA		N	N	N	N	N	N	N	A	A	A	C	N	N	A	A
More Than 100,000 Square Feet GLA	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C	
Storage and Display of Goods Outside Fully Enclosed Building Allowed																
Automobile Sales	N	N	N	N	N	N	N	N	N	C	C	N	N	N	C	
Mobile Home Sales	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	
Truck and Tractor Sales	N	N	N	N	N	N	N	N	N	C	C	N	N	N	C	
All Other Less Than 100,000 Square Feet GLA	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C	
All Other More Than 100,000 Square Feet GLA	N	N	N	N	N	N	N	C	C	C	C	N	N	C	C	
Adult Businesses		N	N	N	N	N	N	N	N	C	C	N	N	N	N	
Offices, Clinical, Research and Services Not Primarily Related To Goods or Merchandise																
Operation Designed to Attract and Serve Customer or Clients On Premises such as Office of Attorney, Physicians, Other Professions, Insurance and Stock Brokers, Government Building, etc.	N	N	N	N	N	N	N	A	A	A	C	N	N	A	A	
Offices of Physicians or Dentist	N	N	N	N	N	N	N	A	A	A	C	N	A	A	A	
Banks	N	N	N	N	N	N	N	A	A	A	A	N	N	A	A	
Banks with Drive-in Windows	N	N	N	N	N	N	N	N	A	A	A	N	N	A	A	

USES

DISTRICTS

R-1 R-2 R-3 R-4 R-4M R-5 R-5M C-1 C-2 C-3 M-1 M-2 I-1 GC-1 GC-2

Opelika

Office of Contractor

With Equipment and Material Yard	N	N	N	N	N	N	N	N	N	C	A	A	N	N	C
Without Equipment and Material Yard	N	N	N	N	N	N	N	A	A	A	A	A	N	C	C

Automobile Related

Automobile Maintenance Establishment	N	N	N	N	N	N	N	N	C	C	A	A	N	C	C
Automobile Repair	N	N	N	N	N	N	N	N	N	C	A	A	N	N	C
Automobile Service Station	N	N	N	N	N	N	N	N	C	C	A	N	N	N	C
Convenience Store with Gas Station/Automatic Car Wash	N	N	N	N	N	N	N	N	C	C	A	N	N	C	C

Manufacturing, Processing, Creating Repairing, Renovating, Painting, Clearing Assembling of Goods, Merchandise and Equipment

All Operations Conducted Within Fully Enclosed Building	N	N	N	N	N	N	N	N	N	C	A	A	N	C	C		
Operations Conducted Within or Outside Fully Enclosed Building	N	N	N	N	N	N	N	N	N	C	A	A	N	C	C		
Social, Fraternal clubs and Lodges and Union Halls, and Similar Uses		C	N	N	C	C	C	C		A	A	A	N	N	C	C	C

Recreation, Amusement, Entertainment

Bowling Alleys and Skating Rinks	N	N	N	N	N	N	N	A	A	A	A	N	N	C	C
Indoor Fitness Center	N	N	N	N	N	N	N	A	A	A	A	N	N	C	C
Indoor/Outdoor Fitness Center	N	N	N	N	N	N	N	N	A	A	A	N	N	C	C
Billiard and Pool Halls	N	N	N	N	N	N	N	A	A	A	A	N	N	C	C
Movie Theater	N	N	N	N	N	N	N	A	A	A	A	N	N	C	C

Activity Conducted Primarily Outside Enclosed Buildings or Structure

Private Owned Outdoor Recreational Facilities such as Golf and Country Clubs, Swimming or Tennis Clubs, etc.	C	N	N	N	N	N	N	N	N	A	N	N	N	C	C
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USES

DISTRICTS

R-1 R-2 R-3 R-4 R-4M R-5 R-5M C-1 C-2 C-3 M-1 M-2 I-1 GC-1 GC-2

Opelika

Golf Driving Range, Miniature Golf, Skateboard Park, Bicycle Race Tract	C	N	N	N	N	N	N	N	C	A	N	N	N	N	C
Horse Back Riding Stables	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile or Motorcycle Racing Tracts	C	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Day Care Center	N	N	N	C	C	C	C	C	A	A	A	N	A	C	C
Restaurants, Bars, Night Clubs															
No Substantial Carry Out or Delivery Service, No Drive-in Service, No Service or Consumption Outside Fully Enclosed Structure	N	N	N	N	N	N	N	A	A	A	A	A	A	C	C
No Substantial Carry Out or Delivery Service, No Drive-in Service, Consumption Outside Fully Enclosed Structure	N	N	N	N	N	N	N	A	A	A	A	A	A	C	C
Carry Out and Delivery Service, Consumption Outside Fully Enclosed Structure Allowed	N	N	N	N	N	N	N	C	A	A	A	A	N	C	C
Carry Out and Delivery Service, Drive- in Service, Service or Consumption Outside Fully Enclosed Structure Allowed	N	N	N	N	N	N	N	N	A	A	A	A	N	C	C
Carry Out and Delivery Service Only	N	N	N	N	N	N	N	N	A	A	A	A	N	C	C
Car Wash															
Self-Service, unattended, open bay	N	N	N	N	N	N	N	N	C	A	A	N	N	N	C

USES

DISTRICTS

R-1 R-2 R-3 R-4 R-4M R-5 R-5M C-1 C-2 C-3 M-1 M-2 I-1 GC-1 GC-2

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Storage: Storage of goods not related to sale of use of those goods on the same lot where they are stored.

All storage within completely enclosed structures	N	N	N	N	N	N	N	N	C	C	A	A	N	N	C
Storage inside or outside completely enclosed structure	N	N	N	N	N	N	N	N	N	C	A	A	N	N	C
Mini warehouse	N	N	N	N	N	N	N	N	C	C	A	A	N	N	N
Scrap Materials, Salvage Yard, Junkyard, Automobile Graveyard	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N

Services and Enterprises Related to Animals

Veterinarian	C	N	N	N	N	N	N	N	A	A	A	N	N	C	C
Kennel	C	N	N	N	N	N	N	N	N	N	C	N	N	N	N

Agricultural, Mining, Quarrying Operation

Agricultural Operations																
With Livestock	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Excluding Livestock		A	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mining or Quarrying, including on-site sale of products	C	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N

Miscellaneous Public and Semi-Public Facilities

Post Office	N	N	N	N	N	N	N	C	C	A	A	N	N	C	C
Airport	C	N	N	N	N	N	N	N	N	N	A	N	N	N	N
Sanitary Land Fill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Military Reserve or National Guard Center	N	N	N	N	N	N	N	N	N	N	A	N	A	N	N

Opelika

USES	DISTRICTS															
	R-1	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-1	GC-2	
Dry Cleaner	N	N	N	N	N	N	N	A	A	A	A	N	N	C	C	
Laundromat	N	N	N	N	N	N	N	A	A	A	A	N	N	N	C	
Open Air Markets																
Farm and Craft Market	C	N	N	N	N	N	N	N	N	A	N	N	N	N	C	
Produce Market	C	N	N	N	N	N	N	C	N	A	N	N	N	N	C	
Flea Market	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	
Horticulture Sales with Outdoor Display	C	N	N	N	N	N	N	N	C	C	C	N	N	N	C	
Funeral Home	C	N	N	N	N	N	N	N	A	A	N	N	A	C	C	
Cemetery	C	N	N	N	N	N	N	N	N	C	C	N	A	N	N	
Mausoleum, Crematorium, Columbarium	C	N	N	N	N	N	N	N	N	C	C	N	A	N	N	
Bus Station	N	N	N	N	N	N	N	N	C	A	A	N	N	N	C	
Commercial Greenhouse Operations																
No on-premise sales		C	N	N	N	N	N	N	N	C	A	A	N	N	N	C
On-premise sales permitted	C	N	N	N	N	N	N	N	C	A	A	N	N	N	C	
Medical Related																
Medical or Dental Clinic	N	N	N	N	N	N	N	A	A	A	N	N	A	C	C	
Pharmacies	N	N	N	N	N	N	N	A	A	A	N	N	A	C	C	
Medical Research Laboratories		N	N	N	N	N	N	N	A	A	A	A	A	C	C	
Retail Medical Supply (includes leasing)	N	N	N	N	N	N	N	A	A	A	A	N	A	C	C	

Notes: 1 - 4 Residential Densities are as allowed for an R-5 Zoning Classification and all R-5 Area Standards apply.

Opp

§ 13-51

OPP CODE

ARTICLE II. TREE REGULATIONS*

DIVISION 1. GENERALLY

Sec. 13-51. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

Park trees are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees are defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways, within the city. (Ord. No. 1990-3, § 1, 9-4-90)

Sec. 13-52. Street tree species to be planted.

The following list constitutes the official Street Tree Species for Opp, Alabama. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

[Small Trees]

Flowering Dogwood
Japanese Red Maple
Laurel Cherry
Crapemyrtle
Bradford Pear
(Ord. No. 1990-3, § 7, 9-4-90)

[Medium Trees]

Sweet Gum
Ginkgo
Bald Cypress
Red Maple
Red Oak

[Large Trees]

Hickory
Green Ash
Pine
Green Elm
Pin Oak

Sec. 13-53. Spacing.

The spacing of street trees will be in accordance with the three (3) species size classes listed in section 13-52, and no trees may be planted closer together than the following: Small trees, thirty (30) feet; Medium trees, forty (40) feet; and Larger trees, fifty (50) feet; except in special plantings designed or approved by a landscape architect. (Ord. No. 1990-3, § 8, 9-4-90)

Sec. 13-54. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in section 13-52, and no trees may be planted

*Editor's note—At the discretion of the editor, the provisions of Ord. No. 1990-3, adopted Sept. 4, 1990, have been included within the substantive sections of Art. II, Divs. 1 and 2.

Cross references—Fastening animals to shade trees, § 3-13; posting notices on trees, etc., § 8-40; solid waste disposal regulations for limbs, leaves, etc., § 9-79.

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

§ 13-58

closer to any curb or sidewalk than the following: Small trees, two (2) feet; Medium trees, three (3) feet; and Large trees, four (4) feet.

(Ord. No. 1990-3, § 9, 9-4-90)

Sec. 13-55. Distance from street corners and fireplugs.

No street tree shall be planted within thirty-five (35) feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted within ten (10) feet of any fireplug.

(Ord. No. 1990-3, § 10, 9-4-90)

Sec. 13-56. Distance from utilities.

No street tree other than those species listed as small trees in section 13-52 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 1990-3, § 11, 9-4-90)

Sec. 13-57. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board should be consulted in cases where doubt exists as to public safety or effect on beauty.

(b) The city may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners.

(Ord. No. 1990-3, § 12, 9-4-90)

Sec. 13-58. Pruning.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

(Ord. No. 1990-3, § 13, 9-4-90)

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Sec. 13-59. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. No. 1990-3, § 14, 9-4-90)

Sec. 13-60. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 1990-3, § 15, 9-4-90)

Sec. 13-61. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees and park trees, as authorized in this article.

(Ord. No. 1990-3, § 16, 9-4-90)

Sec. 13-62. Review of city tree board actions by city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision.

(Ord. No. 1990-3, § 17, 9-4-90)

Sec. 13-63. Penalty.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100.00).

(Ord. No. 1990-3, § 18, 9-4-90)

Secs. 13-64—13-80. Reserved.

DIVISION 2. CITY TREE BOARD

Sec. 13-81. Creation and establishment.

There is hereby created and established a city tree board for the City of Opp, Alabama, which shall consist of five (5) members, citizens and residents of the city, who shall be appointed by the mayor with the approval of the council.

(Ord. No. 1990-3, § 2, 9-4-90)

Opp

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

§ 13-85

Sec. 13-82. Term of office.

The term of the five (5) persons to be appointed by the mayor shall be three (3) years except that the term of two (2) of the members appointed to the first board shall be for only one (1) year and the terms of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(Ord. No. 1990-3, § 3, 9-4-90)

Sec. 13-83. Compensation.

Members of the board shall serve without compensation.

(Ord. No. 1990-3, § 4, 9-4-90)

Sec. 13-84. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Opp, Alabama. The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. No. 1990-3, § 5, 9-4-90)

Sec. 13-85. Operation of board.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. No. 1990-3, § 6, 9-4-90)

Orange Beach

ORDINANCE NO. 2006-953

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 172, CITY OF ORANGE BEACH ZONING ORDINANCE ARTICLE 7 – PLANNED UNIT DEVELOPMENTS AND/OR MARINA DEVELOPMENTS, ARTICLE 10 – ARCHITECTURAL STANDARDS AND RESTRICTIONS, ARTICLE 16 – TREE PROTECTION AND LANDSCAPING (#1208-ZT-05)

WHEREAS, the following proposed amendment to the City of Orange Beach Zoning Ordinance has been heard and considered by the Orange Beach Planning Commission in Public Session after the required public advertisement period; and,

WHEREAS, the City Council of the City of Orange has held the required Public Hearing after the required public advertisement period concerning the proposed amendment.

BE IT ORDAINED by the City Council of the City of Orange Beach, Alabama, as follows:

SECTION 1:

That the Zoning Ordinance of the City of Orange Beach as previously amended is hereby further amended hereinafter described:

ARTICLE 7 – PLANNED UNIT DEVELOPMENTS AND/OR MARINA DEVELOPMENTS

Amend Section 7.03B. to read as follows:

- B. Preliminary Planned Unit Development Zoning and Master Plan Approval: The owner/developer shall submit to the Planning Division 20 copies of the application for Planned Unit Development zoning classification, applicable fees, with the following attachments all at the same time:
1. A statement of objectives describing:
 - a. The general purpose of the proposed development.
 - b. The general character of the proposed development.
 2. A vicinity map showing the location of the proposed elements of the Planned Unit Development in relation to:
 - a. Surrounding streets and thoroughfares.
 - b. Existing zoning on the site and surrounding areas.
 - c. Existing land use on the site and surrounding areas.

The vicinity map should be drawn at a scale suitable to show an area of no less than 1,000 feet on all sides of the property. A greater area may be required if the Planning Department determines that information on a larger vicinity is needed.

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3. A signed and sealed boundary survey and legal description of the property prepared by an engineer or surveyor registered in the State of Alabama. The survey shall indicate the total gross square footage of the site expressed in acres.
4. *A signed and sealed topographic and tree survey of the property prepared by an engineer or land surveyor registered in the State of Alabama. The topographic survey shall clearly show existing contours and elevations. The tree survey shall provide the location, species and size of all trees located on the project site and off site trees within 25' of proposed construction.*
5. A site analysis map, at the same scale as the Master Plan described below, shall be submitted indicating flood prone areas, steep slope area (over 5%), areas of soils which are marginally suited for development purposes, and tree cover.
6. A master plan, drawn at a minimum scale of 1"=30'-0" suitable for presentation, showing and/or describing the following:
 - a. Proposed land uses.
 - b. Lot sizes: The lot sizes should be indicated either by lot lines drawn in their proposed location or a statement noted on the face of the Master Plan concerning lot sizes, including minimum lot sizes proposed for each area where lots will be developed.
 - c. Building setbacks: Building setbacks should be noted and shall define the distance buildings will be set back from:
 1. Surrounding property lines, adjacent buildings, structures and uses.
 2. Proposed and existing streets.
 3. Other proposed buildings.
 4. The centerline of rivers, streams and canals.
 5. The high water line of lakes.
 6. Other man-made or natural features which would be affected by building encroachment.
 - d. Maximum height of buildings.
 - e. Open spaces: A Planned Unit Development shall provide one or more of the following:
 1. Developed recreation,
 2. Common open space.
 3. Natural areas.
 - f. Arterial and collector streets and thoroughfares: Local access streets and interior circulation shall be shown on Planned Unit Developments which have no planned arterial or collector streets wit projects.
 - g. Common outside storage areas.
 - h. Screening, buffering and landscaped areas.
7. A proposed list of Development Commitments not otherwise covered which are important to the success of the project.

Orange Beach

8. A table showing acreage for each category of land use.
9. A table of proposed maximum and average densities for residential land uses.
10. A statement concerning proposed floor area ratios (% of lot in relation to building floor area), and the maximum building and ground coverage for non-residential uses.
11. A preliminary utility service plan including sanitary sewers, storm drainage, and potable water supply, showing general location of major water and sewer lines, plant location, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations and detailed calculations are not required at this stage.
12. Letter of utility availability from all service providers;
13. A statement indicating the type of legal instruments that will be created to provide for the management of common areas.
14. A list certified by the County Revenue Commissioner's office of the names and addresses of property owners within 500' of the proposed Planned Unit Development.
15. A concept drainage plan consistent with Ordinance #2001-620 Storm Water Management Regulations indicating proposed disposition of storm water runoff generated by the proposed development. (rev. 02/19/2002)

Amend Section 7.03D to read as follows:

- D. Final Development Plan: If rezoning approval for the Planned Unit Development is granted, the owner/developer shall submit a Final Planned Unit Development Plan covering all or part of the approved Master Plan within 6 months, to the Planning Department. The Final Development Plan shall include the following attachments: (rev. 06/19/2001)
1. A statement of objectives:
 - a. The general purpose of the proposed development;
 - b. The general character of the proposed development and the manner in which it has been designed to utilize the Planned Unit Development concept.
 2. A signed and sealed topographic *and tree survey map* drawn to scale of 30'-0" = 1" by a surveyor and/or engineer registered in the State of Alabama showing:
 - a. The location of existing property or right-of-way lines both for private property and public property, streets, buildings, water courses, transmission sewers, bridges, culverts and drain pipes, water mains and any public easements.
 - b. Wooded areas, streams, lakes, marshes and any other physical condition affecting the site.
 - c. Existing contours shown at a contour interval of one (1) foot.
 - d. *The location, species and size of all trees located on the project site and off*

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site trees within 25' of proposed construction.

3. A signed and sealed Development Plan drawn at a minimum scale of 30'-0" = 1" by a surveyor, engineer or architect or landscape architect as applicable registered in the State of Alabama showing:
 - a. The boundaries of the site, topography and proposed grading plan.
 - b. Width, location and names of surrounding streets.
 - c. Surrounding land uses within 750' of the site.
 - d. Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking and indicating number of spaces, walkways and trails.
 - e. The use, size and location of all proposed building sites and lots.
 - f. Location and size of common open spaces and public or semi-public areas such as schools, parks, playgrounds and other open spaces.
 - g. All easements for utilities or other uses, indicating width.
 - h. A vicinity map.
4. A signed and sealed utility service plan prepared by an engineer, architect or landscape architect as applicable, registered in the State of Alabama showing:
 - a. Any and all existing drainage, water, sewer or electrical lines.
 - b. Proposed water, sewer, electrical, telephone and cable lines, indicating size or capacity.
 - c. A site lighting plan conforming to all city requirements.
 - d. Location and width of all utility easements and/or rights-of-way.
5. A landscape plan prepared by a landscape architect registered in the State of Alabama meeting all city requirements showing:
 - a. Landscaped areas.
 - b. Location, height and material for walks, fences, walkways, and other man-made landscape features.
 - c. Any special landscape features such as, but not limited to, man-made lakes, land sculpture and waterfalls.
 - d. *Designation of all protected trees to be removed and retained on site.*
6. Statistical information in tabular format:
 - a. Total acreage of the site.
 - b. Maximum building coverage expressed as a percent of the area.
 - c. Total area covered by impervious surfaces with separate totals for buildings and vehicular use areas.
 - d. Area of land devoted to landscaping and/or open space useable for recreation purposes expressed as a percent of the total site area.

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- e. Character and density for residential areas.
 - f. Floor area ratio.
 - g. Character and elevations for commercial and industrial buildings calling out colors and materials.
 - h. Schedule of development staging, if any.
 - i. A Final Boundary Survey, prepared by a surveyor registered in the State of Alabama indicating the total site area (expressed in acres) and the area (expressed in acres) for each development stage (if any).
7. The substance of covenants, grants, easements or other restrictions to be imposed on the use of the land, buildings and structures, including proposed easements for public and private utilities. All such legal documents, including homeowner's associations and deed restrictions, must be approved by the City Attorney before final approval of the plan.
8. Indication that the land is in full single interest ownership. This may be in the form of a title or submission of a copy of a binding sales agreement.
9. Master Storm Water Management Plans prepared by an engineer registered in the State of Alabama, including information relative to proposed contours, elevations, erosion and sedimentation control and maintenance during and after construction. The master storm water management plan must conform in all respects to all other city ordinances pertaining to storm water management.

ARTICLE 10 – PLANNED UNIT DEVELOPMENTS AND/OR MARINA DEVELOPMENTS

Amend Section 10.0309 to read as follows:

10.0309 Information Included in Site Plan

A site plan, for the purposes of this Section, shall include, but may not necessarily be limited to, the following requirements:

- A. Site plan with grades, finished ground floor elevations, contours and designating the number of dwelling units, square footage of site, building coverage, square footage of paved areas, and open area.
- B. A scaled drawing of the sides, front, and rear of the building or structure, generalized floor plan indicating uses and square footage of each proposed use of all buildings or structures, and building exterior construction material and color.
- C. Location and character of all outside facilities for waste disposal, storage areas or display.
- D. All curb cuts, driveways, parking areas, loading areas, surface materials, number of employees and number and type of vehicles owned or used by the establishment.

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- E. All pedestrian walks, malls, yards and open spaces.
- F. Location, size, character, height or orientation of all signs as required in Article 15 of the Zoning Ordinance.
- G. Location and general character of landscaped areas based on criteria in this Article.
- H. Location and general character of all existing curb cuts, driveways, parking areas, and loading areas within 100' of any proposed curb cuts, driveways, parking areas or loading areas.
- I. *A landscape plan prepared by a landscape architect registered in the State of Alabama meeting all city requirements showing:*
 - 1. *Landscaped areas.*
 - 2. *Location, height and material for walks, fences, walkways, and other man-made landscape features.*
 - 3. *Any special landscape features such as, but not limited to, man-made lakes, land sculpture and waterfalls.*
 - 4. *Designation of all protected trees to be removed and retained on site.*~~Location, height and general character of perimeter or ornamental walls, fences or other screening devices.~~
- J. Location of existing easements and rights-of-way.
- K. Boundary survey with complete legal description prepared and certified by a surveyor registered in the State of Alabama. All architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the State of Alabama pursuant to Alabama Statutes as exists or hereafter amended.
- L. *A signed and sealed tree survey of the project site prepared by an engineer or land surveyor registered in the State of Alabama showing the location, species and size of all on site trees and off site trees within 25' of proposed construction and earthwork.*
- M. Verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property except publicly held corporations whether or not the stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

ARTICLE 16 – TREE PROTECTION AND LANDSCAPING

Amend Article 16 to read as follows:

16.01 PURPOSE

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The purpose of this Article is to establish protective regulations for *heritage and protected trees and landscaped areas* provide the requirements for the planting of landscaped areas within the City. *These regulations have also been adopted to allow for the removal of heritage and protected trees if they are hazardous, causing structural damage to the foundation, structural walls or roof of an existing building or when necessary to allow for reasonable use of a parcel or property. If heritage or protected trees are removed, it is also the intent of these regulations to require that the trees be replaced in order to preserve the tree canopy in the City of Orange Beach thereby protecting the environment and enhancing the natural beauty of the City. However, it is not the intent of this Article to preclude reasonable use of a parcel when the terms of these regulations are inconsistent with the City's zoning requirements or to inordinately burden the reasonable use of a property. Such Green areas create and preserve an ecological balance, control erosion, sedimentation and storm water runoff, provide shade and reduce heat and glare, abate noise pollution, and buffer incompatible land uses. The intent of this chapter is to create and encourage the preservation of green areas.* It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The *overall* intent is ~~also~~ to provide for the health and safety of our citizens and visitors through maintaining vital vegetative species that will reproduce for future generations.

16.02 APPLICABILITY

- A. *The provisions of this article shall apply to all new construction, expansion, development, redevelopment, clearing and grubbing, and maintenance of all property within the City of Orange Beach jurisdictional limits, unless expressly exempted by law.*

~~Zoning Districts:~~

~~The provisions of this Article shall be applicable within the following zoning districts:~~

~~1. Residential Districts~~

- ~~a. RM 1 Multi family Residential/Low Density~~
- ~~b. RM 2 Multi family Residential/High Density~~

~~2. Mixed Use and Commercial Districts~~

- ~~a. BR 1 Beach Resort/Low Density~~
- ~~b. BR 2 Beach Resort/High Density~~
- ~~e. NB Neighborhood Business~~
- ~~d. MR Marine Resort~~
- ~~e. GB General Business~~
- ~~f. MHP Mobile Home park~~
- ~~g. RVP Recreational Vehicle Park~~

~~3. Industrial Districts~~

- ~~a. I 1 Industrial~~

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~~4. Other Districts~~

~~The provisions of this chapter shall also be required for Planned Unit Developments and amendment applications for Planned Unit Developments.~~

~~B. Public Institutional Uses~~

~~The provisions of this chapter shall be applicable to public institutional uses. Public institutional uses located in any zone shall not be exempt from the provisions of this ordinance. These uses shall conform with the requirements of this Article.~~

~~C.B. Exemptions~~

The following are exempt from the landscaping and tree removal, replacement and permitting requirements of this Article:

- 1. Public Works and Recreation Department construction activities.*
- 2. Public utility construction activities within the public rights-of-way.*
- 3. Commercial tree operation. Trees grown specifically for sale by commercial nurseries or the production of lumber and its byproducts. Buildings and associated parking facilities for these types of operations are not exempt from the requirements of this article.*
- 4. Protected trees that are diseased or irreversibly damaged or destroyed by natural disaster are exempt from the tree protection requirements of this Article.*

16.03 DEFINITIONS

For the purposes of this Article, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Circumference

The distance around the periphery of a tree at 4 ½' above existing grade.

Diameter Breast Height

The diameter, in inches, of a tree trunk measured at 4 ½' above existing grade. DBH is also referred as the diameter of a tree.

Heritage Tree

A healthy, protected tree and its root system with a diameter at breast height equal to or greater than 30" or 7'-10" circumference, whichever dimension is less,

Irrigation

A permanent underground watering system equipped with surface, subsurface or overhead emitters and which provides 100 percent water coverage.

Protected Tree

A tree and its root system as defined in Section 16.07(A).

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Protective Barricade

A physical structure not less than 3' in height; limiting access to protected trees and heritage trees. A suitable protective barricade may be composed of wood or other material which ensures protection of the protected trees and heritage trees during construction.

Protective Dry Well and Drainage/Aeration System

A tree protection technique used to stabilize soil and provide air and water to root systems when the grade is raised.

Protective Retaining Wall

A tree protection technique used to stabilize soil around root systems when the grade is lowered.

Removed Tree

A protected tree or heritage tree that has been irreversibly damaged or destroyed.

Shade Tree

A hardwood tree that reaches a minimum height of 25' at maturity, provides relief from direct sunlight for at least 6 months each year and is included in the tree replant list, Appendix A.

Site Clearing

Any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.

16.04 LANDSCAPING REQUIREMENTS

With the exception of single family and duplex uses, the following landscaping requirements apply to all types of land uses. ~~The following landscaping requirements apply to all types of land uses and zoning districts listed in Section 16.02 of this Article.~~

A. Landscape Area Requirements

The minimum percentage of the total developable site which shall be devoted to landscaping, unless otherwise specified in this Article, shall be 20%. ~~for all zoning districts specified in Section 16.02(A) of this Article.~~ Effort shall be made to maximize habitat preservation and incorporate existing natural vegetation within the upland landscape areas.

B. Off-street Parking and Vehicle Use Areas

Off-street parking facilities and other vehicular use areas shall meet the following requirements:

1. Perimeter Requirements: A 10' wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than 10' wide. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in Section 16.034(A) above. Material requirements in perimeter area are as follows:

a. One tree for each 35' feet of linear foot frontage along the right-of-way shall be

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preserved or planted. Trees planted to meet this requirement shall measure a minimum of 3" in diameter at 4' above grade. The minimum height shall not be less than 8' of clear trunk. The remaining area within the perimeter strip shall be landscaped with landscape materials as follows:

(1) Hedge material at least 3' in height *and planted a minimum of 3' on center*. The hedge material shall form a continuous, opaque vegetative screen within one year of planting. Other, non-vegetative screening may be used in conjunction with the hedge material but in no instance shall vegetation be minimized.

(2) Ground cover material which may include grass, pine straw or other organic material. No artificial turf or non-organic substances shall be used to satisfy this requirement.

b. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between 3' and 9' above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

2. Interior Planting Areas: Interior planting areas within parking lots shall be determined by subtracting the area set aside in the 10' perimeter strip from the total minimum area required to be landscaped in Section 16.034(A) above. This remaining percentage shall be allocated throughout the parking lot in planting areas located no greater than 10 parking spaces apart and in areas which are within 10' of the parking lot (other than in the perimeter strip required in B.1. above). Interior planting areas shall be located to most effectively accommodate storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. ~~The minimum size of an interior planting areas shall be 150 square feet and a minimum width equal to 8'. are as follows:~~ Interior planting areas shall be located on the site to incorporate the preservation of on site protected trees, where possible.

~~a. A minimum of 50' square feet of planting area shall be required for each new species type A tree identified in Appendices A and B.~~

~~b. A minimum of 171' square feet of planting area shall be required for each new species type B and type C tree identified in Appendices A and B.~~

~~e. A minimum planting area of 50% of the drip line area of the tree shall be required for all existing trees. If conditions warrant that an area greater than 50% is needed to preserve the tree, additional areas may be negotiated between the applicant and the Planning Commission.~~

3. Vehicle Overhang: Vehicles shall not overhang more than 2' into any interior planting area of perimeter strip.

~~4. Curbs; Protection of Vegetation: Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be~~

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~~designed to allow parking lot runoff to percolate to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the drip line of the tree(s).~~

~~4.5.~~ The minimum number of trees shall be one hardwood (shade) tree from Appendix A, Types B & C, ~~Appendix B~~ for every 1,300 square feet of paved area. (rev. 02/15/00)

C. Buffer Areas Between Incompatible Zoning Districts and Uses

Regulations applicable to buffer yards are specified in Table 4.05 of this ordinance.

D. Irrigation

A fully automatic, permanent irrigation system shall be installed, providing 100% coverage of all required landscape areas.

16.05 LANDSCAPE PLAN

Before commencing any clearing or construction and simultaneously with a site plan review application, the applicant shall submit a landscape plan pursuant to this Article.

The landscape plan shall be required as a condition of obtaining any building permit ~~for multi-family residential, commercial and industrial developments~~ as specified in Section 16.034. The plan shall be submitted with the application for site plan review. No permit shall be issued by the Building Division unless the landscape plan has been approved by the Planning Department. No Certificate of Occupancy shall be issued unless all requirements of the Planning Commission and site plan approval have been met.

A. Contents of Landscape Plan

The landscape plan shall include the following information:

1. ~~A tree survey showing the location, species and size of all on site protected trees and off site protected trees within 25' of proposed construction and earthwork. The location by species and size of all trees, shrubs, and landscape material to be retained or placed on the site.~~
2. *The location by species and size of all trees, shrubs and other landscape material to be placed on the site. The existing trees to be removed and retained must be indicated on the landscape plan.*
23. Location of proposed structures, driveways, parking areas, utilities and other improvements to be constructed or installed.
34. Location of irrigation system to be provided.
45. *Tree barricade and root pruning plan, containing a tree barricade detail, Landscape*

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other ~~and tree protection techniques proposed to prevent damage to existing trees and vegetation during construction. and after construction has been completed.~~

56. Information, written and graphic, submitted to the Planning Commission as required in Section 16.087 of this Article. ~~And any tree removal permit, if previously issued.~~

B. Installation Period

All landscape materials and trees depicted on the approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy. ~~unless other arrangements pursuant to Section 16.04 above, but not more than six months from issuance of the Certificate of Occupancy in any case.~~ The Planning Commission may extend this period in the event of a storm or other act of God intervening.

16.06 MAINTENANCE

The legal owner of record as it appears on the current tax assessment roll shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant material. Dead plant material shall be replaced within a time appropriate to the growing season of the species in question, not to exceed six months.

16.07 PROTECTED TREES AND TREES TO BE PRESERVED

Where a proposed site plan cannot be designed to accommodate existing protected trees on the site, a tree removal or site clearing permit shall be obtained from the Community Development Department as specified in Section 16.08. Every reasonable effort shall be made to retain existing protected trees on a project site. A tree survey shall be submitted as part of the permit application showing the location, species and size of all on site protected trees and off site protected trees within 25' of proposed construction and earthwork. The tree removal or site clearing permit shall be issued in conjunction with the approval of a site development plan. ~~Where protected trees or other trees to be preserved are identified on a site proposed for lot clearing within the applicable zoning districts identified in Section 16.02, the number of said trees which shall be required to be preserved shall be based on a ratio of one tree for each 3,600 square feet of ground parking area or fraction thereof. The perimeter and interior landscaped areas required in Section 16.03 shall be located on the site to incorporate the preservation of said trees, where possible.~~

A. Protected Trees

Redbuds and dogwoods with a diameter at breast height (DBH) equal to or greater than 4", long leaf pine trees equal to or greater than 18" DBH and all other trees with a DBH equal to or greater than 6" are protected trees with the exception of the following:

<i>Chinese Tallow (Popcorn Tree)</i>	<i>Sapium Sebiferum</i>
<i>Chinaberry</i>	<i>Melia Azedarach</i>
<i>Tree of Heaven (Chinese Sumac)</i>	<i>Ailanthus Altissima</i>
<i>Silk Tree (Mimosa)</i>	<i>Albizia Julibrissin</i>
<i>Paper Mulberry</i>	<i>Broussonetia Papyrifera</i>
<i>All pine trees other than the Long Leaf Pine</i>	
<i>Other recognized nuisance and/or invasive species</i>	

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B. Heritage Trees

A healthy, protected tree with a diameter at breast height equal to or greater than 30" or 7'- 10" circumference, whichever dimension is less, shall be classified as a heritage tree. A heritage tree may be removed only if it is within the footprint of a proposed building structure and the developer has demonstrated that all reasonable efforts have been made to attempt to retain the tree on the site.

