ORDINANCE NO. 2025 - 01

AN ORDINANCE TO REPEAL AND REPLACE THE ZONING ORDINANCE OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama that the Zoning Ordinance of the City of Phenix City, Alabama adopted the 17th day of September, 2002 and amended on the 2nd day of October, 2007 and amended on the 15th day of July, 2014 is hereby repealed and replaced as per "**Exhibit A**" attached.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed by this Ordinance.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the parts, which remain.

PASSED, APPROVED AND ADOPTED this 7th day of January, 2025.

Eddie N. Lowe
MAYOR

MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:

CITY CLERK

PHENIX CITY Alabama

ZONING ORDINANCE

for the City of Phenix City, Alabama

Adopted: January 7, 2025
Ordinance 2025-01

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ARTICLE 1 General Provisions

§1.01 Statutory Authority

This Ordinance has been drafted, subjected to public review, recommended by the Phenix City Planning Commission, and adopted by the Phenix City City Council (hereinafter "the Council") under the authority of Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended.

§1.02 Short Title

This Ordinance shall be known as the Phenix City Zoning Ordinance, and the Zoning Map, which is a part of this Ordinance, shall be known as the Official Zoning Map.

§1.03 Purpose

The specific purpose of this Ordinance is to influence the use of property within the City of Phenix City (hereinafter "the City") in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended; and generally to implement and support the Comprehensive Plan and the Developmental Policies of the Council.

§1.04 Applicability and Compliance

The provisions of this Ordinance apply to all property located within the corporate boundary of the City. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

1.04.01 Minimum Requirements. The provisions of this Ordinance are considered minimum requirements to promote the public health, safety, and welfare.

1.04.02 Conflict with Other Regulations. In any situation in which there is a conflict between the provisions of this Ordinance, and those of any statute, or any local law or regulation, the most restrictive of such provisions applies and is enforced.

1.04.03 Severability. If any clause, portion, provision, or section of this Ordinance is held to be invalid by any court of competent jurisdiction, such holding does not render invalid any other clause, portion, provision, or section.

1.04.04 Repeal of Conflicting Ordinances. On the effective date of this Ordinance, all other local Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§1.05 Establishment of Zoning Districts

1.05.01 Official Zoning Map

a. The City is hereby subdivided into zoning districts as shown on the Official Zoning Map. The Official Zoning Map, together with all explanatory materials it contains, is made a part of this Ordinance. This map is kept in the office of the Building Department.

b. The Official Zoning Map is signed by the Mayor, attested by the City Clerk, and shows the number and date of adoption of this Ordinance.

c. Any changes made in district boundaries, or any other matter portrayed on the Map, are entered on the map by ordinance number and date of adoption within ten days of such adoption.

d. If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may by resolution adopt a new Official Zoning

Map. This new map may correct drafting or other errors or omissions, but no such correction may result in amending the map.

1.05.02 Zoning Districts. For the purposes of this Ordinance, the area within the corporate boundary of the City is subdivided into the following zoning districts:

1. R-1: Low Density Residential District (Includes R-1A and R-1B)
2. R-2: Medium Density Residential District
3. R-3: High Density Residential District
4. A-1: Low Density Residential and General Agricultural District
5. MX-1: Limited Mixed Use District (formerly A-O District)
6. C-1: Core Commercial District
7. C-2: General Commercial District
8. C-3: Neighborhood Commercial District
9. C-4: Highway Commercial District
10. M-1: General Manufacturing District
11. M-2: Heavy Manufacturing District
12. INST: Institutional District
13. MED: Medical District
14. C-O: Corridor Overlay District
15. PD: Planned Development District, see §6.03 Planned Development District

1.05.03 District Boundaries. The boundaries of the zoning districts shown on the Official Zoning Map are intended, as far as possible, to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Boundaries shown as parallel to any of the above features are construed as parallel to the feature at the distance determined by the scale of the map. Where any boundary cannot be accurately determined from the map, the Board of Zoning Adjustment (hereinafter "BOZA") determine where such boundary is officially located.

§1.06 Annexed Property

Following the adoption of this Ordinance, any property annexed into the City will be pre-zoned for annexation into the corporate limits of the municipality following the provisions of this Ordinance and Title 11, Chapter 52, Article 4, Code of Alabama. Any subsequent rezoning of such property follows the procedures for map amendments set forth in §12.01 Amendments.

ARTICLE 2 DEFINITIONS

§2.01 Interpretation

2.01.01 Words and phrases used in this Ordinance have the meaning ascribed to them in this Article. Except as defined herein or in the City Code, Building Code, State Code, or the Subdivision Regulations, all other words used in this Ordinance have their customary dictionary definition.

2.01.02 Interpretation of Commonly Used Terms and Phrases

a. Words used or defined in one tense include other tenses and derivative forms.

b. Words used in the singular number include the plural, and words used in the plural number include the singular.

c. The masculine gender includes the feminine, and the feminine gender the masculine.

d. The word “person” includes a firm, corporation, association, organization, trust or partnership.

e. The word “lot” includes the meanings of the words plot, parcel and tract.

f. The word "structure" includes the word "building."

g. The words “must” and “shall” is mandatory and not merely directory.

h. The word “may” is permissive. However, when used in the negative (e.g., “may not”), it is prohibitive.

§2.02 General Definitions

2.02.01 ACCESSORY STRUCTURE. A detached, subordinate structure located on the same lot with the PRINCIPAL STRUCTURE, the use of which is incidental to that of the PRINCIPAL STRUCTURE, including but not limited to garages, storage buildings, pools, and carports.

2.02.02 ACCESSORY USE. A use customarily associated with and subordinate to the PRINCIPAL USE of the land or building on the same lot.

2.02.03 ADJACENT. Either ADJOINING or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by an interstate or railroad are not considered ADJACENT.

2.02.04 ADJOINING. Having property or district lines in common. Properties separated by a right-of-way are ADJACENT, but not ADJOINING.

2.02.05 ALTERATION, ALTERED. Any remodeling; any addition to the height, width or depth of a structure; any change in the location of any of the exterior walls of a structure; or any increase in the interior accommodations of a structure.

2.02.06 APPLICABLE DISTRICT. That zoning district in which the subject site, use or structure exists or is proposed to be located.

2.02.07 APPROVING AUTHORITY. That official or body with the authority to determine final approval of development applications and requests, including the following: for development requiring only administrative approval, the BUILDING OFFICIAL; for development involving a SPECIAL EXCEPTION or VARIANCE, the BOARD OF ZONING ADJUSTMENT (“BOZA”); for rezoning and CONDITIONAL USES, the CITY COUNCIL.

2.02.08 BEDROOM. A room marketed, designed and otherwise intended to function primarily for sleeping and meeting BUILDING CODE requirements for such use.

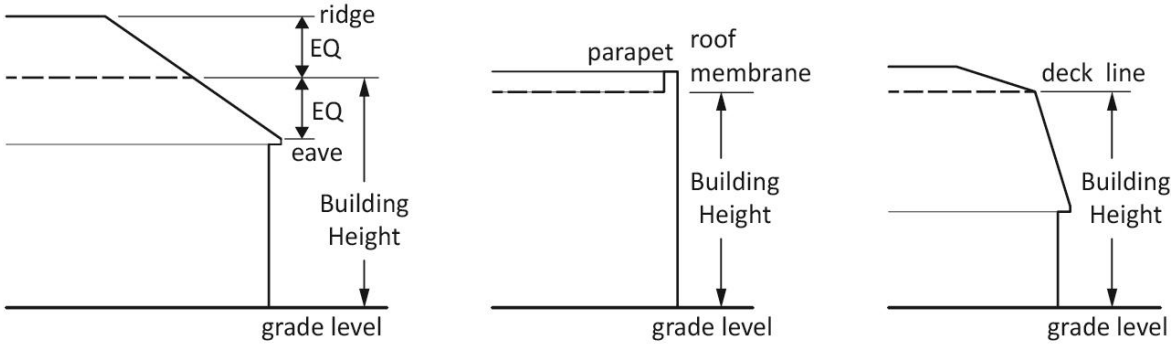
2.02.09 BOARD OF ZONING ADJUSTMENT (BOZA). The Board of Zoning Adjustments and Appeals of the City of Phenix City, Alabama.

2.02.10 BUFFER. Land area located within the boundary of a lot that is set aside and used for landscaping to physically separate and screen one use of property from another. BUFFERS are intended to reduce incompatibility between adjoining uses by promoting visual harmony, reducing noise, diverting emissions, and reducing glare.

2.02.11 BUILDING. Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

2.02.12 BUILDING AREA. The portion of the lot occupied by the PRINCIPAL BUILDING and all other structures, including swimming pools but not including driveways, sidewalks, and uncovered parking areas.

2.02.13 BUILDING HEIGHT. The vertical distance from GRADE LEVEL to the highest point of the roofing membrane along the parapet of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.



Gable, Hip or Gambrel Roof Flat Roof Mansard Roof

Figure 2-1 Building Height

2.02.14 BUILDING CODE. The most recent building, residential construction and fire-related codes adopted by the City.

2.02.15 BUILDING OFFICIAL. The City of Phenix City Chief Building Official or their designee.

2.02.16 BUILD-TO LINE. A line contiguous or parallel to the property line to which the facade of the PRINCIPAL BUILDING must extend.

2.02.17 CALIPER. Diameter of a tree trunk. For trees less than and including four inches in diameter, it is measured six inches from the ground. For trees greater than four inches in diameter it is measured 12 inches from the ground.

2.02.18 CITY CODE. The Code of the City of Phenix City, Alabama, as amended.

2.02.19 CITY COUNCIL or COUNCIL. The City Council of the City of Phenix City, Alabama.

2.02.20 COMMON OPEN SPACE AND FACILITIES. OPEN SPACE, signage, landscaped areas, parking areas, drainage and stormwater facilities and similar site elements when held in common ownership and maintained by a property owners association or other designated legal entity; subject to the applicable provisions of this Ordinance.

2.02.21 CONDITIONAL USE. A use that, owing to potential danger, smoke, or noise or other special characteristics attendant to its operation or installation, may be permitted subject to special requirements different from or in addition to those normally required in the district. CONDITIONAL USES are not considered appropriate generally or without restriction throughout a particular district but which, if controlled as to number, area, location, size, lighting, noise and other considerations, would not be detrimental to the public health, safety or general welfare.

2.02.22 DECK. An open platform built above grade and attached to a building. In contrast to a PORCH, a DECK is not covered by a permanent roof.

2.02.23 DEVELOPED AREA or DEVELOPED LOT. All land area disturbed or modified of the natural landscape on a particular site, including, but not limited to, buildings, structures, grading, and paving. If a previously developed lot contains no existing structures, is no longer connected to utility services and becomes overtaken by natural vegetation, it is considered undeveloped.

2.02.24 DRIPLINE. The area directly under the outer circumference of a tree branches.

2.02.25 DWELLING UNIT. Any portion of a building used, intended or designed as a separate abode for a family.

2.02.26 EMPLOYEE. In reference to parking requirements, the maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

2.02.27 ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors.

2.02.28 EXCAVATION. Any man-made cavity or depression in the earth's surface including all sides, walls, or faces formed by earth removal and producing unsupported earth conditions by reasons of the excavation.

2.02.29 FAÇADE or PRIMARY FACADE. Any building elevation containing the primary public entrance to the building or that faces an adjoining street.

2.02.30 FACILITY. A place, structure or item that is built, installed, or established to serve a particular purpose.

2.02.31 FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a BOARDING HOUSE, HOTEL or MOTEL, as herein defined.

2.02.32 FENCE. An artificially constructed barrier of any kind, other than a building, erected to enclose, delineate or screen a property or portions thereof.

2.02.33 FIRE OFFICIAL. That representative of the Phenix City Fire Department designated to review development proposals for their compliance with the adopted Fire Code.

2.02.34 FLAG LOT. A lot connected to the street by a narrow strip of land where the developed or developable portion of the property is located behind another property.

2.02.35 GRADE. The slope of a street or other public way, specified in percentage terms.

2.02.36 GRADE LEVEL. For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.

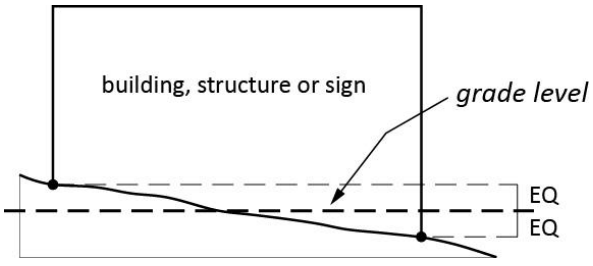


Figure 2-2: Grade Level

2.02.37 GRADE, FINISHED. The final elevation of the ground surface after development. Or, the average elevation of the finished surface of the ground at ground level measured on any side of a structure.

2.02.38 GRADING. The preparation of a site for development, usually by leveling off to a smooth horizontal or sloping surface.

2.02.39 GROSS FLOOR AREA (GFA). The total floor area of a building designed for both tenant occupancy and exclusive use. GFA does not include shared or common areas in multi-tenant buildings. Where the total floor area of a building is occupied or where a building has no shared or common area, GFA is the total floor area measured by taking the outside dimensions of the building at each floor level.

2.02.40 GROUND COVER. Living material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than 12 inches.

2.02.41 HARDSHIP. A condition not in control of or created by the Owner or Applicant such as, but not limited to, topography, lot shape or size, location of public utilities or similar conditions deemed a hardship by the BOARD OF ZONING ADJUSTMENT.

2.02.42 HARDSHIP, SELF-IMPOSED. A condition for which a variance is sought and that is caused or brought about by the OWNER or applicant, whether by their own action, inaction, knowledge or lack of knowledge. SELF-IMPOSED HARDSHIPS are not considered a sufficient basis for variance approval.

2.02.43 HUD CODE: The National Manufactured Housing Construction and Safety Standards Act of 1974 and as amended by the Manufactured Housing Improvement Act of 2000, U.S. Code, Title 42, Chapter 70.

2.02.44 LANDSCAPE PLAN. A component of a development, site, or other plan which shows planting, fences, walls and other details of landscaping required by this Ordinance.

2.02.45 LANDSCAPING

a. FRONTAGE LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between any off-street parking area and adjoining rights-of-way. See Figure 10-1.

b. INTERIOR LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation within an off-street parking area. See Figure 10-1.

c. PERIMETER LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking area and adjoining properties. See Figure 10-1.

2.02.46 LOADING, OFF-STREET. Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

2.02.47 LOT. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein.

a. CORNER LOT. A lot adjoining two or more streets at their intersection. The intersection of a street and alley does not constitute a corner. See also Figure 2-3.

1. DOUBLE FRONTAGE CORNER LOT. A CORNER LOT adjoined on each side by an INTERIOR LOT.

2. SINGLE-FRONTAGE CORNER LOT. A CORNER LOT adjoined on one side by an INTERIOR LOT and on the other side by another CORNER LOT.

b. INTERIOR LOT. A lot with frontage on only one street.

c. THROUGH LOT. A lot other than a CORNER LOT having frontage on two streets.

2.02.48 LOT AREA. The area included within all lot lines excluding any public rights-of-way.

2.02.49 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place. Refer to the following diagram and to diagrams under YARD.

a. FRONT LOT LINE. The lot line separating a lot from a street right-of-way. DOUBLE-FRONTAGE CORNER LOTS have two FRONT LOT LINES. SINGLE-FRONTAGE CORNER LOTS have primary and secondary FRONT LOT LINES. The PRIMARY FRONT LOT LINE is the lot line most opposite the REAR LOT LINE. The SECONDARY FRONT LOT LINE is the lot line along the side street and is typically longer than the PRIMARY FRONT LOT LINE. Refer to Figure 2-3.

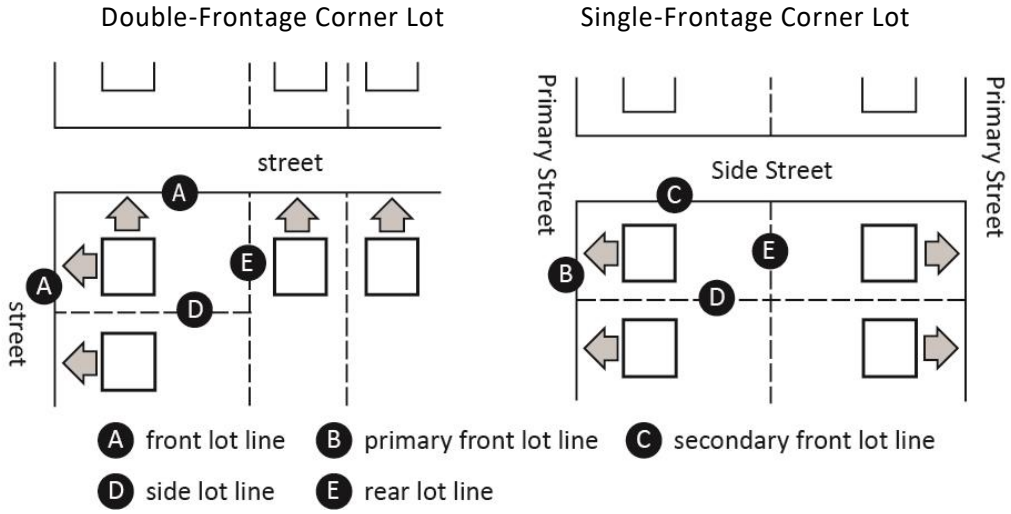


Figure 2-3: Lot Lines of Corner Lots

b. REAR LOT LINE. The lot line that is generally parallel to and most distant from the PRIMARY FRONT LOT LINE on a SINGLE-FRONTAGE CORNER LOT. For DOUBLE-FRONTAGE CORNER LOTS, it is the lot line generally parallel to and most distant from the street along which the property has its address or towards which the building faces, as determined by the BUILDING OFFICIAL. For determining setbacks in the case of a triangular or irregularly shaped lot, the REAR LOT LINE is considered to be a line 20 ft. in length, entirely within the lot, parallel to and at the maximum distance from the FRONT LOT LINE or PRIMARY FRONT LOT LINE, as applicable.

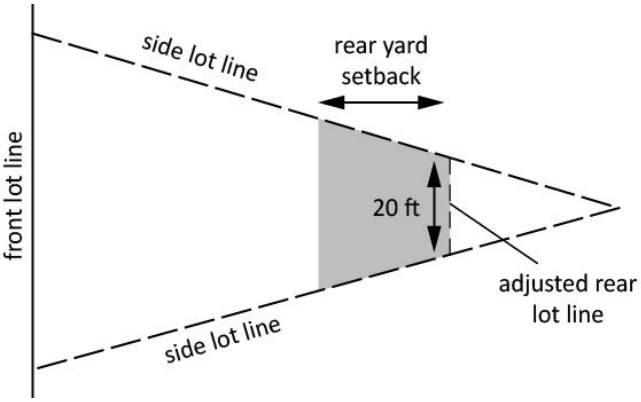


Figure 2-4: Rear Lot Line of a triangular lot

c. SIDE LOT LINE. Any lot line other than a FRONT LOT LINE or a REAR LOT LINE.

2.02.50 LOT OF RECORD. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Russell or Lee County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel is considered a lot of record.

2.02.51 LOT WIDTH. The width of the lot measured at the FRONT YARD setback.

2.02.52 MASONRY. Brick, stone, terra cotta, split face concrete block, concrete tilt wall, cement fiber board or a combination of these. Stucco and plaster are only considered a MASONRY material when applied using a

three-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications.

2.02.53 NONCONFORMITIES

a. NONCONFORMING DEVELOPED LOT. Any lot containing a structure or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with lot width, area or other dimensional regulations of the APPLICABLE DISTRICT.

b. NONCONFORMING LOT OF RECORD. Any vacant lot legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the dimensional regulations of the APPLICABLE DISTRICT.

c. NONCONFORMING STRUCTURE. Any structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the APPLICABLE DISTRICT or other applicable provisions of this Ordinance.

d. NONCONFORMING USE. Any use of land or structures, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations of the APPLICABLE DISTRICT or other applicable provisions of this Ordinance.

2.02.54 OCCUPANCY LOAD. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.

2.02.55 OPEN SPACE. A yard or other area of land not used for a structure, driveway, parking, loading or storage.

2.02.56 OPEN SPACE, COMMON. See COMMON OPEN SPACE AND FACILITIES.

2.02.57 OWNER. The person having the right and legal title to, beneficial interest in a lot or parcel of land.

2.02.58 PARCEL. An identifiable unit of land that is treated as separate for valuation, zoning and subdivision purposes.

2.02.59 PARKING AISLE. That portion of the PARKING AREA consisting of lanes providing access to parking spaces.

2.02.60 PARKING AREA. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, PARKING AISLES and parking spaces.

2.02.61 PARKING SPACE, OFF-STREET. An accessible space located on private property and permanently reserved for the temporary storage of one vehicle.

2.02.62 PLANNED DEVELOPMENT. A residential or mixed-use development carried out in accordance with a master plan under the regulations of the PD District.

2.02.63 PLANNING COMMISSION or COMMISSION. The Planning Commission of the City of Phenix City, Alabama.

2.02.64 PREMISES. One or more lots designed and improved in a unified manner to function together, including all associated structures, PARKING AREAS and other improvements thereon.

2.02.65 PRINCIPAL BUILDING or PRINCIPAL STRUCTURE. A building or structure in which is conducted the PRINCIPAL USE of the lot. Any garage, carport, porte-cochere, porch or part thereof, when attached to the PRINCIPAL STRUCTURE is considered part of the structure. Multifamily, nonresidential and mixed-use developments may have more than one PRINCIPAL BUILDING on the same lot.

2.02.66 PRINCIPAL USE. The primary operation, business or other such use of a PREMISES.

2.02.67 PUBLIC WORKS MANUAL. The Public Works Manual of the City of Phenix City.

2.02.68 RECREATIONAL VEHICLE. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. RECREATIONAL VEHICLES include travel trailers, camping trailers, truck campers and motor homes.

2.02.69 SHRUB, ORNAMENTAL. A woody plant, either evergreen or deciduous, less than ten feet in height at maturity.

2.02.70 SIGN. All sign-related terminology is defined in Article 9 Sign Regulations.

2.02.71 SITE. The spatial location of an existing or planned structure or use.

2.02.72 SITE PLAN. A scale drawing showing the relationship between the lot lines and any existing or proposed uses or structures on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank fields, utility lines and easements.

2.02.73 SPECIAL EXCEPTION. Uses identified as such in the district regulations and adjustments to parking, height and other regulations that may be authorized by the BOARD OF ZONING ADJUSTMENT (BOZA) subject to conditions set by the BOZA. SPECIAL EXCEPTIONS may not be appropriate generally or without restriction, but if controlled as to number, area, location, or relation to the surrounding area, would not harm the general public health, safety, or welfare.

2.02.74 STACKING SPACE. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning or laundry pick-up and similar functions.

2.02.75 STRUCTURE. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps, and signs, but not including utility poles, overhead wires and fences.

2.02.76 TINY HOME ON WHEELS. A pre-fabricated structure used for temporary residential occupancy that is set on a permanent trailer chassis with wheels and that does not comply with BUILDING CODE or HUD CODE requirements for residential occupancy.

2.02.77 TRACT. A portion of land with defined boundaries created by a deed, which may consist of one or more parcels or lots.

2.02.78 TREE. A self-supporting woody plant which normally obtains a trunk diameter of at least two inches and a height of at least ten feet and typically has a main stem or trunk and many branches.

a. CANOPY TREE. A TREE which normally grows a top layer to create a cover (or canopy) and will generally reach a mature height of greater than 35 ft.

b. UNDERSTORY TREE. A TREE which normally grows to a height of less than 35 ft, with either one main trunk with many branches or multiple trunks.

2.02.79 TREE PROTECTION AREA. Any portion of a site where existing TREES are to be preserved. The TREE PROTECTION AREA includes the DRIPLINE of the TREE plus any additional area encompassing the critical root zone of a TREE. See §10.06 Tree Protection.

2.02.80 USE. The function, activities, or purpose for which land or a structure is designed, arranged, occupied, or maintained.

2.02.81 VARIANCE. A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in unnecessary HARDSHIP.

2.02.82 YARD. An OPEN SPACE between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward except as otherwise permitted by this Ordinance. A

required yard means a yard the depth of which is specified in the district regulations. Refer also to LOT LINE and Figures 2-5 and 2-6.

a. ESTABLISHED YARD. In contrast to a "required yard," the area between a lot line and the corresponding building line as built. For example, an ESTABLISHED REAR YARD is the area between the REAR LOT LINE and the rearmost line of the PRINCIPAL BUILDING.

b. FRONT YARD. A YARD extending across the full width of the lot between the PRINCIPAL BUILDING and the FRONT LOT LINE or an official future street line, if established.

   1. PRIMARY FRONT YARD. The YARD of a SINGLE-FRONTAGE CORNER LOT that corresponds with the FRONT YARD of the ADJOINING INTERIOR LOT.

   2. SECONDARY FRONT YARD. A YARD of a SINGLE-FRONTAGE CORNER LOT along the SECONDARY FRONT LOT LINE.

c. REAR YARD. A YARD extending across the full width of the lot between the REAR LOT LINE and the rear building line. On all lots the REAR YARD is opposite the FRONT YARD or PRIMARY FRONT YARD.

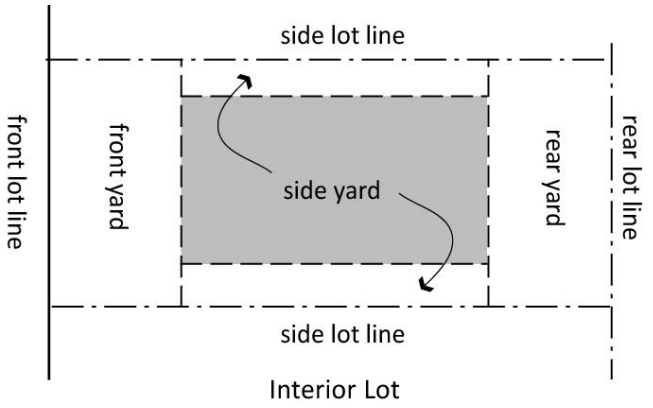


Figure 2-5: Yard configuration of interior lots

d. SIDE YARD. A YARD between the PRINCIPAL BUILDING and the SIDE LOT LINE extending from the required FRONT YARD to the required REAR YARD.

