

ORDINANCE NO. 2023-15

An Ordinance of the City of Irondale to modify Chapter 4, Buildings and Building Regulations, Article I. – In General, Sec. 4-11 entitled “Masonry required on structures in certain zoning districts”

WHEREAS, the City of Irondale desires to regulate the manner of constructing buildings, structures and accessories in the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Irondale to adopt an Ordinance that establishes minimum standards for exterior construction on certain new, institutional and commercial/non-residential structures, while acknowledging that there may be certain nationally recognized franchises with standard architectural designs and other requested special exceptions due to the architectural design and location of the building that may be considered for approval by the Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Irondale, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Modification of Chapter 4, Buildings and Building Regulations, Article I. – In General. Chapter 4, Article I of the *Municipal Code of the City of Irondale, Alabama* is hereby amended by deleting Sec. 4-11 Masonry required on structures in certain zoning districts in its entirety and replacing it in its entirety with the following:

Chapter 4 – Buildings and Building Regulations

Article I – In General

Sec. 4-11 – Masonry required on structures in certain zoning districts

(a). This section applies to the exterior wall construction for commercial/nonresidential structures in the following zoning districts:

1. O. Office District
2. C-PB. Commercial Preferred Business Zone
3. C-1. Business Zone
4. C-2. Commercial Zone
5. C-3. Commercial Adult Entertainment Zone
6. Inst-1. Institutional Zone District
7. Inst-2. Institutional District
8. Inst-3. Institutional District
9. Overlay District

(b) Except as provided in Sec. 4-11(f), a minimum of 60% of the exterior wall construction for commercial/non-residential

structures located in zones set forth in Sec. 4-11(a) shall be constructed of masonry (brick, stone, split face block, decorative concrete masonry unit, rock, other decorative block or combination thereof), glass, and/or a combination thereof, or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. It shall not include concrete masonry units commonly referred to as plain smooth concrete block. The coverage requirement shall be calculated by measuring all exterior facades of the structure, excluding the openings for windows, that part of any gable end which is located above windows and doors, trim and doors and multiplying that figure by the percentage. The builder of the structure shall be authorized to satisfy the coverage requirement by placing the masonry and/or glass on one or more exterior facades of the structure, provided that the exterior façade that faces the public street or private road that services the structure shall have a minimum of 100% of that exterior façade covered with masonry (brick, stone, hard-coat stucco, split face block, or other decorative block or combination thereof), glass, and/or a combination thereof, or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

(c) The balance of exterior treatments shall consist of wood, hard-coat stucco, metal, or combinations thereof.

(d) The requirement for masonry/brick/glass exterior wall construction shall apply to any commercial/non-residential structure described above for which a building permit application is submitted to the City's Building Inspections Department after the effective date of this Sec. 4-11.

(e) The following materials shall not qualify nor be defined as "masonry" or "masonry materials" in meeting the specific requirements for exterior construction of buildings:

- (1) Exterior plaster, adobe or mortar wash surface materials; or
- (2) Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster or other similar synthetic materials.

(f) In all industrial zoned districts, the percentage of masonry required pursuant to this Sec. 4-11 shall depend upon the total building size of an individual structure to be constructed and shall be determined according to the following:

(1) 0 – 50,000 sq. ft.	60% masonry
(2) 50,001 – 100,000 sq. ft.	50% masonry
(3) 100,001 sq. ft. and larger	35% masonry

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions difference from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption as provided by law and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Irondale does hereby ordain and enact the foregoing Ordinance for the City of Irondale.

ADOPTED & APPROVED: This 2nd day of May, 2023.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Leigh Ann Allison, City Clerk

CERTIFICATION

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 2nd day of May, 2023, as the same appears in the minutes of record of said meeting.

Leigh Ann Allison, City Clerk