C. Single Family and Duplex Development, Redevelopment and Expansion

Single family and duplex lots, excluding subdivisions with associated capital improvements and planned unit developments, shall be exempt from the tree protection regulations within the footprint of the residential structures, including garage, carport, driveway and swimming pool. When a heritage tree is present on the lot, this exemption is limited to the footprint of the principal building, not accessory structures, unless protection of the heritage tree denies or precludes reasonable use of the property. The Community Development Department may administratively authorize a waiver or reduction of the front, rear or side yard setback, up to but not exceeding five-feet, in cases where the reduction of the setback is necessary in order to preserve a heritage tree. Tree replacement must be provided for all protected trees removed from the lot as required in Section 16.07(D) of this Article.

AD. Tree Credits and Debits

*Tree credit. Any preserved, ~~existing~~ protected or heritage ~~other preserved~~ tree located on the subject private property ~~with crown extending over the planned paved parking area, within the required perimeter or interior landscaped areas,~~ shall be eligible for credit against the number of trees required to be planted on the site. *The number of tree credits is equal to the number of diameter inches (DBH) of protected and heritage trees to be retained divided by 6.**

Tree debit. Any protected or heritage tree that is permitted for removal is classified as a tree debit in the calculation of the number of required replacement trees. The number of tree debits is equal to the number of diameter inches (DBH) of protected and heritage trees to be removed divided by 6.

Tree replacement. The required number of inches of replacement trees to be planted on a site is equal to the subtraction of the number of tree credits from the number of tree debits. If the value of the tree credit exceeds the tree debit value, the credit inches of retained trees within 10' of the vehicular use area may be applied to the vehicular use landscape tree planting requirement.

Replacement trees are required in addition to the landscape trees required in Article 4 and Section 16.04 of this Article unless tree credits are available due to on site tree preservation.

~~The following credit schedule may be applied for preserving existing trees on site:~~

CREDIT SCHEDULE

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Diameter of Existing Crown Spread of Preserved Tree	Diameter of Tree Trunk of Preserved Tree	Number of Trees Credited
90" or greater	36" or greater	7
60-89'	30-35"	6
50-59'	26-29"	5
40-49'	20-25"	4
30-39'	13-19"	3
20-29'	8-12"	2
16-19'	3-7"	1

~~Such credits shall be certified to the Planning Commission by the Director of Community Development or his designee. Crown spread measurements shall be rounded off to the nearest whole foot, and the tree trunk diameter measurement shall be rounded off to the nearest whole inch. Diameter of a tree shall be measured at a height of 4' above the natural grade.~~

E. Tree Protective Radius and Barricades

Development on parcels shall comply with the following tree protection requirements:

1. *Protective barricades shall be placed around all protected trees and heritage trees during site clearing to create a protective radius and shall remain in place until land alteration, site clearing and construction activities are complete. Barricades for the trunk protective radius shall be erected a minimum distance of 10' from the edge of of protected trees and 20' from the edge of trunk of heritage trees.*
2. *A minimum distance of 10' from all protected trees and 20' from all heritage trees shall be maintained when installing underground utilities. If this results in unreasonable hardship, a soil auger shall be used to tunnel under the root systems.*
3. *Installation of artificial barriers such as protective barricades, fences, posts or walls shall not destroy or irreversibly harm the root system of protected trees and heritage trees. Footers for walls shall end at the point where larger roots are encountered, and the roots shall be bridged. Post holes and trenches located close to protected trees or heritage trees shall be adjusted to avoid damage to major roots.*
4. *All roots to be removed during site clearing and/or construction shall be severed clean at the perimeter of the designated protective radius.*
5. *A protective dry well and drainage/aeration system shall be provided where protected tree or heritage trees will be adversely affected by raising the grade.*
6. *A protective retaining wall shall be constructed at or beyond the perimeter of the protective radius around a protected tree or heritage tree where the protected tree or heritage tree will be adversely affected by lowering the grade.*
7. *Paving base placement within the outside 5' of the required protective radius may be approved by the Planning Commission, provided an effective pervious radius of 10' for protected trees and 20' for heritage trees is created through the use of grass*

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pavers, pavement aeration devices or similar products. These pervious material products must be placed on grade to minimize the negative impact of fill on the root system.

8. *Structural foundations may be located at a radius of 5' from the trunk of a protected tree, provided an effective pervious area radius is extended proportionally in three other directions to allow a minimum of 400 square feet of pervious area.*

F. Parking Reduction

A reduction of required parking spaces ~~may shall~~ be allowed by the Planning Commission when ~~the a~~ 12" protected tree (DBH) or greater is in conflict with a required parking space and a reduction in required parking would result in the preservation of the a protected tree. The following reduction schedule shall apply:

REDUCTION SCHEDULE

<u>Number of Required Parking Spaces</u>	<u>Reduction of Required Parking Spaces Allowable</u>
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

~~GB.~~ Relocation, Removal, and Replacement of Protected and Heritage Trees

~~Where a proposed site plan cannot be designed to accommodate existing protected trees on the site, a permit shall be obtained from the Zoning Official or his designee to remove any such protected tree as specified in Section 16.07.~~

~~Where practical, w~~When proposed improvements necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. If the relocation of said trees is impractical, the owner or his agent shall replace the removed protected tree with a protected tree species or a species identified on the "Tree Replant List" in Appendix ~~AB~~. The replacement tree shall measure a minimum of 3" in diameter, 4' above grade and shall measure a minimum of 8' of clear trunk in order to comply with Section 16.07~~6~~(~~DA~~) above. ~~A replacement ratio of 1:1 shall be applied.~~ Trees identified as ~~diseased or dead~~ shall not be required to be replaced.

~~HC.~~ New Planting of Protected Trees

On sites proposed for development where no existing protected trees are identified, the owner or his agent shall be required to plant one new tree species identified in ~~the protected tree list (Appendix A) or the tree replant list (Appendix AB)~~, a minimum of 3" in diameter measured 4' above grade and shall measure a minimum of 8' of clear trunk for each 3,600 square feet of impervious surface area. ~~New trees or replacement trees shall be planted within a time appropriate to the growing season of the species in~~

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~~question, not to exceed one year.~~

~~D. Road Right-of-Way Tree Protection Zone~~

~~No person or agency shall cut, remove, trim, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~Zoning Official~~ *Community Development Department*.~~

- ~~1. The Zoning Official may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this Article, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.~~
- ~~2. In no case shall the utility company be permitted to prune more than thirty percent of the existing tree canopy.~~

~~E. Canopy Road Tree Protection Zone~~

~~All lands within 10' of the outer boundary of the right of way of the below described roads are hereby declared to be canopy tree protection zones: Alabama Highway 180 (Canal Road) east from its intersection with Alabama Highway 161 (Orange Beach Blvd.).~~

~~No person or agency shall cut, remove, trim or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the Zoning Official, except as provided for in Section 16.07(A)(2)(C). The exemption for utility companies noted in subsection (D) above shall also apply to the canopy road tree protection zone.~~

16.08 TREE REMOVAL AND SITE CLEARING PERMIT

Unless exempt from the provisions of this Article, no person shall cut, remove, trim, or in any way damage any protected tree *on private property* ~~within the applicable zoning districts identified in Section 16.02 or the road right-of-way and canopy road tree protection zones identified in Section 16.06(D) and (E)~~ without first obtaining a permit from the *Community Development Department* ~~Zoning Official~~ as provided below. In addition to this graphic information, a written statement shall be included noting the reasons why tree removal is requested. A fee shall be charged for services rendered by Community Development in the required review and on site inspection for tree removal permits that are not in conjunction with Site Plan Review.

A. Permit Application Information

The following information shall be provided to the Zoning Official before a tree removal permit shall be issued:

- ~~1. Developed and undeveloped residential, commercial, and industrial land. Clear cutting and timber harvesting is permissible in all districts subject to the following~~

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site
Section 16.02-
drawing
architect, or
includes the

~~requirements.~~ Prior to commencing any activity whether or not for impending development that will require removal of trees, including removal of vegetation for preparation in any residential, commercial or industrial district ~~identified in~~ ~~herein~~, the owner, developer, or his agent shall submit an accurately scaled prepared by a registered land surveyor or landscape architect or engineer or certified arborist or certified forester *or other qualified person* which includes the following information:

- 1a. Location of all protected trees noting species, size and general condition.
- 2b. Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
- 3e. Identification of trees to be preserved; *and* trees to be removed, including dead trees. ~~and trees to be retained.~~
- 4d. Proposed grade changes and other significant cutting and filling which might adversely affect or endanger trees proposed to be preserved with specifications for maintaining protection.

~~In addition, if the removal of trees is not carried out in conjunction with an issued building permit, an approved site plan or an approved preliminary subdivision plat, then the following additional requirements shall apply:(rev.5/4/99)~~

- a. ~~A bonding insuring the removal of all waste and debris identifying the City as recipient of bond, valid for one (1) year at a rate of Two Thousand Dollars (\$2,000.00) per acre or fraction thereof.(rev.5/4/99)~~
- b. ~~The tree removal operator shall obtain a City business license.(rev.5/4/99)~~
2. ~~Canopy road tree protection zone and road right of way tree protection zone. Prior to cutting, removing, trimming or in any way damaging a protected tree in the canopy road tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing prepared by a registered land surveyor, landscape architect, engineer or architect, including the following information:~~
 - a. ~~Location of the subject protected tree, noting species, size and general condition.~~
 - b. ~~Public utilities are exempted from the requirement as specified in Section 16.06(D)(1)~~
 - c. ~~Private property owners shall be exempt from this provision for normal pruning activities, with the condition that such pruning not remove more than 30% of the existing tree material.~~

B. On-site Inspection

Prior to the issuance of a tree removal permit, the *Community Development Director* ~~Zoning Official~~ or his designee shall conduct an on-site inspection.

C. Conditions of Approval

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The *Community Development Director* ~~Zoning Official~~ or his designee may approve the permit if one or more of the following conditions are present:

1. Safety hazard: Necessity to remove trees which pose a safety hazard to pedestrians or vehicular traffic or threaten to cause disruption of public services; or which pose a safety hazard to persons or buildings;
2. Diseased or weakened trees: Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
3. Good forestry practices: Necessity to observe good forestry practices;
4. Construction of improvements: Necessity to remove trees in order to construct proposed improvements as a result of:
 - ~~a. Need for access immediately around the proposed structure for construction equipment.~~
 - ~~b. Need for access to the building site for construction equipment.~~
 - a. *Need for access to a proposed structure or access to a necessary part of a building site, and a redesign of the development plan is not feasible.*
 - be. Essential grade changes.
 - ~~cd. Stormwater management facility~~ ~~Surface water drainage~~ and utility installations.
 - de. Location of driveways, buildings or other permanent improvements.
5. Compliance with other ordinances or codes: Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.

D. Review

The *Community Development Department* ~~Zoning Official~~ has 15 working days after receipt of a completed application filed pursuant to this Article in which to approve or deny the requested permit. In the event an application is denied, the department shall specify to the applicant in writing the reason for said action. If no final action with respect to a completed application is taken within the required 15 working days, the application shall be deemed to have been approved.

16.09 ENFORCEMENT

A. Stop Work Order

Whenever the *Community Development Department* ~~Zoning Official~~ determines that a violation of this Article has occurred, the following actions shall be initiated:

1. Written notice: Immediately issue written notice by personal delivery or certified mail to the person violating this Article of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten working days after receipt of said notice, or such

Orange Beach

longer time as may be allowed by the *Community Development Department Zoning Official*, to complete the remedial action set forth in said notice.

2. Remedial work and stop work orders: If a subsequent violation occurs during the ten working days referred to in Subsection (A)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the building official shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the building official may issue a stop work order on all or any portion of the entire project.
3. Notice of compliance: Upon completion of remedial steps required by notice the *Community Development Department Zoning Official* shall issue a notice of compliance and cancellation of said notice or stop work order.

B. Penalties

1. *Work started without a permit. Any person who performs tree removal or site clearing without City approval shall be required to pay two times the cost of the permit for the work performed without the permit. In addition, the developer shall be required to plant replacement trees on the site, equal to the number of diameter inches of protected trees removed without a permit, regardless of the number of trees being preserved.*
2. *Criminal penalties. In addition to the penalties cited in Section 16.09(B)(1) of this Article, any person who violates the provisions of this article upon conviction may be deemed guilty of a misdemeanor and shall forfeit and pay such penalties as the court may decide not to exceed \$500 or 30 days imprisonment, or both, at the discretion of the court for each violation.*

APPENDIX A

Protected Tree List

~~Species Type A (Small, 4" + diameter trunk)~~

~~Dogwood (Cornus Florida)~~

~~Redbud (Cereis Canadensis)~~

Orange Beach

Crape Myrtle (*Lagerstroemia Indica*)

~~Species Type B (Medium, 6" + diameter trunk)~~

~~American Holly (*Ilex Opaca*)
Southern Magnolia (*Magnolia Grandiflora*)*
Eastern Red Cedar (*Juniperus Virginiana*)*
Southern Red Cedar (*Juniperus Silicicola*)*
Sand Live Oak (*Quercus Virginia Geminata*)*~~

~~Species Type C (Large, 12" + diameter trunk)~~

~~Live Oak (*Quercus Virginiana*)*
Laurel Oak (*Quercus Laurifolia*)*
Sweet Gum (*Liquidambar Sytraciflua*)*
Pecan (*Carya Illinoensis*)*
Water Oak (*Quercus Nigra*)*
Red Maple (*Acer Rubrum*)*~~

~~*Shade Trees~~

APPENDIX AB

Tree Replant List

~~Species Type A (Small, 4" + diameter trunk)~~

~~Dogwood (*Cornus Florida*)
Redbud (*Cercis Canadensis*)
Dahoon Holly (*Ilex Cassine*)*
Fringe Tree (*Chionanthus Virginicus*)
Ashe's Magnolia (*Magnolia Ashei*)*
Red Bay (*Persea Palustris*)*
Smooth Red Bay (*Persea Borbonia*)*
Sassafras (*Sassafras Variifolium*)
Yaupon (*Ilex Vomitoria*)
Wild Olive (*Osmanthus Americana*)
Scrubby Post Oak (*Quercus Margaretta*)
Wild Crabapple (*Malus Angustifolia*)
Hop Hornbeam (*Ostrya Virginiana*)
Wax Myrtle (*Myrica Cerifera*)
Crape Myrtle (*Lagerstroemia Indica*)~~

Orange Beach

Species Type B (Medium and Large, ~~6"~~ + diameter trunk)

American Holly (Ilex Opaca)
*Southern Magnolia (Magnolia Grandiflora)**
*Eastern Red Cedar (Juniperus Virginiana)**
*Southern Red Cedar (Juniperus Silicicola)**
Cherry Laurel (Prunus Caroliniana)*
Large-leafed Magnolia (Magnolia Macrophylla)*
Hombeam (Carpinus Caroliniana)*
River Birch (Betula Nigra)*
Florida Maple (Acer Banbatum Floridanum)*
Sweetbay (Magnolia Virginiana)*
Sand Live Oak (Quercus Virginiana Geminata)*

Species Type C (Large, 12" + diameter trunk)

*Live Oak (Quercus Virginiana)**
*Laurel Oak (Quercus Laurifolia)**
*Sweet Gum (Liquidambar Sytraciflua)**
*Pecan (Carga Illinoensis)**
*Water Oak (Quercus Nigra)**
*Red Maple (Acer Rubrum)**
Tulip Tree (Lirodendron Tulipifera)
Willow Oak (Quercus Phellos)
Sour Gum (Nyssa Sylvatica)
Southern Red Oak (Quercus Falcata)*
Shumard's Red Oak (Quercus Shumardii)*
Hackberry (Celtis Laevigata)
White Oak (Quercus Alba)*
Bald Cypress (Taxodium Distichum)*
Cabbage Palm (Sabal Palmetto) or other climatized palm**

* Shade Trees

** Must be a minimum of 12' clear trunk, and a minimum of 3 must be clustered, (spaced no greater than 10' from each other) to count as 1 tree.

SECTION 2:

All ordinances or parts of ordinances in conflict are to the extent of such conflict repealed. This Ordinance shall become effective immediately upon its adoption and publication as required by law.

SECTION 3:

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED this 21st day of February, 2006.

Orange Beach

Pete Blalock, Mayor

ATTEST:

Cathy Constantino, City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2006-953 was posted on _____ in the following three

(3) public places:

Orange Beach City Hall _____

Orange Beach Post Office _____

Orange Beach Public Library _____

Cathy Constantino, City Clerk

ORDINANCE 90-1



AN ORDINANCE REGULATING THE PLANTING AND MAINTENANCE OF TREES ON PUBLIC PROPERTY WITHIN THE CITY OF OZARK.

BE IT ORDAINED by the City Council of the City of Ozark, Alabama, as follows:

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City. Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Ozark, Alabama, which shall consist of five members, citizens and residents of this city, who shall be appointed by the City Council of the City of Ozark.

Section 3. Term of office.

The term of the five persons to be appointed by the City Council shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 5. Duties and responsibilities.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal of disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Ozark, Alabama. The Board, when requested by the City Council, shall consider, investigate make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for the City of Ozark. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Small trees: Apricot, Crabapple (Flowering), Crepe Myrtle, Golden Rain Tree, Pear (Bradford), Redbud, Peach (Flowering), Plum (Purple leaf), Serviceberry.

Medium trees: Ash (Green), Hackberry, Honeylocust (thornless), Basswood Mulberry, Red (fruitless male), Oak-(English, Red), Pagodatree, Pecan, Birch (River), Poplar (yellow), Sassafras.

City of Ozark

P. O. Box 1987

Ozark, Alabama 36361



Large trees: Maple-(Red, Silver), Oak-(Pin, Willow, Laurel, Live), Sycamore, Magnolia.

Section 8. Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet, except in special cases approved by the City Tree Board.

Section 10. Distance from Street Corners and Fireplugs.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug, except in special cases approved by the City Tree Board.

Section 11. Utilities.

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 through 11 of this ordinance.

Section 13. Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the

proper spread of light along the street from a stree light or inter-feres with visibility of any traffic control device or sign.

Section 15. Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. Arborists License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$50.00 annually in advance; provided, however, that no license shall be required of any public service company of City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be guilty or a misdemeanor against the City of Ozark.

Council President

Mayor

ATTEST:

City Clerk

BE IT ORDAINED by the City Council of the City of Pell City, Alabama, as follows:

Section 1. Definitions

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.

That there is hereby established a Tree Commission and that the Mayor with the concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council and the Mayor shall serve as a ex-officio member. The Council members term shall expire on the date that a newly elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the City of Pell City, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years and two (2) of which shall be appointed for three (3) years, and following the initial appointments, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

Section 3. Compensation

Members of the Board shall serve without compensation.

Section 4. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan of the City of Pell City, State of Alabama. The Board when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

Section 5. Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 6. Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for Pell City, State of Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board:

Small Trees	Medium Trees	Large Trees
Apricot	Ash, green	Coffeetree,
Crabapple,	Hackberry	Kentucky
Flowering (sp)	Honeylocust	Maple, Silver
Golden Rain Tree	(thornless)	Maple, Sugar
Hawthorne (sp)	Linden or	Oak, Bur
Pear, Bradford	Basswood (sp)	Sycamore
Redbud	Mulberry, Red	Sycamore,
Soapberry	(Fruitless, male)	London Plantree
Lilac, Jap, Tree	Oak, English	Cottonwood
Peach, Flowering	Oak, Red	(Cottonless, male)
Plum, Purpleleaf	Pagodatree, Japanese	Pin Oak
Serviceberry	Pecan	
	Birch, River	
	Osageorange	
	(male, thornless)	
	Persimmon	
	Popular, White	
	Sassafras	

Section 7. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 6 of this Ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 8. Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 6 of this Ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet, Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 9. Distance from Street Corners and Fireplugs.

No Street Tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted within 10 feet of any fireplug.

Section 10. Utilities

No Street Trees other than those species listed as Small Trees in Section 6 of this Ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 11. Public tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power line, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and locations of said trees is in accordance with Section 6 through 10 of this Ordinance.

Section 12. Tree Topping

It shall be unlawful as a normal practice for any person or firm to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City Tree Board.

Section 13. Pruning

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

Section 14. Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees, constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

Section 15. Removal of Stumps Pell City

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 16. Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance.

Section 17. Arborists License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. No license shall be required of any public service company or City employees doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 18. Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

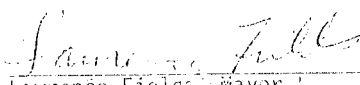
Section 19. Penalty

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$50.00.

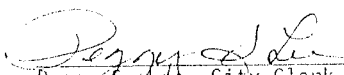
Section 20. Repealer

That any Ordinance or part thereof in conflict with this Ordinance be and the same is hereby repealed.

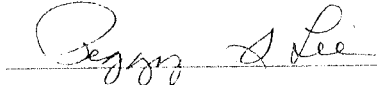
ADOPTED AND APPROVED this the 11th day of October, 1993.


Lawrence Fields, Mayor

Attest:


Peggy S. Lee, City Clerk

I, Peggy S. Lee, Clerk of the City of Pell City, do hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City, at a regular meeting of said council held on October 11, 1993, and the same has been advertised in accordance with law by publication of same in the St. Clair News Aegis on the 21st day of Oct., 1993.


Peggy S. Lee

Pine Hill

ORDINANCE

(To establish a Tree Commission for Town of Pine Hill)

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Pine Hill, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor shall serve as an ex-officio member of the Commission. The Town Council shall appoint three members from the Town of Pine Hill. One shall be appointed for one year; one shall be appointed for two years; and one shall be appointed for three years. Following the initial appointment, one member shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings which shall be held quarterly. Meetings may also be called by the Mayor, or by any of the three Commission members, after giving not less than three days' notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting

TOWN OF PINE HILL



DRAWER 887
PINE HILL, ALABAMA 38726

Pine Hill

ORDINANCE

(To establish a Tree Commission for Town of Pine Hill)

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Pine Hill, Alabama, as follows:

Section 1. There is hereby established a Tree Commission. The Mayor shall serve as an ex-officio member of the Commission. The Town Council shall appoint three members from the Town of Pine Hill. One shall be appointed for one year; one shall be appointed for two years; and one shall be appointed for three years. Following the initial appointment, one member shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

Section 2. The Commission shall provide in its minutes for regular periodic meetings which shall be held quarterly. Meetings may also be called by the Mayor, or by any of the three Commission members, after giving not less than three days' notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting

TOWN OF PINE HILL

DRAWER 307
PINE HILL, ALABAMA 35703





CITY CLERK'S OFFICE
1111 BROAD STREET
PHENIX CITY, ALABAMA 36867

Councilmember Sumbry moved to approve the resolution, which motion was seconded by Councilmember Worthy. Upon said motion being put to a vote, the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore and Sumbry. Nays: None. The motion carried.

Mayor Gullatt presented for second reading an ordinance to amend the merit system to include December 24 and the Friday after Thanksgiving as additional holidays to be observed by the city.

ORDINANCE NO. 85-15

AN ORDINANCE TO AMEND THE MERIT SYSTEM TO INCLUDE DECEMBER 24, CHRISTMAS EVE, AND THE FRIDAY AFTER THANKSGIVING AS ADDITIONAL HOLIDAYS TO BE OBSERVED BY THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PHENIX CITY, ALABAMA, AS FOLLOWS:

Section 14.05 of the City of Phenix City Merit System Rules and Regulations is hereby amended to read as follows:

- | | |
|-----------------------------|------------------|
| January 1 | New Year's Day |
| Last Monday in May | Memorial Day |
| July 4 | Independence Day |
| First Monday in September | Labor Day |
| November 11 | Armistice Day |
| Fourth Thursday in November | Thanksgiving Day |
| Friday After Thanksgiving | |
| December 24 | Christmas Eve |
| December 25 | Christmas Day |

PASSED, ADOPTED and APPROVED this 15th day of October, 1985.

ATTEST:

/s/ Neal Kindred
CITY CLERK

/s/ Jane Gullatt

MAYOR

/s/ Arthur L. Sumbry

/s/ Thomas F. Worthy

/s/ W.B. Garrett

/s/ Cecil W. McLemore, Jr.
MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA.

Councilmember Garrett moved that the ordinance be approved, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore, and Sumbry. Nays: None. The motion carried.

Mayor Gullatt presented for second reading an ordinance to establish a tree commission and tree program in Phenix City.

ORDINANCE NO. 85-16

AN ORDINANCE TO ESTABLISH A TREE COMMISSION AND TREE PROGRAM IN THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama, as follows:

1. There is hereby established a Tree Commission consisting of five (5) citizens of the City of Phenix City and appointed by the City Council. Each council member shall appoint one (1) member to the Tree Commission. Two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Following the initial terms of office, the terms of the Tree Commission shall be for three (3) years.
2. The Commission shall hold an initial meeting within thirty days of its appointment and shall provide minutes for regular periodic meetings and shall elect at that time a chairman of the Commission who shall preside over the meetings. The Director of Parks and Recreation or someone assigned by the Director of Parks & Recreation shall serve as a Staff Member to work with the Commission.
3. The Commission shall make recommendations to the City Council through the Department of Parks and Recreation relative to a Tree Planning Program; may recommend the type and kind of trees to be planted on municipal streets, parks and other public places within the city, and may assist the City Staff in providing the information regarding the protection, maintenance, removal and planting of trees on public property; and may identify and recommend the removal of dead, dying, diseased or infected trees.
4. Northin contained in this ordinance shall be construed to prevent Public Utilities from trimming and removing trees in connection with the construction and maintenance of the Utilities' facilities on public streets, alleys, or rights-of-way; nothing contained in this ordinance shall prevent the City from removing any tree or portion from any tree which the City deems to be dangerous not only from the trees' infected condition or danger of falling, but to be dangerous at corners of intersections in that the same would obscure the view of motor vehicles approaching said intersections.

5. Nothing contained herein shall prevent the removal of any trees or portions of trees on private property and this ordinance is not intended to restrict the removal of trees by owners of private property.

6. Should any provision, section or part of this ordinance be declared to be unconstitutional or invalid by a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other section, provision or part thereof.

7. This ordinance shall become effective upon its approval by the City Council or its otherwise becoming law but shall be published as required by law.

PASSED, ADOPTED and APPROVED by the City Council of the City of Phenix City, Alabama, this the 15th day of October, 1985.

ATTEST:

/s/ Neal Kindred

CITY CLERK

/s/ Jane Gullatt

MAYOR

/s/ Arthur L. Sumbry

COUNCIL MEMBER

/s/ Thomas F. Worthy

COUNCIL MEMBER

/s/ W.B. Garrett

COUNCIL MEMBER

/s/ Cecil W. McLemore, Jr.

COUNCILMEMBER

Councilmember McLemore moved that we approve the ordinance on the tree commission, which motion was seconded by Councilmember Garrett. Upon said motion being put to a vote, the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore and Sumbry. Nays: None. The motion carried.

Mayor Gullatt requested nominations to the tree commission. Councilmember McLemore nominated John Evans. Councilmember McLemore moved that we close nominations, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore and Sumbry. Nays: None. The motion carried. City Attorney Sam Loftin stated that the ordinance reads that each member of council shall appoint one member. Mayor Gullatt said that John Evans will be Councilmember McLemore's appointment. Mayor Gullatt nominated Helen Richards from the Federated garden clubs. Councilmember Worthy nominated Mrs. Joe Watson. Councilmember Garrett nominated Jo Ann Wade. Mayor Gullatt said that she is on the Riverfront Development Board. Councilmember Garrett withdrew her name. Councilmember Sumbry nominated Annie Ruth Kimbrough. Councilmember Garrett said that he couldn't come up with anybody right now, but asked if we could move with the four and he could nominate at the next meeting. Mayor Gullatt moved to confirm these appointments to the new tree commission and table the one vacancy, which motion was seconded by Councilmember McLemore. Upon said motion being put to a vote the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore and Sumbry. Nays: None. The motion carried.

Mayor Gullatt presented a letter of resignation from the Zoning Board submitted by Ken Stewart.

LETTER

Mr. Bubba Roberts
Building Inspector
Phenix City, Alabama

Oct. 4, 1985

Dear Bubba,

Effective immediately, I will be moving away from Phenix City as a result of a job transfer and therefore must resign from my seat on the zoning board.

I have enjoyed working with you and the Board and appreciate the opportunity to serve my community.

Sincerely,

/s/ W.K. Stewart

WKS/jb

Mayor Gullatt requested nominations to the Zoning Board to fill the vacancy of Ken Stewart. Councilmember Worthy moved to move Dan Dudley from an alternate to a regular member to fill the vacancy of Ken Stewart, which motion was seconded by Councilmember McLemore. Upon said motion being put to a vote, the following vote was recorded: Yeas: Mayor Gullatt, Councilmembers Garrett, Worthy, McLemore and Sumbry. Nays: None. The motion carried. Councilmember Worthy asked the city clerk to check with the other members concerning attendance. Mayor Gullatt said to carry this forward to the next agenda. Mayor Gullatt requested a letter of appreciation be sent to Ken Stewart.

Mayor Gullatt presented a letter of resignation from the Parks and Recreation Board submitted by William Cox.

ARTICLE II. TREES ON PUBLIC PROPERTY

#230

DIVISION 1. GENERALLY

Secs. 19-21—19-30. Reserved.

DIVISION 2. TREE COMMISSION*

Sec. 19-31. Established; membership, terms.

There is hereby established a tree commission consisting of five (5) citizens of the City of Phenix City and appointed by the city council. Each council member shall appoint one (1) member to the Tree Commission. Two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and one (1) shall be

*Editor's note—Inasmuch as Ord. No. 1985-16, §§ 1—5, adopted Oct. 15, 1985, did not specify manner of codification, such provisions have been designated herein as Div. 2, §§ 19-31—19-34.

Supp. No. 30

188.1

§ 19-31

PHENIX CITY CODE

§ 19-34

appointed for three (3) years. Following the initial terms of office, the terms of the tree commissioners shall be for three (3) years. (Ord. No. 1985-16, § 1, 10-15-85)

Sec. 19-32. Meetings and organization.

The commission shall hold an initial meeting within thirty (30) days of its appointment and shall provide minutes for regular periodic meetings and shall elect at that time a chairman of the commission who shall preside over the meetings. The director of parks and recreation or someone assigned by the director of parks and recreation shall serve as a staff member to work with the commission. (Ord. No. 1985-16, § 2, 10-15-85)

Sec. 19-33. Duties.

The commission shall make recommendations to the city council through the department of parks and recreation relative to a tree planning program; may recommend the type and kind of trees to be planted on municipal streets, parks and other public places within the city, and may assist the city staff in providing the information regarding the protection, maintenance, removal and planting of trees on public property; and may identify and recommend the removal of dead, dying, diseased or infected trees. (Ord. No. 1985-16, § 3, 10-15-85)

Sec. 19-34. Limitations re public utilities, safety, and private property.

(a) Nothing contained in this division shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utilities' facilities on public streets, alleys or rights-of-way; nothing contained in this division shall prevent the city from removing any tree or portion from any tree which the city deems to be dangerous not only from the tree's infected condition or danger of failing, but to be dangerous at corners of intersections in that the same would obscure the view of motor vehicles approaching said intersections.

Supp. No. 30

188.2

Phenix City

§ 19-34

STREETS, SIDEWALKS, ETC.

§ 19-34

(b) Nothing contained herein shall prevent the removal of any trees or portions of trees on private property and this division is not intended to restrict the removal of trees by owners of private property. (Ord. No. 1985-16, §§ 4, 5, 10-15-85)

Supp. No. 30

188.3

Piedmont

Chapter 19.5

TREES*

Article I. In General

- Sec. 19.5-1 Commercial tree trimming companies/individuals prohibited from placing trimmings for pickup by city; penalty.
Secs. 19.5-2—19.5-10. Reserved.

Article II. Committee for Park and Street Trees

- Sec. 19.5-11. Committee established.
Sec. 19.5-12. Meetings.
Sec. 19.5-13. Duties and responsibilities.
Secs. 19.5-14—19.5-20. Reserved.

Article III. Park and Street Tree Regulations

- Sec. 19.5-21. Definitions.
Sec. 19.5-22. Official list of permitted street trees.
Sec. 19.5-23. Spacing of street trees.
Sec. 19.5-24. Distance of trees—From curbs, curblines and sidewalks.
Sec. 19.5-25. Same—From street corner and fire plugs.
Sec. 19.5-26. Same—From utility wires or water and sewer-lines.
Sec. 19.5-27. City's right to prune, maintain, remove, etc., trees on streets and public grounds.
Sec. 19.5-28. Topping prohibited; defined; exceptions.
Sec. 19.5-29. Owner's duty to prune trees.
Sec. 19.5-30. City's right to remove diseased or dead trees on private property.
Sec. 19.5-31. Removal of stumps.
Sec. 19.5-32. Unlawful to interfere with city tree board.
Sec. 19.5-33. License required to engage in business of pruning, treating, etc., trees; insurance requirements.
Sec. 19.5-34. City council to review decisions of city tree board; appeals.
Sec. 19.5-35. Penalty for violations.