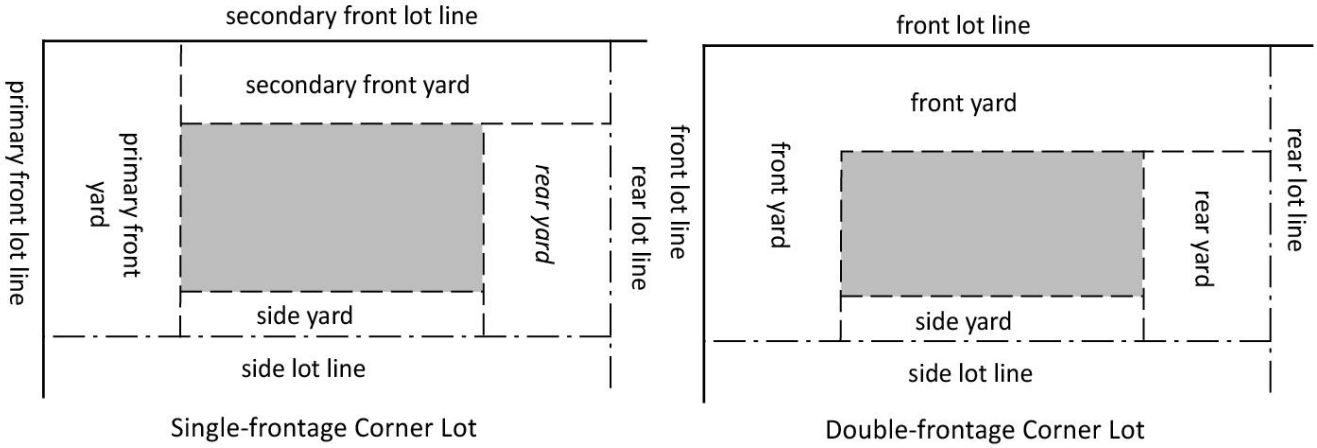


Figure 2-6 Yard configuration of corner lots

§2.03 Use Definitions

2.03.01 ADULT ESTABLISHMENT. Refer to Chapter 46, Article XV of the City Code of Ordinances.

2.03.02 ALTERNATIVE FINANCIAL SERVICE. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business or similar business engaged in non-traditional short-term lending. This term does not include pawn shops, state or federally chartered banks, savings associations, credit unions, or industrial loan companies and retail sellers that cash checks or issue money orders incidental to the main business.

2.03.03 AMATEUR RADIO TOWER. A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.

2.03.04 ANIMAL SHELTER. A nonprofit or public organization providing shelter for dogs, cats and other small domestic animals.

2.03.05 ANTENNA. In reference to TELECOMMUNICATIONS FACILITIES, an electromagnetic device which conducts radio, cellular or other communication signals to or from a transmitter or receiver. ANTENNA includes devices commonly referred to as "whips", "panels" and "parabolic dishes" but does not include antennae for receiving only of radio or television signals.

2.03.06 ASSISTED LIVING FACILITY. A facility licensed by the Alabama Department of Public Health (ADPH) in which room, board, meals, laundry, assistance with personal care, supervision of self-administered medication and other services are provided for not less than 24 hours in any week to a minimum of three individuals not related by blood or marriage to the owner and/or administrator. ASSISTED LIVING FACILITIES that provide care for more than 16 persons are subject to ADPH and BUILDING CODE requirements greater than those providing care for fewer persons.

2.03.07 BANK OR FINANCIAL SERVICE. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses. Does not include businesses otherwise defined as ALTERNATIVE FINANCIAL SERVICES.

2.03.08 BED AND BREAKFAST. A detached, SINGLE-FAMILY DWELLING or portion thereof where lodging for persons not of the immediate family is provided for by compensation for periods of time up to 30 days all in accordance with §7.04 Bed and Breakfast.

2.03.09 BOARDING HOUSE. Any building or portion thereof that contains no less than three nor more than nine 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, for a definite period of time longer than 30 days.

2.03.10 BROADCAST STUDIO. An establishment primarily engaged in the provision of broadcasting and other information relay services using electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

2.03.11 BUSINESS OR PROFESSIONAL OFFICE. A place where the administrative affairs of a business or profession are conducted such as a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like. The term also includes call centers and medical, dental and similar healthcare offices for outpatient care on an appointment basis, including clinics with multiple practitioners.

2.03.12 BUSINESS SUPPORT SERVICE. A place of business that provides support services primarily to other businesses, such as photocopy, computer, and office equipment, supplies and services.

2.03.13 CAMPGROUND. Land on which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes only. See also RECREATIONAL VEHICLE PARK.

2.03.14 CAR WASH. A commercial establishment engaged in washing, cleaning, and/or detailing of automobiles and light vehicles.

2.03.15 CO-LOCATION SITE. In reference to TELECOMMUNICATION FACILITIES, land on which the ANTENNAE and related equipment of more than one party are located.

2.03.16 COMMERCIAL SCHOOL. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

2.03.17 COMMISSARY. A building where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.

2.03.18 COMMUNICATION FACILITIES. In reference to TELECOMMUNICATION FACILITIES, all TELECOMMUNICATION TOWERS, ANTENNAE and equipment, collectively.

2.03.19 COMMUNITY CENTER. Buildings arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses operated by a private or nonprofit organization.

2.03.20 COMMUNITY SERVICE CLUB. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

2.03.21 CONSTRUCTION SERVICE

a. MAJOR CONSTRUCTION SERVICE. A place of business engaged in construction activities, with outdoor storage, such as a building contractor, electrician, plumber, or similar trade, or wholesale building supplies.

b. MINOR CONSTRUCTION SERVICE. A business engaged in construction-related trade activities with only incidental outdoor storage such as a building contractor, electrician, plumber or similar trade excluding any building supply sales.

2.03.22 COUNTRY CLUB. Land and buildings containing recreational facilities and a club house for private club members and their guests.

2.03.23 CREMATORIUM. An enclosed facility wherein human remains are cremated in a cremation retort.

2.03.24 DAY CARE FACILITIES. The following types of DAY CARE FACILITIES are subject to the licensing and other requirements of the Alabama Department of Human Resources, and if providing care for five or more persons, are subject to additional requirements of the Building Code. Facilities that provide similar care after 7pm are separately defined, see NIGHTTIME HOME.

a. DAY CARE CENTER. A facility, other than a residence, licensed by the Alabama Department of Human Resources or specifically exempt from such licensing, providing care on a regular basis to more than six persons for only a portion of a 24-hour day.

b. FAMILY DAY CARE HOME. A service licensed by the Alabama Department of Human Resources and operated from a DETACHED SINGLE-FAMILY DWELLING by the resident, providing care on a regular basis to six or less persons for only a portion of a 24-hour day.

c. GROUP DAY CARE HOME. A service licensed by the Alabama Department of Human Resources and operated from a DETACHED SINGLE-FAMILY DWELLING by the resident, providing care on a regular basis to 7-12 persons for only a portion of a 24-hour day.

2.03.25 DORMITORY. A building or part thereof operated by an INSTITUTION and containing one or more habitable units used or intended to be used by residents of the INSTITUTION for living and sleeping, but not for cooking purposes.

2.03.26 DWELLING. Any building or portion thereof in which people live.

a. ACCESSORY DWELLING. A subordinate, independent dwelling unit located on the same lot as a DETACHED SINGLE-FAMILY DWELLING. See §7.01 Accessory Dwellings.

b. COMBINATION DWELLING. A dwelling unit, other than a manufactured home, that is incidental to a nonresidential use, and that is used as the residence of a manager, business owner, or security guard.

c. DUPLEX DWELLING. A detached or single building designed for or occupied exclusively by two families living independently of each other.

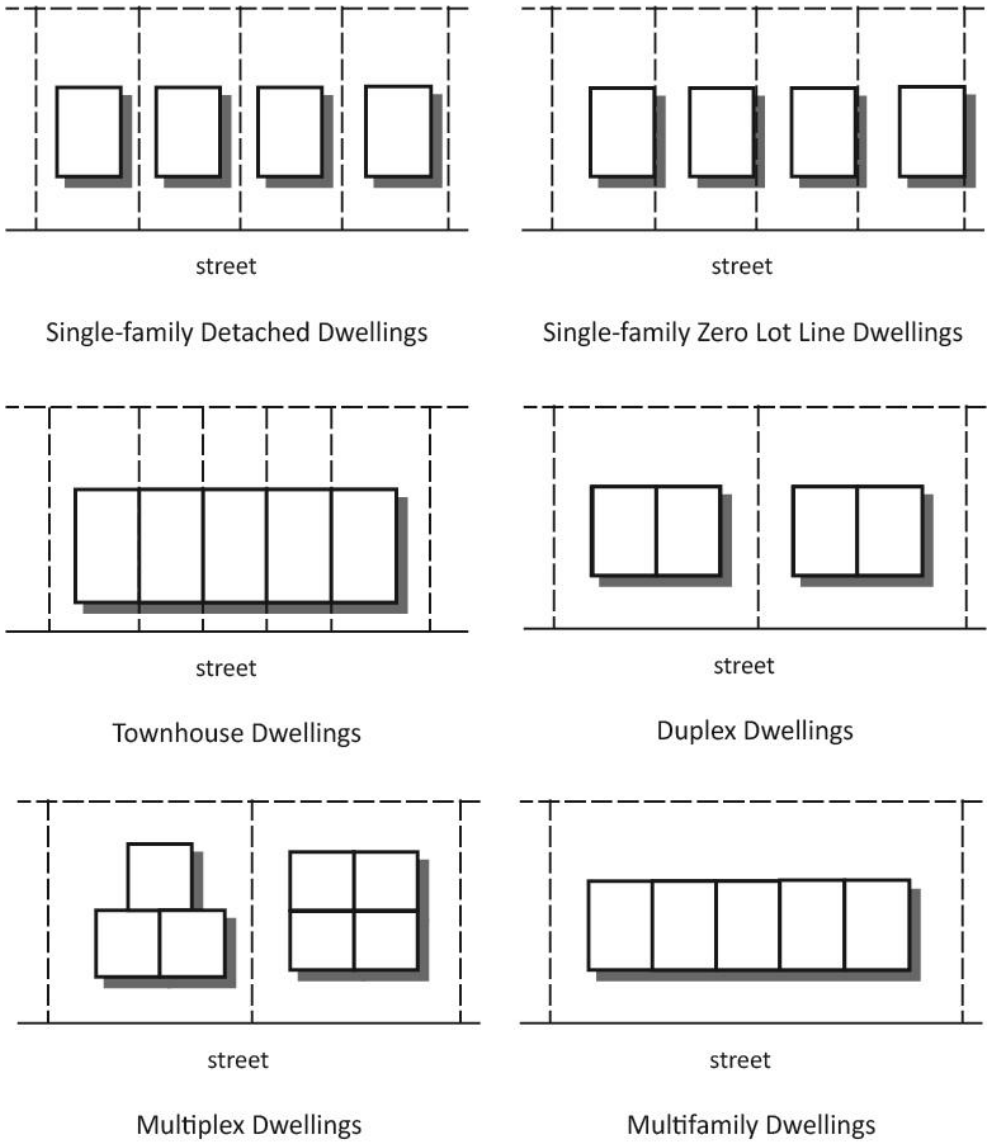


Figure 2-6: Dwelling Types

d. MULTIFAMILY or MULTIFAMILY DWELLING. A building designed for or occupied exclusively by five or more families living independently of each other.

e. MULTIPLEX. A residential building containing at least three but no more than four dwellings.

f. SINGLE-FAMILY DWELLING, DETACHED. A building designed for or occupied exclusively by one family that is not attached to any other building.

g. SINGLE-FAMILY DWELLING, ZERO LOT LINE. A DETACHED SINGLE-FAMILY DWELLING located on a lot so that one of the dwelling's sides rests on a lot line.

h. TOWNHOUSE DWELLING. A SINGLE-FAMILY DWELLING constructed in a series or group of attached units with property lines separating each unit.

i. UPPER-STORY DWELLING. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or INSTITUTIONAL USES.

2.03.27 EMERGENCY CARE HOME. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

2.03.28 ENTERTAINMENT

a. INDOOR ENTERTAINMENT. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters and playhouses; and art centers and similar indoor cultural facilities.

b. OUTDOOR ENTERTAINMENT. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks.

2.03.29 EQUIPMENT. In reference to TELECOMMUNICATION FACILITIES, all equipment and facilities used in conjunction with one or more TOWERS and/or ANTENNAE, including, but not limited to, electronic systems, generators, fuel tanks and fuel.

2.03.30 FAMILY CARE HOME. A group care home, serving up to ten persons, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired persons in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75, et. seq., Code of Alabama, 1975 as amended.

2.03.31 FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and services, including the following activities: the sale of feed, grains, fertilizers, pesticides, and similar farm support goods, the provision of warehousing and storage facilities for raw farm products, and the provision of veterinary services to large animals.

2.03.32 FARM. A tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to humans, including the following farming activities: forages and sod crops; grains and seed crops; dairy animals and products; poultry, including egg production but excluding poultry processing; livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing; and nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation; bees and apiary products; fisheries, excluding fish and seafood processing; fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

2.03.33 FARMING, FORESTRY. Operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities.

2.03.34 FUNERAL HOME. A commercial establishment engaged in funeral and undertaking services for human burial but which does not include a CREMATORIUM.

2.03.35 GARDEN CENTER. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, and equipment, and seeds.

2.03.36 HEAVY INDUSTRY. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

2.03.37 HOME IMPROVEMENT CENTER. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail.

2.03.38 HOMELESS SERVICES FACILITY. A facility, other than a HOMELESS SHELTER, that provides services targeted to persons experiencing homelessness, such as meals, counseling, education and practical assistance but not housing or overnight lodging.

2.03.39 HOMELESS SHELTER. A building providing temporary housing for homeless people, which may also include the serving of meals and other forms of support.

2.03.40 HOME OCCUPATION. A business, profession, occupation, or trade conducted for gain or support and located entirely within the living area of a dwelling. This includes instruction in the arts, music, or academic subjects but does not include beauty parlors, barbershops, and medical offices for the treatment of patients.

2.03.41 HOME STAND. A space designed for the placement of a MANUFACTURED HOME within a MANUFACTURED HOME PARK.

2.03.42 HOSPITAL. An establishment that provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, outpatient clinics and surgery centers, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

2.03.43 HOTEL. A building in which lodging is provided and offered to the public for compensation and in which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A HOTEL is open to the transient public as opposed to BOARDING HOUSES, which are separately defined. HOTELS may also include dining facilities, fitness centers and similar incidental services for guests.

2.03.44 INDEPENDENT LIVING FACILITY. A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.

2.03.45 INSTITUTIONAL USE. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. INSTITUTIONAL USES are further categorized as shown in the table following. Fire and police stations are considered MINOR INSTITUTIONS. Public stadiums, arenas, correctional and detention facilities, institutions with on-premises housing and institutional facilities involving outdoor storage, work yards, or warehousing are considered MAJOR INSTITUTIONS.

	Minor	Major
Places of assembly (capacity in main assembly space)	0-100	more than 100
Other institutions (floor area)	0-5,000 sf	more than 5,000 sf
Schools (type)	pre-k and elementary	middle, high school and above

2.03.46 JUNKYARD. Any land or structure, or part thereof, used for the collecting, storage and sale of wastepaper, rags, scrap metal or other discarded material; or, for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. This does not include a RECYCLING CENTER or RECYCLING PLANT.

2.03.47 KENNEL. Any facility in or at which cats, dogs, or similar household pets are brought or kept for care, boarding, breeding or training; and for which such services are charged a fee. In contrast to PET GROOMING establishments, KENNELS may include the keeping of animals in outside runs or other unenclosed or partially enclosed spaces overnight.

2.03.48 LANDFILL. A State-approved site for the controlled disposal of waste.

2.03.49 LAUNDERING PLANT. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding LAUNDRY SERVICES.

2.03.50 LAUNDRY SERVICE. Laundromats, laundry and dry-cleaning pick-up stations and clothing storage, excluding LAUNDERING PLANTS.

2.03.51 LIQUOR LOUNGE. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments that sell or serve only beer or wine as an incidental activity on the premises and LIQUOR STORES.

2.03.52 LIQUOR STORE. A business in which liquor is sold for off-premises consumption only.

2.03.53 LIVESTOCK SALES. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

2.03.54 MAINTENANCE SERVICE. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

2.03.55 MANUFACTURED BUILDING. A factory-built structure other than a MODULAR STRUCTURE; transportable in one or more sections; designed for storage or other purposes other than a dwelling.

2.03.56 MANUFACTURED HOME. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 and as amended by the Manufactured Housing Improvement Act of 2000, Title VI, 42 U.S. Code, Section 603(6). Manufactured home means a structure, transportable in one or more sections, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems. A MANUFACTURED HOME bears a HUD Seal affixed to the rear of the home.

2.03.57 MANUFACTURED HOME PARK. A parcel of land under single management planned and improved for the provision of space and services for MANUFACTURED HOMES for residential use, not platted or otherwise divided by fee simple ownership; but permitting the sale of interests or memberships on a condominium basis, and wherein facilities and amenities, including streets, clubhouse or recreation facilities are privately owned or owned in common by residents of the park.

2.03.58 MANUFACTURING

a. ARTISANAL MANUFACTURING. A business that makes high-quality or distinctive products in small quantities, usually by hand. Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation, including activities and processes such as small-scale fabrication, welding, and coating, and which may include direct sales to consumers.

b. GENERAL MANUFACTURING. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

2.03.59 MEDICAL CANNABIS DISPENSARY. An entity licensed by the Alabama Medical Cannabis Commission to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers.

2.03.60 MEDICAL CLINIC. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

2.03.61 MINI-STORAGE. A building or group of buildings containing separate storage spaces that are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise other than business records, nor used for any activity other than storage.

2.03.62 MOBILE FOOD SERVICE UNIT. Refer to Article XVI of the City Code.

2.03.63 MODULAR HOME. A dwelling constructed on-site in accordance with the BUILDING CODE. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

2.03.64 MONOPOLE. Any self-supporting pole designed to support an ANTENNA; provided, that MONOPOLE does not include a latticed steel or metal TOWER, a TOWER which requires guy wires for support or a TOWER which has more than one source of support, such as a TOWER with more than one leg.

2.03.65 MOTEL. An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. MOTELS may also include dining facilities, fitness centers and other incidental services for guests.

2.03.66 NIGHTTIME HOME. A detached single-family dwelling licensed by the Alabama Department of Human Resources for the care of six or fewer persons after 7pm and for only a portion of a 24-hour day.

2.03.67 NONRESIDENTIAL USE. Uses including agricultural, INSTITUTIONAL, commercial, lodging and industrial activities.

2.03.68 NURSING CARE FACILITY. A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in an ASSISTED LIVING FACILITY.

2.03.69 OUTDOOR STORAGE. The keeping in an unenclosed area of any goods, junk (as described under JUNKYARD), material, or vehicles or equipment in the same place for more than 24 hours. This does not include retail displays or VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICES or the keeping of construction materials and equipment in association with a valid building permit but includes vehicle storage associated with AUTOMOBILE REPAIR businesses.

2.03.70 PARKING, FREESTANDING. A parking lot or structure providing parking for uses not located on the same PREMISES.

2.03.71 PERSONAL SERVICE. An establishment engaged in providing services involving the care of a person or their personal goods or attire, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, massage therapist, seamstress, tailor, formal wear rental, repair of keys, shoes, watches, phones, computers and other personal electronics, and similar uses.

2.03.72 PET GROOMING. An establishment providing grooming services or overnight boarding to household pets within a fully enclosed structure, which may include outside runs for keeping of animals for part of the day but not overnight.

2.03.73 PLACE OF WORSHIP. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, and lodging, eating, and living such as a parsonage or rectory, and other integrally related activities.

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

2.03.75 PUBLIC UTILITY FACILITIES

a. MAJOR PUBLIC UTILITY FACILITY. Electric or gas generating plants, sewage treatment plants and water filtration facilities.

b. MINOR PUBLIC UTILITY FACILITY. Facilities that provides utility services to the public at large, including water, sewer, gas distribution facilities, electric transmission and distribution, and cable transmission and distribution facilities not otherwise defined as MAJOR PUBLIC UTILITY FACILITY.

2.03.76 RECREATION

a. INDOOR RECREATION. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice- and roller-skating rinks, and other commercial indoor recreational and sports activities.

b. OUTDOOR RECREATION. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

2.03.77 RECREATIONAL VEHICLE PARK. A lot on which campsites are established for occupancy by RECREATIONAL VEHICLES of the general public as temporary living quarters for purposes of recreation or vacation.

2.03.78 RECYCLING CENTER. A premises, other than a JUNKYARD, where recyclable materials are collected and may be separated, packed, bailed, stored and compacted before being transported to another location for processing and eventual reuse.

2.03.79 RECYCLING PLANT. A facility, other than a JUNKYARD, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

2.03.80 REHABILITATION FACILITY, SHORT-TERM. A licensed business providing in-patient medical care and therapeutic services to help patients recover from illness, injury or surgery.

2.03.81 REPAIR SERVICE. An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances not otherwise defined as PERSONAL SERVICE.

2.03.82 RESEARCH LAB. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

2.03.83 RESIDENTIAL PROPERTY. Any land located in a Residential District, other than land that is developed and used for permitted NONRESIDENTIAL uses, and any property used exclusively for residential purposes in a Mixed-Use or Planned Development District.

2.03.84 RESOURCE EXTRACTION. The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

2.03.85 RESTAURANT

a. FAST FOOD RESTAURANT. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

b. STANDARD RESTAURANT. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served. STANDARD RESTAURANTS may also offer accessory pick-up service.

c. TAKE-OUT ONLY RESTAURANT. An establishment where food and drink are prepared for consumption off-premises only. This does not include street vending.

2.03.86 RETAIL

a. GENERAL RETAIL, ENCLOSED. Retail sales of goods, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, tobacco stores, drug stores, variety stores, and similar retail businesses. ENCLOSED GENERAL RETAIL includes businesses with incidental outdoor sales or display areas.

b. GENERAL RETAIL, UNENCLOSED. Retail sales of goods, not otherwise defined by this section, in which the majority of goods are stored and displayed outside of a building, including, but not limited to monument sales and flea markets.

2.03.87 SCHOOL, COMMERCIAL. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

2.03.88 SCHOOL, PUBLIC. Public or nonprofit school providing primary or secondary education.

2.03.89 SHOPPING CENTER. A group of commercial establishments located together on one lot, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

2.03.90 SHORT-TERM RENTAL. The use of a dwelling unit or portion thereof for lodging purposes not otherwise considered a BED AND BREAKFAST. See also §7.16 Short-Term Rentals.

2.03.91 STABLE. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

2.03.92 STUDIO. A place of work for an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

2.03.93 SUBSTANCE ABUSE TREATMENT

a. IN-PATIENT SUBSTANCE ABUSE REHABILITATION FACILITY. A licensed facility meeting applicable state and federal standards that provides inpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.

b. OUTPATIENT SUBSTANCE ABUSE TREATMENT FACILITY. A licensed facility meeting applicable state and federal standards that provides outpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.

2.03.94 TELECOMMUNICATION FACILITIES. Any cables, wires, lines, wave guides, antennas, structures, and any other facilities or equipment associated with the transmission or reception of communication located near or installed upon a tower or antenna support structure.

2.03.95 TOWER or TELECOMMUNICATION TOWER. In reference to TELECOMMUNICATION FACILITIES, any telecommunication MONOPOLE including those used for microwave, cellular or personal communication service systems and any other telecommunication systems now or hereafter in use. TOWER includes any TELECOMMUNICATION TOWER installed or constructed within the City prior to the effective date of this Ordinance, regardless of whether such TOWER is a MONOPOLE or another type of TOWER.

2.03.96 TOWER COMPOUND. A parcel of land or a building on which TELECOMMUNICATION FACILITIES are located.

2.03.97 TRANSITIONAL CARE FACILITY. An establishment providing residential and custodial care for the rehabilitation of more than ten persons who are indigent or have been recently released from a penal institution.

2.03.98 VEHICLE AND EQUIPMENT REPAIR. A place of business engaged in the repair and maintenance of RECREATIONAL VEHICLES, boats, heavy trucks (one ton or more), construction equipment, tractors and farm implements, MANUFACTURED HOMES and similar vehicles and equipment, which may include painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

2.03.99 VEHICLE AND EQUIPMENT SALES, SERVICE AND RENTAL. A place of business engaged in the sale or rental of RECREATIONAL VEHICLES, boats, heavy trucks (over one ton), construction equipment, tractors and farm implements, MANUFACTURED HOMES, and similar heavy equipment, including incidental storage, maintenance, and servicing.

2.03.100 VEHICLE RENTAL. A commercial establishment engaged in the rental of automobiles, light trucks, or motorcycles, including incidental parking, storage, maintenance, and servicing.

2.03.101 VEHICLE REPAIR SERVICE, MINOR. A place of business engaged in the repair and maintenance of automobiles, light trucks or motorcycles, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

2.03.102 VEHICLE SALES AND SERVICE. A commercial establishment engaged in the sale of automobiles, light trucks, or motorcycles, including incidental parking, storage, maintenance, and servicing.

2.03.103 VETERINARY CLINIC. An establishment operated by a licensed veterinarian where household pets are given medical or surgical treatment and which may offer overnight boarding of pets.

2.03.104 WAREHOUSING AND DISTRIBUTION, ENCLOSED. A place of business engaged in warehousing, or distribution services within a building.

