

Sec. 22.1. - Central Business District.

(A) B-3 District Established. There is hereby established and added to the list of such districts provided for in Ordinance Number 494 of the City of Hartselle, Alabama, as amended, a district to be designated and known as B-3, Central Business District (CBD).

(B) Downtown Design Review Board.

1. There is hereby established a Downtown Design Review Board. The members of the Downtown Design Review Board shall be appointed by the city council and shall be subject to the supervision and direction of the planning commission. Such board shall consist of five members, at least three of whom shall be property owners or lessees within the B-3 district regardless of city residency, and no more than two of whom may be city residents at large. With exception of the first board as structured by the original ordinance, terms of office shall be four years with vacancies filled by appointment by the city council and such appointees serving the remainder of the unexpired term. All members shall serve without compensation.

2. The Downtown Design Review Board shall establish bylaws which shall include establishment of regular meeting dates. Such meetings shall be open to the public and shall conform to all applicable public notice requirements.

3. The Downtown Design Review Board shall receive assistance from city staff in performing its functions. All projects initiated by the city or other authorized entities within the city which will affect the CBD area shall be coordinated with the Downtown Design Review Board.

4. The Downtown Design Review Board shall have the following responsibilities and powers:

- a. Establish criteria for the requirements of, and for reviewing, plans of pedestrian plazas; parking areas; parks; landscape areas; fences; patios; signs; exterior renovations or alterations of existing buildings; and paint or other exterior building finish colors, textures, and patterns or designs; construction of new buildings; and waste container locations.
- b. Review and approve or deny all site plans for pedestrian plazas, parking areas, landscape areas, and parks; all plans for fencing and patios; all plans for exterior renovations or alterations of existing buildings; and exterior color or color change; construction of new buildings; and waste container locations.
- c. Review and deny or approve proposed design, color, size, and placement of exterior signage.
- d. Review recommend changes to the B-3 (Central Business District) section of the Zoning Ordinance, and provide board recommendations to the Planning Commission and City Council with regard to the approval or denial of such changes.

5. Criteria for reviewing applications shall be established by the board and shall be maintained on file with the city planner or city building inspector.
6. No alteration, renovation, color change, or other change to the exterior of any existing building, or the construction of any new building, shall be commenced without written approval of all elements associated with such alteration, renovation, change or construction (as to exterior features only on new construction) by the Downtown Design Review Board, and no building permit shall be issued by the City of Hartselle for any such work requiring a building permit without such written approval being first obtained.
7. When a certificate of occupancy is required, no such certificate shall be issued until the Downtown Design Review Board has given its approval for same and recorded such approval in the meeting minutes of the board.
8. The reasons for any denial shall be clearly documented in the meeting minutes, and shall be based on nonconformance with adopted criteria. Any persons aggrieved by any decision of the Downtown Design Review Board may appeal the decision to the planning commission by notifying the city planner within 30 days from the date of the board's action. Appeals must be documented by a full report from the Downtown Design Review Board. Decisions of the planning commission shall be subject to review by the city council by application for review within 30 days of any such decision. The council's decision shall be final and binding.
9. Enforcement of action by the Downtown Design Review Board.
 - a. Violations of Appendix A, Section 22.1 shall be deemed a "violation of this Code" under Hartselle City Code Section 1.7 and treated accordingly.
 - b. The Downtown Design Review Board will serve as a recommending body to the City Council with regard to taking punitive, injunctive, and/or implementing other municipal compliance and violation remedies as allowed by the City Code or other law, but this provision shall not be construed to limit the authority to initiate and pursue such actions by City enforcement officials without such recommendation by said Board.
 - c. The Downtown Design Review Board shall not be compelled to consider any applications pursuant to the provisions of this Section 22.1 which do not comply with any criteria said Board may require as to accompanying detailed and accurate plans, drawings, illustrations, models, samples, specifications or other illustrations or information.
 - d. It shall be unlawful to violate any provisions of this Appendix A, Section 22.1 or the conditions of any approval by the Downtown Design Review Board.
 - e. Any variance in finished construction, alteration, renovation, color, texture, material or other aspect from submitted and approved plans, drawings, illustrations, models, samples, specifications or other illustrations or information shall be deemed a violation of the condition of approval and shall be unlawful and subject to enforcement action by the city.