*Cross references—Weeds, § 12-68 et seq.; damage to shade trees or shrubbery, § 13-26; parks and recreation, Ch. 13.5; planning and development, Ch. 18; streets, sidewalks and public grounds, Ch. 18; utilities, Ch. 20; zoning, App. A.

Piedmont

TREES

§ 19.5-11

ARTICLE I. IN GENERAL**Sec. 19.5-1 Commercial tree trimming companies/individuals prohibited from placing trimmings for pickup by city; penalty.**

(a) It shall be unlawful for any pulpwood, commercial tree trimming or tree surgery company or individual(s) engaged in the business or practice of pulpwooding, tree trimming or tree surgery, whether properly licensed or not, to place limbs, clippings, vegetation or debris resulting from pulpwooding or tree trimming on any public street or alley right-of-way, as a result of activity on private property, for pick up by City limb/debris removal vehicles. It shall be the responsibility of the company or individual contractor to provide for the removal of all debris associated with any such activity. This section shall apply to any pulpwood, commercial tree trimming or tree surgery or individual contractor engaged in any such activity whether monetary or material in nature.

(b) It is the intent of this section to allow the Public Works Department of the City of Piedmont to continue to serve the individual property owner by timely pickup of limbs, brush, leaves and other natural debris as may be cut by the individual property owner, as well as provide other services required of the Department, without interruption to retrieve large amounts of debris cut by other than individual property owners for monetary or material consideration.

(c) It shall be unlawful for any person to violate in the City any provision of this section. Any person violating in the City any provision of this section shall, upon conviction, be punished by a fine of not less than \$100 nor more than five hundred dollars (\$500.00) or imprisonment or hard labor by

the City for not more than six (6) months, or both, at the discretion of the court trying the case.

(d) In the event that the company or individual(s) responsible for the debris cannot be found within ten (10) days, or if such owner, agent, or individual shall fail, neglect or refuse to comply with proper notice to remove the debris, or if the situation is deemed by the Mayor or his authorized agent to be an emergency (ie. traffic hazard), the Mayor or his authorized agent, after having ascertained the cost, shall cause said debris to be removed either by City forces or independent contractor and the costs of said removal shall be collected through whatever legal action deemed necessary by the City against the responsible party.

(Ord. No. 322, §§ 1, 2, 12-8-1986; Ord. No. 482, § 1, 3-8-1999; Ord. No. 501, § 1, 5-8-2000)

Editor's note—Ord. No. 322, §§ 1, 2, adopted Dec. 8, 1986, did not specifically amend the Code, hence inclusion herein as § 19.5-1 was at the discretion of the editor.

Cross reference—Health and sanitation, Ch. 12.

Secs. 19.5-2—19.5-10. Reserved.

ARTICLE II. COMMITTEE FOR PARK AND STREET TREES***Sec. 19.5-11. Committee established.**

There is hereby established a committee for park and street trees, and that the mayor,

***Editor's note**—Ord. No. 329A, §§ 1—3, adopted March 9, 1987 and Ord. No. 337, §§ 2—3, adopted Aug. 24, 1987, both being nonamendatory of the code, set out provisions pertaining to the committee for park and street trees. Ord. No. 337, being the most recent, has been set out herein as Art. II., §§ 19.5-11—19.5-13, at the discretion of the editor.

Cross references—Administration, Ch. 2; parks and recreation, Ch. 13.5; parks and recreation board, 13.5-31 et seq.; streets, sidewalks and public grounds, Ch. 18.

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19.5-11

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with the concurrence of the council, shall appoint in this committee two (2) members of the council, and the mayor shall serve as an ex-officio member. The council member's term shall expire on the date that a newly elected official shall take office. In addition, the mayor shall appoint, with the concurrence of the council six (6) additional persons in the City of Piedmont, two (2) of which shall be appointed for three (3) years, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed for one (1) year, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

(Ord. No. 337, § 1, 8-24-1987)

Sec. 19.5-12. Meetings.

This committee shall meet at such times as provided in the minutes of their meeting, and in addition, meetings may be called by the mayor, by either of the two (2) council members, or by any three (3) of the other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

(Ord. No. 337, § 2, 8-24-1987)

Sec. 19.5-13. Duties and responsibilities.

The duties of the committee for park and street trees shall be to determine and make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the mayor and council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and where requested by the owner on private property; to meet with the city planning commission and assist

and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of said plan; to recommend to the mayor and council which trees are considered unwanted weed species, and identify and recommend removal of dead, dying, diseased or insect infested trees; to make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality as from time to time requested by the mayor and council.

(Ord. No. 337, § 3, 8-24-1987)

Secs. 19.5-14—19.5-20. Reserved.

ARTICLE III. PARK AND STREET TREE REGULATIONS*

Sec. 19.5-21. Definitions.

(a) *Street trees*: "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(b) *Park trees*: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all area owned by the city or to which the public has free access as a park.

(c) *City tree board*: "City tree board" shall be used to identify the "Committee for Park and Street Trees" as established by Ordinance No. 337, adopted August 24, 1987 (See Article II of this Chapter).

(Ord. No. 338, § 1, 9-17-1987)

***Editor's note**—Ord. No. 330, §§ 1—15, adopted March 9, 1987 and Ord. No. 338, §§ 1—15, adopted Sept. 17, 1987, both being nonamendatory of the code, set out provisions pertaining to park and street tree regulations. Ord. No. 338, being the most recent, has been set out herein as Art. III, §§ 19.5-21—19.5-35, at the discretion of the editor.

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§ 19.5-27

Sec. 19.5-22. Official list of permitted street trees.

The following list constitutes the official street tree species for the City of Piedmont, Alabama. No species other than those included in this list may be planted as street trees without written permission of the city street board.

<i>Small</i> (less than 25' in Ht.)	<i>Medium</i> (less than 35' in Ht.)	<i>Large</i> (40' in Ht.)
Flowering Dogwood	Bradford Pear	Live Oak
Eastern Redbud	Golden Rain Tree	Willow Oak
Flowering Crabapple	Sourwood	Pin Oak
Japanese Maple	American Holly	Yellow Poplar
Ornamental Cherry	Crepe Myrtle	Ginko
Mimosa		Magnolia Red Maple Green Ash Bald Cypress White Oak Pecan

(Ord. No. 338, § 2, 9-17-1987)

Sec. 19.5-23. Spacing of street trees.

The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 19.5-22 of this article, and no trees may be planted closer together than large trees—fifty (50) feet; except in special plantings designed or approved by a landscape architect.

(Ord. No. 338, § 3, 9-17-1987)

Sec. 19.5-24. Distance of trees—From curbs, curblines and sidewalks.

The distance trees may be planted from curbs or curblines and sidewalks will be in

accordance with the three (3) species size classes listed in Section 19.5-22 of this article, and no trees may be planted closer to any curb or sidewalk than the following: small trees—two (2) feet; medium trees three (3) feet; large trees—four (4) feet.

(Ord. No. 338, § 4, 9-17-1987)

Sec. 19.5-25. Same—From street corner and fire plugs.

No street trees shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet of any fire plug.

(Ord. No. 338, § 5, 9-17-1987)

Sec. 19.5-26. Same—From utility wires or water and sewer-lines.

No street trees other than those species listed as small trees in Section 19.5-22 of this article may be planted under or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility line.

(Ord. No. 338, § 6, 9-17-1987)

Sec. 19.5-27. City's right to prune, maintain, remove, etc., trees on streets and public grounds.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, square and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and lo-

19.5-27

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cation of said trees is in accordance with Sections 19.5-22 through 19.5-27 of this article.

(Ord. No. 338, § 7, 9-17-1987)

Sec. 19.5-28. Topping prohibited; defined; exceptions.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter with the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical may be exempted from this section at the determination of the street tree board.

(Ord. No. 338, § 8, 9-17-1987)

19.5-29. Owner's duty to prune trees.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. This city shall have the right to prune and tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. No. 338, § 9, 9-17-1987)

Sec. 19.5-30. City's right to remove diseased or dead trees on private property.

The city shall have the right to cause the removal of any dead or diseased trees on

private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. No. 338, § 10, 9-17-1987)

Sec. 19.5-31. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 338, § 11, 9-17-1987)

Sec. 19.5-32. Unlawful to interfere with city tree board.

It shall be unlawful for any person to prevent delay or interfere with the city tree board, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street or park trees, or trees on private grounds, as authorized in this article.

(Ord. No. 338, § 12, 9-17-1987)

Sec. 19.5-33. License required to engage in business of pruning, treating, etc., trees; insurance requirements.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be as per current license ordinance, in advance; provided, however that no license shall be required of any public service com-

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§ 19.5-35

pany or city employee doing such work in the pursuit of their public service endeavors. Before any licensee shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the city of any injury or damage resulting from the pursuit of such endeavors as herein described.

(Ord. No. 338, § 13, 9-17-1987)

Sec. 19.5-34. City council to review decisions of city tree board; appeals.

The city council shall have the right to review the conduct, acts and decision of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision.

(Ord. No. 338, § 14, 9-17-1987)

Sec. 19.5-35. Penalty for violations.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars (\$500.00).

(Ord. No. 338, § 15, 9-17-1987)

Ragland
ORDINANCE NO. 89-6

TO ESTABLISH A TREE COMMISSION FOR THE TOWN OF RAGLAND

The Town Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Ragland, Alabmaa, as follows:

Section 1. That there is hereby established a Tree Commission and that the Mayor with the concurrence of the Council, shall appoint to the Tree Commission two (2) members of the Council and the Mayor shall serve as an ex-officio member. The Council members term shall expire on the date that a newly elected Council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the Town of Ragland, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority.

Section 2. The Commission shall provide in its minutes for regular quarterly meetings. Meetings may also be called by the Mayor, by either of the two Council members, or by any two of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

Section 3. The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property, shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This Ordinance shall become effective immediately upon its passage.

Adopted this 2nd day of October 1989.

Edna B. Doffner
Town Clerk

Quinn D. Dickey
Mayor

ORDINANCE NO. 87-3-2

A TREE MANAGEMENT ORDINANCE FOR THE CITY OF RED BAY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BAY,
ALABAMA, AS FOLLOWS:

The City Council recognizes that trees are an asset to the City, providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics and a priceless psychological benefit to the urban setting. Trees are beneficial in attracting new industry, residents and visitors. When the proper varieties are grown in the right place, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Management Commission.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BAY,
ALABAMA, AS FOLLOWS:

Section 1. Definitions

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other weedy vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes, and all other weedy vegetation in public parks having individual names, and all areas, owned by the City, or to which the public has free access as a park.

Section 2.

Creation and Establishment of a City Tree Commission.

There is hereby created and established a City Tree Commission for the City of Red Bay, Alabama, which shall consist of six members, appointed by the Mayor with the approval of the Council.

Section 3. Term of Office

The term of the six persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. Following the initial appointment, two members shall be appointed annually to serve for three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members shall serve until their successors are appointed.

Section 4. Meetings

The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

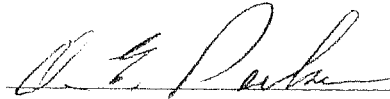
Red Bay

Section 5. Duties and Responsibilities

The Tree Commission shall make recommendations to the Mayor and City Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and City Council which trees are considered unwanted trees, and identify and recommend removal of dead, dying, diseased, or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

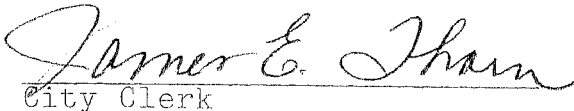
This Ordinance shall take effect as provided by law, after passage, approval and publication.

ADOPTED AND APPROVED, THIS THE 2ND DAY OF MARCH, 1987.

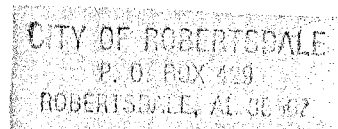


Mayor

ATTEST:



City Clerk



Chapter 16.5

TREES AND SHRUBS*

- Art. I. In General, §§ 16.5-1—16.5-10
- Art. II. Park Trees and Street Trees, §§ 16.5-11—16.5-33
 - Div. 1. Generally, §§ 16.5-11—16.5-30
 - Div. 2. Committee, §§ 16.5-31—16.5-33

ARTICLE I. IN GENERAL

Secs. 16.5-1—16.5-10. Reserved.

ARTICLE II. PARK TREES AND STREET TREES†

DIVISION 1. GENERALLY

Sec. 16.5-11. Definitions.

For the purposes of this article, the following terms shall have the respective meanings ascribed to them:

City tree board: The committee for park and street trees as established by section 16-31.

Park trees: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

Street trees: Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city. (Ord. No. 83-3, § 4, 5-17-83)

*Cross references—Weeds, § 9-60 et seq.; parks and recreation, Ch. 12.5; planning, Ch. 14; streets, sidewalks and other public ways, Ch. 15.

†Editor's note—Ord. No. 83-3, enacted May 17, 1983, did not expressly amend the Code; hence, inclusion of §§ 1—18 as herein set out in Art. II, Div. 1, §§ 16.5-11—16.5-25 and Div. 2, §§ 16-31—16-33.

§ 16.5-12

ROBERTSDALE CODE

Sec. 16.5-12. Official list of street trees.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

<i>Small</i>	<i>Medium</i>	<i>Large</i>
(less than 25 feet in height)	(less than 35 feet in height)	(40 feet in height)
Flowering dogwood	Bradford pear	Live oak
Eastern redbud	Golden rain tree	Willow oak
Flowering crabapple	Sourwood	Pin oak
Japanese maple	American holly	Yellow poplar
Ornamental cherry	Crepe myrtle	Ginko
Mimosa		Magnolia
		Red maple
		Green ash
		Bald cypress
		White oak
		Pecan

(Ord. No. 83-3, § 5, 5-17-83)

Sec. 16.5-13. Spacing of street trees.

The spacing of street trees will be in accordance with the three (3) species size classes listed in section 16.5-12, and no trees may be planted closer together than the following: Small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet: except in special plantings designed or approved by a landscape architect. (Ord. No. 83-3, § 6, 5-17-83)

Sec. 16.5-14. Distance of street trees from curbs and sidewalks.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in section 16.5-12, and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet. (Ord. No. 83-3, § 7, 5-17-83)

Sec. 16.5-15. Distance of street trees from street corners and fireplugs.

No street trees shall be planted closer than [within] thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than [within] ten (10) feet of any fireplug. (Ord. No. 83-3, § 8, 5-17-83)

Sec. 16.5-16. Distance of street trees from utilities.

No street trees other than those species listed as small trees in section 16.5-12 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (Ord. No. 83-3, § 9, 5-17-83)

Sec. 16.5-17. Right of city to ensure public safety.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with sections 16.5-12 through 16.5-17. (Ord. No. 83-3, § 10, 5-17-83)

Sec. 16.5-18. Topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the

§ 16.5-18

ROBERTSDALE CODE

normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this section at the determination of the city tree board. (Ord. No. 83-3, § 11, 5-17-83)

Sec. 16.5-19. Trees not to obstruct visibility.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign. (Ord. No. 83-3, § 12, 5-17-83)

Sec. 16.5-20. Removal of dead or diseased trees.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice. (Ord. No. 83-3, § 13, 5-17-83)

Sec. 16.5-21. Stumps not to project above ground surface.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. No. 83-3, § 14, 5-17-83)

c. 16.5-22. Interference with tree board unlawful.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street or park trees, or trees on private grounds, as authorized in this article. (Ord. No. 83-3, § 15, 5-17-83)

Sec. 16.5-23. Occupations of pruning, treating or removing trees.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be as per current license ordinance, in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the city of any injury or damage resulting from the pursuit of such endeavors as herein described. (Ord. No. 83-3, § 16, 5-17-83)

Sec. 16.5-24. City council's right of review; appeals.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision. (Ord. No. 83-3, § 17, 5-17-83)

Sec. 16.5-25. Penalties.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars (\$500.00). (Ord. No. 83-3, § 18, 5-17-83)

Secs. 16.5-26—16.5-30. Reserved.

§ 16.5-31

ROBERTSDALE CODE

DIVISION 2. COMMITTEE

Sec. 16.5-31. Created; composition; terms.

There is hereby established a committee for park and street trees, and that the mayor, with the concurrence of the council, shall appoint on this committee two (2) members of the council, and the mayor shall serve as an ex officio member. The council members' terms shall expire on the date that a newly elected council shall take office. In addition, the mayor shall appoint, with the concurrence of the council, six (6) additional persons in the city, two (2) of which shall be appointed for one year, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified. (Ord. No. 83-3, § 1, 5-17-83)

Sec. 16.5-32. Meetings.

This committee shall meet at such times as provided in the minutes of their meetings, and in addition, meetings may be called by the mayor, by either of the two (2) council members, or by any three (3) of the other members, after giving not less than five (5) days' notice of the date, time and place of the special meeting. (Ord. No. 83-3, § 2, 5-17-83)

Sec. 16.5-33. Duties.

The duties of the committee for park and street trees shall be to determine and make recommendation to the mayor and council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the mayor and council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and where requested by the owner on private property; to meet with the city planning commission and assist and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of said plan; to recommend

TREES AND SHRUBS

§ 16.5-33

to the mayor and council which trees are considered unwanted weed species, and identify and recommend removal of dead, dying, diseased or insect infested trees; to make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality as from time to time requested by the mayor and council. (Ord. No. 83-3, § 3, 5-17-83)

STATE OF ALABAMA
COUNTY OF GENEVA
CITY OF SAMSON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAMSON, ALABAMA, AS
FOLLOWS:

Section 1. Definitions: Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City. Park trees: "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.
There is hereby created and established a City Tree Board for the City of Samson, Alabama which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the *City Council*.

Section 3. Term of Office
The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation
Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities
It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City *Council* and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Samson, Alabama. The Board, when requested by the City *Council* shall consider, investigate, make finding report and recommend upon any special matter of question coming within the scope of its work.

Samson

Section 7. Street Tree Species to be Planted

The following list constitutes the official Street Tree species for Samson, Alabama. The list of trees is not to be construed as being exclusive and the tree Board may add or remove trees to be listed as street trees by the City Tree Board.

Small Trees: Apricot
Crabapple,
 Flowering(sp)
Golden Rain Tree
Hawthorne(sp)
Fear, Bradford
Redbud
Soapberry
Lilac, Jap. Tree
Feach, Flowering
Plum, Purpleleaf
Serviceberry

Medium Trees: Ash, Green
Hackberry
Honeylocust(thornless)
Linden or Basswood(sp)
Mulberry, Red (fruitless, male)
Oak, English
Oak, Red
Pagodatree, Japanese
Fecan
Birch, River
Csageorange (Male, thornless)
Persimmon
Poplar, White
Sassafras

Large Trees: Coffeetree, Kentucky
Maple, Silver
Maple, Sugar
Oak, Bur
Sycamore
Sycamore, London plantree
Cottonwood (Cottonless, male)

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Jamson

Samson

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Samson

Section 15. Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 16. Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall no project above the surface of the ground.

Section 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. Arborists license and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by City *Council*

The City *Council* shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City *Council* who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subje a fine not to exceed \$500.

Samson

Section 21. This Ordinance shall be entered upon the Minutes of the City of Samson, Alabama.

Section 22. If any part of the Ordinance shall be declared invalid or unconstitutional, such declaration shall not affect the remaining sections.

Section 23. This Ordinance shall become effective upon its adoption and publication.

ADOPTED and approved this 7th day of July, 1987.

Attest:

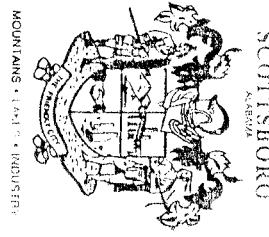
J. L. Wiggins
City Clerk

CITY OF SAMSON, ALABAMA

By:

James W. Apple
Mayor

SEAL



ORDINANCE NO. 233

AN ORDINANCE ESTABLISHING A TREE
COMMISSION FOR THE CITY OF SCOTTSBORO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SCOTTSBORO, ALABAMA, as follows:

SECTION ONE: The City Council finds and determines as follows: That trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live, they provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting, and they are economically beneficial in attracting new industry, residents, and visitors; when the proper varieties are grown in the right place, they enhance the value and marketability of property and promote the stability of desirable neighborhoods; that valuable advice and guidance to the Mayor and City Council will result from the appointment of a Tree Commission.

SECTION TWO: There is hereby established a Tree Commission. The Mayor and the City Council members who are Chairmen of the Committee on Streets, Committee on Sanitation, and of the Committee on Parks and Recreation shall serve as ex-officio members of the Commission. In addition, five additional members from the City of Scottsboro shall be appointed. Two shall be appointed for one year; two shall be appointed for two years; and one shall be appointed for three years. Following the initial appointment, two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed.

SECTION THREE: The Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the Council members, or by any three members of the Commission, after giving not less than three days notice of the date, time and place of the special meeting.

SECTION FOUR: The Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal

streets, parks and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Planning Commission and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and City Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees; and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

SECTION FIVE: The City Council shall have the right to review the conduct, acts and decisions of the City Tree Commission. Any person may appeal from any ruling or order of the Tree Commission to the City Council who may hear the matter and make final decision.

ADOPTED AND APPROVED on this the 10th day of December, 1984.

CITY OF SCOTTSBORO, ALABAMA

Donald L. LeQuire
President of the City Council

ATTEST:

Gail Duffey
City Clerk

TRANSMITTED to the Mayor of the City of Scottsboro, on the 10th day of December, 1984.

Gail Duffey
City Clerk

APPROVED by the Mayor of the City of Scottsboro, on the 10th day of December, 1984.

Thomas Crawford
Mayor

ATTEST:

Gail Duffey
City Clerk

ORDINANCE NO. 82-10

(C82-817)

AN ORDINANCE TO ESTABLISH A TREE COMMISSION

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the Mayor and Council of the City of Selma, Alabama, as follows:

SECTION ONE: There is hereby established a Tree Commission. The Mayor and the City Councilmen who are chairmen of the Committee on Streets and Sanitation and of the Committee on Parks and Recreation shall serve as ex-officio members. In addition, the Mayor shall appoint six additional members from the City of Selma. Two shall be appointed for one year; two shall be appointed for two years; and two shall be appointed for three years. Following the initial appointment, two members shall serve until their successors are appointed.

SECTION TWO: This Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor, by either of the two Council members, or by any three of the other members, after giving not less than three days notice of the date, time and place of the special meetings.

SECTION THREE: The Tree Commission may make recommendations to the Mayor and Council relative to a

tree planting program; may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; the Commission may assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property; and may identify and recommend removal of dead, dying, diseased, or insect infested trees; and may make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the City.

SECTION FOUR: Nothing contained in this Ordinance shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utility's facilities on public streets, alleys or right of ways; nothing contained in this Ordinance shall prevent the City from removing any tree or portion of any tree which the City deems to be dangerous not only from the tree's infected condition or danger of falling, but to be dangerous at corners or intersections in that the same would obscure the view of motor vehicles approaching said intersection.

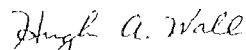
SECTION FIVE: Nothing contained herein shall prevent the removal of any trees or portions of trees on private property, and this Ordinance is not intended to restrict the removal of trees by owners of private property.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA, on the 11 day of ^{October}~~September~~, A.D., 1982.

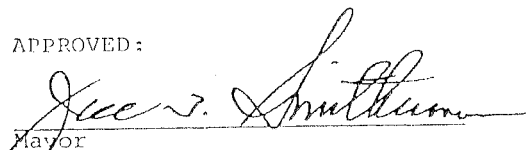


 President

ATTEST:



 City Clerk

APPROVED:


 Mayor

Zoning District	Maximum Structure Height (feet)
SF-50	35
R-G	35
T-R	35
MF-1	35
O-I	60
B-1	60
B-2	84
B-3	60
M-1	60
M-2	60
PUD	Per designated zoning district

in height.

Section 3.3 BUFFERS

3.3.1 BUFFERS REQUIRED.

A buffer shall be required in any multi-family or non-residential development project along a side or rear lot line that abuts a residential zoning district, as follows:

Provide a buffer in this zoning district:

Along a side or rear lot line next to this district:	SF-90	O-I		
	SF-70	B-1		
	SF-50	T-R	B-2	M-1
	R-G	MF-1	B-3	M-2

SF-90, SF-70, SF-50, R-G	■	■	■
T-R, MF-1		■	■
O-I, B-1, B-2, B-3			■
M-1, M-2			

■ = buffer required

b. Exceptions to Height Restrictions.

The following structures are exempt from the height limitations: Spires, belfries, cupolas, domes, water tanks, ventilators, chimneys, radio and TV reception antennae, and other appurtenances commonly placed or extending above the roof of a building and not intended for occupancy.

c. Height Limitations for Fences and Free-Standing Walls.

- (1) In the Business and Industrial zoning districts, no fence or free-standing wall may exceed eight (8) feet in height, with no more than an additional two (2) feet of security wire.
- (2) In the T-R, MF-1, MH-1, and O-I zoning districts, no fence or free-standing wall may exceed eight (8) feet in height.
- (3) In the SF-90, SF-70, SF-50, and R-G zoning districts, the following shall apply:
 - (a) A fence or free-standing wall in any minimum principal building setback area adjacent to a street may not exceed thirty (30) inches in height, except that:
 - 1) A chain link fence up to forty-eight (48) inches in height is permitted, provided that its location is approved by the City Building Official in conformance with the sight triangle requirements of Section 3.6.
 - (b) A fence or free-standing wall in any side or rear yard may not exceed eight (8) feet

3.3.2 BUFFER DESIGN STANDARDS.

a. General.

Buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Ordinance. Underground utilities may be permitted to cross a buffer if the screening standards of this Ordinance will subsequently be achieved.

b. Natural Buffers.

Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

c. Structural Buffers.

Structural buffers shall meet the following criteria:

- (1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass,

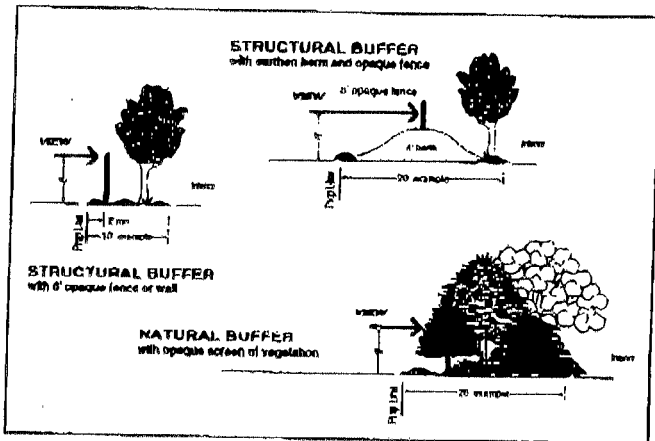
Sheffield

ground covers, shrubs, and trees.

- (2) Trees shall be located or planted within any structural buffer at a density of no less than one tree for each twenty (20) feet of Buffer length or portion thereof. New trees shall have a caliper of no less than two (2) inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (3) Fences and free-standing walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

d. Examples of Buffers.

The following illustration provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this Section are also acceptable.



3.3.3 MINIMUM BUFFER REQUIREMENTS

A buffer required by this Ordinance shall meet the following criteria:

a. Width of Buffer.

- (1) Side Lot Line. Buffers required along any side lot line shall be no less than one-half (1/2) of the minimum required width of the side principal building setback, or ten (10) feet, whichever is greater.

- (2) Rear Lot Line. Buffers required along any rear lot line shall be no less than the minimum required width of the rear principal building setback.

Minimum Buffer Width Required (in feet)¹
When next to the following Districts

	SF-90, SF-70, SF-50, R-G		T-R, MF-1, MH-1		O-1, B-1, B-2, B-3	
	Side	Rear	Side	Rear	Side	Rear
T-R	10	45				
MF-1	22½	45				
O-1	10	30	10	30		
B-1	10	25	10	25		
B-2	10	25	10	25		
B-3	10	20	10	20		
M-1	20	40	20	40	20	40
M-2	20	40	20	40	20	40

¹ Additional setback requirements in the O-1, B-1 and B-2 zoning districts based on building height may increase required buffer width. See Section 3.2.2.

b. Minimum Required Screening.

Minimum required screening shall consist of a natural buffer utilizing existing vegetation or a structural buffer, whichever provides an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six (6) feet high within two growing seasons.

3.3.4 BUFFER MODIFICATIONS

- a. If a structural buffer is provided that creates an opaque screen to a height of no less than eight (8) feet, the buffer may be reduced to a width of no less than five (5) feet.
- b. Buffers may be relocated on the site to best achieve the screening required.
- c. The Board of Adjustment may waive a buffer requirement if the Comprehensive Plan anticipates future development on the adjoining property in a land use category equal to or more intensive than the subject site.

Sheffield

- q. Warehouse and storage uses: One (1) space for each six hundred (600) square feet of gross floor area and outdoor storage area.
- r. Manufacturing uses: One (1) space for each five hundred (500) square feet of gross floor area.

3.4.6 LANDSCAPING REQUIREMENTS**a. Landscape strips.**

A minimum ten (10) foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate five (5) cars or more and any street frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means.

- (1) Landscape strips shall contain no structures, parking areas, patios, storm-water detention facilities, or any other accessory uses except for retaining walls or earthen berms constructed as part of an overall landscape design, pedestrian-oriented facilities such as sidewalks and bus stops, underground utilities, driveways required to access the property, and signs otherwise permitted by this ordinance.
- (2) One tree shall be provided within the landscape strip for every forty (40) feet of length of street frontage, or portion thereof. Such trees may be deciduous or evergreen, but must be of a type that is suitable to local growing conditions and that will normally reach at least twelve (12) inches at diameter breast height upon maturity.
- (3) All portions of a landscape strip shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are mulched or covered by permitted structures.
- (4) Upon planting, new trees shall have a caliper of no less than two (2) inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

b. Parking lot trees.

Deciduous shade trees shall be provided within any parking lot designed or intended to accommodate five (5) cars or more, in accordance with the requirements of this section.

- (1) One deciduous shade tree shall be provided

within the parking lot for every twenty (20) parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer may not be counted toward this requirement.

- (2) A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight (8) feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass, or ground cover except for those areas that are mulched.
- (3) Tree planting areas shall be no less than eight (8) feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be located less than two and one-half (2½) feet from the edge of pavement or back of curb; if curbing is not provided around the tree planting area, curb stops shall be placed such that vehicles will not overhang the tree planting area.
- (4) Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

3.4.7 RESTRICTION ON USE OF REQUIRED PARKING

The required off-street parking spaces and related aisles and driveways shall be for employees, occupants, customers, clients, and visitors to the property and shall be limited in use to temporary parking of motor vehicles with current license plates. The storage of merchandise, the parking of motor vehicles for sale, and the servicing or repairing of vehicles or equipment is prohibited within the area designated to meet the minimum parking requirements of this Zoning Ordinance.

Section 3.5 STREET ACCESS CONTROL**3.5.1 APPROVAL REQUIRED**

No curbs or medians on public streets or rights-of-way shall be cut or altered for access without approval of the City Building Official.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHEFFIELD, ALABAMA, as follows:

SECTION 1. Creation and Establishment of the Sheffield Tree Trust.

This Ordinance hereby creates and establishes the Sheffield Tree Trust for the City of Sheffield, Alabama. The Tree Trust shall be a fund owned and administered by the City of Sheffield, Alabama. The purpose of the fund is to accept tax deductible donations to the City for any activities connected with the City's urban forestry program, including, but not exclusive of, the purchase, planting, and maintenance of trees on City property and right-of-ways or of other trees designated by the City on private or other property, landscape designs, landscaping, and infrastructure improvements at the planting sites, activities connected with the inventory and management of the City's urban forest, professional training for tree maintenance personnel, and programs to educate the community about trees and to promote group-sponsored urban forestry initiatives in the community.

SECTION 2. Administration.

(a) Oversight. The Tree Trust will be administered by the City Council of the City of Sheffield. The Council may authorize the boards appointed by the City to oversee the City's urban forestry and beautification programs, the Sheffield City Tree Board and the Sheffield Beautiful Committee, to make recommendations to the City Council for activities to be funded by the Tree Trust and to aid in administering the activities approved for funding by the Council.

(b) Accounting. The City Clerk/Treasurer will account for the income and disbursements of the fund in a bank account separate from the City's general fund account.

SECTION 3. Operation.

Any community entity, including departments of City government, public entities, city appointed boards, private individuals, businesses, civic organizations, community groups, representatives of the Forestry Department, and urban planning and landscape consultants to the City, may make recommendations to the City Council for projects to be funded by the Tree Trust.

Projects to be funded by the Tree Trust may include tree management plans and programs, inventories and surveys, landscape designs, the purchase of trees, site preparation and the planting of trees, landscaping at the planting site, tree grates and tree guards where appropriate, infrastructure improvements to allow for optimum tree growth, maintenance, including watering, mulching, fertilizing, spraying, and pruning during the critical growth period of the tree, and periodic maintenance for the life of the tree. Other projects may include workshops and inservice training for the maintenance personnel and educational programs for the

community to promote awareness of the benefits of trees and proper tree planting and maintenance practices. The Tree Trust may also support urban forestry initiatives sponsored by community groups such as schools, businesses, garden clubs, churches, civic organizations, and neighborhood associations.

SECTION 4. Funding.