2.03.105 WAREHOUSING AND DISTRIBUTION, UNENCLOSED. A place of business engaged in open air warehousing, or distribution services.

2.03.106 WHOLESALE BUSINESS. The selling of merchandise to or buying merchandise for other businesses or industries but not the general public. Businesses that sell merchandise on a membership basis that is not limited to other businesses or industries are categorized as Retail.

§2.04 Abbreviations used in this Ordinance

2.04.01 BOZA – Board of Zoning Adjustment

2.04.02 BR - bedroom

2.04.03 DU – dwelling unit

2.04.04 ft. - feet

2.04.05 GFA – gross floor area

2.04.06 max. - maximum

2.04.07 MFSU – mobile food service unit

2.04.08 min. – minimum

2.04.09 n/a – not applicable

2.04.10 sf. – square feet

2.04.11 STR – short-term rental

ARTICLE 3 GENERAL REGULATIONS

§3.01 Uses Generally

3.01.01 In each district, only the uses specifically listed as "permitted by right," "Conditional Use" or "Special Exception" are allowed. Any use existing at the time of enactment or amendment of this Ordinance but not in compliance with its provisions is considered a nonconforming use (refer to §3.11 Nonconformities).

3.01.02 If a use is not specifically referred to in this Ordinance, its status is determined by the Building Official by reference to the most clearly analogous use in the applicable Table of Permitted Uses. If the Building Official determines that a proposed use is not clearly analogous to a listed use, the Building Official refers the matter to the BOZA. If the BOZA determines that the use is compatible with the purpose of the district and with its permitted uses, it may consider the use as a Special Exception. Once the status of an unlisted use has been decided, such determination applies subsequently to all uses of the same type.

§3.02 Area and Dimensional Requirements

3.02.01 When a lot adjoins a street with a dedicated right-of-way of less than 40 ft. in width or a street without a dedicated right-of-way, the required front yard setback is measured beginning at a line 30 ft. from the street centerline.

3.02.02 No yard or open space required for a structure may, during its life be occupied by or counted as open space for another structure. No lot may be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.

3.02.03 The minimum front yard setback applies to both frontages of through lots. See illustration below.

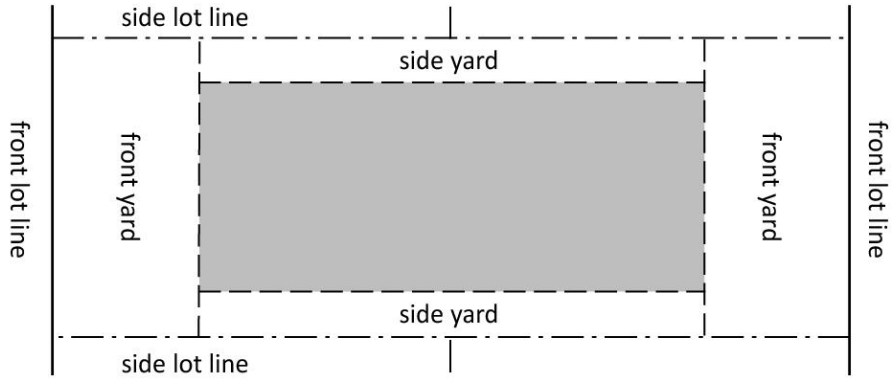


Figure 3-1: Yard configuration of Through Lot

3.02.04 On any corner lot adjoining the rear of a residentially-zoned lot, all structures must comply with the front yard setback required for the adjoining residentially-zoned lot along the same street frontage.

3.02.05 Projections Into Required Yards

a. The following projections into required yards may be allowed:

   1. Architectural features such as chimneys, roof overhangs, or eaves may project up to two and one-half feet but may not be closer than three feet to any property line.

   2. Terraces, steps, uncovered porches, equipment pads and similar features that extend no more than three feet above the ground may project into a required yard but may be no closer than five feet to any property line.

b. Yard setbacks do not apply to driveways and sidewalks.

3.02.06 Front Yard for Infill Lots. The front yard requirements do not apply on vacant lots where the average depth of existing front yards on developed lots within 100 ft. on either side and within the same block and zoning district is less than the minimum front yard required by this Ordinance. In such cases the required front yard may not be less than the average front yard on the existing developed lots.

3.02.07 Flag Lots. The front yard setback of flag lots is measured from that lot line which is most parallel to and nearest the street from which the lot derives its access. The access strip, or flagpole, may not be less than 25 ft. in width at any point. See illustration.

3.02.08 Common open spaces that are contained within their own lot are not subject to minimum lot area and width requirements.

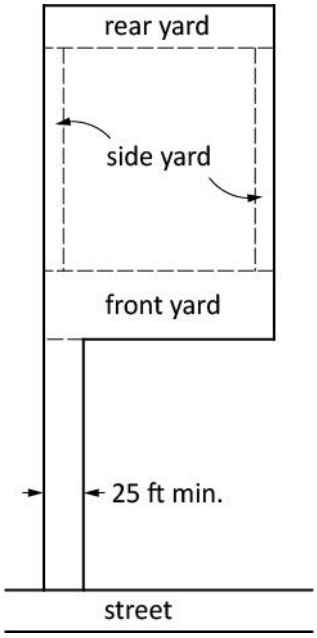


Figure 3-2: Flag Lots

§3.03 Buildings and Structures

3.03.01 Only buildings conforming to the Building Code and manufactured homes, as defined in Article 2 Definitions, may be used for permanent residential occupancy. Recreational vehicles, tiny homes on wheels and similar portable structures may be permitted for temporary residential occupancy in recreational vehicle parks in accordance with §7.14 Recreational Vehicle Parks and Campgrounds.

3.03.02 Principal Structure on a Lot. Lots used for single-family dwellings may have only one principal building.

3.03.03 Existing Single-family Dwellings in Commercial Areas. Any existing single-family dwelling in an area zoned for commercial uses may be expanded up to a maximum of 25% of its existing gross floor area, provided that the structure, as expanded, complies with the setback and site coverage requirements of the applicable district.

3.03.04 Structures in Public Rights-of-Way. No private permanent building, fence, wall or other structure, including crossties, landscape timbers, etc., may be placed or constructed within a public right-of-way or easement.

3.03.05 Access to Structures. Every building erected or moved must be located on a lot adjoining a public street or having access to a public street by way of an access easement approved by the Fire Official or a private street approved by the Planning Commission. All buildings must be located in such a way that they have safe and convenient access for servicing, fire protection, and required off-street parking.

3.03.06 Accessory Structures

a. Accessory structures may not be placed or erected on a lot prior to construction of the principal structure.

b. Except where specifically permitted for accessory dwellings, accessory structures may not include or be used for human habitation.

c. Accessory structures may not be erected in any required front yard and may not be located in any drainage way or drainage easement.

d. Accessory structures may not exceed 35 ft. in height except as provided in §3.03.07 below.

e. Accessory structures may not cover more than 30% of any required rear yard and must be at least five feet from the rear and side lot lines and ten feet from any other structure on the same lot.

f. On corner lots, accessory structures are subject to the minimum front yard setback applicable to each street frontage.

3.03.07 Exceptions to Height Regulations. The height regulations set forth in the district regulations do not apply to spires, belfries, cupolas, antennas, telecommunications towers, and water tanks; or to any ventilation structures, chimneys, or any other such facilities that are not intended for human occupancy.

§3.04 Visibility at Intersections

To provide a clear view at intersections, an unobstructed triangular area must be maintained wherever a street intersects another street, an alley or a driveway. The size of this triangular area is a function of the classification of the vehicular ways, which in turn is a function of the relative volume and speed of traffic on them. For detailed standards, refer to the Public Works Manual.

§3.05 Fences, Walls, and Hedges

3.05.01 When located in residential zones or along the side or rear lot line of a residentially-zoned property, fences, walls and hedges are subject to the following maximum heights:

a. Behind the front building line: six feet above grade level

b. Forward of the front building line: four feet above grade level, however, this does not apply to hedges along the front building line

3.05.02 When located in a nonresidential zone and not along the side or rear lot line of a residentially-zoned property, fences, walls and hedges may be no taller than eight feet above grade level.

3.05.03 Fences, walls and hedges may not obstruct access to fire hydrants and utilities.

§3.06 Parking, Loading and Driveways

3.06.01 Off-street parking and loading requirements must be provided in accordance with Article 8 Parking Regulations.

3.06.02 Parking and Storage of Certain Vehicles

a. Automotive vehicles or trailers of any kind or type without current license plates, or which are inoperable or otherwise disabled for a period of seven consecutive days, may be stored or parked on any residential or nonresidential property only in accordance with one of the following:

1. The vehicle or trailer is stored behind the front building line and is screened from view from the street and any adjoining residential property; or

2. The vehicle or trailer is stored in an enclosed accessory structure located completely behind the front building line.

For the purposes of this section, a vehicle is deemed inoperable or otherwise disabled if it is unable to operate on the streets and roadways of the State of Alabama in full compliance with the various provisions of the Code of Alabama, 1975.

b. Major Recreational Equipment. In any district, recreational vehicles must be stored in either the side or rear yards, or in an accessory structure. Such equipment may not be stored forward of the front building line. No such equipment may be used for living, sleeping, or housekeeping purposes on a residential lot or in any location not approved for such use.

3.06.03 Driveway spacing. Driveways must be separated from other driveways and from street intersections as specified in the Public Works Manual.

§3.07 Farm Animals

Keeping and raising horses, cattle, sheep, pigs, chickens or other farm animals is permitted only in the A-1 District.

§3.08 Common Open Spaces and Facilities

For all developments involving the creation of common open spaces or facilities (refer to Article 2 Definitions) that are to be owned and maintained by the developer or a property owner association, the following apply:

3.08.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

3.08.02 Management Plan. The applicant must submit a plan for management of all common open spaces and facilities that:

a. allocates responsibility and guidelines for their maintenance and operation

b. outlines the means by which funding will be secured for their maintenance, operation and insurance

c. provides that any changes to the plan must be approved by the Commission (subdivisions, including PD developments), Council (Conditional Uses) or other approving authority; and

d. provides for enforcement of the plan.

3.08.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action. This includes, but is not limited to, keeping plantings and ground cover in healthy condition and free of weeds; repair of cracks, holes and other deterioration of pavement; and maintenance and repair of stormwater basins and drainage facilities to assure they function as required. The costs of such repair and maintenance may be charged to the owner, the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

§3.09 Building Materials Standards

3.09.01 Applicability. The following building material standards apply to new construction of buildings, as specified in Table 3-1 for which a building permit is sought after the effective date of this Section. Refer to §5.03 for materials standards in the C-1 District.

Table 3-1 Building Materials Standards

Districts	C-2, C-3, C-4	PD and C-O
Nonresidential and mixed-use buildings	§3.09.02	§3.09.02
Single-family Dwellings	n/a	§3.09.02
Townhouses	n/a	§3.09.03
Group Homes	n/a	§3.09.03
Duplex, Triplex and Multifamily Dwellings	n/a	§3.09.03

a. Only architectural grade concrete block (split face, textured and colored aggregate) may be used on building elevations above the finished floor elevation of the first floor.

b. At an outside corner, any exterior building material used on one elevation must continue for at least two feet horizontally on the adjoining elevation. This is not required for inside corners. See Figure 3-3.

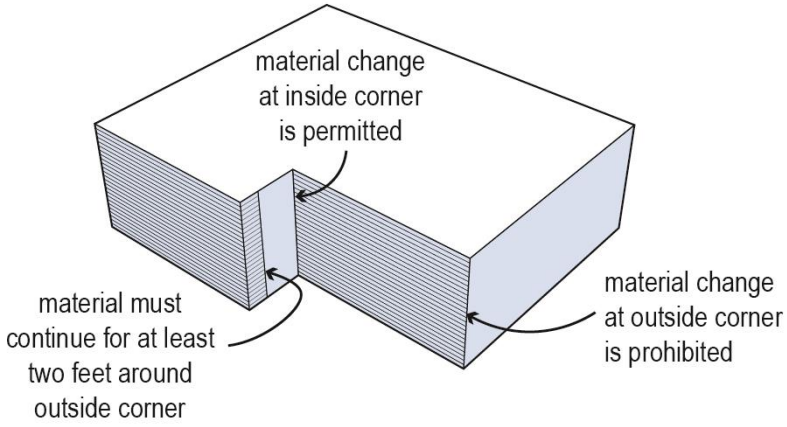


Figure 3-3 Material changes at corners

3.09.02 At least 50% of the exterior elevations of all principal buildings, other than doors, windows and glass curtain wall, must be clad in masonry. At least 70% of each primary façade must be clad in masonry. The balance of exterior treatments must consist of wood, glass, or a permitted type of metal siding, which includes corrugated, standing seam and flat panel. Rib and R-panel metal siding are not permitted.

3.09.03 At least 70% of the exterior elevations of residential buildings, other than doors, windows and glass curtain wall, must be clad in masonry. At least 70% of each primary façade must be clad in masonry. The balance of exterior treatments must consist of wood, glass, or a permitted type of metal siding, which includes corrugated, standing seam and flat panel. Rib and R-panel metal siding are not permitted.

§3.10 Trees in Right-of-Way

3.10.01 On Phenix City-owned streets, trees located in the right-of-way are property of the City. The removal of right-of-way trees is prohibited without written permission from the Council. Applicants must request removal of right-of-way trees on a submitted landscape plan, showing said right-of-way trees.

3.10.02 Any tree that is damaged or removed without permission must be replaced at the owner's expense with trees of similar type and size. If a large caliper tree is removed, multiple smaller trees may be required to replace the number of caliper inches lost. Applicants must include a landscape plan that shows damaged or removed trees, and must indicate graphically the proposed replacement plantings, including species, quantity, size and location. The tree replacement plan must be presented to the Council for approval. Right-of-way trees located on State Routes may not be removed.

§3.11 Nonconformities

3.11.01 Purpose

a. Within the City Limits, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities may not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

b. The zoning regulations established by this Ordinance are designed to promote and protect the public health, welfare, and safety by implementing the City's developmental policies. These policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls take into account the vested interests of the owners of nonconforming properties and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.

c. To achieve these purposes, this Section distinguishes among nonconforming lots, structures, and uses. Different regulations are applied to these categories on the basis of their actual or potential adverse impact due to incompatibility with the City's developmental policies and the regulations contained in this Ordinance.

3.11.02 General Provisions

a. Except as otherwise provided in this Section, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

b. Nothing in this Section may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, which do not increase any nonconforming condition.

c. Nothing in this Section may be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration is not otherwise in violation of this Ordinance.

d. No nonconformity may be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure thereafter conforms to the regulations of the applicable district, except as provided in §3.11.04 Nonconforming Uses, Structures and Developed Lots.

e. Any other provision of this Section to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure may continue after such principal use or structure has ceased or terminated, unless it conforms thereafter to all the regulations of this Ordinance.

f. The burden of establishing the lawful nonconforming status of any structure or use under the terms of this Section in all cases is upon the owner of such nonconformity and not upon the City.

3.11.03 Nonconforming Lots of Record

a. Nonconforming lots of record can be developed for any use permitted in the applicable district provided such development conforms to all other provisions of this Ordinance.

b. If a nonconforming lot of record adjoins land under the same ownership, the approving authority may require the adjoining properties be re-subdivided, if practicable, to bring the lot of record into compliance before granting approval of any use or development of the nonconforming lot.

3.11.04 Nonconforming Uses, Structures and Developed Lots

a. A nonconforming use may not be changed to another nonconforming use. A nonconforming use, which changes to a use permitted in the applicable district, may not thereafter revert to a nonconforming use.

b. A nonconforming use may not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.

c. A structure containing a nonconforming use may not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto. However, the BOZA

may allow, through approval of a Special Exception, a structure or other components of the nonconforming use to be moved to another portion of the lot if such relocation provides greater separation between the nonconforming use and any less intensive uses adjoining the property.

d. A nonconforming use may not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

e. A nonconforming structure or use may not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by any means to the extent of 50% or more of its fair market value, as determined by the applicable County Tax Assessor, at the time the damage occurred. If a nonconforming structure is damaged less than 50% of its fair market value, as determined by the applicable County Tax Assessor, at the time of damage it may be rebuilt or restored and used provided the rebuilding or restoration is started within six months following the date of such damage and that restoration work is diligently continued. All debris from the damaged structure must be removed within 90 days from the date of such destruction.

f. If a nonconforming use, structure, or developed lot, is discontinued or abandoned for six consecutive months, except when government action impedes access to the premises, then the nonconformity must thereafter be made to conform with the applicable regulations of this Ordinance.

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ARTICLE 4 RESIDENTIAL DISTRICTS

§4.01 District Purposes

4.01.01 R-1, R-1A, & R-1B: Low Density Residential District. The purpose of this district is provide and preserve land for use for single-family dwellings on relatively large lots in areas that are geographically defined and protected from the encroachment of incompatible uses.

4.01.02 R-2: Medium Density Residential District. The purpose of this district is to provide and preserve land for both single-family and two-family dwellings. This district should be located in areas that have good accessibility to central community facilities, or where it may provide a transition between areas of differing residential densities or between residential and nonresidential development.

4.01.03 R-3: High Density Residential District. The purpose of this district is to provide and preserve land that is and can be used for the construction of multifamily dwellings. This district should be located in areas that have access to services and facilities appropriate for higher density residential development, including high level of transportation access and connectivity, or where it may provide a transition between residential and nonresidential development.

§4.02 General Regulations

4.02.01 Any new freestanding R-1, R-2, or R-3 Districts created by rezoning must be at least four acres in area.

4.02.02 Area and Dimensional requirements. Refer to Table 4-1.

Table 4-1 Dimensional Regulations for Residential Districts

		Min. Lot Area (sf.)	Min. Lot Width (ft.)	Minimum Yards (ft.)				Max. Building Area	Max. Height (ft.)
				Front/ Primary Front	Secondary Front	Rear	Side		
R-1		12,500	90	35	n/a	40	10	25%	35
R-1A		9,000	80	30	n/a	35	10	35%	45
R-1B		7,500	75	25	20	30	10	45%	45
R-2	Single-family	4,000 per unit	60	20	15	20	7	50%	45
	Duplex	4,000 per unit	100	25	20	40	10	30%	45
R-3	Single-family	4,000 per unit	60	20	15	20	7	50%	45
	Duplex	4,000 per unit	75	25	20	30	10	30%	45
	Townhouse	2,000	20	15	15	30	10 [a]	50%	45
	Multifamily	4,000 sf	100	25	25	25	10	30%	45

[a] Applies to end units only.

4.02.03 Use Regulations. Refer to Table 4-2.

4.02.04 Accessory structures. In addition to the provisions of §3.03.06, the following apply to accessory structures in residential districts:

a. Accessory structures may not extend forward of the rear building line. However, open-frame carports, if not structurally attached to the dwelling, may be placed between the dwelling and the side lot line. In such cases, the carport may not extend forward of the front building line and must be set back at least seven feet from the side lot line (see Figure 4-2).

b. If taller than 15 ft, accessory structures must be set back an additional foot from side and rear lot lines for each two feet in height above 15 ft.

c. Satellite dish antennas may be located only within a rear yard and may be no closer to any property line than ten feet, measured from the closest edge of the structure.

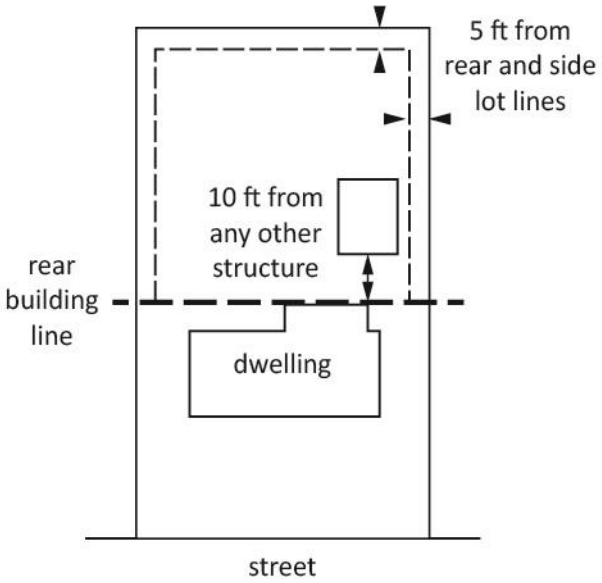

Figure 4-1: Placement of Accessory Structures

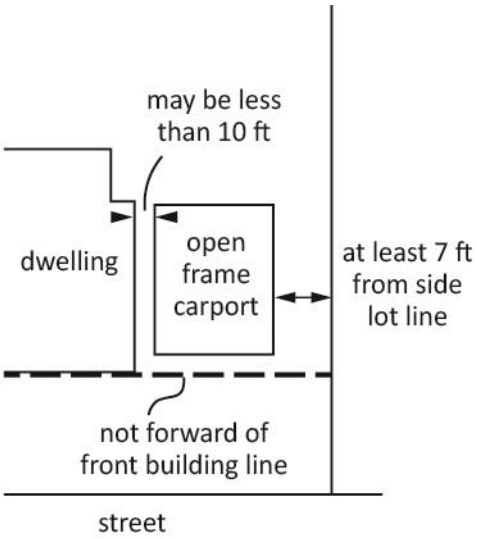

Figure 4-2: Placement of Open Frame Carports

Table 4-2 Use Regulations - Residential Districts

	R-1, R-1A, R-1B	R-2	R-3
Accessory Dwellings, subject to §7.01	Y	Y	Y
Amateur Radio Tower, subject to §7.03	Y	Y	Y
Bed and Breakfast, subject to §7.04		SE	SE
Boarding House			SE
Conservation Subdivision, subject to §7.06	Y	Y	
Cottage Development, subject to §7.07		Y	Y
Day Care Center			SE
Family Day Care Home, subject to §7.08	SE	SE	SE
Group Day Care Home, subject to §7.08	SE	SE	SE
Duplex		Y	Y
Emergency Care Home			SE
Family Care Home			Y
Home Occupation, subject to §7.09	Y	Y	Y
Institutional Use, Major	C	C	C
Institutional Use, Minor	SE	SE	SE
Modular Home	Y	Y	Y
Multifamily development, subject to §7.13			Y
Multiplex			Y
Nighttime home, subject to §7.08	SE	SE	SE
Nursing Care Facility			E
Parks and Playgrounds	Y	Y	Y
Private School	C	C	C
Public Facility	R	R	R
Public Utility Facility	R	R	R
Short-term Rental, subject to §7.16		Y	Y
Single-family Dwelling, detached	Y	Y	Y
Townhouse, subject to §7.19			Y

Y – Permitted by right.

SE – Requires Special Exception approval in accordance with §11.06 Special Exceptions.

C - Requires Conditional Use approval in accordance with §12.06 Conditional Uses.

R – Subject to statutory review by the Commission in accordance with §11-52-11, Code of Alabama.

E – The use is permitted only where existing on the effective date of this Ordinance.

A blank cell in the Table indicates that the use is not permitted.

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ARTICLE 5 NONRESIDENTIAL AND MIXED-USE DISTRICTS

§5.01 District Purposes

5.01.01 MX-1: Limited Mixed Use District. The purpose of this District is to encourage the development of appropriate areas for a mixture of residential and office uses. Such uses would include high-density residential uses plus professional, administrative, and general sales offices.

5.01.02 C-1: Core Commercial District. This District consists of the traditional downtown area of Phenix City. As such it contains retail, office, financial, government, food service and personal service facilities. The use of upper floors for residential use is encouraged. Pedestrian access is also desirable; and development is in part characterized by lot line to lot line construction, and combined uses within buildings and on property.

5.01.03 C-2: General Commercial District. This District allows a variety of both small and large-scale retail and service facilities, and small to medium wholesale uses. These facilities are generally clustered into groups of similar and related activities; and are often designed to accommodate an integrated complex of retail and service facilities on a single site and sharing common parking.

5.01.04 C-3: Neighborhood Commercial District. The purpose of this District is to encourage and allow relatively small-scale convenience retail, service, office, and similar activities that serve people and businesses at the neighborhood and community level.

5.01.05 C-4: Highway Commercial District. The purpose of this District is to provide land to accommodate those uses, which tend to require a high degree of visibility and vehicular access, and/or serve the traveling public. The location and design of developments in these Districts shall minimize traffic hazards and adverse impacts on adjoining areas.

5.01.06 M-1: General Manufacturing District. This District is intended to accommodate manufacturing, processing, and assembly operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor or glare.

5.01.07 M-2: Heavy Manufacturing District. This District includes land that is considered appropriate for larger scale manufacturing and assembly operations, which tend to rely on substantial inputs of raw materials and components and the subsequent shipment of finished goods.

5.01.08 MED: Medical District. The purpose of this District is to encourage the concentration of medical facilities and services in a location that is accessible to residents and business in the City.

§5.02 General Regulations

5.02.01 Any new freestanding C-2 or C-4 District created by rezoning must be at least four acres in area.

5.02.02 Any new freestanding C-3 District created by rezoning must be at least three acres in area.

5.02.03 Dimensional Requirements. Refer to Table 5-1.

5.02.04 Use Regulations. Refer to Table 5-2.

5.02.05 For new construction in the C-2, C-3 and C-4 Districts, refer to §3.09 Building Materials Standards.

§5.03 C-1 Core Commercial District Standards

5.03.01 Off-street parking and other vehicular areas must be located to the side or rear of buildings and may not extend forward of the front building line.

5.03.02 Building Material Standards. The following standards apply to new construction, additions to existing buildings and any street façade improvement involving a change in exterior materials (refer also to Downtown Design Guidelines for applicability, approval process and design guidelines):

a. At least 70% of each street façade of all principal buildings, other than doors, windows and glass curtain wall, must be clad in masonry. At least 25% of the ground floor portion of each street facade, measured to 12 ft. above grade level, must be door, window, glass curtain wall or a combination of these.

b. At least 50% of all other exterior elevations, other than doors, windows and glass curtain wall, must be clad in masonry.

c. The balance of exterior treatments on each elevation must consist of wood, glass, or a permitted type of metal siding, which includes corrugated, standing seam and flat panel. Rib and R-panel metal siding are not permitted.

d. Only architectural grade concrete block (split face, textured and colored aggregate) may be used on building elevations above the finished floor elevation of the first floor.

e. At an outside corner, any exterior building material used on one elevation must continue for at least two feet horizontally on the adjoining elevation. This is not required for inside corners. See Figure 3-1.