(C) Permitted principal and accessory uses and structures. The following uses and structures shall be permitted in the B-3 district:

1. Retail stores and shops which sell goods such as: arts and crafts; antiques; bakery goods; bicycles; books; cameras; candy; tobacco products; confectionery products; health foods; dairy products; computers and related equipment; dry goods; flowers; frozen goods; furniture; garden supplies; gifts; glass or mirrors; hardware; home finishes; lighting; interior decorating goods; jewelry; music; newspapers and magazines; pharmaceutical goods; photography equipment; pottery and ceramics; clothing; shoes; sporting goods; stationery; and toys.
2. Service establishments and repair shops to include: Bicycle sales or service; copying or photocopying; screen printing; dry cleaning and laundry pickup stations, except as specifically prohibited herein; barber and beauty shops; tanning salons; catering; interior decorating services; computer sales or repair; photography; day spa; appliance sales or leasing; alteration and tailoring; dress-making.
3. Professional offices including: accountant; architect; attorney; engineer; insurance agent; real estate agent; travel agent.
4. Hotels and bed and breakfast inns.
5. Financial institutions including: banks; brokerage firms; credit unions; loan offices, except as specifically prohibited herein.
6. Eating and drinking establishments including: delicatessen; café; coffee shop; cafeteria; restaurant; tearoom; bakery; dessert/snack shop to include candy, ice cream, shaved ice, popcorn, donuts, and similar; brewpub where permitted by all applicable laws and with sufficient off-street truck access to safely permit barrel loading/unloading.
7. Indoor recreational and amusement establishments to include: theaters; pool or billiard halls; small auditoriums; arcades; fitness centers; exercise/yoga/dance studios.
8. Sale of alcoholic beverages within a permitted business, subject to all applicable laws.
9. Arts and crafts establishments to include: galleries for the display and/or sale of paintings; ceramics/pottery production with at least 50% of resulting products being displayed/offered for sale at retail on the premises and conforming to all applicable fire and building codes; wood and/or metal craft production with 50% of resulting products being displayed/offered for sale at retail on the premises and no dust or noise being detectable beyond the building.
10. Instructional establishments to include: dance/gymnastics instruction; martial arts instruction; personal fitness/yoga instruction; athletic training; academic instruction; academic tutoring; art classes to include pottery, painting, craft-making, and similar.
11. Residential dwelling quarters, except as otherwise prohibited herein.

(D) Uses permitted on appeal. The following uses may be permitted in the B-3 district only upon review and approval by the board of zoning adjustment in accordance with the provisions contained in article 5, and subject to any reasonable conditions deemed by the board to be necessary for the preservation of the character of the district: any use permitted without appeal in the B-1 (local shopping) zone and not otherwise listed as permitted or prohibited herein.

(E) Prohibited uses. The following uses are prohibited in the B-3 district: gasoline service station; auto or tractor sales or repair; manufacturing, except as otherwise permitted herein; service or repair of gasoline or diesel motors; sale or installation of mechanical equipment and/or parts; leasing of storefront window space for the placement of signage or electronic displays; warehousing and storage (except inventory storage for a permitted use, located within the same building as said use and with said permitted use occupying at least 50% of the building); feed and grain store; laundromat and dry cleaning (except for walk-in pick-up and drop-off locations not conducting cleaning on the premises or serving commercial/industrial clients); drive-through windows for any purpose; pet grooming or boarding; veterinary clinic; child or adult care facility; rehabilitation facility; group home; halfway house; residential dwelling quarters on the floor level of the primary building entrance; title pawn/lending; payday loans; pawn shop; lounge as defined per Chapter 3 of the Hartselle Code of Ordinances; package Store as defined per Chapter 3 of the Hartselle Code of Ordinances; any use prohibited or permitted only on appeal in the B-1 (Local Shopping) zone.

(F) Area and dimension regulations:

Maximum Height of Structure: 3 Stories

Minimum Front Yard: None, except as necessary to maintain ADA pedestrian sidewalk width.

Minimum Rear Yard: 20' (None if building adjoins a public rear alley or parking lot.)