Through its appointed boards, the Sheffield City Tree Board and the Sheffield Beautiful Committee, the City will actively seek funding for the Tree Trust from individuals, businesses, and community groups. The Boards shall help design and publicize funding programs for the Tree Trust, such as a commemorative tree program, business sponsorship of trees, corporate donations, and projects tailored for sponsorship by various community groups. All donations to the Tree Trust will be made to the City of Sheffield and will therefore be tax deductible.

SECTION 5. Force and Effect.

This Ordinance shall be in force and effect after its passage and shall be published as provided by law.

ADOPTED this the 21st day of March, 1994.

Laugher Ash

Mayor/President of the Council

Melene V. Robbins

Councilmember

Lay E Wright

Councilmember

Emera H. Lang

Councilmember

Frank L. Stevens

Councilmember

Jamieal Steell

Councilmember

ATTEST

James P. Spahr
City Clerk

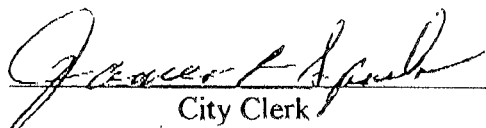
Sheffield

STATE OF ALABAMA

CITY OF SHEFFIELD

I, James L. Sparks, as City Clerk of the City of Sheffield, hereby certify that copies of the attached ordinance were posted by me in three conspicuous places in the City of Sheffield, to-wit: the Municipal Building, the City Library, and the Recreation Center, the same having been posted on the 21st day of March, 1994.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the City on this the 5th day of April, 1994.


City Clerk

Sheffield

Sheffield

CITY TREE ORDINANCE

BE IT ORDAINED by the City Council of the City of Sheffield, State of Alabama, that the following ordinance is adopted for the management of the city's tree population.

SECTION 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the city, or to which the public has free access as a park.

SECTION 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Sheffield, Alabama with composition and duties as follows:

- a. Composition. The Tree Board shall consist of nine (9) voting members as follows:
 - (1) One employee of the city's utility company having knowledge of both engineering problems and tree maintenance problems;
 - (2) One professional forester or horticulturist employed by an agency of government or an educational institution having knowledge of urban forestry problems and licensed as required in the State of Alabama for the conduct of his profession;
 - (3) Two professional members such as licensed tree service operators, licensed architects or landscape architects, licensed landscaping contractors, or others as appropriate;
 - (4) Five (5) other voting members selected of the city and chosen for their knowledge of, concern about, and participation in issues affecting the city's tree population.
- b. Appointment of Members. The utilities employee shall be appointed by the General Manager of the Utility Co.; the forester or horticulturist shall be appointed by the City Council; two professional members shall be appointed by the Mayor, and the five remaining members by the City Council (one from each district within the city).

Sheffield

SECTION 3. Term of Office

All terms of office of voting members shall be three (3) years, except that the initial terms of the professional and at-large members shall be staggered according to the direction of the appointing authorities. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term in the same manner as the original appointments were made. Members will continue to serve after the expiration of their appointed terms until replacements are made and installed.

SECTION 4. Compensation

Members of the Board shall serve without compensation.

SECTION 5. Duties and Responsibilities

- a. The Tree Board shall conduct regular meetings and other called meetings as needed. It shall make its own rules of order, keep records of its proceedings, and annually elect from its voting members a chairman, vice-chairman, and such other officers as it may deem necessary. A majority of its voting members shall constitute a quorum for the transaction of business. Any member who fails to attend more than three regular meetings within a twelve-month period, without justification satisfactory to the remaining members of the Board, will be considered to have resigned his appointment and will be replaced for the balance of his term by the appointing authority.
- b. The Tree Board shall:
 - (1) Study problems involving the city's tree population, determine needs, compose and annually review a City Tree Plan, and seek ways to implement needed work;
 - (2) Develop standards of tree maintenance and other specifications such as to foster the city's tree population, protect persons and property against injury, provide for safe and efficient passage of persons, vehicles, and utilities through recognized right-of-ways;
 - (3) Assist the community and its officials in disseminating information about protection, maintenance, and improvement of the city's tree population;
 - (4) Propose such legislation as may be needed and practicable to pursue the end for which the Tree Board was created;
 - (5) Plan and coordinate and annual Arbor Week observance each year in cooperation with schools, conservation organizations, and other interested parties;
 - (6) Monitor the licensure of tree-service companies practicing in the City of Sheffield and initiate action toward enforcement of this ordinance.

Sheffield

- c. The Tree Board may undertake and participate in cooperative projects to include, but not be limited to, the following:
- (1) Recycling of leaves, chips, firewood, logs, and other by-products of tree maintenance;
 - (2) Development of tree-planting systems in conjunction with other public and/or private agencies;
 - (3) Development and use of a tree-bank in cooperation with other public and/or private agencies;
 - (4) Development of a botanical garden for the city;
 - (5) Education of the public concerning tree maintenance;
 - (6) Providing technical advice and assistance to developers, builders, contractors, etc., in the selection and protection of naturally-occurring trees during the development of wooded areas;
 - (7) Communication with such professional and technical services as it may see fit within the scope of this ordinance.
- d. The Tree Board shall compose annually, and present to the Mayor's office during the month of July, a City Tree Plan; and upon its acceptance and approval, it shall constitute the official comprehensive plan for the management of the city's tree population.

SECTION 6. Public Tree Care

The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

SECTION 7. Responsibility for Trees, and Permits for Removal of Right-of-Way Trees

- a. Interest in and responsibility for trees on the right-of-ways of improved public streets and highways maintained by the city is shared by the city and the owner of the adjoining land in the absence of other specific provisions to the contrary.

Sheffield

- b. It is hereby declared to be the public policy of the City of Sheffield to establish and maintain trees upon and within the right-of-ways of improved public streets and highways maintained by the city for ornamentation and to protect the public health, safety, and welfare. No tree planted by the city for ornamentation or public safety purposes within said right-of-ways shall be removed or intentionally damaged, injured, or destroyed except by a duly authorized agent of the city, or a person who has first secured a permit from the City. Any tree presently located within such right-of-ways by the owner of the adjacent property for ornamentation, shade, screening, or other purposes, may continue to be so maintained so long as that portion of the right-of-way is not improved for travel or utility purposes, and so long as maintenance of said tree is not inconsistent with the health, safety, and welfare. Such trees shall not be removed by the city without notice of the adjoining owner, except for the protection of the safe movement of vehicular and pedestrian traffic, or for the safe operation and maintenance of the street or highway, or of public utilities or drainage facilities located within said right-of-way. Removal for any other purpose shall be preceded and based upon a finding by the city that such removal is in accordance with adopted standards.
- c. When it comes to the attention of a proper officer or agent of the city that any tree maintained by an adjoining owner on an improved public right-of-way is, or is likely to become, a threat to the public safety, the appropriate agent of the city, may forthwith abate the safety hazard by appropriate action in accordance with adopted standards. When it comes to the attention of any adjoining owner maintaining any tree upon an improved public right-of-way that any tree established or maintained by him within said right-of-way is, or is likely to become, a threat to the public safety, it is also the duty of said owner to abate said hazard by appropriate action in accordance with adopted standards.

SECTION 8. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION 9. Dead or Diseased Tree Removal on Private Property

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners.

Sheffield

SECTION 10. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SECTION 11. Arborists, License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$75.00 annually in advance; provided however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 12. Review by City Council

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

SECTION 13. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.00.

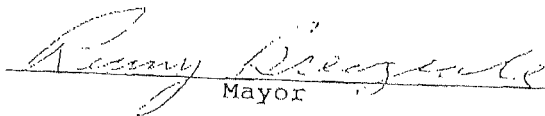
SECTION 14.

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the parts thereof, other than the part declared to be invalid.

SECTION 15.

This ordinance shall be in force and effect after its passage and publication as provided by law.

ADOPTED this the 18th day of July, 1989.


Mayor

SEAL

ATTEST:


City Clerk

Silverhill

ORDINANCE NO. 219

WHEREAS, trees are recognized as a valid asset , providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. When grown in the right place and of the proper varieties, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. Unless and until otherwise directed by the Mayor, the Chairman of the Park Committee and Chairman of the Street Committee shall serve on a committee within the framework of the Mayor and Council, which shall be known as the "Committee for Park and Street Trees". It is further recognized that additional advice and guidance to the Mayor and Council will result from the appointment on this committee of other interested citizens of the Town of Silverhill,

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF SILVERHILL, ALABAMA, as follows:

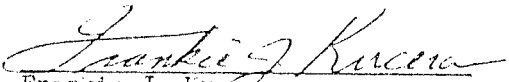
SECTION 1: That there is hereby established a Committee for Park and Street Trees, and that the Mayor, with the concurrence of the Council, shall appoint on this committee two (2) members of the Council, and the Mayor shall serve as an ex-officio member. The Council members' term shall expire on the date that a newly elected council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the Town of Silverhill, two (2) of which shall be appointed for three (3) years, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed for one (1) year, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

SECTION 2: This committee shall meet at such times

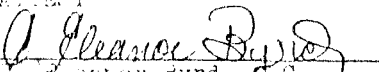
as provided in the minutes of their meeting, and in addition, meetings may be called by the Mayor, by either of the two (2) Councilmembers, or by any three (3) of the other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

SECTION 3: The duties of the Committee for Park and Street Trees shall be to determine and make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and where requested by the owner on private property; to meet with the Town Planning Commission and assist and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of said plan; to recommend to the Mayor and Council which trees are considered unwanted weed species, and identify and recommend removal of dead, dieing, diseased or insect infested trees; to make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality as from time to time requested by the Mayor and Council.

ADOPTED this 15 day of March, 1982


Frankie J. Kugera,
Mayor

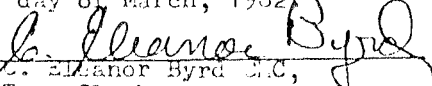
A. E. T.


C. Eleanor Byrd, C.C.
Town Clerk

Clerk's Certificate

I, C. Eleanor Byrd, duly appointed Clerk of the Town of Silverhill, do hereby certify that the within is a true and correct copy of Ordinance No. 219 adopted on the 15th. day of March, 1982 and that it has been published according to law and is now in full force and effect.

Published by posting on the 25th. day of March, 1982


C. Eleanor Byrd, C.C.,
Town Clerk
3 25 82

Silverhill 3

Silverhill

ORDINANCE NO. 227

WHEREAS, there is created and established a Committee for Park and Street Trees as per Ordinance No. 219, adopted on the 15th. day of March, 1982, and;

WHEREAS, the terms of office, and duties of the Committee for Park and Street Trees has been previously set forth; and;

WHEREAS, further guidelines for the Committee for Park and Street Trees are necessary to achieve desirable goals;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERHILL, ALABAMA, AS follows:

Section 1. Definitions:

a. Street Trees: "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.

b. Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town or to which the public has free access as a park.

c. Town Tree Board: "Town Tree Board" shall be used to identify the "Committee for Park and Street Trees" as established by Ordinance No. 219, adopted March 15, 1982.

Section 2. The following list constitutes the official Street Tree species for the Town of Silverhill, Alabama. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

<u>Small</u> (less than 25' Ht)	<u>Medium</u> (less than 35' ht)	<u>Large</u> (40' h
Flowering Dogwood	Bradford Pear	Live Oak
Eastern Redbud	Golden Rain Tree	Willow Oak
Flowering Crabapple	Sourwood	Pin Oak
Japanese Maple	American Holly	Yellow Poplar
Ornamental Cherry	Crepe Myrtle	Ginko
Mimosa		Magnolia
		Red Maple
		Green Ash
		Bald Cypress
		White Oak
		Pecan

Section 3. The spacing of Street Trees will be in accordance with the three species size classes listed in Section 2 of this ordinance, and no trees may be planted closer together than the following: Small trees - 30 ft; Medium trees - 40 ft; and large trees - 50 ft.; except in special plantings designed or approved by a landscape architect.

Section 4. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 2 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small trees - 2 ft; Medium trees - 3 ft; Large trees - 4 ft.

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Ordinance No. 227

Section 5. No Street Trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 6. No Street Trees other than those species listed as Small Trees in Section 2 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over within 5 lateral feet of any underground water line, sewer line, transmission line or other utility line.

Section 7. The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of Street Trees by adjacent property owners, providing that the selection and location of said trees is in accordance with Sections 2 through 7 of this ordinance.

Section 8. It shall be unlawful as a normal practice for any person, firm, or Town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

Section 9. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 10. The Town shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the Town. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

Section 11. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Town of Silverhill

"A Good Place to Live"

P. O. BOX 206

SILVERHILL, AL 36576

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Ordinance No. 227

Section 12. It shall be unlawful for any person to prevent delay or interfere with the Town Tree Board, or any of its agents while ingaging in and about the planting, cultivating,, mulching, pruning, spraying, or removing of any Street or Park Trees, or trees on private grounds, as authorized in this ordinance.

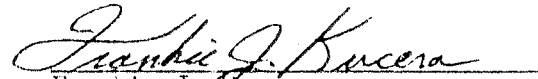
Section. 13 It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park Trees within the Town without first applying for and procuring a license. The license fee shall be as per current license ordinance, in advance; provided, however that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of Fifty-Thousand (\$50,000.00) Dollars for bodily injury and One-Hundred Thousand (\$100,000.00) Dollars property damage indemnifying the Town of any injury or damage resulting from the pursuit of such endeavors as herein described.

Section 14. The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

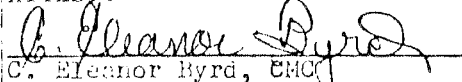
Section 15. Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed Five Hundred (\$500.00) Dollars.

Section 16. All ordinances or parts of ordinances are not repealed by the adoption of this ordinance unless this ordinance or parts of this ordinance are in direct conflict therewith.

ADOPTED this 20th. day of December, 1982.


Frankie J. Kucera,
Mayor of the Town of Silverhill

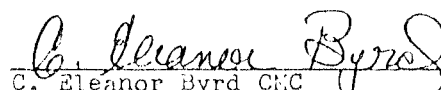
ATTEST:


C. Eleanor Byrd, EMC
Town Clerk

CLERK'S CERTIFICATE

I, C. Eleanor Byrd, duly appointed clerk of the Town of Silverhill, Alabama, do hereby certify that the within is a true and correct copy of Ordinance No. 227 adopted by said Town Council the 20th. day of December, 1983, and that it has been published according to law and is now in full force and effect.

Published by posting on the 5th. day of January, 1983.


C. Eleanor Byrd EMC
Town Clerk

AN ORDINANCE TO FORMULATE A
PARK AND STREET TREE COMMITTEE

WHEREAS, trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beautiful and beneficial in attracting new industry, residents and visitors. When grown in the right place and of the proper varieties, they enhance the value and marketability of property, and promote the stability of desirable neighborhoods. Unless and until otherwise directed by the Mayor, the Chairman of the Park Committee and Chairman of the Street Committee shall serve on a committee within the framework of the Mayor and Council, which shall be known as the "Committee for Park and Street Trees". It is further recognized that additional advice and guidance to the Mayor and Council will result from the appointment on this committee of other interested citizens of the Town of Summerdale.

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF SUMMERDALE, ALABAMA, as follows:

Section 1: That there is hereby established a Committee for Park and Street Trees, and that the Mayor, with the concurrence of the Council, shall appoint on the committee two (2) members of the Council, and the Mayor shall serve as an ex-officio member. The Council members' term shall expire on the date that a newly elected council shall take office. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) additional persons in the Town of Summerdale, two (2) of which shall be appointed for one (1) year, two (2) of which shall be appointed for two (2) years, and two (2) of which shall be appointed for three (3) years, and following the initial appointment, two (2) members shall be appointed annually to serve for a period of three (3) years, and thereafter until their successors are appointed and qualified.

Section 2: This committee shall meet at such times as provided in the minutes of their meetings, and in addition, meetings may be called by the Mayor, by either of the two council members, or by any three (3) of the other members, after giving not less than five (5) days notice of the date, time and place of the special meeting.

Section 3: The duties of the Committee for Park and Street Trees shall be to determine and make recommendation to the Mayor and Council on the needs of the municipality in connection with its tree planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance and removal and planting of trees on public property and where requested by the owner on private property; to meet with the City Planning Commission and assist and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of

Summerdale

said plan; to recommend to the Mayor and Council which trees are considered unwanted weed species, and identify and recommend removal of dead, dieing, diseased or insect infested trees; to make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality as from time to time requested by the Mayor and Council.

ADOPTED THIS 28th day of February 1983.

William C. McPherson
Mayor

ATTEST:

Charokey Ashworth
Town Clerk

The foregoing Ordinance having been presented, read and discussed, on motion made by Councilman Clopton, and seconded by Councilman Peebles, and being put to a roll call vote, voting "Aye": Mayor McPherson, Councilmen Holmes, Resmondo, Peebles and Clopton and Green. Voting "Nay": none. Whereupon the Mayor announced the rules suspended for immediate consideration. Councilman Resmondo then moved that the Ordinance be adopted, which motion was seconded by Councilman Clopton, and on roll call vote being taken, voting "Aye" Mayor McPherson, Councilmen Clopton, Resmondo, Holmes and Peebles. Councilman Green refrained voting. Voting "Nay" none. The Mayor announced the Ordinance was adopted.

Town of
Summerdale
Alabama

P.O. BOX 148
SUMMERDALE, AL 36580

Summerdale

Town of

Summerdale

Alabama

Zoning

Ordinance

Adopted:

July 13, 2000

Current Revision:

February 28, 2005

Summerdale

Town Of

SUMMERDALE

Alabama

Mayor

David Wilson

Town Council

James Reaves

Travis Townsend

Ralph Clopton

Norma Giles

Kenneth Dombroski

Town Clerk

Tiffany Lynn

Planning Commission

James J. Jurkiewicz

Milton Luoma

Travis Townsend

Gene Passmore

Marcus Flint

Barry Lewis

David Wilson

John Resmondo

Mary Walker

Secretary

Tiffany Lynn

Prepared By

The South Alabama Regional Planning Commission

651 Church Street, Post Office Box 1665

Mobile, Alabama

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<i>Summerdale</i> <i>Alabama</i>	ZONING	Preamble
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Ordinance Number 191-00

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF SUMMERDALE, ALABAMA PROVIDING FOR DEFINITIONS, THE ESTABLISHMENT OF DISTRICTS, A ZONING MAP, FOR USE AND LOCATION OF LAND AND BUILDINGS FOR RESIDENCE, TRADE, INDUSTRY, OR OTHER USES WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERDALE, ALABAMA; REGULATING WITHIN ESTABLISHED 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, STRUCTURES AND LAND; PROVIDING FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SIGN REGULATIONS; PROVIDING FOR LANDSCAPING AND REGULATION OF FENCES; PROVIDING FOR NONCONFORMING USES AND BUILDINGS; PROVIDING FOR METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT TO ASSIST IN CERTAIN PHASES OF THE ADMINISTRATION OF THE ORDINANCE; REPEALING EXISTING ZONING ORDINANCES AND CONFLICTING LAWS.

BE IT ORDAINED BY THE TOWN COUNCIL OF SUMMERDALE, ALABAMA WHILE IN REGULAR SESSION ON _____ AS FOLLOWS:

<i>Summerdale</i> <i>Alabama</i>	ZONING	Article I
	ORDINANCE	DATE: 3/13/00
Authority and Enactment Clause		PAGE: 8 OF 91

ARTICLE I

AUTHORITY and ENACTMENT CLAUSE

The Town Council of Summerdale, Alabama, in pursuance of the authority granted by Title II Chapter 52, Article 4, Sections 70-84 inclusive Code of Alabama, 1975 and 1979 Cumulative Supplement hereby ordains and enacts into law the following articles.

Summerdale

<i>Summerdale</i> <i>Alabama</i>	ZONING	Article II
	ORDINANCE	DATE: 3/13/00
Short Title and Jurisdiction		PAGE: 9 OF 91

ARTICLE II

SHORT TITLE and JURISDICTION

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

<i>Summerdale Alabama</i>	ZONING	Article III
	ORDINANCE	DATE: 3/13/00
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ARTICLE III

DEFINITIONS

Section 301. Interpretation of Certain Words and Terms.

Words used in the present tense include the future tense. Words used in the singular case include the plural, and words used in the plural case include the singular. The word *Map*, *Zoning Map*, or *Summerdale Zoning Map*, shall mean the *Official Zoning Map of the Town of Summerdale, Alabama*.

Section 302. Definitions

- 302.1 **Accessory Structure.** Any detached minor building in the rear of the main building consisting of masonry, steel, or frame walls, and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure.
- 302.2 **Access Way.** The principal means of vehicular ingress and egress.
- 302.3 **Agricultural.** The Growing or cultivation of crops or raising of animals as a commercial venture or for profit.
- 302.4 **Aisle.** A maneuvering space in a parking lot with a minimum width of 22 feet.
- 302.5 **Alteration, Altered.** The word "alteration" shall include any of the following:
- a) Any addition to the height or depth of a building or structure.
 - b) Any change in the location of any of the exterior walls of a building or structure.
 - c) Any increase in the interior accommodations of a building or structure.

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<i>Summerdale Alabama</i>	ZONING	Article III
	ORDINANCE	DATE: 3/13/00
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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 percent (50%) of its value prior to the commencement of such repairs, renovation, or rebuilding.

- 302.6 ***Apartment.*** A building used or intended to be used as a dwelling by four (4) or more families, or as an apartment house.
- 302.7 ***Architectural Planter.*** A container within which plantings may be placed to meet the requirements of this ordinance.
- 302.8 ***Automatic Car Wash.*** Any coin operated apparatus for washing automobiles shall constitute an automatic car wash. Stacking lanes for vehicles entering or leaving the premises of such an establishment shall be provided by the owner. The Planning Commission will determine the length of such lanes for each establishment on an individual basis.
- 302.9 ***Bar or Saloon.*** Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating the alcoholic beverages are obtainable therein or thereon and where such beverages are consumed on the premises.
- 302.10 ***Basement.*** A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when one-half (2) of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes.
- 302.11 ***Bed and Breakfast (Tourist Home).*** A building or part thereof other than a motel or hotel, typically a residential dwelling unit, where sleeping accommodations are provided to transient guests with or without meals and which also serves as the residence of the operator. Also, sleeping accommodations and meals provided to transient guests are for compensation. Breakfasts should be limited to guests only.
- 302.12 ***Block.*** All land on one side of a street between the nearest intersecting streets, roads, railroad right-of-ways and waterways, meeting or crossing the aforesaid street and bounding such land.
- 302.13 ***Board.*** The Summerdale Board of Adjustment.

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<i>Summerdale Alabama</i>	ZONING	Article III
	ORDINANCE	DATE: 3/13/00
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- 302.14 ***Boarding House***. A building other than a hotel, cafe or restaurant where, for compensation, meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.
- 302.15 ***Building***. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.
- 302.16 ***Building Area***. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
- 302.17 ***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 for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 302.18 ***Building Inspector***. The officially designated building inspector or zoning administrator, or his authorized representative appointed by the Town Council
- 302.19 ***Building, Main, or Principal***. A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.
- 302.20 ***Building Setback Line***. A line delineating the allowable minimum distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed except as provided for in the applicable Articles and Sections of this Ordinance.
- 302.21 ***Camper***. Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.
- 302.22 ***Campground***. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
- 302.23 ***Camping Unit***. Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

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- 302.24 ***Campsite.*** Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.
- 302.25 ***Club, Night.*** The term "night club" shall pertain to and include restaurants, dining rooms or other similar establishments where floor show or other form of lawful entertainment is provided for guests after eleven o'clock P.M.
- 302.26 ***Club, Private.*** An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for financial profit.
- 302.27 ***Community Building.*** A building for public assembly, open for use by social, educational group activities of the immediate adjoining area.
- 302.28 ***Council.*** The Town Council of Summerdale, Alabama.
- 302.29 ***Court.*** An open unoccupied area other than a yard, bounded or enclosed on two or more sides by the exterior walls and lot lines and clearly open to the sky, unobstructed roof, skylight or other appendage.
- 302.30 ***Coverage.*** That percentage of the lot or plot area covered by the building area.
- 302.31 ***Crown.*** The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.
- 302.32 ***Crown Spread.*** The distance measured across the greatest diameter of a plant.
- 302.33 ***Day Nurseries and/or Kindergartens.*** Any place, home or institution which receives seven (7) or more young children, conducted for cultivating the normal aptitude for exercise, play and observation.
- 302.34 ***Deciduous Plants.*** Trees/plants whose leaves fall off.
- 302.35 ***Development or Developed Area.*** The portion of a plot or parcel of land, excluding public rights-of-way, upon which a building, structure, pavement, fence, landscape material, or other improvements have been placed.

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- 302.36 ***Drip Line.*** The outer perimeter of the crown of a plant.
- 302.37 ***Dwelling, Multi-Family.*** A building designed for or occupied exclusively by three (3) or more families living independently of each other.
- 302.38 ***Dwelling, Semi-Attached.*** Two dwellings with a single party wall common to both.
- 302.39 ***Dwelling, Single-Family.*** A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants.
- 302.40 ***Dwelling, Two and Three Family.*** A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two or three families.
- 302.41 ***Dwelling Unit.*** One or more rooms and a single kitchen designed as a unit for occupancy by one family only, for cooking, living and sleeping purposes.
- 302.42 ***Drive-In Theater.*** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis, to patrons seated in automobiles.
- 302.43 ***Easement.*** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.
- 302.44 ***Encroachment.*** The protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscaped area.
- 302.45 ***Excavation.*** Removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

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- 302.46 ***Family.*** One or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons unrelated by blood or marriage, occupying a dwelling unit and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family.
- 302.47 ***Fence.*** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 302.48 ***Flea Market.*** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. This sort of retail operation is typified by the fact there are no long-term leases between the sellers and owners or lessors of the site and that often the sellers use their own vehicles for display or set up temporary tables for their wares.
- 302.49 ***Flood Prone Area.*** Any area subject to inundation by the regulatory flood as defined by the Corps of Engineers or the Flood Insurance Program.
- 302.50 ***Floor Area.*** The sum of the gross floor area for each of the several stories under roof, measured from the interior limits of walls of a building or structure.
- 302.51 ***Frontage.*** All property on one side of a street measured along the line of the street, or if the street has a dead end, then all of the property abutting the dead end and/or turn-around of the street.
- 302.52 ***Garage, Private.*** An accessory building or part of a main building for which the principal use is storage or privately owned vehicle.
- 302.53 ***Garage, Public or Private.*** A building in which the principal operation involves a garage used for the storage, repair, servicing, or equipping of vehicles for profit.
- 302.54 ***Ground Cover.*** Natural (mulch) or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.
- 302.55 ***Gasoline or Service Station.*** Any building, structure or land used primarily for the dispensing, sale of fuels, oils, accessories or minor

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maintenance and repair services but not including painting, major repairs or automatic washing facilities.

302.56 ***Grade, Finished.*** The completed surfaces of lawns, walks, and roads brought to grades as shown on plans or designs relating thereto.

302.57 ***Hazardous or Noxious Uses.*** All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn at a moderate or rapid rate or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops or property.

302.58 ***Health Department.*** Baldwin County Health Department.

302.59 ***Health Officer.*** The director of the county health department having jurisdiction over the community in an area, or his duly authorized representative.

302.60 ***Historical Monuments and/or Structures.*** Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building which the relics and/or mementos of such event or period are housed and preserved.

302.61 ***Home Occupation.*** An occupation in a dwelling unit, provided that:

- a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c) There shall be no change in the outside appearance of the building or premises, or other visible evident of the conduct of such home occupation other than one non-illuminated sign, not exceeding two square feet (12" x 24") in area;

Summerdale

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- d) No home occupation shall be conducted in any accessory building;
- e) There shall be no public displays of goods in connection with such home occupation.
- f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g) No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit, if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- 302.62 ***Hotel.*** A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests.
- 302.63 ***House Trailer.*** See Mobile Home.
- 302.64 ***House Trailer Park.*** See Mobile Home Park.
- 302.65 ***Institution.*** A non-profit corporation or a non-profit establishment.
- 302.66 ***Interior Area.*** The entire parcel to be developed exclusive of the perimeter landscape areas.
- 302.67 ***Junk Yard.*** Junk yards shall include any lot or parcel of land on which is kept, stored, bought, or sold articles commonly known as junk, including

Summerdale

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scrap paper and metal, automobile bodies from which the motors have been removed, and automobiles and parts thereof which are valuable only as junk. One year from the date of adopting of this ordinance, all junk yards, auto salvage or scrap yards shall be surrounded by either a solid fence at least six feet high or a buffer strip at least five feet wide and six feet high of solid screen planting within the building lines so that the yard cannot be seen from any public street, and the yard may not be located within 1,000 feet of any residential structure.

- 302.68 ***Landscape.*** The placement of landscape material in the planting area in accordance with the requirements of this ordinance.
- 302.69 ***Landscape Material.*** Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, and landscape water features. Non-living material may be used in such a manner as to present a finished appearance and to complete coverage, and may consist of pine or cypress bark, crushed pecan shell, pine straw, or other decorative mulch. In no instance shall pebbles, gravel, or marine shells be used. At least 50 percent of such materials shall be living.
- 302.70 ***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.
- 302.71 ***Lot, Corner.*** A lot abutting upon two or more named streets at their intersection.
- 302.72 ***Lot, Double Frontage or Through Lot.*** A lot which is an interior lot extending from one street to another and abutting a street on two ends.
- 302.73 ***Lot, Frontage.*** The distance for which the front boundary line of the lot and the street line are coincident.
- 302.74 ***Lot Lines.*** The lines bounding a lot as defined herein.

Summerdale

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- 302.75 ***Lot Lines, Front.*** In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for a Building Permit.
- 302.76 ***Lot Line, Rear.*** Any lot line other than a front or side lot line as defined herein.
- 302.77 ***Lot Line Side.*** Any lot line other than a front or rear lot line as defined herein.
- 302.78 ***Lot Of Record.*** A lot or parcel of land where existence, location, and dimensions have been recorded in the office of the Judge of Probate of Baldwin County prior to the adoption of this ordinance.
- 302.79 ***Lot Width.*** The width of a lot measured at the building setback line.
- 302.80 ***Medical Facilities:***
- Convalescent, Rest, or Nursing Home.*** A health facility where persons are housed and furnished with meals and continuing nursing care.
- Dental Clinic, or Medical Clinic.*** A facility for examination and treatment of human out-patients provided, however, that patients are not kept overnight except under emergency conditions.
- Hospital.*** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
- 302.81 ***Mini-Warehouse.*** A building or group of buildings in a controlled access compound, used for storage only, that contain varying sizes of individual, compartmentalized, and controlled-access stalls, cubicles, and/or lockers, along with accessory structures for rental office space or living quarters for on-site management.

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- 302.82 ***Mobile Home.*** A manufactured single-family dwelling unit with or without an undercarriage, axle(s) and wheels, capable of being towed or transported in any manner on a public street, whether or not axle(s) on wheels have been removed, and which meets the National Manufactured Home Construction and Safety Standards Act (42 USC Section 5401). This definition excludes self-propelled motor homes, recreational vehicles and transport trucks or vans equipped with sleeping space for a driver or drivers.
- 302.83 ***Mobile Home Park, Trailer Court or Trailer Park.*** Any area, tract, site, or plot of land thereupon a minimum of two (2) or more mobile homes are placed, located or maintained, and shall include all accessory buildings used or intended to be used in connection with the operation of a mobile home park.
- 302.84 ***Mobile Home Space.*** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- 302.85 ***Modular Home.*** A factory fabricated transportable building consisting of units designed to be assembled and incorporated as a building on a permanent site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufactured Housing Commission.
- 302.86 ***Motel.*** An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building
- 302.87 ***New Construction.*** Any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use begun after the effective date of this ordinance.
- 302.88 ***Nonconforming Use.*** A use of any structure or land which though originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.
- 302.89 ***Offices.*** Space or rooms used for professional, administrative, clerical and similar uses.

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- 302.90 ***Open Space.*** A yard area which is not used for or occupied by a driveway, off-street parking, loading space, or storage.
- 302.91 ***Outdoor Advertising.*** Any outdoor sign, display, drawing, message, billboard, or anything which is designed, intended, or used to advertise or inform (other than a home-occupation sign); furthermore, any part of which advertising or informational content is visible from any place on a thoroughfare in the Town.
- 302.92 ***Overlay Zone.*** A zoning district that encompasses one or more underlying zones and that imposes additional requirements or relaxes certain requirements of the underlying zone.
- 302.93 ***Parking Lot.*** An off-street facility including parking spaces along with adequate provision for drivers and aisles for maneuvering and providing access, and for entrance and exit, all laid out in a way to accommodate the parking of automobiles.
- 302.94 ***Parking, Off-Street.*** This term shall mean the parking on the lot of cars connected with use to which the lot is put. The objective being the relief of traffic congestion by the removal of motor vehicles, when not in actual use, from public or private thoroughfares.
- 302.95 ***Parking Space.*** An off-street all-weather surfaced space, enclosed or unenclosed, containing not less than 180 square feet (9' x 20') of area exclusive of driveways appurtenant thereto, permanently reserved for the temporary storage of a motor vehicle and connected without obstruction to a street or alley shall be counted as an off-street parking area of space.
- 302.96 ***Planned Unit Development.*** A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units as related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed

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plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated, or maintained at public expense.