Table 5-1 Dimensional Regulations for Nonresidential Districts

		Min. Lot Area	Min. Lot Width	Minimum Yards (ft.) [e]			Max. Building Area	Max. Height of Structures
				Front	Rear	Side		
MX-1	Multifamily [a]	4,000 sf	100 ft	20	25	10	50%	65 ft
	Other residential uses [b]	4,000 sf	40 ft	20	20	10	50%	65 ft
	Nonresidential uses	12,500 sf	75 ft	20	20	n/a	50%	65 ft
C-1		[c]	[c]	0	10	0	n/a	85 ft
C-2		[c]	[c]	25	20	n/a	75%	85 ft
C-3		5,000 sf	50 ft	25	20	n/a	50%	35 ft
C-4		15,000 sf	75 ft	20	20	n/a[d]	25%	65 ft
M-1		1 acre	200 ft	50	50	30	50%	65 ft
M-2		4 acres	400 ft	50	75	75	50%	65 ft
MED		15,000 sf	75 ft	20	20	n/a	50%	65 ft

[a] More than one residential structure may be erected on the same lot provided there is a minimum distance of 20 ft. between principal buildings.

[b] Does not apply to townhouses, which are subject instead to §7.19 Townhouses.

[c] Lots must be of sufficient size to provide adequate parking and loading space as outlined in this Ordinance.

[d] A minimum 20 ft. fire lane is required on one side of each principal structure.

[e] Accessory structures used primarily for storage may not be located forward of the rear building line of the principal structure. This does not apply in Manufacturing Districts.

Table 5-2 Use Regulations - Nonresidential Districts

Y – Permitted by right.
SE – Requires Special Exception approval in accordance with §11.06 Special Exceptions.
C - Requires Conditional Use approval in accordance with §12.06 Conditional Uses.
E – Only those uses existing in the district on the effective date of this Ordinance are permitted.
R - Subject to statutory review by the Planning Commission in accordance with §11-52-11, Code of Alabama.
A blank cell in the Table indicates that the use is not permitted.

	MX-1	C-1	C-2	C-3	C-4	M-1	M-2	MED
Nonresidential Uses								
Adult Establishment, subject to Sec. 46, Article XV City Code					Y	Y		
Airport						SE	SE	
Alternative Financial Services, subject to §7.02					Y			
Animal Shelter			SE		Y	Y	Y	
Assisted Living Facility	Y		Y	Y	Y			Y
Bank/Financial Service	Y	Y	Y	Y	Y	Y	Y	Y
Bed and Breakfast, subject to §7.04	Y							
Brewpub		Y	Y		Y			
Broadcast Studio (no tower)		Y	Y	Y	Y	Y	Y	
Broadcast Studio (with tower)					Y	Y	Y	
Business Support Service	Y	Y	Y	Y	Y	Y	Y	Y
Business, Professional Office	Y	Y	Y	Y	Y	Y	Y	Y
Car Wash			SE	SE	Y	Y	Y	
Cemetery, subject to §7.05	SE		SE	SE	SE			
Commercial School, fully enclosed		Y	Y	Y	Y	Y	Y	Y
Commercial School, partially unenclosed					C	Y	Y	
Commissary		SE	Y	Y	Y	Y	Y	
Community Service Club	Y	C		Y	Y			
Construction Service			Y		Y	Y	Y	
Country Club			SE	SE	SE			
Crematorium						SE	Y	
Day Care Center	Y		Y	Y	Y	Y	SE	Y
Donation Bins, subject to §7.15			Y	Y	Y	Y	Y	Y
Family Day Care Home, subject to §7.08	Y							
Emergency Care Home	SE							Y
Entertainment, Indoor		Y	Y	Y	Y			
Entertainment, Outdoor		C	Y	C	Y			
Family Care Home	SE							
Farm Support Business			C		Y	Y		
Funeral Home		C	Y	Y	Y			
Garden Center			Y	Y	Y	Y		
Gas Station			Y	Y	Y	Y		
General Retail, Unenclosed			C	SE	Y	Y		
General Retail, Enclosed	Y	Y	Y	Y	Y			

Table 5-2 Use Regulations - Nonresidential Districts

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A blank cell in the Table indicates that the use is not permitted.

	MX-1	C-1	C-2	C-3	C-4	M-1	M-2	MED
Group Day Care Home, subject to §7.08	Y		Y	Y	Y			
Heavy Industry							Y	
Heliport						Y	Y	Y
Home Improvement Center			Y		Y	Y		
Homeless Services Facility			C		C	Y		C
Homeless Shelter			C		C	Y		
Home Occupation	Y		Y	Y	Y			
Hospital								Y
Hotel		Y	Y	Y	Y			C
Institutional Use, Major	C	Y	Y	Y	Y	C		C
Institutional Use, Minor	Y	Y	Y	Y	Y	C		Y
Junkyard, subject to §7.10							SE	
Landfill, Inert or Sanitary							SE	
Laundering Plant						Y	Y	
Laundry Service	Y	SE	Y	Y	Y	Y		
Liquor Lounge		Y	Y		Y			
Liquor Store		C		Y	Y			
Maintenance Service			SE	SE	Y	Y	Y	
Manufacturing, Artisanal	SE	SE	Y	SE	Y	Y	Y	
Manufacturing, General						Y	Y	
Medical Cannabis Dispensary		C			Y			Y
Medical Clinic	Y	Y	Y	Y	Y			Y
Mini-Storage Facilities, subject to §7.12			SE		SE	Y	Y	
Motel			C		C			C
Nighttime Home, subject to §7.08	Y		Y	Y	Y			
Nursing Care Facility			Y		C			Y
Parking, Freestanding	SE	SE	Y	Y	Y	Y	Y	Y
Personal Services	Y	C	Y	Y	Y			Y
Place of Worship	Y	Y	Y	Y	Y			
Public Facility	R	R	R	R	R	R	R	R
Public School	R	R	R	R	R	R		R
Public Utility Facility	R	R	R	R	R	R	R	R
Recreation, Indoor		Y	Y	Y	Y	SE		
Recreation, Outdoor		C	SE		SE			
Recreational Vehicle Park/Campground, subject to §7.11		C	C		C			
Recycling Facilities, subject to §7.15		C	C	C	C	Y	Y	

Table 5-2 Use Regulations - Nonresidential Districts

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E – Only those uses existing in the district on the effective date of this Ordinance are permitted.
R - Subject to statutory review by the Planning Commission in accordance with §11-52-11, Code of Alabama.
A blank cell in the Table indicates that the use is not permitted.

	MX-1	C-1	C-2	C-3	C-4	M-1	M-2	MED
Rehabilitation Facility, Short-term	C		Y		C			Y
Repair Service	SE		Y	Y	Y	Y	Y	
Research Lab			Y		Y	Y	Y	Y
Residential Care Facility	C							C
Resource Extraction							Y	
Restaurant, Fast Food		C	Y	Y	Y			SE
Restaurant, Standard	Y	Y	Y	Y	Y			SE
Restaurant, Take-out, Delivery Only		Y	Y	Y	Y			SE
Retail, General, Enclosed	Y	Y	Y	Y	Y			
Retail, Unenclosed (Open Air Market)		C		SE	SE	C		
Short-Term Rental, subject to §7.16	Y	Y	Y	Y				
Studio	Y	Y	Y	Y	Y			
Substance Abuse Rehabilitation Facility, In-patient					C			Y
Substance Abuse Treatment Facility, Outpatient			C		C			Y
Tattoo Parlor, subject to §7.17		SE	C		Y			
Telecommunication Tower, subject to §7.18		C	C		C	Y	Y	C
Transitional Care Facility			C		C			Y
Vehicle and Equipment Repair				C	Y	Y	Y	
Vehicle and Equipment Sales, Service and Rental					Y	Y	Y	
Vehicle Repair Service, Minor				Y	Y	Y	Y	
Vehicle Sales and Service				C	Y			
Vehicle Rental			C	C	Y			
Veterinary Clinic, Pet Grooming, no outside runs	SE	SE	Y	Y	Y			
Veterinary Clinic, Pet Grooming, with outside runs			SE	SE	SE			
Warehousing and Distribution, Enclosed						Y	Y	
Warehousing and Distribution, Unenclosed						E	E	
Wholesaling, Enclosed		SE	SE	SE	Y	Y	Y	
Wholesaling, Unenclosed						Y	Y	
Residential Uses								
Boarding House	C				Y			SE
Combination Dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	Y				Y			Y
Independent Living Facility	Y		Y	Y	Y			Y
Multifamily, subject to §7.13	Y	C	C	Y	C			
Multiplex	Y							
Single-family Dwelling, detached	Y		E	E	E			

Table 5-2 Use Regulations - Nonresidential Districts

Y – Permitted by right.
SE – Requires Special Exception approval in accordance with §11.06 Special Exceptions.
C - Requires Conditional Use approval in accordance with §12.06 Conditional Uses.
E – Only those uses existing in the district on the effective date of this Ordinance are permitted.
R - Subject to statutory review by the Planning Commission in accordance with §11-52-11, Code of Alabama.
A blank cell in the Table indicates that the use is not permitted.

	MX-1	C-1	C-2	C-3	C-4	M-1	M-2	MED
Townhouse, subject to §7.19	Y	C	Y	Y				
Upper Story Dwelling	Y	Y	Y	Y				

ARTICLE 6 SPECIAL PURPOSE DISTRICTS

§6.01 A-1 Low Density Residential and General Agricultural District

6.01.01 The purpose of the District is in part to preserve land for urban use at some point in the future when the demand for land for development and the availability of services warrant such development and property can be rezoned to a more intensive use. Until such time, agricultural and low-density residential uses will be permitted.

6.01.02 General Regulations

a. Dimensional requirements are shown in Table 6-1.

b. The uses allowed by right and under specified conditions are shown in Table 6-2.

Table 6-1 Dimensional Regulations for Agricultural District

Min. Lot Area	Min. Lot Width (ft.)	Minimum Yards (ft.)			Max. Building Area	Max. Height of Structures (ft.)
		Front and Street Side	Rear	Side		
1 acre 1 acre per dwelling unit	200 ft[a]	50	50	25	5%[b]	35

[a] Each lot must have frontage of at least 50 ft. along a public street.

[b] The approving authority may allow an increase up to 25% for Special Exception and Conditional Uses.

Table 6-2 Use Regulations – Agricultural District

Accessory Dwellings, subject to §7.01	Y	Modular home	Y
Agricultural Support Business	Y	Nighttime home, subject to §7.08	Y
Bed and Breakfast, subject to §7.04	SE	Parks and Playgrounds	Y
Boarding House	C	Public Facility	R
Family Day Care Home, subject to §7.08	Y	Public School	R
Group Day Care Home, subject to §7.08	Y	Public Utility Facility	R
Emergency Care Home	Y	Short-term Rental, subject to §7.16	Y
Family Care Home	Y	Single-family Dwelling, detached	Y
Farming, Forestry	Y	Stable	SE
Home Occupation, subject to §7.09	Y	Telecommunication Tower, subject to §7.18	C
Kennel	SE	Transitional Care Home	C
Institutional uses	C	Veterinary Clinic, with or without outside runs	Y
Manufactured home	SE		

Y – Permitted by right.
SE – Requires Special Exception approval in accordance with §11.06 Special Exceptions.
C - Requires Conditional Use approval in accordance with §12.06 Conditional Uses.
R - Subject to statutory review by the Planning Commission in accordance with §11-52-11, Code of Alabama.
A blank cell in the Tables indicates that the use is not permitted.

§6.02 INST Institutional District

6.02.01 The purpose of this district is to provide locations for public and semi-public institutional uses, particularly those of larger scale and intensity than would be appropriate in residential areas.

6.02.02 Any new freestanding INST District created by rezoning must be at least three acres in area.

6.02.03 Dimensional Requirements. Refer to Table 6-3.

6.02.04 Use Regulations. Refer to Table 6-4.

Table 6-3 Dimensional Regulations for Institutional District

Min. Lot Area	Min. Lot Width (ft.)	Minimum Yards (ft.)			Max. Building Area	Max. Height of Structures (ft.)
		Front and Street Side	Rear	Side		
20,000 sf	50 ft	25	25	10	50%	65

Table 6-4 Use Regulations – Institutional District

Assisted Living Facilities	Y	Nursing Care Facility	Y
Combination Dwelling	Y	Parks and Playgrounds	Y
Cemetery, subject to §7.05	Y	Place of worship	Y
Day Care Center	Y	Private School	Y
Dormitory	Y	Public Facility	R
Commercial School, fully enclosed	Y	Public School	R
Commercial School, partially unenclosed	C	Public Utility Facility	R
Community Service Club	Y	Rehabilitation Facility, Short-term	Y
Emergency Care Home	Y	Substance Abuse Rehabilitation Facility, In-patient	C
Family Care Home	Y	Substance Abuse Treatment Facility, Outpatient	Y
Funeral Home	Y	Telecommunication Tower, subject to §7.18	C
Homeless Services Facility	Y	Transitional Care Homes and Facilities	C
Homeless Shelter	C		

Y – Permitted by right.
SE – Requires Special Exception approval in accordance with §11.06 Special Exceptions.
C - Requires Conditional Use approval in accordance with §12.06 Conditional Uses.
R - Subject to statutory review by the Planning Commission in accordance with §11-52-11, Code of Alabama.

§6.03 Planned Development District

6.03.01 Generally.

a. Purpose. The Planned Development (PD) District offers flexibility in density, use and design not available in other zoning districts to enable and encourage innovation, imaginative solutions to environmental design problems and characteristics of development meeting community objectives. Areas so established must be planned, designed and developed in accordance with a unified building and site development program providing for coordinated open space and architectural treatment.

b. Community objectives. Planned developments are afforded more flexibility than provided through conventional zoning regulations to:

1. Enable choice in housing type, lot size and neighborhood design;
2. Encourage provision of amenities in neighborhoods and mixed-use areas;
3. Promote walkable development patterns;
4. Preserve trees, slopes, wetlands, flood prone areas and natural drainage patterns and limit disruption of natural features; and

5. Promote efficient development patterns that result in economically designed infrastructure.

6.03.02 Applicability

a. All properties in an approved PD District are bound by the standards in its Master Plan, even if subsequently sold, until the Master Plan is voided by the City. In the case of multiple ownership, the approved Master Plan is binding on all owners. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the approved Master Plan.

b. No amendment of this Section affects a Planned Development approved prior to such amendment. The approved Master Plan may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the Master Plan approval expire or be voided, any newly submitted Master Plan must conform to the regulations in effect at the time of the new submittal.

c. The BOZA may not grant variances that would have the effect of amending an approved Master Plan.

d. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section and within the approved Master Plan. During review of any subdivision plats related to an approved PD development, the Planning Commission ("Commission") may modify or waive requirements of the Subdivision Regulations, as necessary to implementation of the approved Master Plan.

6.03.03 General requirements

a. Minimum area. The PD District is permitted only in areas where public water and sewer are available. Each planned development must contain at least ten acres of contiguous land. A smaller tract may be permitted provided evidence that:

1. the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;

2. the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;

3. the design concept fully integrates the development into the surrounding neighborhood or business area;

4. the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site under conventional zoning regulations.

b. Community benefits. The applicant must demonstrate that, in exchange for the flexibility conferred by PD designation, the development will feature three or more of the following benefits:

1. All buildings will feature quality, durable materials.

2. Sensitive natural areas, such as floodplains, steep slopes and densely forested areas, will be conserved.

3. The street network will feature a high level of connectivity internally and with adjoining development.

4. Driveways, garages and parking areas will not dominate public views along streets. Parking garages along residential blocks will be varied, set back behind the front building line and/or oriented away from street view.

5. Residential developments will feature a range of housing types and sizes appropriate to different stages in life.

6. Residents will be able to safely walk or bicycle within the development and to adjoining neighborhoods, neighborhood-serving businesses and community destinations.

7. Usable open spaces will be provided in accessible locations throughout the development. A greater amount of common open space will be provided in more intensively developed portions of the development.

c. Common property. Provisions must be made for the ownership and perpetual maintenance of common open spaces and facilities in accordance with §3.08 Common Open Spaces and Facilities.

6.03.04 Development Standards

a. Planned Developments may be composed of residential subdistricts, mixed-use subdistricts or a combination of these.

b. Uses. Uses in residential and mixed-use subdistricts must be in accordance with Table 6-5 and are contingent on approval of the Master Plan. Uses similar in character or impact to those in Table 6-5 may be considered. If any such use is not specifically approved by the Council with the PD zoning, it may only be approved by the Council as an amendment to the PD Master Plan.

c. Density, building height and setbacks must conform to the standards in Table 6-6. The area and dimensional requirements for uses in Article 7 Use-specific Regulations apply unless other standards are approved with the PD zoning.

d. Open Space Standards. Common Open Space must be provided in each subdistrict as shown in Table 6-6. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any other purpose unless approved through an amendment to the Master Plan. The following are excluded from calculation of required common open space:

1. open spaces that may only be accessed by way of individual residential lots;
2. land encumbered by any substantial structure, enclosure or parking facility;
3. narrow, remnant strips of land except those provided for pedestrian or bicycle trails, which must be in common properties or rights-of-way dedicated for such purposes; and
4. land to be used as or be in any required drainage area or easement unless such area is designed and maintained for recreational use.

e. Landscaping

1. For detached single-family and other residential buildings that are set back 15 or more feet from front lot lines, at least one three-inch caliper tree per 40 feet of lot frontage must be planted in the front setback.
2. Buffers between uses within a Planned Development are generally not required and are at the discretion of the developer unless the Council finds that buffering is required to mitigate impacts of proposed nonresidential uses on residential portions of the PD. However, buffers must be provided in accordance with §10.02 Buffers whenever uses within the Planned Development will adjoin lesser intensity uses outside of the PD development.

f. Signage. Off-premises signs are prohibited. Otherwise, the sign regulations in Article 9 apply unless other standards proposed by the applicant are approved with the PD zoning.

g. Street signs, mailboxes and street lighting must be uniform in design throughout a Planned Development. If a street sign or street light standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.

Table 6-5 PD Permitted Uses

	Residential	Mixed-Use
Accessory dwellings, subject to §7.01	A	A
Amateur radio towers, subject to §7.03	P	P
Assisted and nursing care facilities	A	A
Bed and breakfasts, subject to §7.04	P	P
Cemeteries, subject to §7.05	A	A
Commercial uses, enclosed, including retail, restaurants, personal services and business and professional offices		P
Commercial uses, unenclosed		A
Country clubs	A	A
Day care and Nighttime homes, subject to §7.08	P	P
Day care centers	P	P
Duplex, Triplex and Quadplex dwellings	P	P
Emergency and transitional care homes	A	A
Family care homes	P	P
Gas stations		A
Golf courses	A	A
Home occupation, subject to §7.09	P	P
Independent living facilities	P	P
Institutional uses, major	A	A
Institutional uses, minor	P	P
Hotels		P
Multifamily dwellings, subject to §7.13	A	A
Parks, playgrounds and nature preserves	P	P
Public utility facilities, minor	P	P
Public utility facilities, major	A	A
Recycling Facility, subject to §7.15		A
Rehabilitation facility, Short-term		A
Short-term rental, subject to §7.16	P	P
Single-family dwellings, including detached, semi-detached and cottage developments, subject to §7.07	P	P
Tattoo parlor, subject to §7.17		A
Telecommunications towers, subject to §7.18	A	A
Townhouses, subject to §7.19	P	P
Upper-story dwellings		P
Vehicle repair, Minor and Major		A
Vehicle sales and service, Vehicle rental		A

P – The use is permitted regardless of whether or not it is specified in the plan approved by the Council.

A – The use requires specific approval by the Council with the request for PD zoning. If not specified in the plan approved by the Council, any subsequent proposal for such a use requires amendment by the Council.

A blank cell in the Table indicates the use is not permitted.

Table 6-6 PD District Standards

	Residential	Mixed-Use
Max. Residential Density	9 du per gross acre	12 du per gross acre
Min. Front Yard Setback	15 ft. [a]	n/a
Min. Common Open Space	10%	15%
Min. Land Area Designated for Commercial Uses	n/a	50%
Max. Building Height	3 stories	4 stories
Building Materials Standards	See §3.09	See §3.09

[a] Applies only to detached single-family dwellings, duplexes, triplexes and quadplexes

6.03.05 Procedure. The procedure to be followed in the creation of PD Districts is subject to §12.01 Amendments and the following:

a. Application. Application for PD zoning must be accompanied by a Preliminary Master Plan. See Appendix A-4 for submittal requirements.

b. Commission, Council Action

1. Within 30 days after holding a public hearing on a PD rezoning request and approval of the Preliminary Master Plan, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes. The Commission's written recommendation will be in accordance with the following considerations:

   i. That the value and character of properties adjacent to the PD tract will not be adversely affected.

   ii. That the proposed development is consistent with the intent and purpose of the Comprehensive Plan and of this ordinance to promote public health, safety and the general welfare.

   iii. That the proposed development features community benefits in accordance with §6.03.03.

2. Upon receipt of the Commission recommendation, the Council will conduct a public hearing on the rezoning request. Zoning approval by the Council establishes the maximum density, maximum number of dwelling units and the land use composition in each subdistrict and phase.

3. After PD zoning has been established, no building permit may be issued, and no grading, clearing, excavation or filling may take place, until the Commission has approved the Master Plan (refer to Appendix A-4 for submittal requirements). The applicant has 180 days from zoning approval to submit the Master Plan to the Commission. Upon the applicant's request, the Building Official may extend this time period by 60 days. If not submitted within this period, the Council may take action to void the PD zoning.

4. The proposed Master Plan must conform to the density and uses approved with the PD rezoning and must incorporate any modifications recommended or required as conditions by the Council. How such conditions are to be addressed must be clearly indicated in the proposed Master Plan.

5. For PDs requiring subdivision approval, the Preliminary Plat of all or a portion of the development may be considered at the same Commission meeting as that of the Master Plan.

6. Within 30 days after holding a public hearing on the Master Plan, the Commission will approve, approve with changes, or disapprove the Master Plan; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes. If disapproved by the Commission, the applicant may appeal the decision to the Council.

c. If, within 365 days from the effective date of the amendment, the Building Official has not received an application for a building permit, the City may, by appropriate action, repeal the amendment establishing the PD District. Once a building permit is issued, the improvements set forth in the approved Master Plan must be completed within 10 years from date of issuance; otherwise, the Council may repeal the amendment establishing the PD District.

d. The Building Official may not issue a building permit unless the proposed improvements are substantially as shown in the approved Master Plan.

e. Changes and Amendments

1. The Building Official and Commission may approve changes as provided in Table 6-7. Changes by the Commission do not require a public hearing. All other changes require an amendment by the Council, which may only be approved after a public hearing.

2. Any deviation from the Master Plan in conflict with the above limits constitutes a violation of this Ordinance.

Table 6-7 PD Changes and Amendments

	Building Official	Planning Commission	Amendment by Council
Increase in overall density or total number of dwelling units in each subdistrict			X
Reduction in the overall amount of open space			X
Change in subdistrict boundaries		X	
Rearrangement of streets and any reduction in pedestrian and bicycle facilities		X	
Reductions in setbacks, lot area or lot width no greater than 10%	X		
Reductions in setbacks, lot area or lot width greater than 10%		X	
Increases in building height no greater than 10%	X		
Increases in building height greater than 10%		X	
Reduction of off-street parking or loading space no greater than 10%	X		
Reduction of off-street parking or loading space greater than 10%		X	
Changes to the development schedule/phasing		X	

§6.04 Corridor Overlay District

6.04.01 Purpose. Recognizing the special nature of certain thoroughfares and the impacts of the appearance of these roadways and their importance to the local economy, this section sets forth regulations that will help ensure that new development and redevelopment in these critical areas is visually pleasing and economically viable.

6.04.02 Applicability.

a. These regulations apply to all land in the corridor, regardless of the underlying zoning district. Where there is any conflict between these regulations and those of the underlying district, the more restrictive apply. The following requirements apply to all developments and redevelopments, including changes to existing buildings involving structural modifications, any work exceeding 50% of the fair market value of the structure (as determined by County Tax Assessor), and any change in area or height. This does not include work limited to the interior of a structure.

b. These regulations apply to all lots, parcels and tracts with frontage on the following rights-of-way:

1. Martin Luther King Jr. Parkway from Colin Powell Parkway/Broad Street Extension to US Highway 280/431
2. Broad Street from South Railroad Street to Martin Luther King Jr. Parkway/Colin Powell Parkway/Broad Street Extension intersection
3. US Highway 431 South from US Highway 280/431 to the City Limits
4. Colin Powell Parkway/Broad Street Extension from the Martin Luther King Jr. Parkway/Broad Street intersection to US Highway 280/431
5. US Highway 280/431 from the Alabama State Line to the City Limits
6. 13th Street/14th Street/Crawford Road from the Alabama State Line to US Highway 280/431
7. US Highway 80 West from US Highway 280/431 to the City Limits
8. 14th Street from Whitewater Avenue to the 13th Street intersection
9. Riverchase Drive from Airport Road to Summerville Road
10. Opelika Road from US Highway 280/431 to Crawford Road.

6.04.03 Building Materials. See §3.09 Building Materials Standards.

6.04.04 Landscaping

a. Vehicular areas along street frontages must be landscaped in accordance with Table 6-6.