Minimum Side Yard: None, except as necessary to maintain ADA pedestrian sidewalk width and conform to visibility requirements per Sec. 32 of the zoning ordinance.

Maximum Lot Coverage: None.

Maximum Size of Building: 10,000 square feet (on first floor)

(G) Parking and loading.

1. No off-street parking will be required. No off-street parking will be permitted in front of a building. If side parking is needed, screening must be provided to shield view of cars from the street.

2. It shall be unlawful to load and/or unload vehicles in such a manner that obstructs more than one traffic lane of a local street.
3. It shall be unlawful to load and/or unload vehicles in such a manner that obstructs any traffic lane of a local street between the hours of 7:00 AM and 9:00 AM, or between the hours of 2:00 PM and 4:00 PM on any day.
4. During times when loading and/or unloading of vehicles is permitted in such a manner that obstructs one traffic lane of a local street, such obstruction shall remain for no more than 30 minutes.

(H) Sidewalk benches and displays.

1. Sidewalk sitting benches shall be permitted, provided that they do not extend into the sidewalk frontage of an adjacent building. Sitting benches shall not exceed two feet in depth. Benches shall be placed with back against the building wall and shall not be positioned in a manner as to obstruct a building entrance or sidewalk traffic. Benches are to be constructed with such material and in such a manner as is necessary to ensure safe use by the general public. Any bench deemed unsafe for use by the general public shall be removed from the city sidewalk. In no case shall a sitting bench be used to display the name, logo, contact information, or other promotional message of any individual or entity not occupying the building where the bench is located.
2. Sidewalk displays of merchandise shall be allowed from one hour prior to store hours until one hour after store hours. Such displays, including the table or display device, shall not be placed on the sidewalk during other times. Said displays shall be placed a minimum of two feet from the face of curb. Displays shall not exceed six feet in height and shall occupy no more than one square foot of sidewalk area per lineal foot of street frontage for each lot. Corner lots shall only place merchandise within that sidewalk area adjacent to the front entry door. In no case shall the width of the walking surface be diminished to less than six feet.
3. No merchandise or displays shall be attached, in any manner, to the canopy, canopy post or sidewalk.

(I) Fences.

1. Courtyards, patios, pedestrian plazas, and similar outdoor spaces may be enclosed by fencing when deemed appropriate by the Downtown Design Review Board.
 - a. Fencing shall not obstruct reasonable means of ADA pedestrian access to a neighboring property from a public parking lot.
 - b. Fencing shall conform to the style, material, height, and color approved by the Downtown Design Review Board.
 - c. All approved fencing shall be constructed of material that in the opinion of the board, is durable and maintainable so as to remain aesthetically pleasing.

(J) Screening.

1. As deemed necessary and appropriate by the Downtown Design Review Board, privacy screening shall be provided. The appropriate placement, material, and style of privacy screening will be determined by the Downtown Design Review Board in keeping with established criteria and the character of the district.

a. When deemed necessary adjoining a residential zone or side parking area, screening shall consist of privacy fencing of at least six (6) feet in height and/or evergreen plantings being at least six (6) feet in height at the time of planting.

b. Dumpster, mechanical, and similar areas deemed by the Downtown Design Review Board to be unsightly and easily visible by pedestrians shall be entirely screened and enclosed by privacy fencing conforming to the style, material, height and color approved by the Downtown Design Review Board.

c. All approved privacy fencing shall be constructed of material that in the opinion of the board, is durable and maintainable so as to remain aesthetically pleasing.

(K) Building Design and Character. The CBD is unique because of its physical locations and design. The integrity of the area must be maintained by requiring new structures to fit contextually. Also, renovations, repairs, alterations, and rehabilitation to the exterior facade of existing buildings must follow the design criteria and review processes as established by the Downtown Design Review Board. No new building shall be constructed, nor any facades on existing buildings be altered except in accordance with all applicable provisions of current zoning and building codes, and unless similar in character to the existing buildings in the B-3 district in the following respects:

1. Proportion of window and door openings to the overall building exterior.

2. Roof pitch, design, and materials.

3. Style and construction of the building exterior.

a. General architectural and design character, including horizontal or vertical emphasis, scale, stylistic features, and themes, shall be in keeping with the character and nature of the district.

b. Construction methods employed shall not, in the opinion of the Downtown Design Review Board, detract from the character and nature of the district.