- 302.97 ***Perimeter Area.*** That portion of a parcel of land bordering the exterior boundaries.
- 302.98 ***Perennial Plants.*** A plant whose root remains alive more than two years.
- 302.99 ***Planning Commission.*** The Planning Commission of the Town of Summerdale, Alabama.
- 302.100 ***Planting Area.*** Any area designed for landscaped material installation, having a minimum of thirty (30) square feet, a minimum depth, as measured perpendicular to the adjacent property line, of seven (7) feet, and consisting of suitable growing medium with proper drainage.
- 302.101 ***Principal Use.*** The specific primary purpose for which land or a building is used.
- 302.102 ***Public Land Uses.*** Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices, and similar land uses; and Federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.
- 302.103 ***Public Utility.*** Any persons, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, drainage, water or sewer.
- 302.104 ***Recreational Vehicle.*** A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance, is assumed to include also campers and camping trailers capable of being towed by a passenger motor vehicle and motor homes.

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- 302.105 ***Recreational Vehicle Park.*** Any lot or parcel of land upon which are two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
- 302.106 ***Redevelopment.*** The demolition or removal of the principal structure or more than fifty percent (50%) of the impervious surface of the site.
- 302.107 ***Restaurant, Fast-Food.*** An eating establishment which caters to motor-driven vehicle business where the person being served sits in his car. Such establishments shall provide stacking lanes for traffic wanting ingress or egress.
- 302.108 ***Restaurant.*** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.
- 302.109 ***Road.*** That portion of a public thoroughfare or right-of-way intended for use by motor vehicles.
- 302.110 ***Rooming House.*** Any building or portion thereof which contains not less than three (3) nor more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation, whether paid directly or indirectly.
- 302.111 ***School, Private.*** An institution of learning including colleges and universities, that is not tax supported.
- 302.112 ***Semi-Public Land Uses.*** Philanthropic and charitable land uses including: YMCA's, YWCA's, Salvation Army, churches and church related institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.
- 302.113 ***Shopping Center.*** A group of business establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property.
- 302.114 ***Shade Tree.*** Any self-supporting woody plant of a species that is well shaped, well branched, and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an

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average mature spread of crown greater than thirty (30) feet in Baldwin County, Alabama. Plant standards shall be as defined by American Standards for Nursery Stock, 1986 or later edition.

- 302.115 ***Shrub***. A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.
- 302.116 ***Sign, Billboard, or Other Advertising Device***. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which shall display or include any letter, words, model, banner, flag, pennant, insignia, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include flag, pennant, or insignia of any nation, state, city, or other political unit, school or religion.
- 302.117 ***Sign, Back-to-back***. A structure with two parallel sign faces oriented in opposite directions, or two structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the traveled way.
- 302.118 ***Sign Face***. The entire area of a sign which is built on one structure, including the advertising surface and any framing, trim, or molding, but not including the support structure, and which faces traffic such that the traffic is moving in one direction.
- 302.119 ***Sign, V-Type***. A structure or structures with two or more sign faces forming the shape of the letter "V" or a triangle, when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.
- 302.120 ***Sign, Home-Occupation***. A non-illuminated sign, attached to the residence, containing the name and occupation of a permitted home occupation, and which is no more than two square feet (12" x 24") in size.

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- 302.121 ***Sign, Off-Premise.*** A sign displaying subject matter that does not relate to the site on which the sign is located.
- 302.122 ***Sign, On-Premise.*** A sign displaying subject matter that relates to the site on which the sign is located
- 302.123 ***Shelter, Fall-Out.*** A structure or portion of a structure intended to provide protection to human life during periods of danger to life from nuclear fall-out, air raids, storms, or other emergencies.
- 302.124 ***Story.*** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 302.125 ***Story, Ground or First.*** This term shall mean the lowest story entirely above the mean or average grade of the adjoining ground.
- 302.126 ***Story, Half.*** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.
- 302.127 ***Story, Upper.*** This term means any story above the first or ground story.
- 302.128 ***Streets.*** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 302.129 ***Primary Street.*** A street with a right-of-way greater than 80 feet.
- 302.130 ***Secondary Street.*** A street with a right-of-way of 80 feet or less.
- 302.131 ***Structures.*** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, including among other things, gasoline pumps, fences, signs, billboards, but not including utility poles and overhead wires.

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- 302.132 ***Swimming and Wading Pools.*** Swimming pools and wading pools with a depth of one foot or more in any portion of the pool, and not located within a permanently and completely walled structure, shall be completely isolated by a fence at a height of at least five (5) feet.
Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area.
Gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.
- 302.133 ***Temporary Structure.*** A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- 302.134 ***Thoroughfare.*** Any street, road, expressway, freeway, or highway located within the Town.
- 302.135 ***Travel Trailer.*** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and a length not exceeding fifty-five feet.
- 302.136 ***Use.*** The purpose for which land or building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 302.137 ***Vehicular Use Area.*** Any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicular uses under, on, or within buildings.
- 302.138 ***Vines.*** Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.
- 302.139 ***Visual Screen.*** A barrier of living or non-living landscape material, put in place for the purpose of separating and obscuring from view those areas so screened.

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- 302.140 ***Within The Town.*** Within the corporate limits of the Town of Summerdale, but does not include any territory within the police jurisdiction of the Town of Summerdale.
- 302.141 ***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.
- 302.142 ***Yard, Front.*** The yard extending across the entire width of the lot between the main building, including covered porches and carports, and the established front lot line; or between the main building, including covered porches, and the right-of-way line.
- 302.143 ***Yard, Rear.*** The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.
- 302.144 ***Yard, Side.*** The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.
- 302.145 ***Variance.*** A modification of the strict application of the provisions of this Ordinance, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, as determined by the Board of Adjustment in accord with procedures specified in this Ordinance.

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ARTICLE IV

ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 401. Zoning Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance. This official shall also have the right to conduct visual inspections of the property, and structures thereon, to ensure that the uses exhibited on the property are in conformance with the uses specified in the definition and description on the respective zoning districts. In cases when non-conformance is detected, the official is authorized to cite the violation by issuing a notice of non-conformance (see specific form in the Official Forms Appendix, this Ordinance) to the applicable person or persons or affixing the notice of non-conformance on the property in a prominent location.

Section 402. Building Permit Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures to store building materials or erect temporary field offices, or to commence the moving, alteration or repair (except repairs not changing the character of the structure and not exceeding \$500.00 in cost, or painting or wallpapering), of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is abandoned for a period of one (1) year.

Section 403. Approval of Site Plans and Issuance of Building Permits.

For residential developments involving the construction of three (3) or more dwelling units and all commercial and industrial developments, a site plan must be reviewed by a committee appointed by the Planning Commission prior to the issuance of a building permit. Said committee shall be called the Site Plan Review Committee and shall be composed of no less than three members. It is the responsibility of the Site Plan Review Committee to review the site plan and make recommendations to the Planning Commission as to whether the site plan is in conformance with the requirements of this Ordinance. Final approval of the site plan is to be made by the Planning Commission prior to the issuance of a building permit.

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It shall be unlawful for the Municipal Building Inspector to issue a building permit for any excavation or construction requiring a site plan until such plans have been reviewed by the Site Plan Review Committee in detail and found to be in conformity with this Ordinance except that the building official may issue land disturbance permits for the purpose of clearing sites, filling of land, or installation of culvert pipes in rights-of-way. To this end, the Municipal Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan drawn to scale and showing the following in sufficient detail to enable the Site Plan Review Committee to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. A conceptual review may be performed with staff during the planning stages of a project, but will not be considered a formal review. Formal reviews will only be made on submitted finalized plans.

- a. The location and size of the site including its legal description.
- b. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features.
- c. Architectural details showing the footprint and maximum height, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
- d. The existing and intended use of all such buildings or other structures.
- e. The setback and sidelines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- f. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- g. If deemed necessary by the Site Plan Review Committee - a traffic impact analysis complete with corrective measures to address detrimental conditions brought about by the development.
- h. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this Ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in this Ordinance.

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

Section 403.1 Architectural Restrictions

No Buildings shall be constructed or renovated with metal sided walls closer than 300 feet from the right-of-way of Alabama Highway 59 within the Business Corridor Overlay Zone (BCOZ). All buildings within this overlay zone shall meet the following conditions:

1. All buildings in the BCOZ along Highway 59 shall have an architectural façade on the front elevation and all other elevations that are adjacent to a public/private street or right-of-way, and a minimum of ten (10) feet along sides not adjacent to a street.
 - a. Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap or board and batten siding and fiber cement lap siding. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, cornice work, wainscot, protrusions, recessed windows or entries. Alternative materials other than listed above must be approved through the Site Plan approval process.
 - b. Vertical surfaces extending more than eighteen (18) inches below the roof shall be considered as walls and shall meet the requirements for wall surfacing.
2. The above provisions of this Section are intended to serve as a guide to prospective Developers, Designers or Builders and are not promoted as being all inclusive. Additional comments may be generated through the Site Plan Review Process.

Section 404. Certificate of Occupancy Required.

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector of the municipality shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three (3) days after the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

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Section 405. Penalties.

In case any building or other structure is erected, constructed, reconstructed, altered repaired, converted, or maintained, or any building structure or land is used in violation of this Ordinance, the Building Inspector of the municipality or any other appropriate authority may institute appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land. Any person or entity duly convicted of non-compliance with the tenets of this ordinance shall be punishable by a fine of not more than five hundred dollars (\$500.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense.

Section 406. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the municipality or any other appropriate authority may institute appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation to prevent occupancy of such building, structure or land.

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ARTICLE V

**PLANNING COMMISSION
and
BOARD OF ADJUSTMENT**

Section 501. Establishment and Membership of the Planning Commission

The Planning Commission shall act as the Zoning Commission and shall consist of nine members: The mayor, one municipal official appointed by the mayor, a member of the town council selected by the council, and six persons who shall be appointed by the mayor. All members of the Commission shall serve as such without compensation. The terms of the ex officio members shall coincide to their respective official tenures. The term of the municipal official appointed by the mayor shall terminate with the term of that mayor. The term of each appointed member shall be six years or until a successor takes office; except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years.

Section 502. Meetings, Procedures, and Records of the Planning Commission

- a. Chairperson. The Commission shall elect its chairperson from among the appointed members and create and fill such other offices as it may determine. The term of the chairperson shall be one year, with eligibility of reelection.
- b. Meetings. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of resolutions, transactions, findings, and determinations, which record shall be public record.
- c. Appointments and Contracts. The Commission may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. The Commission may also contract with city planners and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts shall be within the amounts appropriated for the purpose by the Town Council, which shall provide the funds, equipment and accommodations necessary for the Commission’s work.
- d. Jurisdiction. The territorial jurisdiction of the planning Commission over the subdivision of land shall include all land located in the Town and all land lying within one-half (1/2) mile of the corporate limits of the Town and not located in any other municipality.

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Section 503. Powers of the Planning Commission -- General

In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions and to promote municipal planning. The Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. The Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of the duties of the Commission to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the protecting or carrying out the master plan. Specific duties shall include the following:

- a. The Commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.
- b. The Planning Commission shall hear matters *on review* or that require Commission *approval* as herein specified.
- c. The Commission shall hear and recommend to the Town Council all matters of zoning, rezoning (and in the case of municipalities -- all cases of annexation).
- d. Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

Section 504. Functions and Duties of the Planning Commission -- Planning

It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Town. In the preparation of such plans the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs which will, in accordance with current and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the progress of development. The Commission may, from time to time, recommend to the Town Council amendments of the zoning ordinance or map or additions thereto.

Section 505. Functions and Duties of the Planning Commission -- Subdivision of Land

The Commission shall adopt regulations governing the subdivision of land within its jurisdiction. The Commission shall approve or disapprove a subdivision plat within 30 days after submission thereof to it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may

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waive this requirement and consent to an extension of such period. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the Town plan are part thereof.

Section 506. Establishment and Membership of the Board of Adjustment.

A Board of Adjustment is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Town Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

Section 507. Meetings, Procedures, and Records of the Board of Adjustment.

- a. Vacancies. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Town Council upon written charges and after public hearing thereon.
- b. Public Offices Held. No members shall hold any other public office or position, except that one member may be a member of the Town Council.
- c. Rules of Procedure. The Board of Adjustment shall observe the following procedures:
 - 1) Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
 - 2) Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairperson, who shall serve for one year or until re-elected or a successor is elected. Said Board shall appoint a Secretary.
 - 3) The meetings of said Board shall be held at the call of the Chairperson and at such other times as said Board may determine. The Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
 - 4) All meetings of said Board shall be open to the public.
 - 5) Said Board shall keep minutes of its proceedings, showing the vote of such 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 immediately filed in the Office of the Clerk and shall be a public record.

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- d. PROCEDURE FOR REQUESTING A HEARING. Request for a hearing before the Board of Adjustment for an administrative review, special exception or a variance shall observe the following procedures:
- 1) An application specifying the reason(s) for an appeal from a decision rendered in writing by the Building Inspector must be filed within 30 days after such written decision has been served upon the applicant. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
 - 2) An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments locate thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
 - 3) The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods: (1) a sign posted on the property or parcel in question which advertises the pending hearing and which provides a business hours telephone number for further information and details of the hearing; (2) a printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with the applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision; (3) notice by registered mail to the owners of all abutting property on the same side of the street, across the street, and to the rear of the affected property.
 - 5) The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment shall become effective immediately if rendered in the presence of one or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants' addresses as indicated upon their application. The applicants shall be deemed to have been served three days after mailing of the notice to them. When an applicant receives

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an adverse decision from the Board of Adjustment, he or she shall be advised of the fifteen (15) day time limit for taking an appeal to the Circuit Court.

- 6) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been 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 otherwise than by a restraining order which may be granted by said Board of by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
- 7) In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the tenets of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.
- 8) Limitation, Withdrawal, Citizen Appeals
 - a) A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every twelve (12) months on the same variance.
 - b) Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.
 - c) Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may, within fifteen (15) days thereafter appeal to the circuit court by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken.

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Section 508. Duties and Powers of the Board of Adjustment

- a. *Administrative Powers.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by Zoning Enforcement Officer, or other administrative official, in the enforcement of this Ordinance.
- b. *Special Exceptions.* To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.
- 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 will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of adjustment that:
 - There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
 - Such conditions are peculiar to the particular piece of property involved; and,
 - Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

An application for a variance requires a filing fee to be presented to the town clerk, or a duly authorized representative.

- d. *Uses Not Provided For.* Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance. This does not, however, apply to issues currently under consideration by the Board or under litigation at the time of passage of this Ordinance.

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ARTICLE VI

DISTRICT USE REGULATIONS

Section 601. Establishment of Districts.

For the purpose of this Ordinance, the Town of Summerdale is hereby divided into the types of districts designated as follows:

- R-1 Residential District (Single Family)
- R-2 Residential District (Single & Multi-Family)
- R-3 Residential District (Single & Multi-Family)
- MH-1 Mobile Home District (Mobile Home Parks)
- B-1 Business District (Neighborhood Business)
- B-2 Commercial Business (General Business)
- BCOZ Business Corridor (Applies to Businesses that Front on Overlay Zone Hwy 59 only)
- M-1 Manufacturing District (Light Industrial)
- FP-1 Flood Plain District (Flood Prone)
- AO-1 Agriculture/Open Space (Croplands, Pasture and Woodlands)

Any unzoned land annexed to the Town of Summerdale, hereafter shall be classified R-1, unless otherwise classified by the Planning Commission and Town Council at the time of annexation. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the municipality's own zoning district or to an entirely new zone consistent with established procedure.

Section 602. R-1 Residential District.

This district exists for the development of residential areas. The use of land and buildings within such areas is therefore limited to single-family detached dwellings and such non-residential uses as generally support and harmonize with such low density districts.

Use Regulations

Uses Permitted: Single-family dwellings: accessory structures; gardens, public buildings, including schools and libraries. Agricultural use is limited to row crop operations only and on parcels containing one acre of more of land.

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R-1 (Continued)

Uses Permitted on Appeal: Public parks and playgrounds; churches; public utilities; bed and breakfasts; and customary home occupations.

Uses Prohibited: Mobile homes, mobile home parks; commercial or industrial uses, including parking lots or parking areas in connection with the uses.

Space and Height Regulations

Minimum Lot Size: 15,000 square feet; 10,000 square feet if served by a public sewer system. Minimum required lot width at building line (setback line): 80 feet.

Minimum Yard Size: Front 35 feet; rear 35 feet; interior side yard 10 feet; street side yard 25 feet; accessory structures - 10 feet side yard; 10 feet rear yard; any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agricultural district.

Maximum Height: Thirty-Five (35) feet or 2-1/2 stories.

Off-Street Parking: Two spaces for each dwelling (see Section 902).

Section 603. R-2 Residential District.

This district exists for the protection of areas that have been and are being developed predominantly for medium density single-family dwellings, but in which two-family dwellings are also found. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings and medium density two-family dwellings, and to such non-residential uses as generally support and harmonize with a medium density residential area.

Use Regulations

Uses Permitted: Single-family dwellings; two family dwellings, accessory structures; gardens; playgrounds; parks; churches; public buildings; including public schools and libraries. Agricultural use is limited to row crop operations only and on parcels containing one acre of more of land.

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R-2 (Continued)

Uses Permitted on Appeal: Customary home occupations; bed and breakfasts; public utilities; semi-public buildings; golf courses; municipal, county or federal uses; private institutions such as kindergarten and day nurseries.

Uses Prohibited: Mobile homes, mobile home parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.

Space and Height Regulations

Minimum Lot Size: 15,000 square feet; 10,000 square feet if sewer is provided; 7,500 square feet per family for two-family structures. Minimum lot width at building line (setback line): 75 feet.

Minimum Yard Size: Front 35 feet; rear 35 feet, interior side yard 10 feet; street side yard 10 feet. Accessory structures - 10 feet rear yard; 10 feet side yard; 50 feet front yard; any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agricultural district.

Maximum Height: Thirty-five (35) feet or 2-1/2 stories.

Off-Street Parking: Two (2) spaces per dwelling unit (see Section 902).

Section 604. R-3 Residential District.

This district exists for the protection of areas that have been and are being developed predominantly for medium density single-family dwellings, but in which multi-family dwellings are also found. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings and medium density multi-family dwellings, and to such non-residential uses as generally support and harmonize with a medium density residential area.

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Use Regulations

Uses Permitted: Single-family dwellings; multi-family dwellings, two-family dwellings, accessory structures; bed and breakfasts; churches; gardens; playgrounds; parks; and public buildings including public schools and libraries. Agricultural uses are restricted family gardens. Agricultural use is limited to row crop operations only and on parcels containing one acre or more of land.

Uses Permitted on Appeal: Customary home occupations; public utilities; semi-public buildings; golf courses; municipal, county, or federal uses; private institutions such as kindergartens and day nurseries.

Uses Prohibited: Mobile homes, mobile home parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.

Space and Height Regulations

Minimum Lot Size: 15,000 square feet; 10,000 square feet if sewer is provided; 9,000 square feet or greater permitted on appeal; 7,500 square feet per family for two-family structures, for each additional unit add 1,500 square feet. Minimum lot width at building line (setback line): 75 feet.

Minimum Yard Size: Front 35 feet; rear 35 feet, interior side yard 10 feet; street side yard 25 feet. Accessory structures 10 feet rear yard; 10 feet side yard; 50 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agricultural district.

Maximum Height: Thirty-five (35) feet or 3 stories.

Off-Street Parking: One and one-half (1-1/2) spaces per dwelling unit; see Section 902).

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Section 605. MH-1 Mobile Home District.

This district exists for the purpose of providing for the establishment of mobile home developments in areas not presently zoned for such uses and to minimize any detrimental effects of such developments on existing land uses.

Use Regulations

Uses Permitted: Mobile home park facilities, one single-family residence for occupancy by the owner/manager of the mobile home park, and accessory structures which are necessary to the operation of the park to provide for the permanent or temporary parking of mobile homes.

Uses Prohibited: All uses not specifically permitted.

Space and Height Regulations

Minimum Site Size: The minimum site shall be three (3) acres with a minimum width of 100 feet along a major street.

Minimum Lot Size: Each mobile home lot shall have a minimum of 4,000 square feet and have a minimum width of 40 feet at the front lot line.

Minimum Yard Size: Mobile homes shall be located with a minimum setback of twenty-five (25) feet from any park property boundary line and ten (10) feet from any other lot line. No mobile home shall be closer to any other mobile home than twenty (20) feet.

Maximum Number: The maximum number of mobile homes per acre shall not exceed ten (10).

Off-Street Parking: Two (2) off-street parking spaces shall be provided for each mobile home lot. (See Section 902.)

Design Requirements

The proposed development of a mobile home park shall be considered in accordance with an overall plan which shall include, as a minimum, the following requirements.

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Landscaping. The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.

Screening. a 15 foot planted buffer strip, containing plants that at least eight (8) feet tall, shall be provided wherever the district adjoins the boundary or property line of a another district.

Traffic Circulation. The locations of driveways, parking spaces and interior streets shall be designed on said plan, and approved by the Planning Commission.

Drainage and Sewage Disposal. Drainage and sewage disposal plans shall be submitted to and approved by the Summerdale Town Council.

Mobile Home Types. Must meet the latest NMHC and Safety Standards.

Application for Amendment

Application for the amendment of the Zoning Map of the Town of Summerdale to create a MH-1

Mobile Home Zone shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below.

The scale of the map shall not be less than one inch to 50 feet with contours at 5 foot vertical intervals showing pertinent topographical features.

The location, use, plan, and dimension of each building or structure to be constructed and the location of each mobile home to be parked.

The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and type and width of roads, streets, and sidewalks.

Location, dimensions, and arrangement of all areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or planting to be used for screening.

Location and description of all facilities to be used for sewage disposal, water supply, trash storage facilities, and storm drainage.

All minimum requirements of the Alabama State Public Health Department pertaining to mobile home parks must be met.

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Section 606. B-1 Neighborhood Business District.

This district is intended primarily to serve the needs of the surrounding residential neighborhoods, providing goods and services that are day-to-day needs, generally classed by merchants as *convenience goods and services*.

Use Regulations

Use Permitted:

Neighborhood retail stores and markets, including the following types of stores: convenience stores, food, general merchandise; apparel; churches; furniture; household and hardware; mini-warehouse establishments; radio and television; drug and sundries; jewelry and gifts; florists, sporting goods, pet shops and similar types. Neighborhood services including the following types: dry cleaning and laundry pickup stations; bed and breakfasts; barber and beauty shops; shoe repair; offices; banks; post offices; theaters and similar services. Filling stations where no auto repairs are made. Outdoor advertising signs and sign structures, as regulated under EXCEPTIONS AND MODIFICATIONS, Advertising Signs and Structures.

Uses Permitted on Appeal:

Filling stations where no major repair work is done; hotels/motels; restaurants; on-site residence whereby the purpose of which is to provide for the over-watch, protection, or management of the property or equipment pertaining or specific to the business: [and to include residential as a secondary use not on the ground floor.](#)

Uses Prohibited:

Auto repair, laundry and dry cleaning plants; manufacturing; cabarets; night clubs, whether or not operated by non-profit organizations; open-lot sales for cars or trailers, used or new; roller skating rinks; bowling alleys; curb markets and fruit stands; mobile home parks, any use prohibited in a B-2 Business District.

Space and Height Regulations

Minimum Lot Size:

None specified. However, it is the intent of the Ordinance that lots of sufficient size be used for any business service

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use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

Minimum Yard Size:

Front 20 feet; rear 25 feet; street side yard 15 feet; interior side yards none except 20 feet when contiguous to a R-1, R-2, R-3, or MH-1 District, 10 feet of which shall be planted in an evergreen material or other suitable buffer to provide a screen, at least eight (8) feet in height,

Maximum Height:

Thirty-five (35) feet or 2-1/2 stories.

Off-Street Parking:

See GENERAL PROVISIONS, Off-Street Automobile Storage. (See Section 902.)

Off-Street Loading and Unloading:

Shall use required rear or side yard for loading or unloading.

Section 607. B-2 Commercial Business District.

This District serves several functions. It provides for the orderly development and expansion of the central business district, encouraging the discontinuance of non-conforming uses and a minimum of traffic and parking congestion. The district provides comparison shoppers' goods, convenience goods and services, specialty goods, amusements, and services for the town-wide market. The primary purpose of these functions is retail trade.

Use Regulations

Uses Permitted:

Any retail use, service, or wholesale business not specifically restricted or prohibited, including all of the following types of businesses: parking lots, hotels/motels, bed and breakfasts, offices, banks, public buildings, major auto repair to include paint/body shops, business signs, printing plants, clubs and fraternal organizations, mortuary or funeral home, places of amusement and assembly, mini-warehouses, recreational vehicle parks, pet stores, automobile sales and service, bus terminals and taxi cab stands, storage plants, general ware-housing, gasoline service stations, veterinarian hospitals and kennels, outdoor advertising signs, churches, or similar places of worship, restaurants, and similar types of business.

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Uses Permitted on Appeal:

Dry cleaner plants and laundries. Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; on-site residence whereby the purpose of which is to provide for the over-watch, protection, or management of the property or equipment pertaining or specific to the business.

Uses Prohibited:

Stock yards; live animal or poultry sales; mobile homes; mobile home parks; ice plants; coal yards; lumber yards or mills; auto wrecking; storage of gasoline, oil, alcohol, and any other compressed, combustible, or volatile gas above the ground in excess of (1,000) gallons; grist or flour mills; junk and scrap paper; rag storage and baling; stone and monument works; abattoir, slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement; mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.

Space and Height Regulations

Minimum Lot Size:

None specified. However it is the intent of this Ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading to the space required for the other normal operations of the business or service.

Minimum Yard Size:

Front yard, no restrictions, with the exception that the front yard setback on Highway 59 shall be 50 feet; rear yard 25 feet; street side yard 15 feet; interior side yards none except 20 feet when contiguous to a R-1, R-2, R-3 or MH-1 District, 10 feet of which shall be planted in an

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evergreen material or other suitable buffer at a height of at least eight (8) feet to provide a screen.

Maximum Height: Forty-five (45) feet or three (3) stories.

Off-Street Parking: See GENERAL PROVISIONS, Off-Street Automobile Storage. (See Section 902).

Off-Street Loading and Unloading: Shall provide space for loading and unloading for structures hereafter erected or altered when same is on lot adjoining a public or private alley.

Section 608. BCOZ Business Corridor Overlay Zone.

In recognition of the unique characteristics of State Highway 59, which include high-speed traffic and its status as a principle arterial, the Business Corridor Overlay Zone is created to address the relevant needs and concerns of those businesses situated along this major thoroughfare. This overlay zone is not intended to impact use restrictions that are imposed by the underlying zoning district, but rather to modify certain requirements so as to sustain business activity along the Hwy 59 corridor. Requirements concerning landscaping, signs, and fencing have been modified under this overlay zone and apply exclusively to those businesses that front on State Highway 59. All of these requirements are enumerated under *Section 1004, Landscaping, Signs, and Fencing, ARTICLE X, EXCEPTIONS AND MODIFICATIONS*. The Business Corridor Overlay Zone is shown on the current Zoning Map.

Section 609. M-1 Industrial District (Light Industry).

This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses, which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

Use Regulations

Uses Permitted: Any use permitted in the B-2 district and light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluent, and including the following types of business or industry; ice cream plants, textile mills, ice plants; bottling and central distribution plants, baking

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plants; dyeing plants; dry cleaners and laundries; mortuary or funeral homes; agricultural uses, air strips, grain blenders, grain elevators, and similar types of industries.

Uses Permitted on Appeal:

Any manufacturing use not specifically prohibited herein, including quarters for night watchmen and caretakers for a specific industry.

Uses Prohibited:

Residential uses; abattoir, slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement; mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.

Space and Height Regulations

Minimum Lot 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.

Minimum Yard Size:

Front yard 50 feet; street side yard, 15 feet, interior side yard 10 feet, except when contiguous to a FP-1, R-2, R-3 or MH-1 District in which case twenty (20) feet shall be provided. Ten feet of this required yard shall be planted in an evergreen material or other acceptable plants at least eight (8) feet in height to provide a screen or another type of suitable buffer.

Maximum Height:

Fifty (50) feet or 4 stories.

Off-Street Parking:

See GENERAL PROVISIONS, Off-Street Automobile Storage

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Off-Street Loading and Unloading:

Shall provide adequate space for loading all vehicles or trucks incidental to the operation of the industry or use.

Section 610. FP-1 Flood Plain District.

This district exists for the purpose of providing for the practical development of land subject to flooding. Residential, commercial and industrial development are prohibited from this district to avoid blocking the flood basin and to protect such development from the adverse effects of floods.

Use Regulations

Use Permitted:

Agricultural uses; incidental accessory uses to an agricultural operation including barns and related uses; outdoor recreation uses including parks and picnic areas, golf courses, camps and camp grounds; air strips.

Uses Prohibited:

All residential, business and industrial uses.

Space and Height Regulations

Minimum Lot Size:

None Specified

Minimum Yard Size:

Front 75 feet; rear 50 feet; interior side yard 50 feet; street side yard 50 feet.

Minimum Height:

Thirty-five (35) feet or 2-1/2 stories.

Off-Street Parking

See GENERAL PROVISIONS, Off-Street Automobile Storage.

Section 611. AO-1 Agricultural/Open Space.

The Agriculture/Open Space District is established primarily for general agricultural and/or forestry uses. Such uses normally would be carried on in non-urban areas. Regulations applying within this district are designed: (1) to encourage continued use of land for agricultural and/or forestry purposes; (2) to prohibit scattered commercial and industrial uses of land in the Town of Summerdale and to prohibit any other use which would substantially interfere with the efficient development of land for more intensive urban uses as the Town of Summerdale expands; and (3) to discourage any use which, because of its character or size, would create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded or developed efficiently in the course of normal development of the Town of Summerdale.

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Use Regulations

Uses Permitted: Farms, single-family dwellings, parks, playgrounds, clubs, lodges, public and private forests, wildlife refuges, stables, kennels, home occupations, churches, schools, public buildings, and other accessory uses to the above.

Uses Permitted on Appeal: Temporary and unenclosed roadside stands for the sale of agricultural products, public and private utilities, airports, radio or television broadcasting towers, hospitals, institutions, mausoleums and cemeteries, and mobile homes, properly externally modified and enhanced in accordance with requirements.

Uses Prohibited: Any business or industry not contained in the above paragraphs, signs, billboards, and the excavation of minerals, or the removal of surface materials.

Space and Height Requirements

Minimum Lot Area	1 acre per family
Minimum Lot Width at Building Line	150 feet
Minimum Depth of Front Yard	50 feet
Minimum Depth of Rear Yard	50 feet
Minimum Width of Each Side Yard	25 feet
Maximum Building Area	25% of the lot
Maximum Building Height: Feet / Stories	35 / 2
Off-Street Parking Requirement Per Family Dwelling Unit	2

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ARTICLE VII

PLANNED UNIT DEVELOPMENT

Section 701. Purpose.

The purposes of the PUD (Planned Unit Development) District is to encourage the development of innovative and creative land use designs. The inclusion in this ordinance of this district is intended to allow the unified planning and development of a tract of land suitable in location, area, and character for the uses and structures proposed.

Section 702. Uses Permitted

Any use shall be permitted except for mobile home and industrial use provided it meets requirements of other provisions of this Article.

Section 703. Conditions for Development.

In order to change the regular district designation of a tract of land to PUD (Planned Unit Development), and to substantially thereby use such a tract of land, the following conditions shall be met:

- 703.1 A master plan of development showing the exact manner in which the whole tract will be improved and used must accompany the request for change of zoning, be approved by the Town Council, and be retained in the file of the Town Clerk as part of the Town's records.
- 703.2 Before any building or occupancy permit for the use or development of any portion of a PUD zoning district can be issued, a subdivision plat or plats, for the whole tract shall have been approved by the Town Council and recorded in accordance with the State Law, such plat or plats and any information shown thereon shall correspond in all respects to the approved master plan of development, and the information recorded along with the subdivision plat or plats shall include the master plan of development. No permit of any type shall be issues for any use, activity, building, or site improvement that is not in accordance with the approved and recorded master plan of development.

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- 703.3 The master plan of development for a tract may be amended at any time by the Town Council, provided a notice is given and public hearing held thereon in the same manner as for the original approval of the change of zoning for the subject tract to a PUD zoning district classification.
- 703.4 The minimum size of the tract shall be ten (10) acres.
- 703.5 Landscaping and open space shall be an essential part of the master plan. At least 25 percent of the net area shall be dedicated to open space/recreational uses (such as landscaping, bike paths, walkways, swimming areas, and recreational courts). Existing trees and natural features shall be preserved wherever possible.
- 703.6 Insofar as possible, vehicular traffic generated by the proposed development shall not exceed the capacity of access streets, and shall not disrupt established residential areas.
- 703.7 The capacity of existing or scheduled utility systems or schools serving the proposed development shall not be exceeded; in large tracts that will eventually contain a large number of families, a school site shall be platted and dedicated to the school board upon the recording of an approved subdivision plat.
- 703.8 An effort shall be made to maximize energy efficiency. Energy consumption measures which should be employed include: (a) utilization of a building's solar orientation, (b) utilization of landscape design techniques.
- 703.9 All storm water runoff shall be adequately controlled.

Section 704. Minimum Building Site.

No minimum building site is required, provided that the land used for building coverage and off-street parking and loading spaces required in the Article, does not preclude adequate open spaces for landscaping, and for recreation facilities for the occupants of the dwellings. The proposed minimum and average building sites, the resulting average net density (families per acre of residential use), the total land used for every purpose (including rights-of-way), the number of off-street parking and loading spaces for each use area, and the total and average land area covered by the buildings in each use area, shall be calculated and shown on the master plan of development.

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Section 705. Minimum Yards.