1. Required trees and shrubs must be spaced as evenly as practicable. Trees that are used for interior landscaping and that are within 12 ft. of the frontage landscaping strip may be counted toward frontage tree requirements in Table 6-6. See Figure 6-1.
2. Required shrubs must be evergreen.

b. All other vehicular area landscaping, screening and buffers must be provided as required in Article 10 Landscaping.

c. Fences and Walls. No type of wire fabric fencing material may be used forward of the front building line. Fences and freestanding walls in required front yards may not exceed four feet in height.

Table 6-6 Street Frontage Landscaping Requirements

Landscaping Options	Option 1	Option 2
Minimum depth of frontage landscaping		
For sites 2 acres of less	10 ft	5 ft
For sites over 2 acres	14 ft	8 ft
Minimum number of canopy trees [a]	1 per 100 linear ft	1 per 80 linear ft
Minimum number of understory trees	1 per 50 linear ft	1 per 40 linear ft
Minimum number of ornamental shrubs	20 per 100 linear ft	16 per 100 linear ft

[a] Where canopy tree requirements conflict with existing overhead or underground utilities, the Building Official may modify frontage landscaping requirements provided the intent of the requirements is upheld.

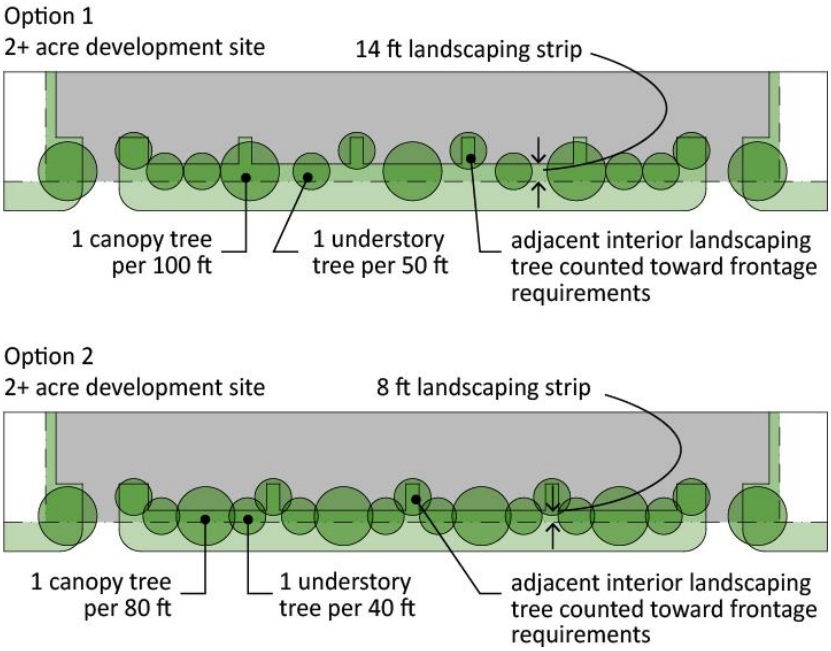

Figure 6-1 Street Frontage Landscaping

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ARTICLE 7 USE-SPECIFIC REGULATIONS

§7.01 Accessory Dwellings

Accessory Dwellings may only be permitted as an accessory use to a permitted single-family detached dwelling in accordance with the following:

7.01.01 Permit Required. An Accessory Dwelling Permit is required for all accessory dwellings. Accessory dwellings may be maintained in perpetuity but only in compliance with these regulations. Any accessory dwelling permit will automatically expire whenever:

a. Required off-street parking is no longer provided on the premises

b. In any R-1 District, the permittee ceases to own or reside on the premises

7.01.02 Because the R-1, R-1A and R-1B Districts are intended for single-family detached dwellings, an accessory dwelling may only be permitted when the owner of the principal dwelling resides on the premises. This ensures that the accessory dwelling remains subordinate to the principal dwelling.

7.01.03 Area and Dimensional Requirements

a. Accessory dwellings are permitted only on lots of at least 10,000 sf. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each dwelling.

b. Accessory dwellings must be set back from lot lines as required for the principal dwelling.

c. The habitable floor area of an accessory dwelling must be at least 200 sf. but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive.

7.01.04 Additional Requirements

a. Separate water, sewer and gas utility meters are not permitted for accessory dwellings in R-1 Districts.

b. No more than one accessory dwelling is permitted on the lot of a single-family detached dwelling.

c. Accessory dwellings may not be used for short-term rental purposes in the R-1 Districts.

d. One parking space, in addition to that required for the principal dwelling, must be provided.

e. Accessory dwellings must comply with the Building Code and be installed on a permanent foundation.

f. Accessory dwellings may not have separate vehicular access along the same street frontage as the principal dwelling.

g. An accessory dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.

h. If an existing residential garage is converted to an accessory dwelling, off-street parking requirements for the principal dwelling and accessory dwelling must be met concurrently with the conversion.

§7.02 Alternative Financial Services

Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan businesses and check cashing establishments, are recognized, particularly when several are concentrated in one area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, no alternative financial service may be permitted closer than 1,000 ft. to an existing alternative financial service, as measured between nearest property lines.

§7.03 Amateur Radio Towers

7.03.01 Amateur radio towers may not exceed 65 ft. in height, may only be placed in the established rear yard and must be set back a distance equal to the height of the tower from all property lines. Additional height may be approved by the BOZA per §11.06 Special Exceptions.

7.03.02 Within residential districts:

a. Amateur radio towers are permitted on detached single-family residential lots but not on other residential lots.

b. On nonresidential premises amateur radio towers must be approved by the BOZA per §11.06 Special Exceptions.

§7.04 Bed and Breakfast

The following standards apply to Bed and Breakfast establishments in the MX-1 and residential districts only:

7.04.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.

7.04.02 Bed and breakfasts may provide lodging for not more than 14 consecutive days and may contain no more than four guest rooms.

7.04.03 In the absence of appropriate licensing and/or approvals from the Health Department and Building Official, meals provided to guests may not be cooked on premises and are limited to fresh, uncooked and pre-prepared foods. Guest rooms may not contain cooking facilities and do not constitute separate dwelling units.

7.04.04 One parking space must be provided for each guest room, in addition to the spaces required for the dwelling. Recreational vehicle parking is prohibited except on lots one acre or larger in size. If permitted, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to the maximum extent practicable. Recreational vehicles may not be used for overnight lodging.

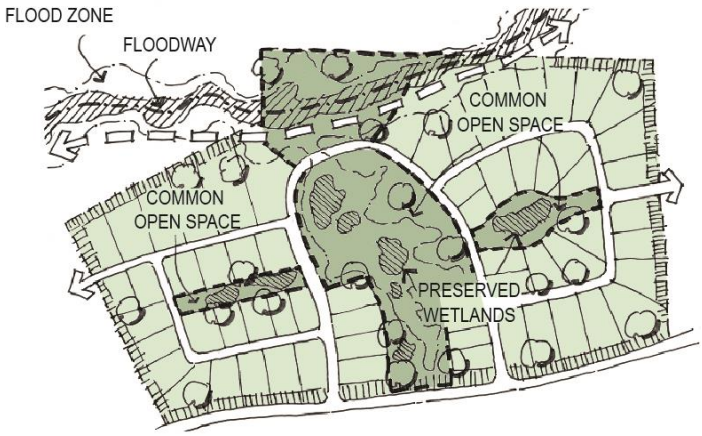
§7.05 Cemeteries

7.05.01 Cemeteries must have direct access to public streets with ingress and egress designed to minimize traffic congestion

7.05.02 Cemeteries, other than those accessory to a place of worship, must be located on a site of not less than ten acres in area.

§7.06 Conservation Subdivision

7.06.01 Intent



a. To provide flexibility to accommodate development on lands constrained by natural hazards that may limit the amount or type of development

b. To promote the creation of accessible green space

c. To protect sensitive, environmental land features to promote the public health and safety

d. To reduce erosion, sedimentation, land disturbance, and removal of vegetation

e. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers

f. To reduce perceived density by providing access to and views of open space.

7.06.02 Applicability. The Conservation Subdivision option is available for single-family detached residential development of sites containing at least five acres. If held in multiple ownership, the site must be developed according to a single plan with common authority and maintenance responsibility.

7.06.03 Density Determination

a. The maximum number of lots is determined by dividing the total area of the proposed subdivision tract by the following, whichever is more restrictive:

1. 5,000 sf
2. the minimum lot size for detached single-family dwellings in the applicable district
3. lot requirements of the County Health Department if the development will not be connected to public sewer.

b. In making this calculation, bodies of open water over 5,000 sf. of contiguous area may not be included in the total area of the tract.

c. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. Separation between dwellings must be at least 14 ft. as measured between nearest points of exterior walls.

7.06.04 Application Requirements. Refer to Appendix A-5 for specific requirements.

a. Site Analysis Map. The applicant must prepare and submit a Site Analysis Map with the preliminary plat. The purpose of the Site Analysis Map is to ensure that important site features have been identified prior to the creation of the site design and that the proposed open space will meet the requirements herein.

b. Conservation Subdivision Plan. As part of the preliminary plat, the applicant must prepare a Conservation Subdivision Plan yielding no more lots than identified under §7.06.03 Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan, all of which must be submitted and approved by the Planning Commission prior to the issuance of a grading permit.

7.06.05 Open Space Standards. For the purposes of this Section, “open space” is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection.

a. General Standards

1. At least 25% of the total area of the tract must be maintained as open space.
2. The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
   i. Floodway and any Zone A
   ii. 100-year floodplain
   iii. Riparian zones of at least 75 ft. total width along all perennial streams
   iv. Slopes above 25% of at least 10,000 sf. contiguous area
   v. Delineated wetlands
   vi. Archaeological sites, cemeteries and burial grounds
3. The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
   i. Historic sites
   ii. Existing trails that connect the site to neighboring areas
   iii. Existing healthy, native forests of at least one-acre contiguous area
   iv. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
4. Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are not counted toward the open space requirements.
5. At least 25% of the open space must be suitable for passive recreational use.
6. At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.
7. To the extent practicable, the open space should be accessible to the largest number of lots and/or buildings within the site. Non-adjoining lots must be provided with access to the open space through sidewalks or off-street walkways.

b. Permitted Uses of Open Space

1. Conservation of natural, archeological and historical resources
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, and similar conservation-oriented areas
3. Agricultural and forestry activities may only be permitted when conducted according to best management practices
4. Passive recreation areas, walking, bicycle and similar trails

5. Active recreation areas, if they are limited to no more than 20% of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces necessary to the recreational activity, excluding vehicular ways and parking and loading areas.
6. Landscaped stormwater management facilities, community and individual wastewater disposal systems. Such facilities must be located outside of primary conservation areas.
7. Easements for drainage, access, and underground utility lines
8. Other conservation-oriented uses compatible with the purposes of this Section.

c. Prohibited Uses of Open Space

1. Golf courses
2. Streets, parking and loading areas and similar impervious surfaces, except as specifically authorized in the preceding subsections (a) and (b)
3. Other activities as may be established by the applicant and recorded on the legal instrument for permanent protection.

7.06.06 Ownership, Management and Protection of Open Space. An instrument of permanent protection in accordance with the following must be placed on the open space prior to issuance of a grading permit.

a. Responsibility for management of open spaces must be established in accordance with §3.08 Common Open Spaces and Facilities.

b. The open space must be protected in perpetuity by one of the following binding legal instruments, which must be recorded with the deed and include clear restrictions on use of the open space in accordance with this Section:

1. A permanent conservation easement in favor of either:

i. a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

ii. a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.

2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
3. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

§7.07 Cottage Development

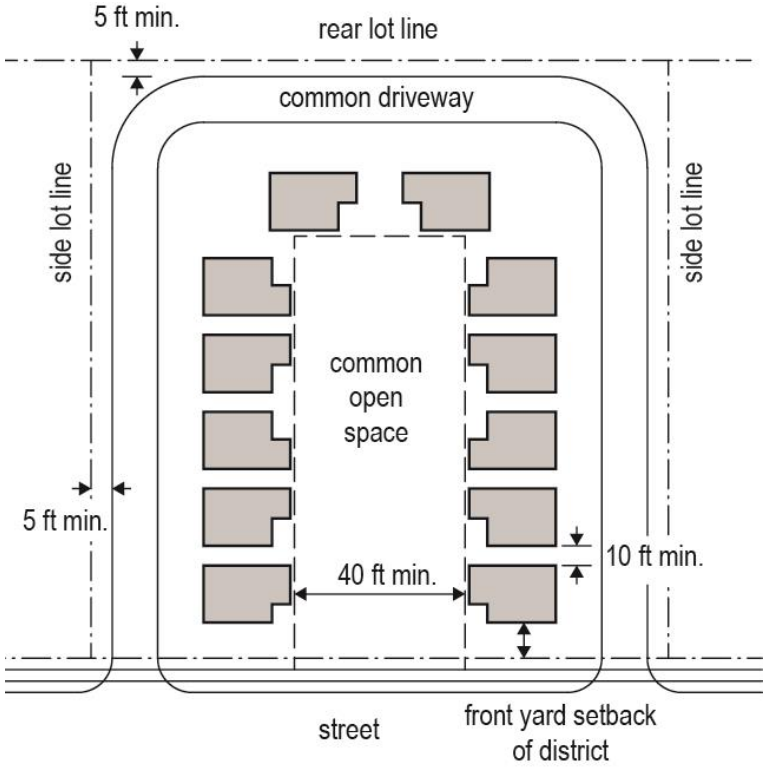
7.07.01 General Standards

a. Cottage Developments are permitted only on sites served by public water and sewer services.

b. Cottage Developments may be subdivisions, in condominium form or a combination.

c. The number of allowable dwellings is determined by dividing the total tract size by the minimum lot size prescribed for detached single-family dwellings in the applicable district. Any fraction is rounded down to the nearest whole number. In no case may the number of units be less than four nor more than twelve.

d. Not all lots are required to have street frontage, subject to the following:



1. Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street or Common Open Space.
2. The rear of dwellings may not face toward a street, except in the case of a double-frontage tract, the rear of cottage lots may be oriented toward the street of higher classification.
3. Lots must be readily accessible for fire suppression purposes as determined by the Fire Chief or their designee during subdivision plat review.

7.07.02 Area and Dimensional Requirements

a. The minimum lot size, lot width and side yard setback prescribed for detached single-family dwellings in the applicable district do not apply, except in determining the number of allowable dwellings (§7.07.01(c)). Spacing between cottage dwellings must be at least ten feet, which may include zero-lot line arrangements.

b. Minimum Common Open Space: 250 sf. per unit and not less than 40 ft. in width at any point.

c. Permitted Total Floor Area per Dwelling:

1. One-Story units: no more than 1,000 sf
2. 1-1/2 and Two-Story units: no more than 1,400 sf

d. Maximum Height: two stories

e. Minimum Building Setbacks

1. Dwellings must be set back at least 20 ft. from the exterior lot lines of the overall development and must observe the front yard setback for the district along all street frontages.

2. No setback is required between a dwelling and the common open space; however, no portion of a building may encroach into or over the common open space.

7.07.03 Ownership and Management of Common Areas. See §3.08 Common Open Spaces and Facilities.

7.07.04 Parking. Parking must be provided as required for detached single-family dwellings and may be clustered together or provided individually at the rear of each home. Clustered parking areas must be screened from the common open space and from streets and adjacent residential uses.

§7.08 Day Care and Nighttime Homes

7.08.01 Family Day Care, Group Day Care and Nighttime Homes must, at all times, be licensed by and operated in accordance with the requirements of the Alabama Department of Human Resources.

7.08.02 Outdoor play areas are limited to the established rear yard.

7.08.03 Family Day Care Homes may be permitted only on lots with an area of at least 7,500 sf. and with an established rear yard of at least 1,500 sf.

7.08.04 Group Day Care Homes may be permitted only on lots with an area of at least 9,000 sf. and with an established rear yard of at least 2,500 sf.

7.08.05 Nighttime Homes may be permitted only on lots with an area of at least 7,500 sf.

§7.09 Home Occupations

7.09.01 No persons other than members of the family residing on the premises may be employed by the home occupation.

7.09.02 The home occupation must clearly be secondary and incidental to the use of the dwelling as a residence. No more than 25% of total heated and ventilated floor area, up to a maximum of 500 sf., may be devoted to the home occupation.

7.09.03 The appearance of the dwelling unit may not be altered, nor may the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.

7.09.04 The home occupation may be operated in the existing dwelling or an existing accessory structure. The existing dwelling may not be enlarged to accommodate the home occupation; nor may any accessory structure be built for the purpose of operating the home occupation.

7.09.05 There may be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation. Signage is limited to that permitted under Article 9 Sign Regulations.

7.09.06 Home instruction is limited to four students at a time, except in the case of musical instruction, which is limited to two students at a time.

7.09.07 No traffic may be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation must be met off the street and other than in the established front yard.

7.09.08 The operation of a home occupation may not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries of the home occupation premises.

7.09.09 Any person desiring to operate a home occupation must submit an application to the Building Official. For existing home occupations that have not previously received zoning approval, an application must be

submitted to the Building Official for approval before the associated business license may be renewed. The applicant must present evidence of ownership of the property in question or a signed, notarized letter from the owner authorizing the application. The Building Official must notify the applicant of approval or disapproval within ten days of receiving a complete application.

7.09.10 No more than one home occupation may be approved in any dwelling unit.

7.09.11 Final approval of a home occupation may be contingent upon the applicant obtaining a valid business license from the City.

§7.10 Junkyards

7.10.01 No junkyard may be located closer than 300 ft. to an established residential district nor the C-1 District.

7.10.02 All outdoor storage of salvage and wrecking operations must be completely screened in accordance with §10.03 Screening.

7.10.03 The storage of wrecked automobile, junk, or salvaged materials may not exceed six feet in height.

§7.11 Manufactured Home Parks

7.11.01 General Standards.

a. Manufactured home parks may not be platted or otherwise divided for fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including streets, must be privately owned, or owned in common by the residents of the park, and may not occupy parcels of land deeded separately from the common facilities within the park.

b. The following accessory uses are allowed:

1. No more than one dwelling unit of conventional construction, containing at least 600 sf. of floor space and intended for the use of a resident manager.

c. All home stands must front on interior streets, which must be of a width, design and layout in accordance with the Fire Code.

d. Street lighting must be provided throughout the park with lighting spaced and equipped with luminaires of a height to provide an average luminance of four lumens per square meter reaching the ground surface, and the luminance ratio must be set at a maximum of six to one. Lights must be directed downward or otherwise shielded.

e. Storage areas for boats, recreational vehicles, and other types of vehicles that exceed 30 ft. in length must be screened from view off the premises. Storage of such vehicles is not allowed on home stands or on the interior streets in the park.

f. Utilities must be provided in accordance with the requirements of the applicable utility provider.

7.11.02 Home Stands. The following standards apply to portions of manufactured home parks containing manufactured home stands:

a. Each manufactured home stand must be at least 5,000 sf. in area and have a width of at least 50 ft.

b. The front, rear and side yards for each home stand must be at least ten feet in depth. No manufactured home and its accessory building may cover more than 50% of the total area of the home stand.

c. Each home stand must have at least two parking spaces maintained with an all-weather wearing surface such as asphalt and concrete. All off-street parking spaces must have access to an interior roadway within

the park. No direct access is allowed between home stands and any street outside of the manufactured home park.

d. All homes must have skirting installed between the base of the structure and the ground. Skirting must be made of concrete block, wood, vinyl, or other approved materials. Any opening in the skirting may not be larger than two inches square.

e. All homes must be blocked and tied down in conformance with §24-5-32, Code of Alabama, 1975, as amended.

f. Home stands must be clearly staked or otherwise identified and have a permanent marker giving a number and/or letter of a minimum height of three inches so that they may easily be read from the interior street. All individual utility meters must be numbered for identification by service personnel.

7.11.03 Nonconforming provisions

a. Existing manufactured home parks, which do not conform to the use regulations of the applicable district, may not be expanded in area or modified. However, the BOZA may allow, through approval of a Special Exception, modification of the lot or design of the park if such modification reduces the nonconformity.

b. The nonconforming use status of a manufactured home park extends to each manufactured home within the park. Therefore, in accordance with §3.11 Nonconformities, manufactured homes may not be replaced and are subject to the following provisions:

1. When a nonconforming manufactured home is vacant for three consecutive months, or a total of nine months in any two-year period, the manufactured home must be removed from the premises and may not be replaced.

2. When a manufactured home is moved from its site, damaged by fire or other causes to the extent of more than 50% of its current replacement value at the time of such damage, it may not be replaced nor repaired.

3. The utilities to any manufactured home will be disconnected upon noncompliance with this §7.11.03.

c. The certificate of occupancy for a manufactured home park may be revoked if there is a violation of any of the provisions of this §7.11. The holder of said certificate of occupancy may, after complying with such revocation, appeal to the city council to have said certificate reinstated.

§7.12 Mini-Storage Facilities

7.12.01 No storage space may be used as a dwelling or for conducting a business of any kind. This does not preclude periodic auctions by the owner of the facility to dispose of abandoned items.

7.12.02 No storage of volatile, toxic or explosive materials is permitted, either inside the structure or on the premises.

7.12.03 Any outdoor storage must be screened from public view and from adjoining properties as required in §10.03 Screening.

§7.13 Multifamily Development

7.13.01 Multifamily developments with buildings containing five or more dwelling units require Development Plan approval and are subject to the following standards to assure that the layout of buildings, open spaces, circulation, drainage and infrastructure is in harmony with the equivalent standards of the City Subdivision Regulations.

7.13.02 Site Development Standards

a. The arrangement of buildings, open spaces, parking areas and drives must be suitable to existing topography to avoid extensive grading.

b. Buildings must be spaced no less than the sum of their lengths divided by three ((A+B)/3), or 90 ft. whichever is less (see Figure 7-1). In no case may buildings be placed closer together than 20 ft. Building spacing is measured perpendicularly from the longer of the two building walls at the closest point between them.

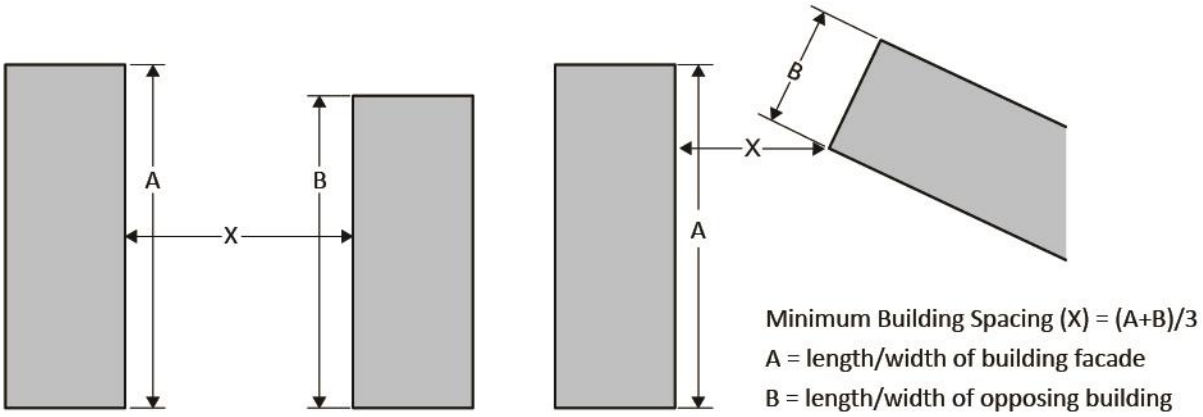


Figure 7-1: Minimum Building Spacing

c. Multifamily buildings may not be surrounded on all sides by parking and driveways. On at least one side of each multifamily building, there must be an open space of at least 40 ft. in depth, another building or the property boundary.

d. Parking and Driveways

1. Common and individual garages, if provided, must be oriented so that the garage doors do not face public street views.
2. Boats and recreational vehicles may not encroach into required parking and may not be kept forward of the front building line.
3. The number and location of access points to a public street must comply with the Building Code.

e. Open Space. For the purposes of this section, “improved open space” means open space created or modified for resident use, including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, and landscaped common areas.

1. At least 20% of the site must be permanently reserved as open space. All common open spaces and recreational areas must be well maintained in a safe and orderly condition.
2. At least 50% of the required open space must be improved and maintained as open space for the use of residents and guests. Improved open spaces should be consolidated into one or a few central locations to assure accessibility and usability and must be oriented to receive adequate sunlight.
3. Required setback and buffer areas do not count toward open space requirements. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft. Gazebos, pavilions and similar open structures for the use of residents are permitted in improved open spaces.
4. Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.

f. Stormwater Management. Stormwater retention or detention facilities should be integrated into the design of parking areas and open spaces as landscape amenities. Stormwater facilities located within an open space may be counted as improved open space if designed so that it need not be fenced and is appropriately landscaped as an amenity.

g. Waste Collection, Service and Loading Areas. Each development must be provided with service areas for waste collection. Each such area must be located away from public views but accessible to residents and to vehicles for collection purposes. Each such area must be paved with concrete.

h. Fire Protection

1. No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft. of hose.

2. Every multifamily building must be accessible to fire trucks and equipment as approved by the Fire Chief or their designee.

i. Pedestrian Access Standards

1. Walkways must connect the pedestrian circulation system to adjacent public streets.

2. If not already provided, a publicly accessible sidewalk at least five feet wide must be provided along all public street frontages and within the right-of-way.

3. Walkways must connect the main entrances of all buildings. For buildings fronting on a public street, a public sidewalk may be counted toward this standard. Walkways must be provided that connect building entrances to parking areas and common areas and facilities.

4. Walkways must be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.

j. Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a Traffic Engineer, may be required as part of development plan review. In such cases the study must be prepared in accordance with generally accepted standards for traffic studies and must show the effect that traffic generated will have on the area adjacent to and near the site. The study must make recommendations with respect to what additional traffic controls will be needed adjacent to or near the site. The developer must pay the cost of any such signals and/or devices if required as part of the development plan approval.

§7.14 Recreational Vehicle Parks and Campgrounds

7.14.01 General Requirements.

a. A business license is required for all recreational vehicle parks and campgrounds. Proof of commercial general liability insurance must be provided with the business license application.

b. Owners of recreational vehicle parks and campgrounds are responsible for payment of all applicable lodging taxes.