4. Exterior building materials, colors, and textures.

a. Natural material such as stone, brick, wood siding, slate, etc., or synthetic materials designed to emulate these (i.e. cement fiber products), shall be required.

- b. Industrial or artificial materials such as raw or exposed aggregate concrete, anodized or galvanized metal, plastic, and vinyl may be used for trim or embellishments in a ten percent proportion to the entire exterior.
- c. Glass may be used when its appearance and placement, in the opinion of the Downtown Design Review Board, does not detract from the character and nature of the district. Glass that is mirrored, painted, or excessively tinted for conformance with the character of the district shall not be permitted.
- d. Colors shall only be as approved in writing by the Design Review Board and it shall be unlawful to apply any unapproved color to the surface of any building or building fixture.

5. Orientation to the street.

- a. All structures shall be built to the sidewalk, or include a front courtyard or patio area. No front parking shall be permitted. Where there is no building on a lot, grass lawns for pedestrian use and/or landscaping shall be permitted.

(L) Signs.

- 1. Only the following signs shall be allowed in the B-3 zone:
 - a. One building sign per exposed wall of the building. The maximum size of any single permitted building sign shall be limited to one square foot of face area per one lineal foot of primary street frontage per lot, or 32 square feet, whichever is less. For the purpose of this section, "primary street" is the public roadway upon which the primary customer entrance faces, or for corner-facing entrances, the public roadway having the higher functional classification and/or traffic count. Building signs shall not project more than 12 inches from the surface to which they are attached, and shall not project above the parapet wall.
 - b. One double-sided canopy sign per building, suspended from a public canopy. A suspended canopy sign shall hang perpendicular to the sidewalk, shall be no more than two square feet in size, and shall hang no less than eight feet above the sidewalk at its lowest point.
 - c. When no public canopy is present, one double-sided cantilevered building sign per building, mounted to the front wall of the building by structure as required by the building department and approved by the Downtown Design Review Board. Such signs shall hang perpendicular to the sidewalk, shall be a maximum size of nine square feet in size, and shall be no less than eight feet above the sidewalk at its lowest point.
 - d. One freestanding sidewalk sign per establishment, present only during public business hours of the establishment at which the sign is placed. Such sign shall cover no more than six square feet of area, and shall be no more than four feet in height. Such sign shall not be attached to the sidewalk, canopy, or canopy post, and shall reduce the passable width of the sidewalk to not less than five feet.

- e. Two decorative flags per building, each being no more than eight square feet in size. Flags shall be mounted to the front of the building by means of a mount bracket and extended pole of no more than four feet in length, shall hang no less than eight feet above the sidewalk at the lowest point, and shall not be mounted flat against the building. Where a public canopy is present, such permitted flags may be placed in the public canopy mount brackets in lieu of building placement, but shall be removed by the building owner at the direction of the City when such brackets are needed for placement of public flags, or for other public purpose. Flags not removed by the building owner upon such direction of the City shall be subject to removal and disposal by the City. With exception of permitted placement in public canopy mount brackets, no flag shall be attached to the public canopy, canopy post, or sidewalk.
2. Sign illumination shall be limited to down-lighting, up-lighting, or halo-lighting of minimal brightness necessary to illuminate the sign face. Signs with electronic displays, or box cabinets or channel letters with internal illumination not otherwise permitted herein are prohibited.
 3. Window signs as defined in Sec. 27 herein shall not be subject to the provisions of this section.
 4. Signage considered prohibited or unlawful per Appendix A, Section 27 or Chapter 3 of the Hartselle City Code is prohibited.

(M) Artwork.

1. Artistic building paintwork (ie: murals) and other art forms deemed to be of historical, artistic, and/or aesthetic value to the district shall be permitted when deemed appropriate by the Downtown Design Review Board, subject to placement, scale, and design conditions as deemed necessary by the Board to ensure compatibility with the character of the district.
2. Notwithstanding the provisions of this article related to paint/material colors, building paintwork and other art forms deemed by the Design Review Board to be artistic expressions shall not require the review or approval of the Board with regard to color.