- 705.1 *Building Setback Line.* 40 feet from the right of way line of a major street, and 20 feet from the right-of-way line of any street.
- 705.2 *Yards.* No building shall be closer than 15 feet to any PUD zoning boundary line, provided that no entrance to any building shall be closer than 25 feet to any such line.
- 705.3 *Space Between Buildings.* No minimum requirement.

Section 706. Maximum Height.

No building shall be in excess of thirty-five (35) feet or 2-1/2 stories.

Section 707. Accessibility.

Access shall be provided to each separately platted-building site by way of a publicly dedicated street plus a driveway or clear way of at least 12 feet in width.

Section 708. Off-street parking.

A minimum of two (2) off-street parking spaces shall be provided for each residential dwelling unit. For other uses included in the PUD, see ARTICLE VII.

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ARTICLE VIII

APPLICATION OF REGULATIONS

Section 801. Uses.

In each district no other use other than the types specified as permitted shall be permitted upon application to the building inspector. Uses specified as permitted on appeal are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to the conditions as said Board may require to preserve and protect the character of the district except that any exclusively residential use existing on a piece of property which is zoned as business may continue to be used exclusively as a residential property whether or not such residential use is discontinued intermittently or not. The property owner which/who has such a residential use on its/their premises in a business district may only continue to use said property for residential purposes so long as it is not combined with a business use on the same premises and/or said property remains exclusively used as residential property.

Section 802. Building Lots, yards, and Other Open Spaces.

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

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

Section 803. Reduction in Lot Area Prohibited

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

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ARTICLE IX

GENERAL PROVISIONS

Section 901. Nonconforming Use.

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

- a. Changed to another nonconforming use.
- b. Re-established after discontinuance for one hundred and twenty (120) days *except that any exclusively residential use existing on a piece of property which is zoned as business may continue to be used exclusively as a residential property whether or not such residential use is discontinued intermittently or not. The property owner which/who has such a residential use on its/their premises in a business district may only continue to use said property for residential purposes so long as it is not combined with a business use on the same premises and/or said property remains exclusively used as residential property.*
- c. Extended except in conformity to this ordinance.
- d. Rebuilt, altered, or repaired after damage exceeding fifty percent (50%) of its fair market value immediately prior to damage.

901.2 *Existing non-conformance specifications pertaining to landscaping requirements.* Where existing uses have paved parking lots and are not otherwise exempt from provisions of this ordinance, such parking lots shall be landscaped to fully conform to the provisions of this ordinance within not more than 90 days from the date such ordinance becomes effective. Provided, however, that no existing use shall be required to suffer loss of existing, established parking spaces in order to fully conform hereto.

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901.3 *Non-conformance specifications for outdoor advertising (signage).*

901.3.1 *Non-Conforming Signs.* Any sign for which a permit has been issued by the Building Official of the Town of Summerdale or which shall have been erected prior to the effective date of this ordinance, not otherwise complying with the provisions of this Section, may continue in existence, as a non-conforming use or non-conforming structure under the same terms and conditions as provided for the continuation of non-conforming uses as specified in this Ordinance.

901.3.2 *General Provisions for Non-conforming Signs.* Subject to the conditions and amortization hereinafter set forth, nonconforming signs may be continued in operation and maintenance after the effective date of this Ordinance, provided that non-conforming signs shall not be:

- a. Changed to or replaced with another non-conforming sign;
- b. Structurally altered so as to extend their useful life;
- c. Expanded;
- d. Relocated;
- e. Re-established after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction; or
- f. Modified in any way that would increase the degree of non-conformity of such sign. Except in the case of 901.3.2e herein above, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

901.3.3 *Cessation of Non-conforming Signs.* Signs that are located in improper zoning districts and signs that exceed the allowable number or the allowable size limitations shall be removed within ten years from the date of enactment of this Ordinance.

901.3.4 In addition, all non-conforming portable trailer signs, bus bench advertisements, mobile signs and flying paraphernalia advertising shall be removed within ninety (90) days from the enactment of this Ordinance.

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- 901.3.5 All non-conforming signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this Ordinance, unless a variance is approved by the Board of Adjustments and the adjacent property owner(s) give written consent to the granting of the variance.
- 901.3.6 *Signs Made Non-conforming Due to Annexation.* Such signs shall be removed or modified so as to conform according to the amortization established herein, but the initiation date shall be the effective date of the annexation ordinance which brought the affected property into the Town rather than that of this Ordinance.
- 901.3.7 *Method for Removal of Signs by Town Contractor and Charging Property Owners Taxes.* In the event that the Town's Building Inspector determines that it is necessary under the terms of this Section to remove a sign, the Building Inspector shall use either the Town department staff or a private contractor, depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work. The Town department doing said removal work or the Town contractor shall keep accurate records of the costs incurred which shall be submitted to the Inspection Department for an inspection, verification, and approval of the quality and quantity of the work performed. The owner may pay the costs of the work directly to the Town or the cost will become a lien against the real property upon which such cost was incurred and said costs shall be collected in the same manner as Town taxes are collected. When private contractors are utilized, the lowest bidder shall be awarded the contract.

Section 902. Off-Street Automobile Storage.

In each zoning district each structure shall be provided with off-street vehicle storage and parking facilities in accordance with the following:

- 902.1 *Residential.* In all cases of new structures, converted structures, or structure which are increased in capacity, facilities for the storage of passenger vehicles for the use of the occupants of the dwelling units erected, altered or increased in capacity, there shall be provided and maintained on the premises as follows:
- a. Residences: In R-1, R-2, (single and two-family dwellings) and MH-1 Districts two (2) parking spaces for each dwelling unit.
 - b. Residences: In R-3 (multi-family dwelling), one and one-half (1½) parking spaces for each dwelling unit.

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902.2

Nonresidential. In all cases of new structures or converted structures which are increased in capacity, facilities for the storage of vehicles for the use of the occupants, employees, and patrons of buildings hereafter erected, altered, or increased in capacity, shall be provided and maintained on the premises in accordance with the requirements of each type of use as follows:

- a. *Educational Institutions, Play Schools, Child Care Facility, Trade School, and Adult Learning Center.* One (1) parking space for each four (4) seats in the main assembly room plus one (1) space for each classroom seat for high schools and colleges, plus one (1) space for each employee including teachers and administrators.
- b. *Churches, Community Buildings, Auditoriums, Theaters and Other Places of Public Assembly.* One (1) parking space for each four (4) seats in the main assembly area or sanctuary (based on an eighteen (18) inch seat width, or in the case of general purpose rooms without fixed seating, there shall be one (1) space for every thirty-five (35) square feet of floor space for the **net** floor area of these rooms.
- c. *Hotels, Motels, Tourist Court, Tourist House, Boarding House, Rooming House.* One and one-fourth (1 ¼) parking space for each guest room. Plus requirements for restaurant or food services and one (1) space per 300 square feet of meeting space.
- d. *Clinics or Professional Offices.* Four (4) spaces for each professional plus one (1) space per two (2) seats in reception, or one (1) space per 200 square feet gross floor area, whichever is greater.
- e. *Restaurant or Other Eating Places.* One (1) parking space for each three (3) seats in the eating area (including meeting space) plus one (1) space for each two (2) employees at the largest shift OR one (1) parking space for each fifty (50) square feet of **net** floor space in the eating area including meeting space, plus one (1) space for each employee (management, servers, food preparation), whichever is greater.
- f. *General Offices and Office Buildings.* One and one-half (1 ½) spaces per 250 square feet **net** floor area.
- g. *Bowling Alley.* Five (5) parking spaces for bowling lane plus requirements for food service.

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- h. *Industrial Uses.* One (1) space per each 500 square feet **gross** floor area plus requirements for general offices, as stated above OR one (1) space for each one and one-half (1 ½) employees, whichever is greater.
- i. *Manufactured Housing Development, RV Parks, and Campgrounds.* Two (2) spaces for each unit.
- j. *Planned Shopping Center Single Unit, Multiple Stores.* Retail Stores under 50,000 square feet **gross** floor area: One (1) space per 300 square feet gross floor area. Retail Stores 50,000-90,000 square feet or retail furniture and high bulk stores: One (1) space per 400 square feet **net** floor area.
- k. *Retail Stores, Convenience/Gas Station Stores.* One (1) space per 250 square feet **gross** floor area plus requirements for food service.
- l. *Automotive Repair Shops, Garages, Car Wash Buildings.* Four (4) spaces per service bay.
- m. *Hospital, Sanitarium, or Nursing Homes.* One (1) space for each four (4) beds, plus one (1) space for each employee or visiting doctor on maximum shift, plus one (1) space for each 200 square feet **gross** floor area of Emergency Room.
- n. *Private Club, Lodge, or Club House without Overnight Accommodations.* One (1) parking space for each seven members, plus requirements for food service, OR one (1) space for each one hundred-eighty (180) square feet of **gross** floor area, whichever is greater.
- o. *Single Unit Grocery Food Stores and Markets.* One (1) parking space fore each two hundred-fifty (250) square feet of **gross** floor space area.
- p. *Warehouse, Storage, Wholesale Building Supplies.* One (1) space per 800 square feet **gross** floor area plus one (1) space for every fifty (50) square feet of customer service area.

**See Section 902.7 for Mini-Warehouses.*

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- q. *Funeral Parlor and Mortuary.* One (1) space per thirty-five (35) square feet of parlor area plus one (1) space per four (4) seats in chapel area.
- r. *Libraries and Museums.* One (1) space per 500 square feet of **gross** floor area plus requirements for meeting space.
- s. *Amusement Parks.* One (1) space per 600 square feet of all acreage within the perimeter wall.
- t. *Any Use Not Otherwise Specified.* One space per two hundred-fifty square feet **gross** floor area.

Whenever two or more uses shall be made of the same property, the parking requirements for each shall be combined. Whenever a structure or use may qualify under two or more classifications, the one with the larger requirements shall govern.

902.3 *Measurement of Area.* *Gross floor area* shall mean the gross floor area of all floors of the building enclosed by walls of any height. *Net floor area* shall mean the floor area of all floors of the building enclosed by walls of any height with the exception of floor area used for bathroom, storage, mechanical, parking, stairways, or elevators.

902.4 *Existing Parking.* Any building which meets the parking requirements of this ordinance on the effective date thereof or any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached on the effective date.

902.5 *General.* Required off street parking may be placed in required yard space. Required off street parking for churches may be combined with adjacent parking space if approved by variance.

902.6 *Parking Space Design.* Except for granted variances, no parking space shall be so designed as to require the vehicle parked to back onto a public street, with the exception of single and two family residences. All parking spaces shall be all-weather surfaced according to town specifications and shall meet all requirements for landscaping and circulation as required in other sections of this ordinance. Parking based on number of seats or number of employees requires a final plan to be submitted at the time of site plan review. In the BCOZ overlay zone provision shall be made for a two-way access connector drive to adjoining properties from

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any parking space located in the required from setback area in order to provide circulation and interaction to the adjoining properties.

902.7 *Off-Street Parking, Loading/Unloading Spaces for Mini-Warehouses.*

- a. All one-way driveways shall provide for one (1) 10-foot parking lane and one (1) 10-foot travel lane. Traffic direction and parking shall be designated by signing or painting.
- b. All two-way driveways shall provide for one 10-foot parking and two (2) 12-foot travel lanes.
- c. Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every twenty-five (25) storage cubicles to be located at the project office for use of clients.

Section 903. Off-street Loading and Unloading.

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

On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Where any structure is enlarged, or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading/unloading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading/unloading space under this Article, the full amount of off-street loading/unloading space shall be supplied and maintained to comply with this Article.

For the purpose of this Section, an off-street loading/unloading space shall be an area of at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one-half (14 ½) feet vertical clearance. Each off-street loading/unloading space shall be accessible from a street or alley, and arranged for convenience and safe ingress and egress by motor truck and/or trailer combination.

Off-street loading/unloading space shall be provided and maintained in accordance with the following schedule:

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A. For each retail store, storage building, warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

1. Over 10,000 square feet, but not over 25,000 square feet: 1 space.
2. Over 25,000 square feet, but not over 60,000 square feet: 2 spaces.
3. Over 60,000 square feet, but not over 120,000 square feet: 3 spaces.
4. Over 120,000 square feet, but not over 200,000 square feet: 4 spaces.
5. Over 200,000 square feet, but not over 290,000 square feet: 5 spaces.

Section 904. Corner Visibility in Residence and Local Business Districts.

In any district requiring a front yard setback, no fence, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2-1/2) feet and ten (10) feet above the street shall be permitted within twenty feet of the intersection of the right-of-way lines of two streets.

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

Section 905. Future Street Lines.

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

Section 906. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire, and Explosion Hazard and Nuisance.

The Planning Commission may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience.

The Planning Commission may direct the Municipal Building Inspector to issue an abatement order but such order may be directed only after a public hearing by the said Commission, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Planning Commission only upon reasonable evidence of hazard or

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nuisance and such order shall specify the date which the hazard or nuisance shall be abated.

Section 907. Landscaping Requirements.

All areas now or hereafter proposed to be constructed or re-developed shall conform to the requirements of this ordinance.

907.1 *Landscaping Plan Required.* Whenever any construction or redevelopment on any parcel, not otherwise exempt, is proposed, no permit for such work shall be issued until a landscape plan conforming to the requirements of this ordinance is submitted and approved. Such plan shall be fully dimensioned and drawn to scale and shall include, at the minimum, the following:

Species, size, and location of existing trees to be retained.

Species, size and location of trees to be planted.

Shrubs and other landscape material to be provided.

Screening and buffers required hereunder.

Proposed structures and vehicle use areas.

Relationship of site to adjacent public or private streets and properties.

Drainage Plan including site elevations.

Such other information as the zoning officer may reasonable require to ascertain compliance herewith.

907.2 *Permit Procedures.* Application for approval of landscape plan shall be made in writing on official forms to the zoning officer. Upon approval of plan, the zoning officer shall endorse such approval thereon. Within 20 days following receipt of application, and subject to requirements herein, the zoning officer shall either approve or deny the application. Disapproval shall be in writing, stating reasons therefor. Approval of required landscaping plan shall be a condition precedent to issuance of any required building permit, and a copy of approved plan shall be kept available at the site. Where Planning Commission review of site plans for building

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permits is required by this ordinance, the Commission shall also review the landscape plan in the same manner provided for site plans.

No certificate of occupancy shall be issued until the applicant/owner has complied with the following.

Satisfactorily completed all site and landscaping work as required by approved plans, or has posted a bond or other financial guaranty with surety approved by the Town in an amount equal to the cost of completing required work. Applicant shall submit an estimate of costs to complete the work, which estimate should be certified by an Alabama Registered Landscape Architect, Registered Architect, and/or Registered Professional Engineer and/or Registered Landscape Designer. Such financial guaranty shall be conditioned upon full and final completion of work required within ninety (90) days from date of instrument.

If error is alleged in any act or determination or the zoning officer in the administration or enforcement of this ordinance, an appeal may be taken to the Board of Adjustments and Appeals by filing Notice of Appeal, in writing, with the officer from whose decision appeal is taken, within 15 days of the date of such act or determination. Appeal shall be scheduled for hearing at the earliest regularly scheduled Board meeting which allows required advertising and notice.

907.3 *Lands to which Landscaping Provisions apply.* The landscaping requirements shall apply to all new development and all redevelopment in all zoning districts, but shall not apply to:

Single-family residences

Two-family residences

Existing developments and facilities except as otherwise provided herein.

907.4 *Perimeter Landscape Requirements.*

907.4.1 *Required Landscaping Adjacent to Public Rights-of-Way.*

- a. *Front Perimeter.* Except at permitted access ways, all interior development and vehicular use areas shall be separated from public right-of-way frontage by a

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landscaped strip of land seven (7) feet minimum in width, inside property line, adjacent and parallel to the right-of-way line.

- b. *Secondary Perimeter.* Except at permitted access ways, all interior development and vehicular use areas located at intersections of the public right-of-way shall be separated from the secondary right-of-way by a landscaped strip of land 4 feet minimum in width, inside property line, adjacent and parallel to the right-of-way line.
- c. Required landscaped areas shall be exclusive of the land occupied by curbs and sidewalks. Vehicles shall not overhang more than two (2) feet onto landscaped areas.
- d. Total tree requirement with the required perimeter landscaped area shall be in ratio of one tree for each 100 linear feet, or fraction thereof, of primary or secondary frontage. Fifty (50) percent or more shall be shade trees.
- e. Grass or other ground cover shall be planted within all landscape areas not occupied by other landscape material. At least 50% of such ground cover shall be living material.
- f. The required landscape area between vehicle use areas and public right-of-way shall be planted with a solid, unbroken visual screen or berm/or combination thereof, at least 36-inches in height at planting above vehicular use area, except for ten (10) feet each side of permitted access ways. Where non-living material is used for a visual screen, one shrub or vine at least 30 inches in height at planting shall be required, on the right-of-way side, for each ten (10) linear feet, or fraction thereof, of the screen.
- g. *Cross-visibility.* At the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of 2 ½ feet and 10 feet within an area defined

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by constructing lines parallel to and 25 feet from the street/curb line and extending back 25 feet from the point of intersection of curb lines projected.

- h. Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines shall be graded so as to receive rainfall runoff. Surface water runoff shall not be permitted to pass directly onto adjacent property.

907.4.2

Screening of incompatible land uses or zones. Where a use or zone is established and such use is incompatible with adjacent property, there shall be required buffer strip along and parallel to the common property line defined by the following attributes.

- 1) The buffer shall be at least 5 feet wide.
- 2) The developer of such site shall install adjacent to the common boundary a solid, unbroken visual screen, as defined in the ordinance, at least eight feet in height at installation.
- 3) If such use includes any outdoor operation, equipment or storage of materials, there shall be required a fence, wall or other barrier of at least seven (7) feet in height to prevent the entry of vehicles or persons thereon from adjacent property.
- 4) There shall be required in each buffer area one tree for each 100 linear feet, or fraction thereof of buffer strip. At least half the total trees shall be shade trees.
- 5) That part of the buffer strip not occupied by other landscaping shall be planted with grass or other living ground cover.

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- 6) In the case of separation of incompatible uses, the buffer strip herein required is in lieu of and not in addition to other requirements for that specific perimeter.

907.5 *Interior Landscaping Requirements.* Where accommodations are provided for parking of 50 or more vehicles, interior landscape areas shall be provided, so located as to break the expanse of pavement and to guide traffic flow. The total area provided for interior landscaping shall be at least ten percent of the total paved area for parking and access. Trees, shrubs, grass and other ground cover shall be planted in the same ratio as required in perimeter landscaping.

In addition to the foregoing, parking lots to accommodate large volumes of parking such as shopping centers, the following requirements shall apply.

- a. A continuous landscape strip of at least six (6) feet in width at every fourth parking row, with solid protective curbing. Vehicles shall not overhang more than two (2) feet into landscape areas.
- b. No more than fourteen (14) continuous parking spaces shall occur without an intervening planting area at least six (6) feet wide located adjacent and parallel to the parking spaces.
- c. Required trees and ground cover shall be the same as provided for perimeter landscaping.

907.6 *Curbing.* Where 50 or more vehicles are to be accommodated, solid raised curbs shall be installed for protection of landscaped areas and to control traffic flow within the parking lot. Openings may be provided as required for pedestrian walks, passages, or drainage.

907.7 *Screening of Storm Water Detention Areas.* Where storm water detention areas are proposed which have side slopes steeper than 3 to 1 or where design depth of maximum water retained is 2 feet or greater, a solid, unbroken visual screen at least 30 inches in height at planting shall be required on all sides of detention area. Where the depth and time of water detained is such as to require a protective fence, fence shall be installed on the reservoir side of visual screen.

907.8 *Maintenance of Landscaping.* The owner, tenant, agent of either or person in charge of premises shall be jointly and severally responsible for the maintenance

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and/or replacement of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed.

907.9 *Performance Standards for Non-Residential Districts.* Where a business district abuts any part of a residential district, a buffer zone 10 feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of 20 feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations.

- a. *Wall or Fence.* If a wall or fence is provided as a protection buffer, it shall be eight (8) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
- b. *Screen Plantings Strip.* If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than eight (8) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

907.10 Adequate parking as required in Article IX, Section 902 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

Section 908. Outdoor Advertising Requirements.

908.1 *Permit Specifications.* Any owner, authorized agent or contractor who desires to erect or construct a sign of any description shall first make application to the Building Official and obtain the required permit therefor.

- a. In the case of a sign thirty (30) feet or more in height, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.

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- b. There shall be a minimum height restriction of twelve (12) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the base of the sign supports.
- c. An annual license fee shall be paid at the beginning of each calendar year for off premises sign faces exceeding nine (9) square feet.

908.2 *Location.* Signs which conform to the provisions of this Section shall be permitted by right in the following zoning districts: B-1, B-2, and M-1. Signs that are of the kind described in Sub-Section 908.7 shall be permitted by right in the following districts: R-1, R-2, R-3, and MH-1. For the purpose of these regulations as defined in the Sub-Section 908.4, entitled *Spacing*, each side of a thoroughfare shall be considered separately.

908.3 *Size.*

- a. On-Premises. The maximum area of a sign face shall be not more than sixty-four (64) square feet per 100 feet of linear lot frontage measured on the primary thoroughfare. The maximum height shall be thirty (30) feet to the top of the sign from the ground.
- b. Gasoline service stations, in addition to other permitted signs, are authorized two signs not to exceed forty (40) square feet of each sign face area advertising the price of gasoline, credit cards accepted, or oil.
- c. Off-Premises. The maximum area of a sign face shall be six hundred seventy-two square feet (672) with maximum length of forty-eight (48) feet, facing one direction.

908.4 *Spacing.* Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of signs shall conform to the following spacing requirements:

- a. V-Type or Back-to-Back signs shall be considered as one sign.
- b. On all streets and highways, no two (2) off-premises advertising structures shall be spaced less than one thousand (1,000) feet apart as measured along the same side of the street or highway right-of-way.
- c. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching intersecting traffic.

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- d. In addition to the above, a site plan of sufficient detail and dimensions showing the location of the proposed sign and the exact location of all existing signs on both sides of the thoroughfare for a distance of 1,000 feet in each direction, shall be required.

908.5 *Lighting.* Signs may be illuminated subject to the following restrictions:

- a. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to, time, date, temperature, weather or news.
- b. External lighting such as floodlights, thin line and goose-neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the traveled way.
- c. The illumination of any sign within fifty (50) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.

908.6 *Prohibited Signs.* The following signs shall not be permitted to remain or to be erected:

- a. Signs which are not clean and in good repair.
- b. Signs that are not securely affixed on a substantial structure.
- c. Signs which attempt, or appear to attempt, to regulate, warn, or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
- d. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- e. Signs that prevent free ingress or egress from any door, window or fire escape, or that are attached to a standpipe or escape.

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908.7 *Signs Permitted Within Districts R-1, R-2, R-3, and MH-1*

- a. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the neighborhood or tract identification. The sign shall not exceed sixty-four (64) square feet of copy area and shall be located so as not to cause a safety hazard.
- b. Electric signs are expressly prohibited in the residential zones of the Town.

908.8 *Construction Standards.* All signs shall be legally constructed in accordance with the Building Code of the Town of Summerdale. The structural elements of all signs may be constructed of any material approved under the Building Code.

Section 909. Recreational Vehicle Parks Requirements.

909.1 The following regulations apply to all developments provided for the accommodations of transient recreational vehicles, including travel trailers, campers, motor homes, and similar transient vehicles.

909.2 Recreational vehicle parks are uses permitted in B-2 District subject to the approval of the Planning Commission and the requirements of the following provisions:

- a. No recreational vehicle park shall be located except with direct access to a County, State, or Federal Highway, with a minimum lot width of not less than one hundred (100) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
- b. The minimum lot area per park shall be three (3) acres.
- c. Use of spaces in recreational vehicle parks shall be limited to travel trailers, motor homes, and campers with a maximum length, exclusive of hitch, of forty-five (45) feet.
- d. Users of the spaces shall meet all other applicable laws. Spaces shall only be rented by the day or week and users of any such space shall remain in the same recreational vehicle park for a period of not more than one hundred eighty (180) days per calendar year.
- e. On self-contained motorized vehicle (motor home) spaces shall be rented by the month or annual membership.

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- f. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a RV park are permitted as accessory uses in any district in which recreational parks are allowed, provided:
- 1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - 2) Such establishments shall be restricted in their use to occupants of the park.
 - 3) Such establishments shall prevent no visible evidence of their commercial character which would attract customers other than occupants of the park.
- g. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any major, or collector street, or of any minor street.
- h. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department.
- i. The proposed site shall be properly landscaped the purpose of which is to further enhance the natural qualities of the land. Proper screening and buffering should be provided if necessary.
- j. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinate landscape design for the entire project area.
- k. Native vegetation shall be used where practicable and landscaping plans submitted for review shall identify which plants are native species.
- l. Site and landscaping plans will be approved by building inspector.

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Section 910 Fences

910.1 Front yard fences shall not be permitted in B-1, B-2, or M-1 districts except as permitted on appeal.

910.2 Front yard fences up to four feet in height are permitted by right in R-1, R-2, R-3.

All fences are subject to approval by the building inspection department as to location, design and structural integrity prior to obtaining a permit for construction.

Section 911 Subdivision Screening

911.1 Subdivision Screening or noise barrier fences up to 7 feet in height shall be allowed rearward of the required 10 foot landscaped area adjacent to the Highway 59 Corridor provided the subdivision to be fenced contains 5 or more acres within the subdivision's boundaries.

911.2 Subdivision screening or noise barrier fences following the same criteria as in Sub-Section 911.1 may be allowed on appeal in other zones.

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ARTICLE X

EXCEPTIONS AND MODIFICATIONS

Section 1001. Lot of Record.

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

Section 1002. Front Yard Setbacks.

Where a structure is to be built between to existing structures not conforming to required front yard setbacks, the Planning Commission shall rule.

Section 1003. Height Limitation.

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

Section 1004. Landscaping, Signs, and Fencing.

Requirements mentioned under Sub-Sections 907.4 through 907.6, Section 908, and Section 910 regarding landscaping, signs, and fencing, respectively, do not apply to businesses fronting on State Highway 59.

Instead, for businesses fronting on State Highway 59, a business corridor overlay zone (BCOZ) is created and the requirements are as follows:

Landscaping

1004.1 All new businesses along Highway 59 shall maintain a minimum of ten (10) feet of the required fifty (50) foot setback as a greenbelt along the entire front width of the property except where curb cuts or other means of ingress and egress are provided. Said greenbelt

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shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be at least two (2) inches in diameter and ten (10) feet tall at planting. There shall be a minimum of one (1) tree existing or planted for every hundred (100) feet of lot frontage. If any of the fifty (50) foot front setback is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas described in this section.

1004.2 For parking areas, the design and appearance is intended to enhance and be compatible with the character of the community while making the area more visually appealing. Toward this objective, the following standards shall be observed in the construction of off-street parking area construction accommodating ten (10) or more parking spaces:

- a. A minimum of ten (10%) percent of the total interior area intended for off- street parking shall be suitably landscaped. Such landscaping shall include the placement of a tree at intervals approximately one hundred (100) linear feet with a minimum of five (5) shrubs per tree. Fifty (50%) percent of trees shall have a minimum height of 20 feet at maturity.
- b. Interior portions of the parking area shall be broken by provision of landscaped islands.
- c. A maximum of fourteen (14) parking spaces in a row will be permitted without an island.
- d. Each landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirement.
- e. Landscaped areas shall be protected from vehicular encroachment by the use of curbing.
- f. When lawful paved or unpaved off-street parking area already exists at the effective date of the ordinance, such area may continue until it is expanded by more than ten (10%) percent of its existing parking capacity as calculated pursuant to this part at which time the entire parking area must be brought into conformity with requirements for new construction
- g. Landscaping shall be planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2-1/2) feet and ten (10) feet when such landscaping is within twenty feet of the intersection of the right-of- way lines of two streets.

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- h. The owner, tenant, agent of either or other person in charge of premises shall be jointly and severally responsible for the compliance with this section of the ordinance as well as the maintenance of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed in accordance with the applicable municipal ordinance.
- i. Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines, shall be landscaped and graded so as to receive rainfall runoff. Surface water runoff shall not be permitted to pass directly onto adjacent property.

Signs .

All regulations pertaining to signs under the BCOZ apply exclusively to structures set back 150 feet and less from the front property line of businesses fronting on State Highway 59. Signs set back farther than 150 feet from the front property line of a business must comply with the requirements stipulated under Section 908.

1004.3 *Permits Required.* Except as otherwise provided in this Ordinance it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the Town or cause same to be done, without first obtaining a Building Permit for each sign from the Building Official as required by this Ordinance. Permits are not required for routine sign maintenance.

1004.4 *Application for Permit.* Application for a permit shall be made to the Town upon a form provided by the Building Official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town, including:

- a. Name and address of owner of the sign.
- b. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- c. Clear and legible drawings with description definitely showing the location of the sign which is subject of the permit and all other existing signs.
- d. Drawings showing the dimensions, construction supports, size, electrical wiring and components, materials or the sign and method of attachment.

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1004.5 Permit Specifications.

- a. In the case of a sign thirty (30) feet or more in height, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.
- b. There shall be a minimum height restriction of twelve (12) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the base of the sign supports.
- c. An annual license fee shall be paid at the beginning of each calendar year for off premises sign faces exceeding nine (9) square feet.

1004.6 Issuance Denial. When a permit is denied by the Building Official, notice shall be given to the proper applicant with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.

1004.7 Appeals of Permit Denial. Appeal may be taken to the Board of Adjustment and Appeal upon denial by the Building Official.

1004.8 Inspection of Signs. The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. All freestanding signs shall be subject to a footing and electrical inspection as required.

1004.9 Unlawful Signs. Every sign in the Town shall be maintained in good structural condition. The Building Official may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned or which constitute a physical hazard to public safety. Any repair, painting, alteration, or removal will be at the sign owner's expense.

1004.10 On-Premise Signs Permitted Within Districts B-1, B-2, and M-1

The square footage of on-premise signs shall be determined by the greater figure produced from one of the following two formulae:

1. Sixty-four (64) square feet per 100 feet of linear lot frontage as measured on the primary thoroughfare
- or

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<p style="font-size: 1.2em; font-weight: bold;"><i>Summerdale</i></p> <p style="font-size: 1.2em; font-weight: bold;"><i>Alabama</i></p>	<p style="font-size: 1.2em; font-weight: bold;">ZONING</p> <p style="font-size: 1.2em; font-weight: bold;">ORDINANCE</p>	<p style="font-weight: bold;">Article X</p>
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2. Square footage of sign based on square footage of establishment as indicated in items a., b., c., d., and e. of this Sub-Section.
 - a. Non-retail establishments less than ten thousand (10,000) square feet of floor area are permitted one (1) building face sign not to exceed forty (40) square feet of sign face area, and one (1) free standing sign not to exceed fifty (64) square feet of sign face area nor thirty (30) feet in height with said ground sign having up or down lighting or internal lighting, but no lighting shall be of the kind prohibited in Sub-Section 1004.12.
 - b. Non-retail establishments with more than ten thousand (10,000) square feet floor area are permitted one (1) building face sign not to exceed eighty (80) square feet of sign face area and one (1) free standing sign not to exceed one hundred (128) square feet of sign face area nor thirty (30) feet in height with said ground sign having up or down lighting or internal lighting, but no lighting shall be of the kind prohibited in Sub-Section 1004.12.
 - c. Permitted signs for free-standing retail structures are shown as follows:

	Less than 2,900 sq. ft. Of floor area		2,900 to 15,000 sq. Ft. Of floor area		More than 15,000 to 30,000 sq. ft. of floor area	
Type Sign Permitted	Wall	Ground	Wall	Ground	Wall	Ground
Sign Face Area * (sq. Ft.)	80	120	80	160	200	200
Maximum Height	20 ft.	30 ft.	20 ft	30 ft	25 ft	30 ft
Number	One per facing street	One per facing street	One per facing street	One per facing feet	One per facing street	One per facing street

* Indicates maximum size for one sign face

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d. Permitted signs for retail establishments located in a shopping center:

	Less than 2,000 sq. Ft. of floor area	2,000 to 10,000 sq. ft. of floor area	More than 10,000 to 30,000 sq. ft. ** of floor area
Type Sign Permitted	Wall	Wall	Wall
Sign Face Area* (sq. Ft.)	A sign area not to exceed 64 square feet per 100 linear feet of store frontage or fraction thereof. For establishments with less than 32 linear feet of store frontage, up to 20 square feet of sign area shall be permitted.		
Maximum Height	20' or 5' above roofline, whichever is less	20' or 5' above roofline, whichever is less	20' or 5' above roofline, whichever is less
Number	One per facing street	One per facing street	One per facing street

* Indicates maximum size for one sign face.

** Signs for establishments in excess of 30,000 sq. ft. of floor area shall be determined by Planning Commission and Town Council review.

e. Permitted shopping center locator signs:

	Less than 10,000 sq. ft. Of floor area	10,000 to 30,000 sq. ft. of floor area	More than 30,000 sq. Ft. Of floor area
Sign Face Area* (sq. ft.)	100	200	Not to exceed 400 feet except as permitted on appeal
Maximum Height	25 feet	30 feet	35 feet
Number	One per facing street	One per facing street	One per facing street

* Indicates maximum size for one sign face.

- f. Lighting for on-premise signs for retail establishments can be up or down lighting or internal lighting but no lighting shall be of the kind prohibited in Sub-Section 1004.12. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed on the face of the sign and is shielded effectively so as to prevent beams or rays of light from being directed onto any portion of the traveled way.