7.14.02 Park and Campground Standards

a. Minimum tract size: Three acres

b. Minimum street frontage: 60 ft

c. All structures, camp sites and RV spaces must be set back at least 35 feet from all property lines.

d. No recreational vehicle may be occupied by a person or family for more than two consecutive weeks.

e. Perimeter and frontage landscaping must be provided on all sides of a recreational vehicle park as required for parking lots in §10.04 Vehicular Area Landscaping.

f. At least 5,000 sf. for the first 20 RV spaces plus 150 sf. for each additional RV space must be provided for recreational use of park occupants.

7.14.03 Standards for RV Spaces

a. Each RV space must be at least 500 sf. in area. Spaces for non-motorized recreational vehicles must be large enough for the RV and the passenger vehicle pulling it unless parking is provided for the passenger vehicle elsewhere on site.

b. Only one recreational vehicle may be located in each RV space.

c. Spaces must be designed to provide at least 20 feet separation between RVs in adjoining spaces.

7.14.04 Parking and Access

a. At least one parking space must be provided for each camp site plus one parking space per employee. One visitor parking space must be provided per six RV spaces. Parking spaces are not required to be paved but must be graded and surfaced as approved by the City Engineer.

b. All RV spaces and all parking, sanitary, recreation and other common facilities must be accessed from an internal vehicular drive designed to accommodate recreational vehicles.

c. Vehicular drives must be maintained by the park owner or operator and open for access at all times to emergency vehicles.

d. Vehicular drives must be surfaced with asphalt, crushed rock or other suitable, dustless material and of a width as approved by the City Engineer and the Fire Department.

7.14.05 Lighting. All vehicular drives and walkways providing access to restrooms, campground office and other common facilities must be adequately lighted for safety.

7.14.06 Sanitation

a. The following facilities must be provided, at a minimum, two shower facilities and a washer and dryer for the use of park occupants. In addition, two toilets and lavatories must be provided for each 15 camp sites and RV spaces or fraction thereof not provided with water and sewer connections.

b. For any RV spaces not provided with drain inlets for discharge of toilets, dump stations designed to receive discharge of sewage holding tanks must be provided. Such stations must be set back at least 100 ft. from all camp sites and RV spaces.

c. Two-cubic yard or larger waste containers must be located within 300 ft. of every RV space. Alternatively, the Building Official may approve the use of individual waste containers for each RV space provided the park operator provides for regular waste pickup from RV spaces.

d. Dump stations and two-cubic yard and larger waste containers may not be closer than 30 ft. to any property line and must be screened in accordance with §10.03 Screening.

§7.15 Recycling Facilities and Donation Bins

7.15.01 Recycling Centers

a. Recycling centers must be operated from a permanent building located on the premises.

b. Receptacles must be located behind the front building line to the extent practicable. Any receptacles and any outdoor storage or collection of recyclables that are located forward of the front building line must be

screened in accordance with §10.03 Screening except as needed for access for loading and unloading of recyclables.

c. All recyclables must be within a receptacle or otherwise stored out of public view whenever the recycling center is closed. The center must be designed and managed so that any after-hours drop-off of recyclables, if permitted, does not result in accumulation of recyclable materials in areas visible to the public. If after-hours drop-off of recyclables is not permitted, the operator must secure the premises when closed.

7.15.02 Recycling Plants. Outdoor areas for the collection, processing and storage of recyclables must be screened from street views and from any adjoining property, excluding those zoned M-1 or M-2. See §10.03 Screening.

7.15.03 Donation Bins

a. Donation Bins are permitted as an accessory use on nonresidential premises only and may only be placed with permission of the property owner.

b. Location of donation bins must be approved by the Building Official before being placed on premises. Contact information for the owner or sponsor of the donation bin and the individual responsible for collection must be provided to the Building Official and displayed on the bin. This includes name, address, telephone number and email address. The owner, sponsor or individual responsible for collection must be able to respond within 48 hours of notice by the City. Should the responsible individual or their contact information change, this must be provided to the Building Official within five working days.

c. Donation Bins may not encroach on any required parking, loading or landscaping and may not interfere with vehicular circulation on or off the premises.

d. Donated goods must be collected regularly so as not to allow accumulation of goods outside of containers. All donated goods accumulating outside of containers must be collected within 48 hours of notice by the City.

§7.16 Short-Term Rentals

The following regulations apply to short-term rental of dwellings where permitted.

7.16.01 Licensing. The property owner must have a valid Short-Term Rental License from the City before a property can be advertised or operated for short-term rental. An individual license and Certificate of Occupancy must be obtained for each STR property.

a. The property owner must provide with the STR License application the name and telephone number of an emergency contact that will respond within one hour to complaints about the condition or operation of the STR or conduct of renters or their guests. The emergency contact must be able to respond on-site within 24 hours if requested by the City. The emergency contact must answer calls 24 hours a day, seven days a week for the duration of each short-term rental period. Prior to any change to the emergency contact, the owner must submit the revised contact information to the Building Official.

b. Insurance. All STR licensees must obtain and maintain vacation rental property insurance that covers the commercial lodging use of the site. Proof of insurance must be provided within 30 days of approval of the STR License. Proof of insurance must be resubmitted each year for renewal of the STR License.

c. Notice. Each owner must, upon approval of an STR License, provide proof of notice to the Building Official that all owners or property within a radius of 500 ft. of the STR property, according to the most recent record of the County Tax Assessor, that said property owners have been notified in-person or by certified mail the following information regarding the approved STR:

1. The names of the owner and emergency contact (if not the owner), including telephone numbers
2. The City's Code Enforcement telephone number by which members of the public may report violations
3. The maximum number of renters permitted to stay in the unit
4. The maximum number of vehicles allowed to be parked at the property

d. Taxation. The licensee is responsible for collecting and reporting taxes from any rental arrangement that is not subject to an established collection agreement with the City.

7.16.02 Standards

a. The dwelling may only be rented for lodging use. It may not be rented for weddings, parties, concerts or similar events or used for such events during any short-term rental period.

b. Food provided to rental guests by the licensee must be in accordance with the rules and regulations of the Alabama Department of Public Health.

c. The Building Official, Fire and Police Departments may inspect the dwelling to verify information submitted with the STR License application as necessary to determine conformance with the following:

1. Occupancy

i. The dwelling may not be simultaneously rented to more guest parties nor occupied by more persons than established in the approved STR License. Occupancy is limited to the most restrictive of the following:

a) No more than two persons per bedroom plus two persons

b) No more than four persons per parking space

ii. The number of bedrooms and parking spaces are determined by the Building Official as part of the STR License. The owner must, by written agreement with the renter, limit overnight occupancy of the STR to the maximum occupancy approved with the STR license.

2. The dwelling and its operation as a short-term rental must comply with all applicable City regulations including but not limited to the Building Code, Noise Ordinance, on-street parking and garbage collection and disposal regulations.
3. There must be adequate off-street parking to accommodate all guest parking needs.
4. A five-pound ABC type fire extinguisher, type 2A10BC per National Fire Protection Association 10 must be provided within the dwelling or portion thereof used for short-term rental. Interconnected smoke alarms must be located in all bedrooms and adjoining hallways.

d. A copy of the STR license, emergency contact information and house rules that comply with this section must be posted in a conspicuous place in the dwelling.

e. Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the City Code, the owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence.

7.16.03 Violations. If, after investigation, the Building Official determines that any provisions of this Section have been violated, the Building Official will notify the owner in writing stating the provisions violated, necessary corrective action, and a compliance due date, as applicable.

a. Fines. In addition to the other remedies set out herein, violations will be subject to fines as follows:

1. Violation warning. The Building Official may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating a provision of this Section.
2. First violation. The first time a person is found to have violated one of the provisions of this Section, the person is subject to a fine of $150.
3. Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this Section, the person will be subject to a fine of $500 for each subsequent violation.

b. If a violation of building, fire safety or property maintenance regulations has not been corrected by the compliance date, the Building Official or Fire Official may cause the STR License to be temporarily suspended. When the violation has been corrected, the license is re-instated for the remainder of its current approval period. The Building Official may approve an extension of the compliance date if substantial progress toward compliance has been made and provided that the public will not be adversely affected by the extension.

c. Recurring violations. When noise, occupancy, parking or other violations concerning the conduct of the STR or its renters or their guests are found to have occurred during more than one rental period in the same license year or within any six-month period, the Building Official will request a hearing before the Council. Following a public hearing on the matter, the Council may revoke the STR License for the remainder of its current approval period and suspend the ability of the owner to renew the license for an additional year. No STR License may be renewed unless all outstanding penalties assessed against the licensee are paid in full to the City.

§7.17 Tattoo Parlors

7.17.01 No tattoo parlor may be located closer than 500 ft. to another tattoo parlor, as measured between the nearest property lines.

§7.18 Telecommunication Facilities

7.18.01 Required Approvals. No party may construct a tower or tower compound until after Special Exception or Conditional Use approval, if required, and a Building Permit have been granted. The installation of an antenna on an existing tower is subject only to approval of the Building Official unless the tower compound is to be enlarged or there is a change in the size or location of the existing tower.

7.18.02 Applicability. All communications facilities constructed or installed after the effective date of this Ordinance and any changes or additions to any tower or antenna existing before the effective date of this Ordinance are subject to this Section. A tower proposed to be built on a co-location site is subject to the same requirements and conditions as all other towers. Routine maintenance of, and repairs to, the communication facilities, may be performed without City approval, though a permit may be required if applicable to the nature of the maintenance or repair activity.

7.18.03 Public hearing. A public hearing will be held for any application involving the construction of a new tower, enlargement of a tower compound, or any change in the size of location of an existing tower in those districts in which approval of a Special Exception (§11.06 Special Exceptions) or Conditional Use (§12.06 Conditional Uses) is required.

7.18.04 Co-location. A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower which is able to support the proposed antenna. An affidavit that reasonable effort has been made by the applicant to locate the proposed antenna on an existing tower must be submitted with the application for the construction of a new tower. Each new tower must be designed to accommodate additional antennae to the fullest extent practicable.

7.18.05 Review Criteria. In considering whether to permit communication facilities, the approving authority will consider the following public health, safety, and general welfare criteria:

a. Towers must comply with wind-load and other structural standards of applicable building and technical codes, and the electronic industries associations code.

b. To the extent practicable, towers and tower compounds must be designed, through the use of building materials, colors, textures, screening and landscaping, so that their appearance is compatible with their surroundings.

c. All communication facilities must comply with all applicable rules, regulations and requirements of the governmental agencies having jurisdiction over them. The approving authority may require the applicant provide evidence of such compliance.

7.18.06 Development Criteria. The approving authority may waive any one or more of the following requirements if the circumstances in the particular case justify such waiver.

a. All towers must receive FAA approval and comply with height restrictions when in flight path of aircraft associated with an airport or air field.

b. All towers must be monopoles.

c. Each tower compound must be large enough to provide room for a structure to contain the equipment for at least one additional antenna.

d. No tower may be closer than 200 ft. to the boundary line of any residential property. If the land on which a tower compound is located, and all land which adjoins the tower compound, is in a nonresidential zoning district, the tower may not be closer than 50 ft. to the nearest property line. These setbacks may be reduced in exceptional cases where, due to unusual topographic conditions, the enforcement of the setback requirements would result in unnecessary hardship; provided that the setback may not be reduced to less than the minimum setback required in the applicable district and that the reduction of the setback requirements may not be contrary to the health, safety and general welfare of the public.

e. Material finishes and colors should be used that reduce the visibility of the tower.

f. No signs may be attached to or depicted on a tower at a height more than 20 ft. above grade level.

g. Towers may not be illuminated except for warning beacons and as provided herein. Lights for security and maintenance purposes may be installed on structures which contain equipment. Such light must be pointed downward from a height of not more than 10 ft. and may not exceed a maximum of 150 watts.

h. Each tower compound must be secured by a dark colored, vinyl-coated or galvanized steel chain link security fence or masonry wall or combination thereof, at least eight feet in height.

i. All tower compounds must be surrounded by landscaping to screen the view of the tower compound from adjacent public ways and residential property, which must consist of a landscaped strip, at least four feet in depth, located outside of the security fence and planted with a combination of trees, shrubs, vines, and/or ground covers. All fences, walls and landscaping must be kept in good condition. In isolated, nonresidential areas, alternative landscaping methods may be permitted on the condition that if the areas surrounding such tower compound become developed, the City may require the owner of the tower compound to comply with the requirements herein.

j. Existing mature tree growth and natural landforms must be preserved to the maximum extent practicable. In some cases, such as tower compounds located on large, wooded lots, preservation of natural growth around the tower compound may be considered by the approving authority in determining buffer requirements.

k. A parking area and driveway of asphalt, concrete or other all-weather surface approved by the Building Official must be provided for each tower compound for service access and for access by emergency services.

7.18.07 Removal of Unused Towers.

a. Any tower which is no longer in use for its permitted purpose must be removed at the owner's expense. Within ten working days of sending notice to the FCC of the intent of the owner to cease use of the tower, the owner must provide the Building Official with such notice. The owner must remove the tower and all communication facilities used in connection with it within 180 calendar days from the day the tower ceases to be used or as required by the FCC. If the owner does not remove the tower from the tower compound within the required time period, the property owner, if different from the tower owner, must remove it within 180 calendar days of receiving written notice from the City. If the tower is not removed within the time prescribed, the City may remove the tower and may recover the cost of doing so from the tower owner and/or the property owner.

b. A shared tower may continue provided it is in use by at least one party. Any party who ceases to use a shared tower must remove its antenna from the tower and its equipment from the tower compound within 90 calendar days after it ceases to use the tower, or as prescribed by the FCC, so that the tower and compound will be available for use by another party.

7.18.08 Application. Applications to construct a new tower or to install an antenna or additional equipment on an existing tower compound, must include the following:

a. Name and address of the party responsible for maintenance and repair of the communication facilities. If a different person becomes responsible for maintenance and repair, the owner of the tower must give the City written notice of the person's name and address.

b. Names and addresses of all owners of property adjoining the subject property

c. A written statement concerning the steps the applicant has taken to comply with all applicable rules, regulations, and requirements concerning health and safety matters related to the proposed communication facilities.

d. A site plan scaled to not less than one-inch equals 50 ft, showing the location and dimensions of the subject property, setback lines, driveways, parking areas, fencing, landscaping, and generators and the location, size and type of any fuel tanks. The site plan must also show:

1. all parcels located within 500 ft. of the tower compound

2. zoning classification of the property and of all parcels adjoining the subject property, including any in an adjoining municipality

3. the latitude, longitude, section, township, range, tax parcel identification number, street address and the site identification number of the proposed tower compound.

4. such other information as may be required by the approving authority to determine compliance with this Section.

e. Elevation views: a silhouette and elevation view of the proposed or existing tower, as applicable, all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any fencing or walls. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines.

f. Frequency band and wattage: The frequency band and maximum wattage of proposed communication facilities.

g. The estimated life of the communications facilities.

h. Affidavit: An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower (from which the area proposed to be served by the new tower could be served) and has been unable to do so and giving a written narrative of the efforts made to use such existing or proposed tower.

i. Certification of Shared Use Design. If the tower to be used is one on which there is already one or more antennae, the application must be accompanied by a certification by an engineer that the tower is able to accommodate the proposed antenna in a safe and functional manner.

7.18.09 Foundation Survey, As-Built Certification. After the foundation for a tower is poured, a foundation survey, prepared by a surveyor, showing the location of the foundation, must be furnished to the Building Official, and no further work may be done with respect to the construction of the tower until the Building Official has approved the foundation. Upon completion of work, the tower and antenna or the antenna, as the case may be, may not be put into operation until a qualified engineer furnishes the City written certification that such construction or installation was completed in accordance with the plans approved by the city.

§7.19 Townhouses

7.19.01 General requirements

a. At least three but no more than eight townhouses may be contiguous.

b. Each townhouse must be on its own lot, unless developed in a condominium arrangement.

c. At least ten percent of the overall development site must be reserved and improved as one or more common open spaces, each of which must be at least 40 feet in their least dimension.

d. Each townhouse must have its own yard, containing not less than 500 square feet, separated and screened from view from streets and from neighboring property.

7.19.02 Waste collection and resident access to any common waste collection facilities must be properly integrated into the development plan. Common waste collection receptacles may not be located forward of the front building line. Individual waste receptacles may not be stored in front of dwellings unless screening is provided as approved by the Building Official.

7.19.03 Ownership and Management of Common Areas. See §3.08 Common Open Spaces and Facilities.

7.19.04 Maintenance easements must be provided along shared lot lines of contiguous townhouses. Other access easements may also be required based on the site arrangement.

7.19.05 Parking

a. Off-street parking may be placed on individual lots or grouped within one or more common parking areas to the side or rear of the dwellings.

b. Driveways and parking spaces, if permitted forward of the front building line, may not occupy more than 50% of the required front yard of a townhouse dwelling. Front-loaded garages are limited to one bay. That portion of the façade containing garage doors may not extend closer to the front lot line than any other part of the front façade.

ARTICLE 8 PARKING REGULATIONS

§8.01 Definitions

Terms used in this Article have the following meanings:

8.01.01 EMPLOYEE. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

8.01.02 LOADING SPACE. An off-street space, berth or dock used for the unloading or loading of commercial vehicles.

8.01.03 OCCUPANCY LOAD. The maximum number of people that may be accommodated by the use or structure as determined by the Building Code.

8.01.04 PARKING AREA. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.

8.01.05 PARKING SPACE. That portion of the parking area set aside for the parking of one vehicle.

8.01.06 STACKING SPACE. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

§8.02 General Provisions

8.02.01 Off-street parking must be provided as required in Table 8-1 unless otherwise specified. When the requirement is not readily determinable, the Building Official determines parking requirements using the table as a guide. When calculating the number of required spaces, any fraction is rounded up to the nearest whole number.

8.02.02 Except as provided in this Article, all required parking spaces must be provided on the same lot or development site for which they are required. If required parking spaces cannot reasonably be provided on the same premises, a Special Exception may be requested for remote parking provided it is within 600 ft. of the premises. Written legal documentation must show that the applicant has the right to use such remote parking spaces. The owner of the remote parking premises must enter into a written agreement, satisfactory to the City Attorney, assuring that that the property on which remote parking is provided may not be sold or developed until parking requirements for the use identified in the agreement have been met otherwise. The agreement may be voided if the remote parking is no longer needed to meet parking requirements.

8.02.03 Except as provided for shared parking facilities in §8.02.04, no off-street parking required for one use or structure may, during its life, be occupied by or counted as off-street parking for another use or structure.

8.02.04 Shared parking. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. However, if the uses have different parking demand periods, the total parking requirement is calculated using Table 8-2. In such case, the minimum parking requirement is based on the time period with the highest total parking demand. Shared parking involving any uses not located on the property on which the parking is provided is subject to the requirements in §8.02.02.

8.02.05 If any structures or uses are enlarged, expanded or changed to a use requiring more parking, additional parking must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Building Official may approve a reduction of 10%. A reduction of more than 10% requires Special Exception approval.

8.02.06 No off-street parking spaces are required for nonresidential uses in the C-1 District.

§8.03 Design Standards

8.03.01 Access to parking facilities may not interfere with the free flow of vehicles on city streets nor block or endanger pedestrians or vehicles on sidewalks or streets.

8.03.02 All off-street parking facilities must be designed so that access to the parking spaces does not require maneuvering in or backing into a public street. This does not apply to off-street parking for single-family and duplex dwellings.

8.03.03 The minimum size for all required off-street parking spaces is nine feet by 18 feet, exclusive of aisle width. Parking other than perpendicular parking must comply with the dimensional standards set out in the Public Works Manual.

8.03.04 For parking areas containing more than two spaces, each parking space must be delineated by striping or other similar means, which clearly indicate their location.

8.03.05 All required parking spaces, including driveways and maneuvering areas, must be improved with a hard surface permanent type of pavement.

8.03.06 In all residential zones, parking is permitted in an established front yard only on a driveway or other approved and appropriately surfaced parking space.

Table 8-1 Parking Requirements by Category

Agricultural Uses	
Agricultural Support Uses	1 per 750 sf. of GFA
Farming, horticulture and forestry	1 per 1.5 employees
Horse Stable	1 per four stalls
Kennel	A minimum of 3 spaces or 1 per 500 sf, whichever is greater
All other agricultural uses	1 per 1.5 employees
Residential and Residential Care Facilities	
Accessory Dwelling	1 per DU
Assisted Living Facility	1 per 4 residents plus 1 per employee
Boarding House	1 per boarder plus 1 for the resident manager
Day care homes	2 per DU + adequate loading and unloading space for children
Group homes	1 per 2 beds plus 1 per employee
Independent living facility	.5 per DU plus 1 per employee
Manufactured home	2 per DU
Multifamily Dwelling	.5 per bedroom or 1 per DU, whichever is greater, plus 2 visitor spaces per 10 DU
Single-family, attached and detached	2 per DU
Duplex, triplex and quadplex dwellings	.5 per bedroom plus 2 visitor spaces per 10 DU
Institutional, Health Care and Assembly Uses	
Nursing care facility	1 per 4 beds plus 1 per employee
Funeral Home	1 per 4 seats in sanctuary
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf. of GFA
Place of assembly or worship	1 space per 4 seats at occupancy load of the main assembly space. Up to 50% of the required spaces may be grassed rather than paved. All such unpaved spaces

	must be shown on a site plan and designed for efficient traffic circulation using tire stops and other appropriate measures as required by the Building Official.
School, College or University	1 per 3 employees plus 1 per 10 students residing on campus plus 1 per 5 students not residing on campus
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
Substance Abuse Rehabilitation Facility, In-patient	1 per 4 beds plus 1 per employee
All other institutional and assembly uses	1 per 4 patrons/residents at occupancy load
Recreation and Entertainment Uses	
Amusement Center	1 per 100 sf. of GFA
Bowling Alley	2 per lane
Country club	1 per 4 persons of occupancy load
Golf Course	4 per hole
Golf Driving Range	1.5 per tee
Health Club, Spa, Gymnasium	1 per every 275 sf. of GFA
Miniature Golf	1 per hole
Movie Theater	1 space per 4 seats of occupancy load
Outdoor Theater	1 space per 4 patrons of occupancy load
Park, up to 10 acres	1 for first 2 acres plus 1 per additional acre plus parking for any other functions
Park, more than 10 acres	5 for first acre plus 1 per additional 10 acres plus parking for any other functions
Pool/Billiards Hall	2 per 3 tables
Recreational Vehicle Park or Campground	See §7.14
Sports field or complex	1 per 40 sf. of seating
Swimming Facility	1 per 200 sf. of gross water area
Tennis, Racquetball, or Handball Courts	2 spaces per court
Commercial Uses	
Automated Freestanding Walk-up Facility	1 space per facility. If accessory to another use, no additional space is required.
Automotive Parts Store	1 per 300 sf. of GFA
Automobile Rental	1 per 400 sf. of GFA
Automobile Sales and Service	1 per 500 sf. of interior sales area plus 1 per 4,000 sf. of outdoor display area plus 1 stacking space per service bay
Bank with no drive-through	1 per 350 sf. of GFA
Bank, drive-through only	1 per 2 employees plus 4 stacking spaces per teller
Bank with drive-through	1 per 350 sf. of GFA plus 4 stacking spaces per teller
Barber, beauty shop, nail or tanning salon	2 per chair, or 1 space per 150 sf. GFA, whichever is larger
Bed and breakfast	1 per guest room plus spaces required for the dwelling
Bicycle Sales and Service	1 per 300 sf. GFA
Call center, telemarketing office	1 per employee

Carpet Store	1 per 750 sf. of GFA
Car Wash, Automated	1 per employee, but no less than 2 spaces total, plus 4 stacking spaces per wash bay
Car Wash, Self-Serve	1 stacking space per wash bay
Commercial school	1 per 3 students of occupancy load plus 1 per employee
Convenience Store and/or Self Service Gas Station (No vehicle Repair)	1 space per 150 sf. of GFA. In no case shall a required parking space conflict with vehicles being fueled or awaiting fueling. Vehicles located at the pump qualify to meet parking requirement.
Day care center	1 per employee + 1 stacking or parking space per 15 persons enrolled or of occupancy load. Maximum enrollment and number of employees must be noted on the site plan. Spaces for loading and picking up children must be located so that there is direct access into the facility without crossing streets or driveways.
Dry cleaning pick-up	1 per 1,000 sf. but in no case less than 3 spaces
Exterminator Service	1 per employee plus 1 space per company vehicle
Furniture or Appliance Store	1 space for each 750 sf. of GFA
Gas Station	1 per 400 sf. of GFA plus 1 stacking space per fuel island. Parking spaces within fuel dispensing areas are counted toward parking requirements.
Home improvement store	1 per 500 sf. of GFA
Hotel, Motel	1 per guest room plus 1 space per 8 seats at occupancy load for banquet and meeting rooms, restaurants and bars plus 1 per employee
Laundromat	1 per 2 washing and drying machines
Machinery/Equipment Sales	1 per 400 sf. of GFA plus 2 stacking spaces per service bay plus 1 space per 2,500 sf. of outdoor display/storage area.
Mini-Storage	1 per employee. Alleys between storage buildings must be at least 20 ft. wide.
Office Uses	1 per 400 sf. of GFA, for medical or dental offices: 4 per practitioner
Parcel Delivery Service	1 per 750 sf. of GFA
Plumbing and Heating Supply	1 per 750 sf. of GFA
Radio/Television Station	1 per 1,000 sf. of GFA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-through	1 space per 100 sf. of GFA plus 5 stacking spaces in advance of and including the order board; 2 stacking spaces from the order board to the service window; and 2 stacking spaces from the service window to the exit to a public right-of-way
Restaurant, Standard	1 per 4 seats of occupancy load
Restaurant, Take-out or delivery only	1 per employee plus 1 per 400 sf. of GFA
Retail, Enclosed	1 per 250 sf. of GFA for tenant spaces up to 50,000 sf, 1 per 300 sf. of GFA for tenant spaces over 50,000 sf
Shopping Center	As required for retail and other uses within the center except that for shopping centers containing over 500,000 sf. of GFA, retail spaces require 1 space per 350 sf. of GFA. Common areas, including food courts, do not require additional parking.
Taverns, Dance Halls, Nightclubs, and Lounges	1 per 3 persons of occupancy load
Unenclosed Retail	1 per 600 sf. of display area plus 1 per employee
Vehicle Repair Services	1 per every 400 sf. of office and indoor display area plus 1 space per service bay
Veterinary Clinic, Pet Grooming	1 per 500 sf. of GFA
Wholesale establishment	1 per 600 sf. of GFA

All other Commercial Uses	1 per 400 sf. of GFA
Industrial Uses	
Airport	1 per 4 aircraft that can be parked or stored at the facility, whether indoors or outdoors plus 1 per seat in waiting area and restaurants plus 1 per employee
Contractor's Storage Yard	1 per 250 sf. of office space plus 1 per 1,000 sf. of indoor storage area plus 1 per 2,000 sf. of outdoor storage area
Extraction Uses	1 per employee
Junkyards	1 per 8,000 sf. of GFA
Lumberyard	1 per 500 sf. of GFA plus 1 space per 1,500 sf. of outdoor storage/display area
Printing and Publishing Plant	1 per 750 sf. of GFA
Telecommunications Tower	1 space to accommodate a maintenance vehicle for an unoccupied structure. Occupied structures must comply with the requirements for "other industrial uses"
Truck Terminal	1 per truck normally parked on the premises plus 1 per 500 sf. of office space
Warehouse	1 per employee plus 1 per company vehicle normally stored on the premises
All other industrial uses	1 per employee plus 1 space for company vehicle normally stored on the premises

Table 8-2: Typical Shared Parking Demand by Use and Time of Day*

Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional	100%	20%	5%	10%	10%	5%
Place of Worship	10%	5%	5%	100%	50%	5%

* Different parking demands may be used than those shown if documented in a parking demand study.