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- g. The illumination of any sign within fifty (50) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.
- h. Gasoline service stations, in addition to other permitted signs, are authorized two signs not to exceed forty (40) square feet of each sign face area advertising the price of gasoline, credit cards accepted, or oil.

1004.11 *Off-Premise Signs*

All off-premise signs in the BCOZ must follow the lighting restrictions enumerated under Section 908 (see *GENERAL PROVISIONS, Outdoor Advertising*).

1004.12 *Signs Prohibited in the Town*

- a. Signs that utilize a rotating beam or beacon of light that simulates any emergency light device.
- b. Signs located in public areas or rights-of-way.
- c. Miscellaneous signs and posters, twirling signs, and balloons and other inflatables or membrane signs more than four feet in diameter.
- d. Signs that extend beyond the property lines of the property on which the sign is located or that interfere with any public right-of-way.
- e. Signs that are located so as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress from any door, window, fire escape, or any other property.
- f. Signs that impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.

1004.13 *Spacing*

Spacing requirements for all off-premises signs in the BCOZ shall be the same as those requirements enumerated under Section 908 (see *GENERAL PROVISIONS, Sub-Section 908.4*).

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1004.14 *Permit Exceptions*

- a. Changing of the advertising copy or message on an existing approved sign or marquee which is specifically designed for the use of replacement copy.
- b. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

1004.15 *Exempt and Temporary Signs*

Construction signs, instructional signs, banners, pennants, official and unofficial flags, governmental signs, holiday decorations, interior signs, plaques, public notices, public signs, symbols or insignia, and warning signs are exempt from this Ordinance.

1004.16 *Temporary Signs.*

- a. Non-electric signs, with less than thirty-two (32) square feet of sign face area are permitted for a period of two (2) weeks, when advertising drives or events of a civil, educational or religious nature are involved. Such signs shall not exceed ten (10) feet in height.
- b. Each new business in the City is permitted one (1), non-electric sign, not to exceed thirty-two (32) square feet of sign face area, erected in connection with new construction or renovation work and displayed on the premises during such time as the actual construction or renovation work is in progress. One sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage.
- c. Real Estate Signs:
 1. On-Premise Real Estate "For Sale" or Rental Signs (Residential): No more than two (2) "For Sale" or rental signs per residential property are permitted, provided such signs are located entirely within the property, do not exceed four (4) square feet in copy area and are removed within five (5) days after the sale or rental of the property.
 2. Off-Premise Real Estate or Rental Signs (Residential): Three (3) off-premise signs per residential property advertising the sale or rental are permitted provided such signs do not exceed two (2) square feet of copy

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area. Such signs shall not be permitted for a period longer than eighty (80) days or five (5) days after closing of the sale or rental of the property.

3. On-Premise Real Estate "For Sale" or "For Rent" Signs (Commercial): One real estate "For Sale" or "For Rent" sign for commercially zoned properties is permitted, provided such sign is located entirely within the property and does not exceed thirty-two (32) square feet of copy area. Such sign shall be removed within five (5) days of closing of sale or rental.
4. Off-Premise Real Estate "For Sale" or "For Rent Signs (Commercial): One (1) off-premise sign advertising the selling or rental of such property is permitted, provided such sign does not exceed two (2) square feet of copy area. Such sign shall be removed within five (5) days of closing of such sale or rental or one hundred eighty (180) days from erection, whichever comes first.

1004.17 No sign shall be permitted which does not conform with the provisions of this Ordinance. No sign shall be permitted after the date of the adoption, enrollment and publication of this Ordinance which does not conform in all respects to the requirements and provisions of this Ordinance, and any applicable building codes.

1004.18 *Construction Standards.* All signs shall be legally constructed in accordance with the Building Code of the Town of Summerdale. The structural elements of all signs may be constructed of any material approved under the Building Code.

Fences

1004.19 *Fences and Hedges*

Fences may be erected, placed, or maintained, or hedges may be grown along a lot line of property zoned for commercial use. The height shall not exceed seven (7) feet above the ground except in the case where a fence or hedge is used as a buffer to screen a non-residential property from an adjoining residential zone as required under *Article VI, District Use Regulations*, in which case the buffer must have a height of at least eight (8) feet. Up to 30% of the required fifty (50) foot set back can be used for front yard fencing of which the design shall not obstruct or impair motorists' vision, or diminish safe ingress and egress from any door, window, fire escape, or any other property. No fence or hedge located in a front yard, or a side yard that abuts a street, shall exceed a height of four (4) feet (height of fence or hedge shall be measured from the lowest ground elevation on either side of a joint property line).

All fences are subject to approval by the building inspection department as to location design and structural integrity prior to obtaining a permit for construction.

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ARTICLE XI

AMENDING THE ORDINANCE

Section 1101. Procedure.

The Town Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the Town Council, the Planning Commission, or any person, firm, or corporation, shall be treated in accordance with the following procedure.

- 1) An application must be submitted on the appropriate form and in writing to the Municipal Building Inspector at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment. Such site plan shall include the existing land use on adjacent and surrounding properties. Additionally, when the application is made on behalf of a private citizen or citizens, firm, or corporation, the application shall be accompanied by the required filing fee.
- 2) The application shall be sent to the Commission for review at its next regular meeting. The Planning Commission shall have forty-five (45) days within which to submit a certified recommendation to the Town Council. If the Commission fails to submit a recommendation to the Town Council the forty-five (45) day period, it shall be deemed to have approved of the proposed amendment.
- 3) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Town Council with proper legal notice published in a newspaper of general circulation in the jurisdiction, or in at least three public locations, at least fifteen (15) days prior to the said public hearing. Notice by mail shall be sent to the owners within three hundred (300) feet of the affected property.
- 4) The Town Council shall hold the public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing except in the case where the tentative action is not in accordance with the certified recommendation of the Planning Commission. In such case, the Town Council shall not make any change in or departure from the text or map, as recommended and certified by the Planning Commission, unless such change or departure be first resubmitted to the

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Planning Commission for an additional review and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation.

- 5) Any petition for a zoning amendment may be withdrawn prior to action thereon by the Town Council or Planning Commission at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Municipal Building Inspector.
- 6) A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

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ARTICLE XII

LEGAL STATUS PROVISIONS

Section 1201. Interpretation and Purpose.

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

Section 1202. Saving Clauses.

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

Section 1203. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and adoption.

(Signature on file)

Mayor

ATTEST:

(Signature on file)

Town Clerk

March 13, 2000

Date

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Appendix

Official Forms

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Land Use Certificate

State of Alabama)
County of Baldwin)
Town of Summerdale)

This is to certify that the land use proposed at:

Location
Description
Proposed Use

is in conformance with the requirements of the Zoning Ordinance of the Town of Summerdale, Baldwin County, Alabama.

Dated this _____ Day of _____, 20 ____.

Municipal Building Inspector, Town of Summerdale, Alabama

Application For Zoning Variance

State of Alabama)
County of Baldwin)
Town of Summerdale)

This is to certify that I (we), the undersigned, do hereby request the Town Of Summerdale, Alabama Board of Adjustment to grant a variance to the Town ' s Zoning Ordinance as indicated below, and for the reasons stated.

Article(s) and Section(s) for which the variance is requested.
Nature of the variance requested.
Reason for the request.

Dated this _____ Day of _____, 20 ____.

Owner or Authorized Representative

Summerdale

Application For Zoning Ordinance Amendment

State of Alabama)
County of Baldwin)
Town of Summerdale)

This is to certify that I (we), the undersigned, do hereby request the Town Of Summerdale, Alabama to grant a zoning ordinance amendment for the property as indicated below, and for the reason's stated.

Description of Property

Address: _____

Name of Subdivision Plat: _____

Lot Numbers Involved In Change: _____

Total Acreage Of Change: _____

Plat Book / Page Number: _____

Owned In Whole By The Undersigned? _____

If Owned In Part, Name(s) of Co-Owner(s)

Zoning Change Requested.

Present Classification Of Property: _____

Reclassification Desired: _____

Character Of Neighborhood: _____

Reason for the request.

The following must accompany the request for zoning ordinance amendment.

- ! Two copies of a list of the names and addresses of the owners of all properties lying within 300 feet of any part of the property proposed to be rezoned.
- ! Two copies of a map or plat, drawn to scale, showing the existing and proposed zoning reclassification and other pertinent information.
- ! Two copies of the legal description of the property to be rezoned.
- ! Fifty dollars (\$50.00) filing fee.

Applicant's Name, _____
 Address, and _____
 Telephone Number _____
 Date _____

Owner

Owner

Notice Of Non-Conformance

THIS PROPERTY IS HEREBY CITED AS BEING IN VIOLATION OF THE ZONING ORDINANCE OF THE TOWN OF SUMMERDALE. THE REASON FOR THIS CITATION IS AS FOLLOWS.

CONTACT THE MUNICIPAL BUILDING INSPECTOR WITHIN SEVEN (7) WORKING DAYS FROM THE DATE OF THIS NOTICE.

Municipal Building Inspector

Date

Summerdale
SUMMERDALE BOARD OF ADJUSTMENTS
APPLICATION FOR ZONING VARIANCE

Date: _____

Name of Applicant/Owner: _____

Address: _____

Property Location: _____

Owners of abutting property (adjacent, across the street, and to the rear of the affected property)

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____

Article(s) and Section(s) for which the variance is requested: _____

Nature of variance requested: _____

Present Zone of Property: _____

Reason for Request: _____

Site plan attached showing lot dimensions, location and size of existing and proposed structure, yard dimensions and the use of structures and such other information regarding abutting property as directly affects the application.

This is to certify that I (we), the undersigned, do hereby request the Board of Adjustment of the Town of Summerdale, to grant a variance for the property as indicated above, and for the reason(s) stated.

Owner or Authorized Representative

Sylacauga

COPY

Sylacauga

ORDINANCE NO. 1965

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SYLACAUGA, ALABAMA, as follows:

SECTION 1. It is hereby declared that trees on private property and on public areas within the City of Sylacauga, particularly those in street rights-of-way and parks and city property are aesthetic, environmental, economic, social, and psychological assets to the City of Sylacauga. Be it also declared that the existing trees so located are in need of protection and of active measures to support their health and growth, that it is desirable that additional trees be planted, and that those ends require a separate agency, herein called the Sylacauga Tree Commission, specifically charged with the responsibility and duty of fostering the planting, growth and protection of trees on publicly-owned property.

SECTION 2. There is hereby created the Sylacauga Tree Commission to consist of a seven (7) member board to be appointed by the governing body of the City of Sylacauga. In addition, the Tree Commission board membership shall be made up of voting ex-officio members, consisting of one (1) representative nominated from each of the following: the Sylacauga Beautification Council, the City of Sylacauga governing body, the Sylacauga Utilities Board, the Sylacauga Parks and Recreation Department, the Sylacauga Commercial Development Authority, the Sylacauga Housing Authority, and the local garden clubs. The Sylacauga Tree Commission members will serve the City of Sylacauga without pay or compensation. Vacancies shall be filled by City Council appointment through applications from the public. The Sylacauga Tree Commission will meet quarterly with the ability to call special meetings as needed.

One of the commissioners who is first appointed shall be designated to serve for a term of five (5) years, two for four (4) years, one for three (3) years, two for two (2) years, and one for one (1) year, respectively from the date of their appointment. Thereafter, the term of each commissioner shall be five (5) years, and each shall serve until his successor takes office. The terms of the ex-officio members shall be determined by the body they represent.

SECTION 3. The Sylacauga Tree Commission shall serve in an advisory capacity, making recommendations to the City as perceived necessary. The City shall continue to be responsible for the maintenance and care of all trees on publicly owned property.

SECTION 4. The Sylacauga Tree Commission shall take active steps to:

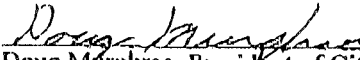
- (a) Study opportunities and determine needs of the local tree planning program.
- (b) Study opportunities and determine needs of the local tree maintenance program.
- (c) Study opportunities and determine needs of the local tree removal and replacement program.
- (d) Study local community tree issues, and determine the need for a public education program.
- (e) Provide regular and special meetings at which the members of the Tree Commission, officers, and personnel of the municipality and its divisions, and the general public, insofar as it relates to the municipality, may discuss the subject of trees.
- (f) Prepare an annual work plan for city council approval.
- (g) Provide an annual report to city council which details past year's accomplishments.
- (h) Develop, sponsor, and oversee programs, activities, and projects that recognize, involve, and increase community participation.

Sylacauga

SECTION 5. That Ordinance No. 1891 of the City of Sylacauga and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

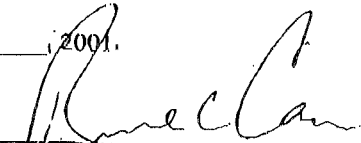
SECTION 6. Date of Effect. This ordinance shall be effective immediately after its passage and publication as required by law.

ADOPTED this 2nd day of May, 2001.



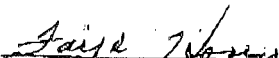
Doug Morphree, President of City Council

APPROVED this 2nd day of May, 2001.



Bruce C. Carr, Mayor

ATTEST:



Faye Hooley, Acting City Clerk

Sylacauga

*City of Sylacauga
As per current Subdivision
Regulations*

sewer lines wherever sanitary sewerage will not be available within a reasonable period of time. Special approval must be obtained from the State Health Department.

Lot size shall not be less than the minimum standard and of satisfactory size for the proper installation of a septic tank sewerage system as indicated by percolation tests.

1.7 STORM SEWERS AND DRAINAGE

Storm sewers and drainage structures shall be designed and installed where curbs and gutters are required in accordance with good engineering practice. In no case shall the size of pipe used for storm drainage be less than fifteen (15) inches in diameter.

1.8 PROPERTY MARKERS

All lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade.

1.9 OVERSIZE FACILITIES

The Governing Body may participate in the cost of "oversize" improvements within a subdivision, if in its judgement such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

1.10 STREET TREES

Although not required by these standards, the planting of street trees is considered a duty of the subdivider as well as good business practice.

Street trees protect against excessive heat and glare and enhance the attractiveness and value of abutting property. The Planning Commission will assist the subdivider in the location of trees and species to use under varying conditions.

It is recommended that trees be planted five (5) feet inside (or behind) property lines where they will be less subject to injury, decrease the chances of motor accidents, and enjoy favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be approved by the Planning Commission since the public inherits the care and maintenance of such trees.

1.11 GENERAL

Where a public water and sewer is within three hundred feet (300'), the subdivider shall connect with same.

ORDINANCE NO. 91-270

AN ORDINANCE TO ESTABLISH A TREE COMMISSION

The City Council finds that trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpoint to the man-made urban setting. Trees are economically beneficial in attracting new industry, residents and visitors. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT THEREFORE ORDAINED by the City Council of the City of Tallassee, Alabama as follows:

Section One: There is hereby established a Tree Commission. The Mayor and the City Council members who are chairpersons of the Committee on Streets and Utilities shall serve as ex-officio members. With the approval of a majority of the City Council, the Mayor shall appoint nine additional members from the City of Tallassee. Three shall be appointed for one year; three shall be appointed for two years; and three shall be appointed for three years. Thereafter, each member shall serve for a term of three (3) years or until a successor is duly appointed.

Section Two: This Commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the Mayor or by any three of the other members, after giving reasonable notice of the date, time and place of the special meetings.

Section Three: The Tree Commission may make recommendations to the Mayor and Council relative to a tree planting program; may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; the Commission may assist the Mayor and Council in providing information regarding the protection, maintenance, removal and planting of trees on public property; and may identify and recommend removal of dead, dying, diseased, or insect infested trees; and may make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the City.

Section Four: Nothing contained in this Ordinance shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utilities' facilities on public streets, alleys or rights of way, nor shall anything contained in this Ordinance prevent the City from removing any tree or portion of any tree which the City deems to be dangerous not only from the tree's infected condition or danger of

falling but to be dangerous at corners or intersections in that the same would obscure the view of motor vehicles approaching said intersection.

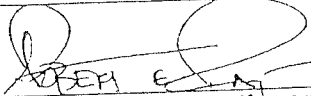
Section Five: Nothing contained herein shall prevent the removal of any trees or portions of trees on private property, and this Ordinance is not intended to restrict the removal of trees by owners of private property.

Section Six: Any other ordinance heretofore adopted by the City of Tallassee which is in conflict with this ordinance is hereby repealed to the extent of that conflict.


Section Seven: Provisions of this ordinance are severable and if any paragraph, section, sentence, or provision hereof shall be held invalid, such invalidity shall not effect the remaining portion of this Ordinance but shall remain in full force and effect.

Section Eight: This ordinance shall become effective upon due passage by the City Council of the City of Tallassee, Alabama, and upon publication as required by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF TALLASSEE, ALABAMA, on the 28th. day of MAY, 1991.


ROBERT E. PAYNE, Mayor

ATTEST:


BETTY J. ELROD, City Clerk

CITY OF TALLASSEE
214 BARNETT BLVD.
TALLASSEE, ALABAMA 36078

Tallassee

1995
Tree City
Application

Tallassee

Tallassee
TREE CITY USA
Application for Recertification

Mail completed application with requested attachments to your state forester no later than December 31.
The TREE CITY USA award is made in recognition of work completed by the city during the calendar year.
Please provide information for the year ending.

(Some states require information in addition to that requested on this application. Check with your state forester.)

As MAYOR of the city of TALLASSEE
(Title — Mayor or other city official)

I herewith make application for this community to be officially recertified as a Tree City USA for 1995, having achieved the standards set forth by The National Arbor Day Foundation as noted below.
(year)

Standard 1: A Tree Board or Department

List board members, and meeting dates for the past year; or name of city department and manager.

SEE ATTACHMENT

Standard 2: A Community Tree Ordinance

Check one: Our ordinance as last submitted is unchanged and still in effect.
 Our ordinance has been changed. The new version is attached.

Standard 3: A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita

Total community forestry expenditures \$ 15,225
Community population 3,563

Attach annual work plan outlining the work carried out during the past year. Attach breakdown of community forestry expenditures.

Standard 4: An Arbor Day Observance and Proclamation

Date observance was held FEBRUARY 19-25

Attach program of activities and/or news coverage. Attach Arbor Day proclamation.

Signature

Title

Date

Please type or print the following:

Mayor or equivalent

Name: ROBERT E. PAYNE

Title: MAYOR

Address: 214 BARNETT AVE

City, State, Zip: TALLASSEE, AL 36078

Phone #: (334) 283-6571

City Forestry Contact

Name: GLEN BAGGETT

Title: CHAIRMAN, TREE COMMISSION

Address: 1104 NOBLE RD

City, State, Zip: TALLASSEE, AL 36078

Phone #: _____

NOTE: If your community forestry work involves some new ideas or special projects please send photos, news stories, brochures, or other documentation for possible inclusion in National Arbor Day Foundation publications. (Such additional material is not necessary for your community to be designated as a Tree City USA.)

Certification

(To Be Completed By The State Forester)

(Community)

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be recertified as a Tree City USA, for the _____ calendar year, having in my opinion met the four standards of achievement in urban forestry.

Signed _____ State Forester _____ Date _____

Person in State Forester's Office who should receive recognition material:

Name: _____ UPS Address: _____

Title: _____ City, State, Zip: _____

Agency: _____ Phone #: _____

Tallassee

Attachment for Tree City Certification Tallassee, Alabama

Standard 1

The Tallassee Tree Commission was established in February 1991. Meetings of the Tree Commission are held bi-monthly, with special meetings called as needed.

The Tallassee Tree Commission is composed of nine members:
Glen Baggett (Chairman), Carolyn Smith, Lou Tosch, Cynthia Russell, Herbert Mason, Jack Fillingham, Olivia Soloman, Frank Copeland, Jeanette Raney. (Members are appointed as per ordinance)

Standard 3

Tree Management Expenditures 1995

Salaries:

- City Maintenance Workers (3% of time spent on "tree" work or projects) \$ 3,035.00

City expenditures on tree trimming & improvements (budget line item) \$ 5,690.00

City expenditures on dead tree removal \$ 900.00

Expenses associated with *Urban Forestry Conference* \$ 600.00

Estimated expenditures on tree maintenance (does not include removal, cutting, etc) to save and/or work on trees damaged by hurricane Opal \$ 5,000.00

Tree management expenditures for 1993 approximately \$15,225

Standard 4

The Tree Commission's primary project for 1995 was the hosting of an east central Alabama "Urban Forestry Conference." Topics included:

The local chapter of the Future Farmers of America (FFA) worked with the Tree Commission on their ongoing *Memorial Tree Planting* program that was started in 1992. During 1995 six memorial trees were planted in the city.

The mayor and Tree Commission members worked with a local day care, "From the Heart Day Care," to plant a memorial tree in remembrance of the child victims of the Oklahoma bombing.

Arbor Day was observed with the Mayor signing the *Arbor Week Proclamation* and a tree planting program at the city school and several tree seedling give-aways and programs were held throughout the city during Arbor Week. Newspaper coverage was provided by the *Tallassee Tribune*.

Hurricane *Opal* did a tremendous amount of damage to the urban forest of Tallassee. The Tree Commission has already begun discussing plans concerning the damage done and actions needed.

1996 Tallassee Tree Commission Work Plan

The Tree Commission's primary project in 1996 will be a more detailed review of the damage done by hurricane *Opal* and development of a plan of recovery. Preliminary estimates show that half to three quarters of the older trees in the city sustained major damage or were totally destroyed.

The Tree Commission will continue maintenance of their planting projects: The memorial tree program, maintenance and care of the trees previously planted under the memorial tree program and maintenance of their SBA plantings.

Arbor Week will be observed during Alabama's Arbor Week - February 18th through February 24th. Programs will include Arbor Week "tree give-a-ways," school programs, proclamation signing, etc.

Tallassee

CITY OF TALLASSEE 1995-1996 BUDGET

PUBLIC WORKS - STREET

PERSONNEL

<u>ACCT. NUMBER</u>	<u>ITEM</u>	<u>AMOUNT</u>
01-506-5001	Salaries (8 emp - 5 FT, 3 PT)	101,180.00
01-506-5005	FICA	7,750.00
01-506-5006	Retirement	3,670.00
01-506-5007	Insurance	14,946.00
	TOTAL PERSONNEL	127,546.00

OPERATING EXPENSES

<u>ACCT. NUMBER</u>	<u>ITEM</u>	<u>AMOUNT</u>
01-506-5026	Miscellaneous Expenses	4,900.00
01-506-5033	Chemicals	4,500.00
01-506-5034	Contract Services	6,000.00
01-506-5035	Supplies and Tools	8,000.00
06-515-5036	Street Lights	80,000.00
01-506-5037	Drainage Repairs	5,000.00
01-506-5038	Gas, Oil, Tires, Diesel Fuel	15,000.00
01-506-5039	Street, Manhole Patching, Cement	5,000.00
01-506-5040	Vehicle & Equip. Maintenance	18,000.00
01-506-5041	Tree Trimming & Improvements	5,000.00
01-506-5042	Sidewalk & Gutter Replacement	8,000.00
01-506-5043	Street/School/Safety Signs	4,000.00
	TOTAL OPERATING EXPENSES	163,400.00

CAPITAL OUTLAY

01-506-5044	Three (3) Mowers	2,000.00
01-506-5047	Bush Hog	6,500.00
01-506-5050	Power Saw	1,000.00
01-506-5051	Bush Hog Tractor	15,000.00
	TOTAL CAPITAL OUTLAY	24,500.00
	TOTAL PUBLIC WORKS - STREET	315,446.00

★ ★ ★
 Your Family
 Newspaper
 ★ ★ ★

The

Tallahassee

Tri

Dedicated To The Growth And Prosperity Of Greater Tallahassee

USPS 533-160

TALLASSEE, ALABAMA, THURSDAY, FEBRUARY 23, 1995

95TH YEAR

(Originated & written from 1929 to 1983
 by W. G. Eubank)



"DIRTY DIGS"

BY
PETE COTLE

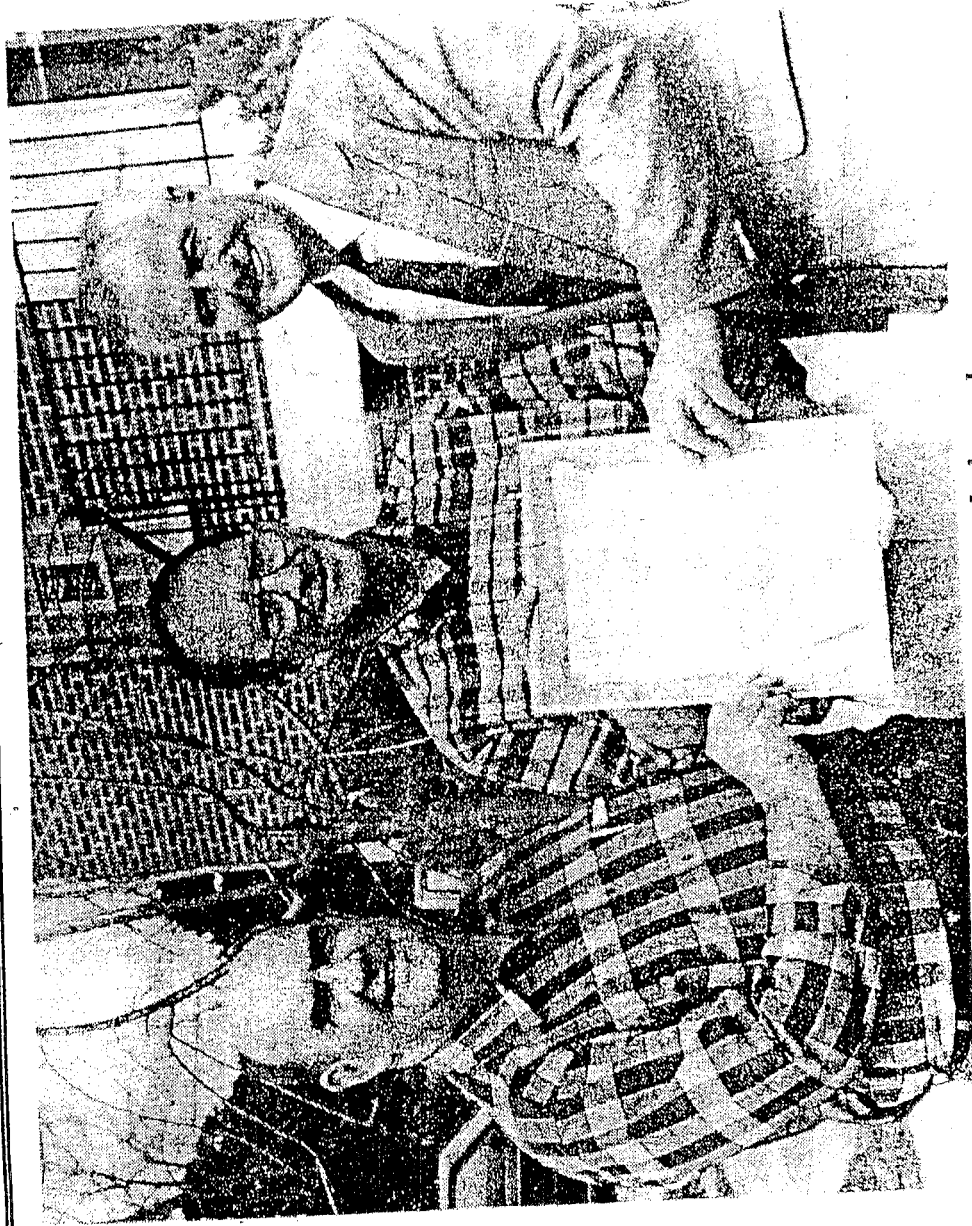
I wanted to write something about Hixie Taylor last week. The matriarch who raised almost a dozen children down on the farm that her husband Melvin molded and shaped.

I wanted to write about her but the right words wouldn't come. There was something I wanted to say but I didn't know exactly what it was.

Editor Venable's column, which was one of his best, focused some of my thoughts, but there was still something else.

Then I read an article about Rose Kennedy, another great matriarch who recently passed away. Lots of similarity between the two ladies, not the least of which was the large, close-knit families.

These ladies were the heart and soul of two big clans. One clan became very rich, through some shady, quasi-legal and illegal activities of ambitious Joe Kennedy. The other clan, through the sweat, hard work and common-sense genius of Melvin Taylor, made enough to live on and buy a little more land.



Arbor Day Proclaimed

Tallahassee Mayor Bobby Payne, right, has proclaimed February 19-25 as Arbor Week in Tallahassee. Payne recently presented the proclamation to two members of the Tallahassee Tree Commission, Chairman Glen Baggett, left, and Louis Achimon, center. For the fourth year, Tallahassee has been named a Tree City USA by the National Arbor Day Foundation for its efforts to plant and care for trees in the city.

Photo by Jack Venable

Eck

An Eclectic in the U. S. an extensive and Naval Pascagoula Ronald Jr., age 21, on Tuesday 14, as he v ship in Pas

Tallassee

Eclectic Dwight Sp had talked who is Pascagoula. "Ronnie" to his ship stopped a Sparks' se to the ship gone abou not. Best e peared bet and the shi Reed F

Bo

Local Gi Tallassee, l merce or o until April the Girl Se

The Tallahassee Tribune

Dedicated to the Growth and Prosperity of Greater Tallahassee

YEAR USPS 533-160 TALLASSEE, ALABAMA, THURSDAY, NOVEMBER 2, 1995 16 PAGES

our etown paper
ed & written from 1929 to 1983 by W. G. Eubanks



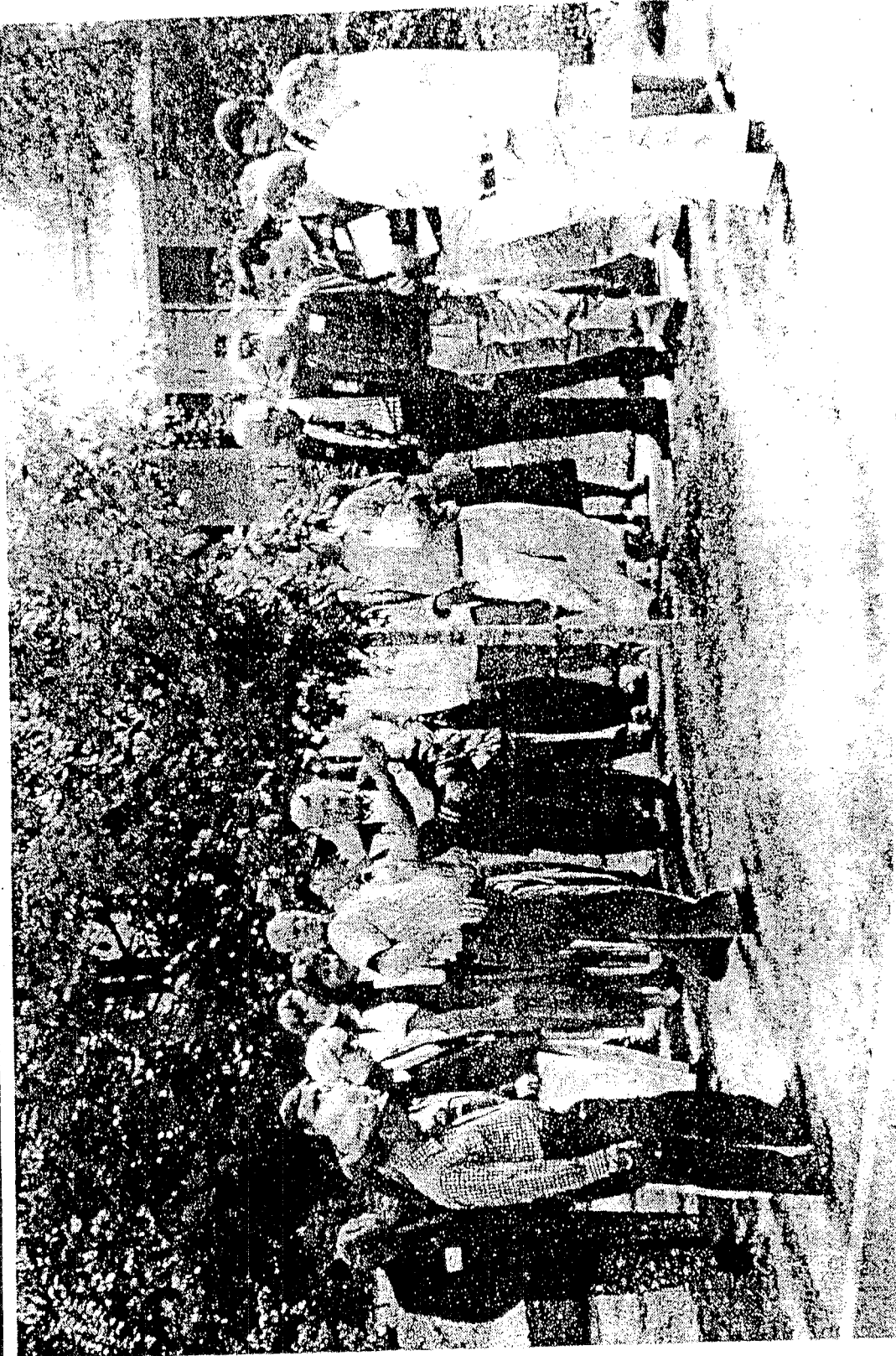
interesting conversation w-found friend last week. man from Wall Street arrard called to tell me of the Million Man March with his brother and three

a twofold purpose in called to share their experient h me and he wanted to some of the comments I e the week before in the at Louis Farrakhan.

t column I had praised r his message about the self-reliance, discipline and ity. Who can argue with

also called him a racist for tents about Jews (and other his misguided remarks. very. My new friend and I k about that and I think we at while Louis has a pow- i positive message, he also ults.

e main thrust of our talk at the great experience they day and the excitement and ration the five young men back to their community. e seeking to involve the



Tallahassee Hosts Urban Forestry Conference

City officials from as far away as Opp and Fairhope were in Tallahassee last Thursday for a conference on urban forestry. The conference was held at the Hotel Talisi, and after lunch the group toured the downtown area to look at various urban forestry projects. The conference was sponsored by the Alabama Forestry Commission.