§8.04 Off-street Loading Requirements

8.04.01 Purpose. All nonresidential structures and uses must provide and maintain adequate off-street space for the loading and unloading of materials or goods as required in Table 8-3, so that such operations do not encroach upon or interfere with the use of public streets, alleys and sidewalks.

8.04.02 If any structures or uses are enlarged, expanded or changed to a use requiring more loading space, additional loading space must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Building Official may approve a reduction of no more than 10%. A reduction of more than 10% of the loading requirement may only be approved as a Special Exception.

8.04.03 When calculating required loading spaces, a fraction is rounded up to the nearest whole number.

Table 8-3 Loading Space Requirements

Use	Space Required
Retail store, warehouse, wholesale establishment, industrial plant or factory, freight terminal, restaurant, funeral home, laundry or dry-cleaning plant, or similar use	Less than 8,000 sf. GFA: no space required unless the Building Official determines that the specific use requires such space
	8,001-20,000 sf. of GFA: 1 space
	20,001-60,000 sf. GFA: 2 spaces
	Over 60,000 sf. GFA: 2 spaces plus 1 additional space for every 50,000 sf. GFA or fraction thereof over 60,000 sf
Auditorium, convention or exhibit hall, hotel, office building, stadium, nursing care facility or similar use	Less than 10,000 sf. GFA: no space is required unless the Building Official determines that the specific use requires such space
	10,001-40,000 sf. GFA: 1 space
	Over 40,000 sf. GFA: 1 space plus 1 additional space for every 50,000 sf. or fraction thereof over 40,000 sf

8.04.04 No area provided to meet off-street parking requirements may be used for off-street loading purposes.

8.04.05 Joint or combined off-street loading space for two or more buildings can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.

8.04.06 Except in Manufacturing District, loading spaces may not be in a required front yard and must be set back at least five feet from any property line.

8.04.07 Each off-street loading space must be at least ten feet wide and 55 ft. long, exclusive of maneuvering space, with not less than 14 ft. in vertical clearance.

8.04.08 Plans for buildings or uses requiring off-street loading facilities as stipulated above must clearly indicate location, arrangement, and dimensions of loading spaces, circulation and access in a manner satisfactory for the safety and convenience of pedestrian and vehicular traffic.

ARTICLE 9 SIGN REGULATIONS

§9.01 Purpose, Applicability

9.01.01 The purpose of these provisions is to regulate signs to promote the use of signs to assist the public in its orientation within the City, to express the history and character of the City, to prevent the degradation of the aesthetic qualities of the City, and to promote the public safety by limiting the clutter of signage and its tendency to distract drivers of vehicles.

9.01.02 Any new sign erected after the effective date of enactment of this Article must expressly meet the regulations contained herein. Any sign which does not conform to the provisions of this Article, may not, after the effective date of this Article, be enlarged, structurally altered or extended unless it is made to conform to the provisions herein.

§9.02 Definitions

9.02.01 ABANDONED SIGN

a. A permanent sign containing a commercial message and that is located on a premises that has been vacant for a continuous period of one year or longer.
b. A permanent sign with no message or a message that has been covered for a continuous period of one year or longer.

9.02.02 ATTACHED SIGN. A sign installed on a wall of a building such that the sign face is approximately parallel to the wall.

9.02.03 BANNER. A temporary sign printed or otherwise inscribed on fabric or a similar non-rigid material and that is larger than 16 sf. in area.

9.02.04 BUILDING SIGN. Any permanent on-premises sign installed upon and supported by a building.

9.02.05 CANOPY or AWNING SIGN. A sign installed upon a building awning or canopy.

9.02.06 CHANGEABLE COPY SIGN. A sign in which the message may be manually or electronically changed without altering the sign.

9.02.07 DIGITAL READER BOARD. A sign or portion thereof designed so that characters, letters or illustrations can be changed or rearranged electronically.

9.02.08 FREESTANDING SIGN. A sign permanently installed on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.

9.02.09 GHOST SIGN. A sign hand-painted on the side or rear of a building in a locally-registered historic district prior to the designation of the district.

9.02.10 INSTALL. To place, construct, erect, mount, paint, affix or attach a sign to a structure or to the ground.

9.02.11 ILLUMINATED SIGN

a. EXTERNALLY ILLUMINATED SIGN. A permanent sign lighted by artificial lighting from an external source, such as lights directed onto the sign.
b. INTERNALLY ILLUMINATED SIGN. Any sign lighted by artificial lighting within or affixed to the sign face so that the sign is illuminated from within.

9.02.12 INTERMITTENT LIGHTING. Any flashing light, including those that spell messages, simulate motion or form various symbols or images.

9.02.13 LEGIBLE. Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.

9.02.14 NONCOMMERCIAL MESSAGE. Any message other than a commercial message and any messages or types of messages considered noncommercial speech by a court of law.

9.02.15 OFF-PREMISES SIGN or MESSAGE. A sign or message that advertises or directs attention to a use, product, service, or activity occurring on property other than where the sign is located. Signs bearing noncommercial messages are not considered OFF-PREMISES SIGNS.

9.02.16 ON-PREMISES SIGN or MESSAGE. A permanent sign that advertises, directs attention to or provides information on a use, product, service, or activity occurring on the property where the sign is located. For the purposes of these regulations, signs bearing noncommercial messages are considered ON-PREMISES SIGNS.

9.02.17 POLITICAL SIGN. Any temporary sign containing a noncommercial message soliciting votes or support for, or in opposition to: 1) any candidate or any political party under whose designation any candidate is seeking nomination or election or 2) an issue on the ballot in a public election.

9.02.18 PORTABLE SIGN. A freestanding sign greater than six square feet in area that is readily movable and that is not permanently affixed to the ground, including signs mounted on weighted bases or wheeled chassis.

9.02.19 PROJECTING SIGN. A permanent sign affixed to and extending from a building wall such that the sign face is approximately perpendicular to the wall.

9.02.20 SEASONAL DECORATIONS. Decorations and lighting displayed during religious, national or state holidays not installed in a permanent manner and that contain no commercial message. This does not include temporary signs that are greater than four square feet in sign area, that are directed at and legible from the public right-of-way.

9.02.21 SIGN. Any device, fixture, placard or structure, including its component parts, which is legible from a street or adjoining parcel and that directs attention to an object, product, place, activity, service, person, institution, organization, or business or which promotes the interests of any person. The term does not include the following objects though they may be legible from a public area: cemetery markers, vending machines, express mail drop-off boxes, decorations, a building's architectural features, or a manufacturer's or seller's markings on machinery or equipment.

9.02.22 SIGN FACE. The surface area of a sign devoted to a message or advertising display.

9.02.23 STANCHION. A bar, pole or similar support attached to a building for the hanging of a flag.

9.02.24 TEMPORARY SIGN. A sign, other than a portable sign, that is not permanently attached to the ground or a structure, that is not intended for permanent display and that is designed and fabricated with materials of a temporary nature, including but not limited to paper, fabric, corrugated plastic, cardboard and vinyl.

9.02.25 WINDOW SIGN. A sign applied to, attached to or displayed within a first-floor window to attract attention of persons outside the building. Merchandise in a window display is not considered a window sign.

§9.03 Permit Requirements

9.03.01 All signs must be permitted and are subject to permit requirements, inspection, enforcement, penalties, and appeals procedures as set forth in the City Building Code. Such code applies to the maintenance of signs and to the determination of whether or not a sign is safe.

9.03.02 Sign permit applications must show the proposed location of the sign, and any pavement, curb, public right-of-way or easement within 25 feet of the sign, sign type, size, height, type of foundation, electrical scheme, illumination scheme, and any other information required by the City.

9.03.03 Excluded Signs. The following are not subject to regulation under this Article and do not require a Sign Permit, though they may require other types of permits, whenever applicable:

a. Signs that are not legible from any public right-of-way, public space or another property

b. Any permanent sign with a sign area of one square foot or less

c. Signs of a governmental body, public authority or public utility including, but not limited to, traffic and similar regulatory devices, legal devices, warnings at railroad crossings, governmental survey or boundary markers, signs indicating bus stops, taxi stands, and similar transportation facilities, notices of water lines or buried cables and any signs displayed on public property authorized by the City.

d. Publicly owned memorials and signs

e. Signs required by law or governmental order, rule, or regulation

f. Signs inside a building other than Window Signs

g. Seasonal decorations containing no commercial message

h. Signs, other than digital reader boards, on an operable vehicle used in the normal course of business. Signs on vehicles or trailers that are kept, on a recurring basis, on the premises so that the sign is oriented toward and legible to passing motorists are treated as freestanding signs.

i. Banners, flags, pennants and similar signs displayed temporarily on the premises of and during a special event sponsored or approved by the City

9.03.04 Permit Exemptions. The following signs and actions related to signs do not require a Sign Permit, unless the sign or action is of a nature that requires a building, electrical or other permit. However, they must nonetheless conform in all other respects to the requirements of this Article, may not be illuminated and may not have a total sign area greater than six square feet:

a. Temporary signs, except inflatable signs

b. Window signs

c. Painting, repainting, cleaning, repair, and copy changes including removal and reinstallation but not involving changes to the sign face, structure, area, height or manner of illumination

§9.04 General Regulations Applying to All Signs

9.04.01 Viewpoint and Content Neutrality, Substitution

a. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.

b. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent an inadvertent favoring of commercial messages over noncommercial messages or favoring of any particular noncommercial message over another. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

9.04.02 Applicability of other requirements

a. All signs must conform to building, electrical, and other applicable codes.

b. All signs on property adjoining US or State Roads must comply with FHWA and other State or Federal requirements.

9.04.03 Maintenance

a. All signs and components thereof, including structural supports, must be kept in a state of good repair, in good working order, and free of excessive rust, corrosion, rotting, or other deterioration.

b. If abandoned, conforming signs must be covered within six months from the date on which they become abandoned until the premises is reoccupied or the sign is otherwise put back in to use.

c. The ground within 25 ft. of the base of freestanding signs and off-premises signs must be kept free and clear of sign materials, weeds, debris, trash, and other refuse.

9.04.04 Prohibited Signs. In the interest of public safety and aesthetics, the following signs are expressly prohibited in all districts:

a. Any sign determined to constitute a traffic hazard or that may be confused with or construed as a traffic control device by reason of site, location, content, color or type of illumination.

b. Except as otherwise provided in this Article, any sign located within a public right-of-way

c. Portable signs

d. Any moving, swinging, rotating, flashing, strobing, blinking, scintillating, fluctuating or otherwise animated sign, including but not limited to streamers, pennants, string lights and other attention-getting devices that may be moved by the wind; this does not include flags installed on flagpoles or stanchions in accordance with §9.06, inflatable signs permitted subject to §9.05.06 Temporary Signs nor Digital Reader Boards as herein provided.

e. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication

f. Signs constructed of mirrors or other surfaces that reflect light.

9.04.05 Placement

a. Whenever a sign is approved to extend over a public right-of-way, a vertical clearance of at least eight feet from grade level to the bottom-most edge of the sign must be maintained.

b. Signs may not be installed on the roof of any building or extend more than twelve inches above the parapet or eave against which it is installed.

c. Signs may not be attached to utility poles, meter posts, fences, fence posts, or street lights and may not be painted or drawn upon rocks, trees or other natural features.

d. Signs and sign structures may not obstruct openings required for ventilation or means of egress, including any fire escape, window, door, stairway, exit, walkway, utility access or Fire Department connection.

9.04.06 Measurement of Signs

a. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.

b. For sign messages installed on a background panel, cabinet, or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encompasses the extreme limits of the background panel, cabinet or surface. See Figures 9-1 and 9-2.

c. For sign messages where individual letters or elements are installed on a building façade and where there is no background panel, cabinet or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encloses all the letters or elements associated with the sign. When there are multiple sign elements on the same surface, the Zoning Officer determines the outermost boundaries of individual sign elements. See Figure 9-3.

d. For sign messages that are nonplanar, the sign area is calculated as the smallest rectangle that encompasses the profile of the sign message and any background object, panel, cabinet or surface distinctively designed to serve as the background for the sign message. The profile used is the largest area of the sign message and background visible from any one point. See Figure 9-4.

9.04.07 Sign height. For freestanding signs, including temporary signs, sign height is measured from the grade level of the adjoining roadway at its centerline directly in front of the freestanding sign.

Figure 9-1: Attached sign with panel

Figure 9-2: Freestanding Sign

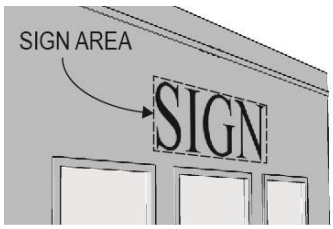


Figure 9-3: Attached sign without panel

Figure 9-4: Nonplanar Sign

§9.05 Standards by Sign Type

9.05.01 Building Signs. Building signs may only be located on street-facing facades or on a facade with a public entrance.

9.05.02 Digital Reader Boards

a. Standards for all digital reader boards, including those on vehicles:

1. Digital reader boards may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic and pedestrian safety. Digital Reader Boards, regardless of the method of illumination, may not be brighter than 4,690 nits throughout the daytime until at least one-half hour before sunset and 1,675 nits throughout the nighttime until sunrise.

2. Digital reader boards must be equipped with a dimmer control and photocell and must automatically adjust the display intensity as required herein.

3. Digital reader boards must have a default mechanism that will freeze the display in a static message, turn off the display or revert to a black screen if a malfunction occurs.

4. Message displays may employ motion, animation and changes in color. However, messages may not change more frequently than nine seconds. Strobing and other rapid changes in brightness are prohibited.

b. Standards for digital reader boards which are incorporated into building and freestanding signs:

1. No digital reader board may exceed 75% of the entire sign face of which it is part. This does not apply to digital off-premises signs.

2. Digital reader boards must be set back at least 50 ft. from any residential district boundary. If permitted in a residential district, the sign must be set back at least 50 ft. from the lot lines of the nearest dwelling or as far as practicable as determined by the approving authority.

9.05.03 Freestanding Signs

a. Freestanding signs must be set back at least ten feet from the public right-of-way line and may not extend into or over the right-of-way.

b. If more than one freestanding sign is permitted on a lot, the sign bases must be separated by at least 50 ft.

9.05.04 Illuminated Signs. Any light mounted on, within or directed toward any sign must be shielded so that no direct illumination is cast upon any surrounding property or on or toward any public right-of-way.

9.05.05 Projecting signs. Projecting signs which project over the right-of-way are subject to safety review by the Engineering and Building Inspections Department and approval of right-of-way encroachment by the City Council.

9.05.06 Temporary Signs.

a. Display of inflatable signs and banners are subject to any applicable permitting requirements of the City and the following regulations:

1. Inflatable Signs. Each nonresidential premises may display inflatable signs during no more than four time periods each calendar year. Each time period is limited to 14 days.

2. Banners

i. For grand openings, sales and other special events, each nonresidential premises may display banners during no more than four time periods each calendar year. Each time period is limited to 30 days. Time periods during which banners are authorized must be separated by at least 30 days.

ii. Banners must be securely connected to a pole or building as approved by the Building Official.

iii. Banners must be maintained in good condition and must be removed if they are in disrepair.

b. Political signs

1. Political signs may not be placed earlier than 90 days prior to the election date to which they refer and must be removed within seven days after said election.

2. It is the responsibility of the candidate and the person placing such signs to ensure that such signs are placed only in accordance with these regulations and are removed as required herein.

9.05.07 Window Signs. Window signs may not exceed 50% of the total glass area on a street-facing facade.

§9.06 Signs Permitted in All Districts

The following signs are permitted in all zoning districts subject to applicable regulations herein.

9.06.01 Temporary Signs, in accordance with §9.07 Residential Districts, §9.08 Nonresidential and Mixed-use Districts and §9.09 A-1 District. Temporary signs may be used for commercial or noncommercial speech.

9.06.02 Flagpoles and Stanchions

a. Unless otherwise required by law, for each developed residential premises, one permanent flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.

b. For each nonresidential premises up to one-half acre in size, one permanent flagpole is permitted. For each nonresidential premises over one-half acre in size, one additional flagpole is permitted per additional acre up to a total of three flagpoles. Up to two flags may be displayed per flagpole.

c. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole be taller than 50 ft.

d. For each principal structure, up to two stanchions may be attached or placed for the display of flags.

9.06.03 Driveway Signs. One permanent, freestanding sign, no larger than four square feet in area nor three feet in height, may be installed at each point of ingress and egress to a permitted nonresidential premises.

§9.07 Residential Districts

Signs in the R-1, R-2 and R-3 Districts are subject to the following standards:

9.07.01 General Standards

a. Only those signs expressly permitted in §9.06 Signs Permitted in All Districts and this Section are permitted.

b. Digital Reader Boards may be permitted only by special exception (see §11.06 Special Exceptions) and only on permitted nonresidential premises.

9.07.02 Building Signs

a. Each multifamily building is permitted one attached sign, which may not exceed 15 sf. in area.

b. Each principal nonresidential building is permitted one attached sign, which may not be larger than one square foot of sign area per two linear feet of the entire length of the elevation containing the main entrance or 80 sf, whichever is more restrictive. One additional attached sign is permitted for a secondary façade along an adjoining public street, if applicable. The additional attached sign is limited to 40 sf. in area.

9.07.03 Freestanding Signs

a. Subdivisions. Each subdivision is permitted one freestanding sign at each street entrance, which may not be taller than six feet above grade nor be larger than 24 sf. in sign area. Such signs may not be placed within any public right-of-way. An acceptable legal entity other than the City must be responsible for perpetual maintenance of the sign.

b. Multifamily Developments, Manufactured Home Parks and Nonresidential Premises. Each housing development and nonresidential premises is permitted one freestanding sign, which may not exceed eight feet in height nor 100 sf. in sign area. Sign illumination may be indirect only.

9.07.04 Temporary Signs

a. During construction of a residential or nonresidential development, only the following temporary signs are permitted:

1. Subdivisions, Multifamily and Nonresidential Developments. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 18 sf. in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, "completion" refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable. In all other cases "completion" refers to issuance of a Certificate of Occupancy for the development.

b. After initial construction, each premises is permitted the following temporary signs:

1. At any time, three temporary signs with a combined area of 20 sf, with no sign larger than nine square feet in sign area nor taller than four feet. This includes political signs, which are subject to §9.05.06 Temporary Signs.

2. For nonresidential uses, a banner may be displayed subject to §9.05.06 Temporary Signs.

§9.08 Nonresidential and Mixed-Use Districts

Signs in the MX-1, C-1, C-2, C-3, C-4, INST, MED, M-1 and M-2 Districts are subject to the following standards:

9.08.01 General Standards

a. Only those signs expressly permitted in §9.06 Signs Permitted in All Districts and this Section are permitted.

b. Signage on residential premises is subject to §9.07 Residential Districts.

9.08.02 Building Signs

a. Multifamily developments are permitted attached signs in accordance with §9.07 Residential Districts.

b. For nonresidential and mixed-use premises, each ground floor tenant is permitted one attached sign subject to the following:

1. One building sign per street-facing façade per tenant. The aggregate area of building signs may not exceed one square foot of sign area per linear foot of building wall.

2. In addition to a primary building sign, each premises or each tenant is allowed up to two canopy or awning signs, the area of which is counted toward the total allowed sign area for building signs.

9.08.03 Freestanding Signs

a. Nonresidential and mixed-use premises are permitted freestanding signs provided as follows:

1. Premises with 300 ft. or less street frontage are permitted one freestanding sign per street frontage. Premises with more than 300 ft. along a street frontage may have one additional freestanding sign along the same street frontage provided a minimum sign spacing of 200 ft.

2. The maximum height of freestanding signs is based on the classification of the street that the freestanding sign is oriented towards, as shown in Table 9-1.

3. The aggregate area for freestanding signs may not exceed one square foot per linear foot of street frontage for the entire development.

Table 9-1: Freestanding Sign Height

Location/Street Classification	Maximum Sign Height
Major Street with 4 or more travel lanes	25 ft
Major street with less than 4 travel lanes	20 ft
All other locations	15 ft

9.08.04 Temporary Signs

a. Nonresidential and mixed-use premises are permitted temporary signs as follows:

1. During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf. in area and may not be taller than six feet above grade level. These signs must be removed within 30 days after the Certificate of Occupancy has been issued.

2. After initial construction, each premises is permitted the following temporary signs:

i. At any time, each premises is permitted two temporary signs with a total sign area of 32 sf. This includes political signs, which are subject to §9.05.06 Temporary Signs.

ii. Inflatable signs may be displayed in accordance with §9.05.06 Temporary Signs.

iii. Banners may be displayed in accordance with §9.05.06 Temporary Signs.

iv. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf. in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

b. In the C-1 District, A- or T-frame signs may be placed at the point of entry of a nonresidential use, including along the public sidewalk provided the following:

1. If located on a sidewalk within a public right-of-way, such signs may only be placed within the portion of the right-of-way directly in front of the property occupied by the nonresidential use placing the sign. A clear horizontal space of at least five feet in width is maintained along the sidewalk for pedestrian traffic.

2. Signs must be removed from the sidewalk during that time in which the nonresidential use placing the sign is not open to the public.

3. Such signs may not exceed eight square feet in area nor be taller than four feet.

§9.09 A-1 District

9.09.01 General Standards

a. Only those signs expressly permitted in §9.06 Signs Permitted in All Districts and this Section are permitted.

b. Signage on residential premises is subject to §9.07 Residential Districts.

9.09.02 Building Signs

a. Nonresidential premises are permitted one attached sign per street frontage. The aggregate area of attached signs may not exceed one square foot of sign area per linear foot of building wall.

9.09.03 Freestanding Signs

a. Agricultural and nonresidential premises are allowed only one freestanding sign regardless of the number of street frontages. Freestanding signs may not be taller than ten feet above grade and may not exceed 100 sf. in sign area.

9.09.04 Temporary Signs

a. Nonresidential premises are permitted temporary signs as follows:

1. During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf. in area and may not be taller than six feet above grade level. These signs must be removed within 30 days after the Certificate of Occupancy has been issued.
2. After initial construction, each premises is permitted the following temporary signs:
   i. At any time, each premises is permitted two temporary signs with each sign no larger than 16 sf. in sign area nor taller than six feet. This includes political signs, which are subject to §9.05.06 Temporary Signs.
   ii. Banners may be displayed in accordance with §9.05.06 Temporary Signs.
   iii. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf. in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

§9.10 Off-Premises Signs

9.10.01 New off-premises signs are prohibited. However, existing off-premises signs may be replaced by or converted to digital off-premises signs subject to the following requirements:

a. Two existing off-premises signs in other locations within the city must be removed by the applicant prior to operation of the new digital off-premises signs. Upon removal, such signs may not be re-constructed or reinstalled.

b. Only existing off-premises signs on lots with frontage on arterial roads may be replaced or converted. Off-premises signs in residential districts may not be converted to or replaced by digital off-premises signs.

c. Digital off-premises sign must comply with the minimum front setback of the applicable district. No portion of a digital off-premises sign may be placed on or extend over any street or highway right-of-way.

d. Sign faces may not be larger than 800 sf. inclusive of any border and trim, but excluding the base, apron, supports and other structural members.

e. Digital off-premises sign may not exceed 45 ft. in height or the height limit of the applicable zoning district, whichever is more restrictive.

f. No digital off-premises sign may be established within 1,000 ft. of any other off-premises sign as measured along the nearest edge of the pavement between points directly opposite the center of the signs.

g. Displays are subject to the requirements in §9.05.02 Digital Reader Boards except that displays may not change more frequently than nine seconds.

§9.11 Nonconforming Signs

9.11.01 When a nonconforming sign is removed, damaged, or destroyed by any means to the extent of 50% of its replacement value exclusive of foundation, it may not be restored, unless it is made to conform to the provisions of this Article.

9.11.02 Any nonconforming sign which is abandoned for more than six months must be removed or made to conform with this Article by the owner.