Photo by Jack Venable

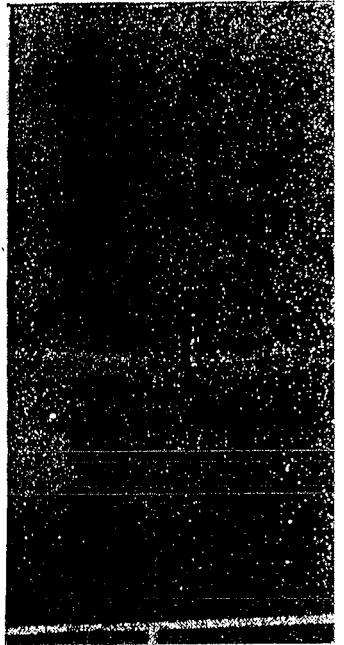
Tallahassee

C... T... The... we... the... C... E... A... P... to... the... C... T... C... P... T... by... B... the... T... P... for... the... c... T... of... s... c... m... h... y... U... th... h... w...



Week Proclaimed

bby Payne signed a proclamation proclaiming May 8-12 as the proclamation to Kay Plot, Branch Services Director at nursing population in Tallassee. *Photo by Candance Singletor.*



Tree Honors Oklahoma Bombing Victims

Tallassee's From The Heart Day Care Center planted a tree last week to honor the youngsters killed in the Oklahoma City bombing recently. Adults participating were, from left, Dana Coker, Desiree Bush, Kellye Hornsby, Mandy Turner, Jimmy Scales, Rev. Bittle, Mayor Bobby Payne, Kimberly Lancaster and Alex Bush. Not pictured is Diannce Walters. The youngsters pictured are all students at the center located adjacent to the Assembly of God Church on Friendship Road. The tree was donated by Mr. and Mrs. Robert Funderburk of Funderburk's Nursery. *Photo by Jack Venable*

Elmore County Landmark To Be Renovated

The old Balm Community School House is about to undergo a major renovation. Located on Balm Road, next to the Balm Community Church, and built in the late 1800's, the little School House is a historic landmark in Elmore County.

After being used for many years as a school, it was made a community center in 1936. As it is in serious need of major repairs, many of the community residents have come together to do the work necessary to bring the old school house back as nearly as possible, to its original state. A Board of Trustees, Rachael Evans, Richard Mann and George Bass, with Jean Bass as secretary, have been elected to oversee the project.

If you would like more information or if you would like to make a donation, please contact either Mrs. George Bass at 567-8334 or Mrs. Lyvoid Futral at 567-7071.

(Originated & written from 1929 to 1983 by W. G. Eubank)



"DIRTY DIGS"

BY PETE COTTLE

Carl Upchurch is president of the National Council for Urban Peace and Justice. I don't know him and I know nothing about his organization. I do know that the *Advertiser* carried a column by him last week. Carl is upset because "the electoral system has abandoned most African-Americans and perhaps the time has come for us to abandon hope in electoral politics."

He says the current political climate is "indifferent" and "disrespectful" of people of color and "they neglect our needs." He dismisses the Democrats and Republicans and even says that Jesse Jackson has abandoned the urban poor. He says that Jesse "betrayed the civil rights community when he announced that 'black-on-black' crime - not a prejudiced economy - was the essential cause of the disaster in urban America."

Carl's remedy is "to resurrect the boycott." He wants to boycott everything and everybody.

What does Carl want? Well, he never gets around to discussing that, but the implication is that he wants Uncle Sam to continue to pour hundreds of billions of dollars into the poverty programs that have failed, after thirty years and four trillion dollars, to eliminate poverty.

As we've said before, the main thing we got out of our four trillion dollars (that's four thousand billion) investment is a generation that is mentally and physically dependent on government assistance

City May Add 15¢ To



Trees Planted To Memorialize Local Citizens

Glenn Baggett, left, Chairman of the Tallassee Tree Commission, was present for the planting of four red oaks on the grounds of Tallassee Elementary School last week. Joining Baggett in planting the trees were Tallassee FFA members Brad Butler, Scott Thompkins, Joey Scarborough and Thomas Turner. The trees were planted in memory of Hixie and Melvin Taylor, Sr., and Mr. and Mrs. James Goodman. The Tallassee Garden Center provided the trees and assisted with the project. The Tallassee Tree Commission solicits memorials to add to both the beauty and ecology of the city.

Photo by Jack Venable

ha re fo ju b m th ai n c

CITY OF

TALLASSEE
A PREPARED CITY

214 BARNETT BLVD
TALLASSEE ALABAMA
36078

September 6, 1995

Mr. Milton McGregor
President
Macon County Greyhound Park
P. O. Box 128
Shorter, Alabama 36075

RE: Urban Forestry Conference

Dear Mr. McGregor:

The City of Tallassee has been given the privilege and honor of hosting the District 10 Urban Forestry Conference on Thursday, October 26, 1995 at 10:00 a.m. Tallassee was chosen as the host city due to our town's keen interest in tree conservation. Members of the Alabama Forestry Commission, representative of Alabama Power Company and Officials of other communities across our state will meet at the Hotel Talisi from 10:00 a.m. until 2:30 p.m.

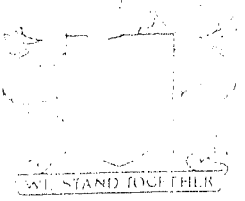
It is certainly an honor for our town to host this meeting and we would like to do something special for the participants. However, as I am sure you can understand, such a meeting was not planned for in the City of Tallassee's budget. We have tried to find room in our budget to provide a luncheon for the approximately 75 persons who will be attending the conference. However, we have simply been unable to come up with the funds. Macon County Greyhound Park has always been a good neighbor of the City of Tallassee. Our community has supported Macon County Greyhound Park in its endeavors. It would mean a great deal to Tallassee if Macon County Greyhound Park would assist us in providing a lunch at the Hotel Talisi for the Urban Forestry Conference. A donation of \$400.00 to go towards paying for these meals would be much appreciated.

Please feel free to give me a call at your convenience so that we could discuss this matter. As always, thank you for your time and attention.

Sincerely,


ROBERT E. PAYNE, Mayor

PHONE: 334-293-6571
FAX: 334-293-6571
CITY COUNCIL
CHARLES BLANDOCK
JOHN WAYNE WILKERSON
CARLTON MASON
DANNY KIRBY
MAYOR
SCHMIDT & HARPER



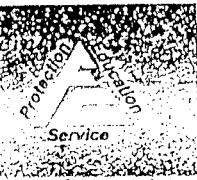
ALL STAND TOGETHER
CITY OF HOSPITALITY

Tallassee



HIMMITY C. BOYD
STATE FORESTER
RICHARD H. CUMBLE
ASST. STATE FORESTER

Making Alabama Better For People



Alabama Forestry Commission
2181 Congressman W.L. Dickinson Drive
Montgomery, AL 36109

November 7, 1995

Tallassee Tree Commission
Glen Baggett
1104 Noble Road
Tallassee, AL 36078

Dear Glen:

I felt the Third Annual District 10 Urban Forestry Conference was a huge success. The speakers, the tour, the facility, the lunch and the refreshments all combined to make the best conference held thus far! I want to sincerely thank the Tallassee Tree Commission and the City of Tallassee for agreeing to host the conference.

Thank you so much!

Sincerely,

Sharon A. Clark
Staff Forester

cc. Mayor Bobby Payne ✓
Lynn Justiss

Tallassee



JIMMIE C. BOYCE
STATE FORESTER
RICHARD H. CUMBIE
ASST. STATE FORESTER

Making Alabama Better For People



Alabama Forestry Commission

2181 Congressman W.L. Dickinson Drive
Montgomery, AL 36109

November 7, 1995

Mayor Bobby Payne
City of Tallassee
214 Barnett Boulevard
Tallassee, AL 36078

Dear Mayor Payne:

I want to thank you and the City of Tallassee for hosting the Third Annual District 10 Urban Forestry Conference. I believe we had an excellent conference with top notch speakers. I have heard nothing but positive comments about the speakers, the tour, the overall session.

Hotel Talisi was a very good choice for the conference. The change in location from the hotel to the Hotel Talisi Annex was fine. The lunch buffet was very good, no surprise when considering the restaurant source. Finally everyone was thoroughly impressed with the gardens.

Thank you once again for providing a perfect setting for the best conference yet!

Sincerely,

Sharon A. Clark
Staff Forester

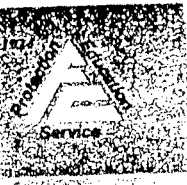
cc. Lynn Justiss

Tallassee



EMILY C. BOYD
STATE FORESTER
RICHARD H. CUMBLE
ASST. STATE FORESTER

Making Alabama Better For People



Alabama Forestry Commission

2181 Congressman W.L. Dickinson Drive
Montgomery, AL 36109

September 18, 1995

Dear Friends of Urban Forestry:

The City of Tallassee will host the Annual District 10 Urban Forestry Conference Thursday, October 26. The conference will take place at Hotel Tallassee, 10:00 until 2:00. A map is attached. The conference is free and will include lunch. **Attendees must pre-register.**

The conference is entitled " How to Have Public Utilities & Trees Too! " I feel this topic is timely and a major concern to all communities in Alabama. Our speakers will include Chuck Weber and Herschel Hale.

- * Chuck is a certified arborist and supervisor for the Huntsville Urban Forestry & Horticulture Department. Chuck will speak from the stand point of trying to maintain healthy and vigorous trees while considering tree biology, combined with having to carry out city projects and working with utility companies and city residents.
- * Herschel is a certified arborist with Alabama Power Company and is responsible for tree trimming and line clearing state wide. Herschel will speak from the stand point of trying to keep overhead and underground lines clear to insure city residences and businesses have power, while at the same time trying to work with communities to have healthy and vigorous trees.

The conference will include an indoor session, lunch and an outside tour. The tour will be a walking tour which will involve you and the other attendees in making recommendation concerning trees and utilities. Please dress comfortable and wear good walking shoes. Hopefully the weather will cooperate and remain cool. A tentative agenda is attached for your information.

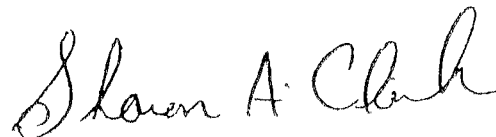
Tallassee

I hope you will attend this year's annual conference. Please encourage other individuals interested in how to have both utilities and trees such as tree commission members and city public works employees.

Due to space and luncheon count, attendance will be limited. **Attendees must pre-register.** To pre-register, contact me by Friday, October 20 at 242-5585.

See you at Hotel Tallassee!

Sincerely,

A handwritten signature in cursive script that reads "Sharon A. Clark".

Sharon A. Clark
Environmental Education Forester

cc. County Supervisor
D.L. Duckett

Tallassee

Tentative Agenda

Third Annual District 10 Urban Forestry Conference Thursday, October 26, 1995

HOW TO HAVE PUBLIC UTILITIES & TREES TOO !

9:40	Registration	
10:00	Welcome to Tallassee	Mayor Bobby Payne City of Tallassee
10:05	Opening Comments	Sharon Clark AL Forestry Commission
10:10	Trees, The Community & Public Utilities	Chuck Weber City of Huntsville
10:30	Overhead, Underground Utilities & City Trees	Herschel Hale Alabama Power Company
10:50	Break	
11:00	Streets, Sidewalks & Trees	To Be Announced
11:20	Panel Question & Answer Session	Moderator, Sharon Clark AL Forestry Commission
11:50	Morning Session Final Comments & Summary of Afternoon Tour	Sharon Clark AL Forestry Commission
12:00	Lunch, Hotel Tallassee	
1:00	Tour - What Do You See, What Do You Recommend	Herschel Hale, Chuck Weber, TBA
2:00	Refreshments, Roxy Courtyard	
2:30	Adjourn	

ARTICLE III. TREE COMMISSION*

Sec. 16-40. Established.

There is hereby established a tree commission and that the mayor with the concurrence of the council, shall appoint seven (7) persons in the city, two (2) of which shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and three (3) shall be appointed for three (3) years. After the initial appointments, two (2) members shall be appointed annually except in the third year when three (3) members shall be appointed. Two (2) of the appointees shall come from the beautification board. One (1) person shall be appointed from each of the five (5) districts of our city. Also, one person from each of the departments of the city: police, fire, electric, street, and parks and recreation shall serve as advisors or ex-officio members. Persons with special expertise may be added as needed who shall serve at the pleasure of the appointing authority. The mayor and one (1) council member shall serve as ex-officio members. The mayor and council member's terms shall expire on the date that a newly elected person shall take office. The mayor shall appoint the appropriate council member to serve on the committee.
(Ord. No. 889, § 1, 9-7-98)

Sec. 16-41. Commissioner appointed.

A tree commissioner shall be appointed from the persons appointed to the tree commission. The appointment shall be for three (3) years. The commissioner shall serve as chairman of the commission.
(Ord. No. 889, § 2, 9-7-98)

Sec. 16-42. Meetings.

The commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the mayor, or the

*Editor's note—Ord. No. 889, adopted Sept. 7, 1998, did not specifically amend this Code; hence, inclusion of its provisions as Art. III of this chapter, §§ 16-40—16-43 was at the discretion of the editor.

STREETS AND SIDEWALKS

§ 16-43

commissioner, or by three (3) commission members, after giving not less than three (3) days notice of the date, time and place of the special meeting.
(Ord. No. 889, § 3, 9-7-98)

Sec. 16-43. Duties.

The tree commission shall make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the mayor and council in providing information regarding the protection, maintenance, removal and planting of trees on public property; shall assist in making a master street plan by recommending the use and species of trees; shall recommend to the mayor and council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; shall make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality.
(Ord. No. 889, § 4, 9-7-98)

Tuscaloosa

ARTICLE II. TREE COMMISSION*

***Editor's note:** Ord. No. 2892, §§ 1--3, adopted Feb. 28, 1989, did not specifically amend the Code, hence inclusion herein as Art. II, §§ 22.5-16--22.5-18, was at the discretion of the editor.

Sec. 22.5-16. Established; members; appointment.

There is hereby established a Tuscaloosa Tree Commission and the mayor shall appoint to the tree commission one member from the city community planning and development department, one member from the department of transportation, and one member from the legal department. These three (3) members and the mayor shall serve as ex officio members. Their term shall expire on the date a newly elected mayor shall take office. In addition, the mayor shall appoint eleven (11) additional persons, two (2) of which shall be appointed for one year, four (4) of which shall be appointed for two (2) years, and five (5) of which shall be appointed for three (3) years. Persons with special expertise may be added who shall serve at the pleasure of the mayor. Appointees should represent all community groups which are interested in tree preservation, including, but not limited to, preservation groups, beautification groups, garden clubs, utility companies and developers.

(Ord. No. 2892, § 1, 2-28-89; Ord. No. 5846, 12-8-98)

Sec. 22.5-17. Meetings.

The tree commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the mayor, or by any two (2) of the commission members, after giving not less than three (3) days notice of the date, time, and place of the special meeting.

(Ord. No. 2892, § 2, 2-28-89)

Sec. 22.5-18. Duties and responsibilities.

The Tuscaloosa Tree Commission shall make recommendations to the mayor and council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; shall assist the mayor and council by making recommendations regarding the protection, maintenance, removal, and planting of trees on public property; shall develop an information and education program on the selection, care, and planting of trees for the citizens of Tuscaloosa; shall assist and promote in making a master street plan by recommending the use and species of trees; and shall recommend removal of dead, dying, diseased or insect infected trees; and when requested shall make studies and report back to the mayor and council with recommendations on matters concerning trees in the municipality.

(Ord. No. 2892, § 3, 2-28-89)

Sec. 18-24. Damage, etc., or injury to improvements, vegetation and wildlife.

It shall be unlawful for any person in any park:

(1) *Improvements generally*: To wilfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property, or appurtenances, whatsoever, either real or personal.

(2) *Restrooms and washrooms*: To litter, dirty or soil restrooms and washrooms, or to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.

(3) *Removal of natural resources*: To dig or remove any beach sand, whether or not submerged, or any soil, rock, stone, tree, shrub or plant, cut down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(4) *Erection of structures*: To construct or erect any building or structure, of whatever kind, whether permanent or temporary in character, run or string any public utility into, upon, or across such lands, except on written permit issued by the proper authorities.

(5) *Injury to and removal of vegetation*: To damage, cut, carve, transplant, or remove, any tree or plant, or injure the bark, or pick the flowers or seeds, of any such tree or plant. To attach any rope, wire, or other contrivance to any tree or plant. To dig in, or otherwise disturb, grass areas, or in any other way to commit acts which cause injury to, or impair, the natural beauty or usefulness of any area.

(6) *Climbing, etc., trees*: To climb, stand or sit upon buildings, monuments, vases, fountains, railings, fences, or upon any other property not provided for or customarily used for such purposes.

(7) *Hitching of animals, trees*: To tie or hitch a horse or other animal to any tree, plant, rail or fence, not designated for this purpose.

(8) *Injuring, etc., animals*: To hunt, to molest, to harm, to frighten, to kill, to trap, to chase, to tease, to shoot or throw missiles, at any animal, reptile or bird; to remove or have in possession the young of any wild animal, or the eggs or nest or young of any reptile or bird. Provided, however, snakes which are poisonous when found on park property may be killed on sight.

(9) *Feeding of animals*: To give or offer, or attempt to give, to any animal or bird, any tobacco, alcohol, or other poisonous or noxious substances.

(Code 1962, § 24-33)

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wires, cables or other equipment thereon, and shall notify such owner or owners at least forty-eight (48) hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom said permit is granted shall not at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or city property; and such work shall be done only by the authorized workmen of the utility or the city, whichever is the owner.

The person to whom said permit is granted shall pay to said public utility, or to said city, as the case may be, any and all costs of expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

(Ord. No. A-171, § 19, 11-8-99)

~~Sec. 4-80~~ Trees, plants and shrubs.

In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the city, the person to whom such permit has been granted, or his authorized representative, shall notify the building inspector at least forty-eight (48) hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom said permit is granted shall not at the expiration of said time of notice or at any time trim, move, remove, replant or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the city unless otherwise approved and so ordered by the building inspector.

The person to whom said permit is granted shall pay to said city any and all costs or expense for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

(Ord. No. A-171, § 20, 11-8-99)

Sec. 4-81. Repairs to public property.

In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the city may have, the building inspector may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the building inspector to make all necessary repairs to such streets or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, or his authorized representative, fail to make said

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shop, room, house or building to keep the alley adjacent thereto and the lot on which the same is located clean and free from all trash, litter, and waste material except that which is placed in proper receptacle on the premises. It shall be the duty of the occupant of any such store, shop, room, house, or building to store all such garbage, waste, and trash so that it cannot become scattered by wind, dogs, or otherwise.

(Ord. No. A-104, § 112, 5-10-93)

Sec. 9-44. Same—On street or sidewalk only where no alley.

It shall be unlawful for the occupant of any store, house, shop, room, building or other premises or for any other person to place, whether or not in a receptacle, any trash, litter, empty boxes, or parts thereof, or other waste material or to cause or permit the same to be placed on any street or sidewalk within the city, except for collection where no back alley is available.

(Ord. No. A-104, § 113, 5-10-93)

~~Sec. 9-45.~~ Persons engaged in the business of cutting and pruning trees or landscaping required to remove debris.

It shall be the duty of every person who engages in the business of cutting, trimming, or pruning trees for hire in the city, and every such person engaging in the business of landscaping within the city, whether the same be done on a contract basis, hourly basis, or otherwise, to remove the limbs, trunks, cuttings, dirt, trash, litter, or other debris, from the premises and deposit the same in the place prescribed for the lawful disposal of such debris.

(Ord. No. A-104, § 114, 5-10-93)

~~Sec. 9-46.~~ Same—Debris not to be left on public street.

(a) It shall be unlawful for any person engaging in the business of cutting, trimming or pruning trees in the city for hire, to leave the cutting or trimmings therefrom on any part of the public streets or other public ways.

(b) It shall be unlawful for any person engaging in the business of landscaping for hire in the city, to leave excess dirt, gravel, roots, debris, or litter resulting from such landscaping, on any part of the public streets or other public ways.

(c) For the purpose of this section, "public street" and "public way" shall include all of the area of a street or other public way right-of-way from property line to property line.

(Ord. No. A-104, § 1154, 5-10-93)

Sec. 9-47. Debris from construction, demolition, alteration or repair; requirements.

(a) Every person engaging in the business of, or being hired for the purpose of, constructing, demolishing, remodeling, repairing, roofing, or altering, any building or other structure within the city, shall, upon completion of the job or construction project, remove any debris, concrete, lumber, roofing material, or any other waste material resulting from such activity, to the lawful disposal area; and,

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of a street, sidewalk or alley, or the excavation under the same, will be done by the one obtaining the permit; however, it will be done under the supervision and inspection of the city through its streets and sanitation department, or anyone designated by the city, upon notification by the city clerk of the issuance of a permit for such work.

(Res. of 9-18-79, § 1; Ord. No. A-124, 8-28-95; Ord. No. A-253, 10-27-2003)

Cross reference—Restoration by water works board, §§ 10-1(c), 10-2(c).

~~Sec. 15-74~~ **Planting trees, etc. on city property.**

(a) As used in this section, the term "city property" shall include all real property in which the city owns an interest, whether title is derived from warranty deed, tax deed, assessment sale and deed, Act of Congress, or in any other manner and wherever situated, including, but not being limited to, dedicated parks, parkways, commons, easements, rights-of-way, alleys and streets, including property dedicated for streets and lying and being situated between sidewalks and curbs and property dedicated for streets and being used as parts of yards by any persons.

(b) No unauthorized person shall plant, or cause to be planted, any tree, shrub, flower, vine, bush or plant of any kind on "city property" within the corporate limits of the city.

(Ord. of 2-1-72, §§ 1, 2)

Secs. 15-8—15-30. Reserved.

ARTICLE II. TREE ORDINANCE

~~Sec. 15-31~~ **Definitions.**

Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the city, or to which the public has free access as a park.

Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city. (Ord. No. A-222, § 1, 10-14-2002)

Sec. 15-32. Creation and establishment of a city tree board.

There is hereby created and established a city tree board for the City of Tuscumbia, Alabama with the composition and duties as follows:

- (1) *Composition.* The tree board shall consist of five (5) voting members as follows:
 - a. One (1) employee of the city's utility department having knowledge of both engineering problems and tree maintenance problems.
 - b. One (1) professional forester or horticulturist with working knowledge of urban forestry problems and licensed in the State of Alabama for the conduct of their profession.

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- c. Three (3) voting members selected from the city and chosen for their knowledge of, concern about and participation in issues affecting the city's tree population.
- (2) *Appointment of members.* The utility employee shall be appointed by the general manager of the utilities company. The forester or horticulturist shall be appointed by the city council. Three (3) remaining members shall be appointed by the city council.
(Ord. No. A-222, § 2, 10-14-2002)

15-33 Terms in office.

All terms in office shall be for one (1) year. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments were made. Members shall continue to serve until a replacement member is installed.
(Ord. No. A-222, § 3, 10-14-2002)

15-34 Compensation.

Tree board members shall serve without compensation.
(Ord. No. A-222, § 4, 10-14-2002)

15-35 Duties and responsibilities.

- (a) The tree board shall conduct regular meetings and other called meetings as needed. It shall make its own rules of order, keep records of its proceedings and annually elect board officers. Officers are to consist of a chairman, vice chairman, secretary etc. A majority of the voting members shall constitute a quorum for the transaction of business.
- (b) The tree board shall:
- (1) Study problems involving the city's tree population, determine needs, compose a year-end report to the city council, and seek ways to implement needed work.
 - (2) Assist the community and its officials in the dissemination of information about the protection, maintenance and overall improvement of the city's tree population.
 - (3) Plan and coordinate annual Arbor Week observances with city schools, conservation groups and other interested parties.
 - (4) Develop standards of tree of tree maintenance such as to foster the city's tree population, protect persons and property against injury, provide safe and efficient passage of persons, vehicles, and utilities through recognized rights-of-way.
- (c) The tree board may undertake and participate in cooperative projects to include, but not limited to the following:
- (1) Educate the public about proper tree maintenance.
 - (2) Provide technical assistance to developers, builders and contractors on the selection and protection of naturally occurring trees during the development of woody areas.
 - (3) Recycling of leaves, wood chips logs and other by-products of tree maintenance.

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- (4) Develop a botanical garden for the city.
(Ord. No. A-222, § 5, 10-14-2002)

~~Sec. 15-36~~ Public tree care.

(a) The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes squares and public grounds as may be necessary to insure public safety or preserve or enhance the beauty of such grounds.

(b) The city may remake or cause to be removed any tree or part thereof which is unsafe or by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines or other public improvements.

(Ord. No. A-222, § 6, 10-14-2002)

~~Sec. 15-37~~ Responsibility for trees and permits for removal of right-of-way trees.

(a) Interest in and responsibility for the trees on the rights-of-way of improved public streets and highways maintained by the city is shared by the city and the adjoining landowner in the absence of other specific provisions to the contrary.

(b) No tree planted by the city for the ornamentation or public safety purposes within the said rights-of-way shall be removed or intentionally damaged, injured or destroyed except by a duly authorized agent of the city or has secured a permit from the city. Any tree presently located within such rights-of-way by the owner of the adjacent property for ornamentation, shade, screening, or other purposes may continue to be so maintained so long as that portion of the right-of-way is not improved for travel or utility purposes, and so long as maintenance of said tree is not inconsistent with the health, safety and welfare. Such trees shall not be removed by the city without notice to the adjoining landowner, except for the protection of the safe movement of vehicular and pedestrian traffic, or the safe operation and maintenance of the street or highway, or of public utilities or drainage facilities located with said right-of-way.

(c) When it comes to the attention of a proper officer or agent of the city that any tree maintained by an adjoining landowner on an improved public right-of-way is, or is likely to become a threat to the public safety, the appropriate agent of the city may forthwith abate the safety hazard by appropriate action in accordance with the adopted standards.

(Ord. No. A-222, § 7, 10-14-2002)

~~Sec. 15-38~~ Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection. Said owner shall remove all dead, diseased or dangerous trees or broken limbs which constitute a public safety issue. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. No. A-222, § 8, 10-14-2002)

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~~Sec. 15-39~~ Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owner at their own expense within sixty (60) days after the date of service of notice. Should the owner fail to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the landowner.

(Ord. No. A-222, § 9, 10-14-2002)

~~Sec. 15-40~~ Liability insurance.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees without first applying for and procuring a license. Before a license is issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. No. A-222, § 10, 10-14-2002)

~~Sec. 15-41~~ Review by the city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal a ruling or order from the city tree board to the city council who may hear the matter and make a final decision.

(Ord. No. A-222, § 11, 10-14-2002)

AN ORDINANCE ESTABLISHING A TREE COMMISSION FOR THE CITY OF UNIONTOWN, ALABAMA.

WHEREAS, the City Council of Uniontown recognizes that trees are a valid asset providing a more healthful and beautiful environment in which to live. When the proper varieties are grown in the right places they enhance the value and marketability of property, and promote the stability of desirable neighborhoods;

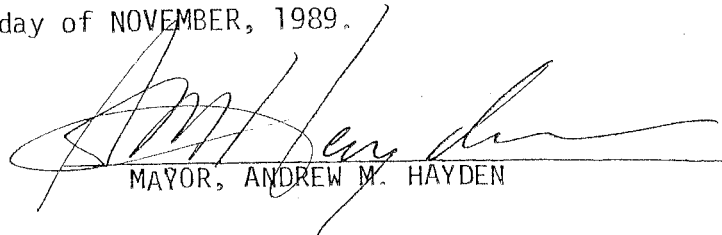
WHEREAS, it is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Tree Commission.

BE IT ORDAINED by the Mayor and Council that there is hereby established a TREE COMMISSION for the City of Uniontown. The Mayor shall serve as an ex-officio member. In addition, the Mayor shall appoint, with the concurrence of the Council, six (6) persons in the City of Uniontown to serve on this Commission. Two of which shall be appointed for one year; and two of which shall be appointed for two years; and two of which shall be appointed for three years; following the initial appointment two members shall be appointed annually to serve for three years. Members shall serve until their successors are appointed. The Commission shall provide in its minutes for regular meetings. Meetings may also be called by the Mayor, or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the special meeting.

NOW, BE IT THEREFORE FURTHER ORDAINED that the Tree Commission shall make recommendations to the Mayor and Council on the needs of the municipality in connection with its tree planting program; shall recommend the type and kind of trees to be planted upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; shall meet with the City Council and assist in making a master street plan by recommending the use and species of trees; shall recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect infected trees, and shall make studies and report back to the Mayor and Council with recommendations on matters concerning trees in the municipality.

This ordinance shall become effective immediately upon its approval and adoption.

APPROVED AND ADOPTED THIS THE 6th day of NOVEMBER, 1989.


MAYOR, ANDREW M. HAYDEN

ATTEST:


CITY CLERK

Wadley

Wadley

ORDINANCE NO. 167

AN ORDINANCE TO FORMULATE A TREE BOARD

WHEREAS, trees are recognized as a valid asset providing a more healthful and beautiful environment in which to live. They provide oxygen, shade, aesthetics, and a priceless psychological counterpoint to the man-made urban settings. Trees are economically beneficial in attracting new industry, residents and visitors. When grown in the right place and of the proper varieties, they enhance the value and marketability of property and promote the stability of desired neighborhoods. Unless and until otherwise directed by the Mayor, an appointed group of interested city residents shall serve on a committee within the framework of the Mayor and Council, which shall be known as the "Tree Board Committee."

BE IT THEREFORE ORDAINED by the Mayor and Council of the City of Wadley, Alabama, as follows:

Section 1: There is hereby created and established a City Tree Board for the City of Wadley, Alabama, which shall consist of at least three citizens and residents of this City, who shall be appointed by the Mayor with the approval of the Council.

Section 2: The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 3: This committee shall meet at such times as provided in the minutes of their meetings, and in addition, meetings may be called by the Mayor or two (2) of the members of the committee.

Wadley

Section 4: The duties of the Tree Board Committee shall be: to each year make studies of the Urban Forest and report on its status to the Mayor and Council; to each year make recommendations to the Mayor and Council that will enhance and improve the Urban Forest for all citizens of Wadley, Alabama. Recommendations may include but shall not be limited to advising the Mayor and Council on the needs of the municipality in connection with its tree-planting program; to recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; to assist the Mayor and Council in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public property and, where requested by the owner, on private property; to meet with the City Planning Commission and assist and give advice in the formulation of a master street plan by recommending the use and species of trees in the formulation of said plan; to recommend to the Mayor and Council which trees are considered unwanted weed trees, and identify and recommend removal of dead, dying, diseased or insect-infested trees.

ADOPTED: February 9, 1998.

Bruce W. Abbott
Mayor

ATTEST:

Kim Holmes
City Clerk

Winfield

Winfield

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WINFIELD, ALABAMA, as follows:

Section 1. Definitions.

Street trees are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all area owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of the Winfield Tree Commission. There is hereby created and established the Winfield Tree Commission for the City of Winfield, Alabama, which shall consist of five (5) members, citizens and residents of this City, who shall be appointed by the City Council. In addition, the Mayor shall serve as an ex-officio member.

Section 3. Term of Office. The term of the five (5) persons to be appointed by the City Council shall be three (3) years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation. Members of the Commission shall serve without compensation.

Section 5. Duties and Responsibilities. It shall be the responsibility of the Commission to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal or disposition of trees and shrubs in parks, along streets and in other public area. Such plan will be presented annually to the City Council and, upon their

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acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Winfield, Alabama. The Commission, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation. The Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Public Tree Care. The City shall have the right to plant, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Winfield Tree Commission may remove or cause or order to be removed, any street or park tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Section 8. Review by City Council. The City Council shall have the right to review the conduct, acts and decisions of the Winfield Tree Commission. Any person may appeal from any ruling or order of the Winfield Tree Commission to the City Council who may hear the matter and make the final decision.

Section 9. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the parts thereof, other than the part declared to be invalid.

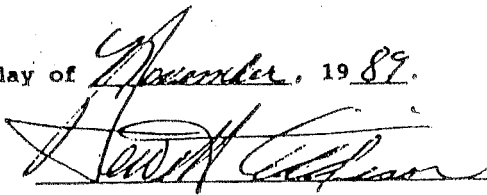
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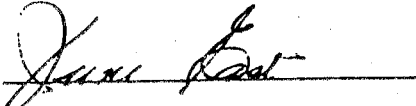
Section 10. This ordinance shall be in force and effect after its passage and publication as provided by law.

ADOPTED this 16 day of November, 1989.



MAYOR

Attest:


CITY CLERK

City of Winfield

P.O. DRAWER 579
WINFIELD, ALABAMA 35594

(SEAL)

POSTED;

WINFIELD CITY HALL
WINFIELD PUBLIC LIBRARY
WINFIELD COMMUNITY CENTER