ARTICLE 10 LANDSCAPING

§10.01 General Provisions

10.01.01 Purpose. The purpose of these requirements is to protect and enhance the community's environmental, economic and aesthetic resources consistent with the goals of the City's governing body thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design. Proper landscaping benefits the City by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise, dust, and other offensive conditions. Landscaping provides visual relief to large expanses of parking areas, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City

10.01.02 General Landscaping Standards. Unless otherwise specifically indicated elsewhere in the Ordinance, all required plant materials must meet the following minimum standards:

a. At time of planting, trees and shrubs used to meet the requirements of this Article must comply with the minimum sizes in Table 10-1. No more than 50% of required trees may be crepe myrtle.

b. All required plant materials and the installation thereof must meet standards published by the American Society of Nurserymen in "American Standard for Nursery Stock", ANSI Z60.1-2004 (latest edition). Trees must be planted per the detail in Figure 10-1.

c. Berms may not exceed a 3:1 slope and must have a minimum crown width of two feet.

d. No bare ground may be left exposed. Grass, mulch, pine straw or other approved groundcover must cover all non-paved ground surfaces. Where used as groundcover, grass must completely cover the soil after one full growing season.

e. Deviations from the Permitted Plant Species list (see Table 10-4 at end of this Article) may be approved through a written request to the Building Official.

f. Landscaping may not impede any drainage way or block access to fire hydrants, above-ground, pad-mounted transformer and other utilities.

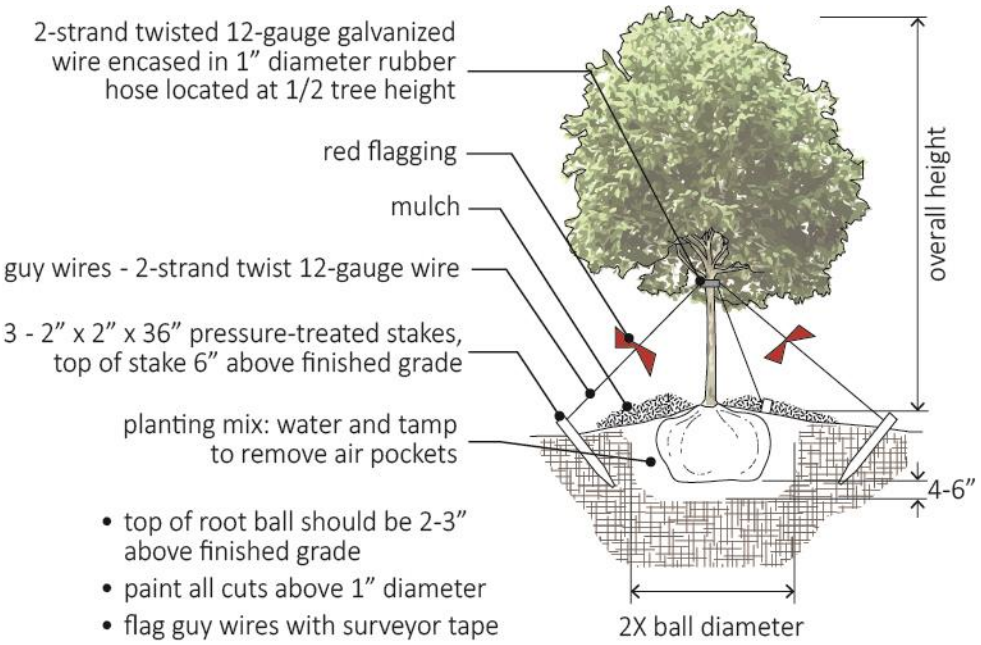


Figure 10-1 Tree Planting Detail

Table 10-1 Minimum Plant Size

Plant Material Type	Minimum Size at Planting
Canopy Tree – Single Stem	2” to 2.5” caliper
Canopy Tree – Multi-stem Clump	30-gallon container, 2” caliper
Canopy Tree – Evergreen	30-gallon container, 2” caliper
Understory Tree	15-gallon container, 6-7” height
Ornamental Shrub	3-gallon, 12-18” height

§10.02 Buffers

10.02.01 Purpose. Landscaping buffers are required to screen incompatible land uses to protect and enhance property values.

10.02.02 Applicability. Buffers must be provided as specified in Table 10-2 and as described in this Section. Buffers are the responsibility of the developing land use. Buffer requirements are based on the developing land use and the existing, adjoining use. Required side and rear yards, when corresponding with the buffer area, may overlap and may be counted toward buffer width requirements. A Landscaping Plan must be approved prior to issuance of a Building Permit.

10.02.03 Modifications. Buffer requirements may be modified by the approving authority as follows:

a. When the proposed use will adjoin an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly, the buffer requirement may be modified to be consistent with the use of the neighboring property projected by the Comprehensive Plan.

b. If the land use relationship between two adjoining lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.

c. Whenever the proposed use adjoins vacant land, buffer requirements are based on the zoning of the adjoining property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.

d. Buffers may not be used for parking, recreational use or any other purpose, except as follows:

1. The approving authority may permit a walkway through a buffer.

2. Public utilities and storm drainage facilities may be constructed in a buffer if the buffer otherwise complies with this Section. However, where required buffer plantings would interfere with such utilities or drainage facilities, additional width may be required to provide adequate separation.

10.02.04 Design Standards

a. Prior to occupancy of the premises, buffer plantings must be of a size and spacing to provide an opaque visual barrier from the ground to at least three feet above grade throughout the length of the buffer. Plantings must be spaced as closely as possible while accommodating healthy growth.

b. Shrubs and trees used to meet buffer requirements must be evergreen but may be supplemented with deciduous plants.

c. Within one year after installation, the buffer must provide an opaque visual barrier from the ground to at least six feet above grade throughout its length. When a fence is provided that is at least six feet tall and meets the requirements of §10.05 Design Standards for Required Fences, buffer plantings need not be taller than four feet above grade and the buffer width may be reduced as provided in Table 10-2.

d. The deposition of storm water runoff into, or drainage swales through, a buffer is prohibited.

Table 10-2 Buffer Requirements by Use

Developing Land Use	Existing Adjoining Use							
	Single-family		Multi-family	Lodging	Institutional		Business/ Commercial	Parks & greenways
	detached	attached			minor	major		
Residential and Lodging	Buffer Class Required							
Detached, single-family and duplex	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Townhouse, Triplex and Quadplex	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Multifamily	B	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Lodging	B	A	A	n/a	n/a	n/a	n/a	n/a
Manufactured home parks, campgrounds	B	B	B	B	A	A	A	A
Institutional								
Minor	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Major	B	B	B	A	n/a	n/a	n/a	A
Business/Commercial								
Offices	A	A	A	n/a	A	n/a	n/a	n/a
Amusement; outdoor entertainment	B	B	B	A	A	n/a	n/a	A
Mixed-use building containing dwellings	B	B	A	n/a	n/a	n/a	n/a	n/a
Retail, restaurants, lodging	B	B	A	n/a	n/a	n/a	n/a	n/a
Mini-storage facilities	B	B	B	n/a	n/a	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	n/a	n/a	A
Industry and Utilities								
Warehousing, storage and public utility facilities	C	C	C	C	C	B	A	B
Other industrial uses	C	C	C	C	C	C	B	B
Heavy industry	D	D	D	D	D	D	C	C

Planting Requirements by Buffer Class

Buffer Class	Width with fence/wall	Width without fence/wall	Required trees [1]
A	10 ft	20 ft	1 tree per 20 ft
B	20 ft	30 ft	1 tree per 15 ft
C	30 ft	40 ft	1 tree per 12 ft
D	40 ft	50 ft	1 tree per 12 ft

[1] Trees may need to be staggered, depending on species and spacing, to support healthy growth.

§10.03 Screening

10.03.01 Purpose. Screening provides visual separation of certain site elements from public areas and adjoining properties.

10.03.02 Applicability.

a. For all multifamily, nonresidential and mixed-use developments, the following must be screened from public view and view from adjoining properties:

1. Waste collection, recycling and refuse handling areas
2. Service areas, work yards and utility structures associated with a building or development
3. Outside runs for veterinary clinics, animal shelters, and kennels
4. Mechanical units
5. Outdoor storage of materials, stock, equipment, and vehicles stored for repair but not for retail display
6. Similar site elements for which screening may be required by the approving authority

b. Exceptions.

1. In agricultural zones, screening is not required for areas where animals are kept outdoors, including outside runs of veterinary clinics, animal shelters and kennels.
2. In industrial zones, screening of the above site elements from views from adjoining, industrially-zoned property is not required though they must nonetheless be screened from public view.

c. The Building Official may modify screening requirements between similar site elements on adjoining properties though they must be screened from public view.

10.03.03 Design Requirements. Screening must comply with the following and as required by the approving authority:

a. Location of the site element should be the first consideration in providing required screening. The approving authority may reduce requirements when the location of the element obscures it from public view and from neighboring properties.

b. The method of screening, including height and materials, must sufficiently screen the site element from view. Screening may be provided through evergreen plantings, an enclosure meeting the requirements of §10.05 Design Standards for Required Fences or a combination of these. The minimum height needed is preferred.

c. Multiple elements may be screened together.

d. Elements that produce objectionable noise or odors may be required to be so located as to minimize any nuisance to the public and abutting properties.

e. Shrubs, if used as the primary screening material, must be evergreen and spaced so that, at maturity, they create a solid, opaque screen. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight feet on center.

10.03.04 Requirements for Specific Uses

a. Refuse and recycling containers may not be located forward of the front building line or in required buffers or landscape strips. These containers must be placed on a concrete pad and screened on three sides with an opaque access gate that is normally kept closed. The fence must be at least as tall as the container. The enclosure must be of wood or masonry construction or a combination of these. Waste

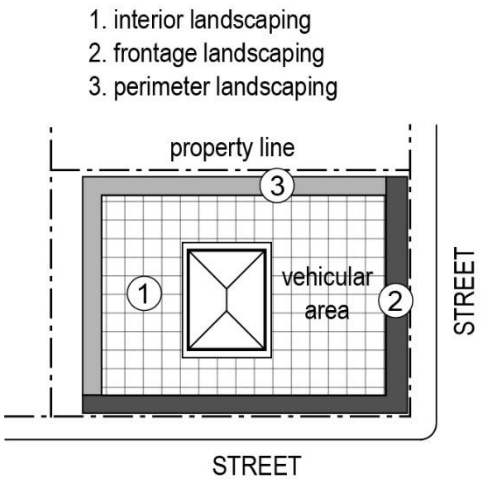
containers of 20 gallons or less do not require screening unless more than two such containers are kept together.

b. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.

c. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any adjoining properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

§10.04 Vehicular Area Landscaping

10.04.01 Purpose. These regulations are intended to: protect the appearance and value of surrounding properties, and thereby promote the general health, safety and welfare; insulate public rights-of-way and residential properties from noise, glare, and other distractions from off-street parking areas; provide shade in off-street parking areas; and promote stormwater management by incorporating landscape areas in impervious parking lots.



10.04.02 Applicability

a. These regulations apply to vehicular areas in nonresidential, multifamily and mixed-use developments used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels as specified in Table 10-3.

b. Single-family dwellings are exempt from these regulations; however, these regulations apply to common parking areas in single family residential development.

c. If the size of an existing vehicular area is increased by more than 20% or by ten or more spaces, the new vehicular area must comply with this Section. If the existing vehicular area is increased by more than 40% or by 25 or more spaces, the entire off-street parking area must be brought into conformity with these regulations.

Table 10-3 Applicability of Vehicular Area Landscaping Requirements

	Type of Landscaping		
Number of Spaces in Parking Lot	Frontage	Perimeter	Interior
Parking area less than 40 spaces	X	X	
Parking area of 40 or more spaces	X	X	X
Parking structures	X	X	
Any other vehicular use area	X	X	

d. Trees planted to meet interior landscaping requirements may be counted toward the number of required trees for frontage or perimeter landscaping if such trees are within 15 ft. of the applicable frontage or perimeter landscaping strip.

10.04.03 Frontage landscaping

a. Frontage landscaping is only required in the C-1 District when vehicular areas are not separated from front property lines by a structure.

b. A landscaped strip with a minimum ten-foot depth must be provided along all adjoining public rights-of-way, which must include a minimum of one tree and six shrubs per 50 ft. of lot frontage.

c. When a fence or wall complying with §10.05 Design Standards for Required Fences is provided as part of frontage landscaping, the landscaping strip may be reduced to six feet in depth and the number of shrubs required reduced by 50%.

10.04.04 Perimeter landscaping

a. Perimeter landscaping is not required in the C-1 District.

b. A landscaped strip at least ten-foot deep must be provided between vehicular areas and adjoining properties. When a fence or wall complying with §10.05 is provided, the landscaping strip may be reduced to six feet deep. If a wall or fence is provided on the adjoining lot, the approving authority may permit a perimeter landscaping strip of lesser depth without the need for a wall or fence to be provided on the site. Landscaping within rights-of-way or on adjoining property do not count toward required perimeter landscaping.

c. Perimeter landscaping strips must be planted with a minimum of one tree and five evergreen shrubs per 50 ft. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs. Driveway connections to adjoining properties are encouraged and are subtracted from perimeter landscaping requirements.

10.04.05 Interior landscaping

a. Each vehicular area must have interior landscaping covering at least five percent of the total vehicular area.

b. To be counted toward these requirements, islands and peninsulas must be at least 150 ft. in area, at least six feet in their least dimension exclusive of curbs and must contain at least one tree.

10.04.06 Landscaping must be as uniformly distributed as practicable. When practicable, islands and/or peninsulas must be placed at the ends of parking aisles or between any circulation drives and parking aisles.

10.04.07 Graded slopes in a landscape strip may not be steeper than three to one.

§10.05 Design Standards for Required Fences

Fences used to meet landscaping requirements are subject to the following:

10.05.01 Fences must be vinyl, masonry, cedar or treated wood, cement-fiber or a combination thereof. Untreated wood (other than cedar), chain-link, plastic or wire fencing and non-architectural grade cement block walls cannot be used to meet landscaping requirements.

10.05.02 The finished side of the fence must face adjoining property or public views.

10.05.03 Shrubs and trees required for buffers, screening or landscaping must be planted on the exterior side of the fence.

10.05.04 If a fence extends more than 100 ft. in one direction, it must have columns or similar articulating elements, which project outward from the fence surface. Columns may be spaced no more than 50 ft. on center.

§10.06 Tree Protection

Existing mature trees are valuable community assets and should be saved wherever possible. If existing hardwood or pine trees with a minimum caliper of four inches are protected as outlined below, each tree will be counted toward meeting the landscape requirements.

10.06.01 Tree protection fencing must be installed prior to and maintained throughout the land disturbing and construction process and may not be removed until final landscaping is installed.

10.06.02 Tree protection fencing must consist of chain link, orange laminated plastic, wooden post and tow rail fencing, or other equivalent restraining material.

10.06.03 Each Tree Protection Area must include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively. Trenching is prohibited in the Tree Protection Area unless prior written approval is received from the City.

10.06.04 Each Tree Protection Area must be posted as “Tree Save Area” or equivalent. Signs requesting subcontractor cooperation and compliance with the protection standards are recommended for site entrances.

10.06.05 No material or equipment storage is permitted in Tree Protection Areas.

§10.07 Landscape Plan

10.07.01 A Landscape Plan must be submitted at the time of application for building permits for all developments subject to the requirements in this Article. Landscape plans must be submitted together with civil plans. Landscape Plans must include the following and any additional information required by the Building Official to determine compliance with these regulations:

a. type, size and location of all required trees, shrubs and other required plant materials

b. type of ground cover used in required buffer and landscape areas

c. material, height and layout of fences and walls used to meet landscaping requirements

d. irrigation method

10.07.02 Landscape Plans must indicate type, size and locations of existing trees to be preserved as "Tree Protection Area” and must clearly detail type of protection, such as fencing and signs. See §10.06 Tree Protection.

10.07.03 Landscape plans must be prepared by a landscape architect or engineer licensed in the States of Alabama or Georgia.

§10.08 Modifications

Planting requirements may be modified in the following circumstances, as determined by the approving authority:

10.08.01 Where landscaping requirements conflict with existing overhead or underground utilities, the Building Official may modify the requirements provided the intent of the requirements is upheld.

10.08.02 Where existing trees and other vegetation fulfill in part or in whole the purposes for which landscaping is required.

10.08.03 Where impending development of adjoining property would make these standards unreasonable or impractical.

10.08.04 Where views from adjoining properties is blocked by a change in grade or other natural or man-made features.

10.08.05 Where use of alternative landscaping methods would enable preservation of unique natural or historic features or views of such features

§10.09 Maintenance

10.09.01 The owner and lessee are each responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition. All unhealthy and dead materials must be replaced during the next appropriate planting period.

10.09.02 All fencing used to meet landscaping standards must be maintained in good condition and replaced or repaired as needed.

10.09.03 At no time may required landscaping be reduced to less than that required by this Article or the originally approved landscape plan.

Table 10-4 Permitted Plant Species

Canopy Trees (Deciduous)	
Botanical Name	Common Name
Acer rubrum cultivars	Red Maple cultivars
Acer saccharum	Sugar Maple
Betula nigra cultivars	River Birch cultivars
Carpinus caroliniana	American Hornbeam
Fagus grandifolia	American Beech
Ginkgo biloba	Ginkgo (male)
Liriodendron tulipifera	Tuliptree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Tupelo
Ostrya virginiana	Eastern Hophornbeam
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus laurifolia	Laurel Oak
Quercus lyrata	Overcup Oak
Quercus macrocarpa	Bur Oak
Quercus nuttalli	Nuttall Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Taxodium distichum	Bald Cypress
Ulmus americana 'Princeton'	American Elm
Ulmus parvifolia cultivars	Chinese Elm cultivars
Zelkova serrata cultivars	Zelkova cultivars
Canopy Trees (Evergreen)	
Botanical Name	Common Name
Cedrus deodara	Cedrus deodara
Deodar Cedar	Deodar Cedar
Magnolia grandiflora cultivars	Magnolia grandiflora cultivars

Southern Magnolia cultivars	Southern Magnolia cultivars
Thuja 'Green Giant'	Green Giant Western Arborvitae
Botanical Name	Common Name
Understory Trees (Deciduous)	
Botanical Name	Common Name
Acer buergerianum	Trident Maple
Acer leucoderme	Chalk Bark Maple
Acer palmatum	Japanese Maple
Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry
Cercis canadensis	Eastern Redbud
Chionanthus retusus	Chinese Fringetree
Chionanthus virginicus	White Fringetree
Cornus florida	Dogwood
Cornus kousa	Kousa Dogwood
Cotinus obovatus	American Smoke Tree
Halesia carolina	Carolina Silverbell
Koelreuteria paniculata	Panicled Golden Raintree
Lagerstroemia indica/fauriei cultivars	Crepemyrtle cultivars
Magnolia x soulangiana	Japanese Magnolia
Understory Trees (Evergreen)	
Botanical Name	Botanical Name
Ilex latifolia	Lusterleaf Holly
Ilex opaca cultivars	American Holly cultivars
Illex x attenuata -cultivars	Savanah, Foster, East Palatka Hollies
Juniperus virginiana cultivars	Eastern Red Cedar cultivars
Magnolia virginiana	Sweetbay Magnolia
Myrica cerifera	Southern Waxmyrtle
Prunus caroliniana cultivars	Carolina Cherry Laurel cultivars
Shrubs (Deciduous)	
Botanical Name	Botanical Name
Abelia x grandiflora cultivars	Glossy Abelia cultivars
Aesculus parviflora	Bottlebrush buckeye
Berberis thunbergii atropurpurea 'Crimson Pygmy'	Crimson Pygmy Barberry
Berberis thunbergii 'Rose Glow'	Rose Glow Barberry
Buddleia davidii cultivars	Butterfly Bush cultivars
Camellia sasanqua cultivars	Sasanqua cultivars
Cortaderia selloana 'Pumila' 'Ivory Feathers''	Ivory Feathers Dwarf Pampas Grass
Exochorda racemosa	Pearlbush
Forsythia x intermedia	Border Forsythia
Gardenia jasminoides 'Radicans'	Dwarf Gardenia
Hydrangea macrophylla	Big Leaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Hypericum cultivars	Hypericum cultivars
Itea virginica 'Henry's Garnet'	Henry's Garnet Itea

Jasminum floridum	Florida Jasmine
Jasminum nudiflorum	Winter Jasmine
Kerria japonica	Japanese kerria
Kolkwitzia amabilis	Beautybush
Loropetalum chinense cultivars	Loropetalum cultivars
Miscanthus sinensis gracillimus	Maiden Grass
Miscanthus sinensis 'Yokushimo'	Dwarf Maiden Grass
Panicum virgatum 'Prarie Sky'	Prarie Sky Switch Grass
Raphiolepis indica cultivars	Indian Hawthorne cultivars
Spiraea cultivars	Spirea cultivars
Ternstroemia gymnanthera	Cleyera
Viburnum cultivars	Viburnum cultivars
Weigela florida	Old Fashioned Weigela
Shrubs (Evergreen)	
Botanical Name	Botanical Name
Berberis julianae	Wintergreen Barberry
Berberis sargentiana	Sargent Barberry
Buxus microphylla cultivars	Wintergreen boxwood
Buxus microphylla japonica	Japanese Boxwood
Buxus microphylla koreana	Korean Boxwood
Elaeagnus ebbengei	Ebbengei elaeagnus
Ilex cornuta cultivars	Chinese Holly cultivars
Ilex crenata cultivars	Japanese Holly cultivars
Ilex glabra	Inkberry
Ilex vomitoria cultivars	Yaupon Holly cultivars
Illicium parviflorum	Anise-tree
Juniperus chinensis cultivars	Chinese Juniper cultivars
Juniperus conferta 'Blue Pacific'	Shore Juniper
Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper
Juniperus horizontalis 'Plumosa'	Andorra Juniper
Juniperus horizontalis 'Wiltoni'	Blue Rug Juniper
Juniperus parsoni	Parsons Juniper
Leucothoe populifolia	Rainbow Leucothoe
Ligustrum japonicum 'Rotundifolium'	Curlyleaf Ligustrum
Lonicera fragrantissima	Winter Honeysuckle
Mahonia bealei	Leatherleaf Mahonia
Nandina domestica cultivars	Nandina cultivars
Osmanthus Fragrans	Tea Olive
Osmanthus heterophyllus	Holly Osmanthus
Osmanthus x fortunei	Fortunes Osmanthus

ARTICLE 11 BOARD OF ZONING ADJUSTMENT

§11.01 Establishment and Membership

The Board of Zoning Adjustment (BOZA) heretofore established is hereby continued, and its members appointed and vacancies filled in accordance with §11-52-80 of the Code of Alabama, 1975, as amended. All members of the Board must be citizens and residents of the City.

§11.02 Meetings, Procedures and Records

11.02.01 BOZA meetings are held at the call of the chairman at such times and places as BOZA may determine. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All BOZA meetings are open to the public. The BOZA adopts and publishes its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and keeps records of its examinations and of other official actions, all of which are immediately filed in the office of the BOZA and are a public record.

11.02.02 Public Notice. Public notice for hearings before the BOZA is deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application.

§11.03 Powers and Duties

The BOZA, in appropriate cases and subject to appropriate conditions and safeguards, has the following powers:

11.03.01 Interpretation of Boundaries. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in §1.05.03 District Boundaries.

11.03.02 Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official acting under the authority of this Ordinance.

11.03.03 Variances. To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship, but where the spirit of the Ordinance can be observed and substantial justice done.

11.03.04 Special Exceptions. To hear and decide special exceptions upon which the BOZA is required to act as indicated in this Ordinance.

§11.04 Administrative Appeals

11.04.01 Appeals may be taken to the BOZA by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Official relating to the provisions of this Ordinance. Any such appeal must be filed with the Building Official within 15 days of the date of the action being appealed. The Building Official must forthwith transmit to the BOZA papers constituting the record upon which the action appealed was taken.

11.04.02 An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the BOZA after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Official's opinion, cause imminent peril to life or property. In such case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the BOZA or by a court of record.

11.04.03 All appeals must be filed in writing on forms prescribed by the BOZA and made available by the Building Official.

11.04.04 The BOZA must select a reasonable time and place for hearing the appeal. At least 15 days prior to the next scheduled Board hearing, the Building Official must give written notice of the appeal to all adjacent property owners. The notice must state the name of the appellant, the location of the property, the decision of the Building Official being appealed, and the time, date, and location of the BOZA hearing.

11.04.05 The BOZA may affirm, reverse wholly or in part, or modify the Building Official's decision, order, or determination as in its opinion ought to be done, and to that end has all the powers of the Building Official.

§11.05 Variances

11.05.01 Any property owner may apply for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary and exceptional conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

11.05.02 It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted must be the minimum adjustment necessary to enable the reasonable use of the land.

11.05.03 Variance applications must be filed with the Building Official at least 30 days before the next scheduled hearing date before the BOZA. Applications are made on forms made available by the Building Official and only by the property owner or their authorized agent. At least 15 days prior to the scheduled hearing, the Building Official must give written notice to all adjacent property owners. Such notice must state the name of the applicant, the location of the property, the nature of the variance requested and applicable sections of this Ordinance, and the time, date, and location of the hearing.

11.05.04 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 must establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

a. The granting of the variance will not permit the establishment of a use that is not permitted in the district in which the property is located.

b. There are unique conditions, fully described in the application, applicable to the land or building for which the variance is sought, which conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

c. There is an unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted.

d. The hardship cannot be self-created; nor can it be established on this basis by one who purchases the property 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 evidence of other variances granted under similar circumstances will not be sufficient alone to meet this standard.

e. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

f. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land or structures in the same zoning district.

g. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.

h. The granting of the variance will be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

11.05.05 The BOZA may prescribe any conditions that it deems necessary to secure substantially the objectives of the provisions of this Ordinance to which the variance applies. Violations of such conditions are considered violations of this Ordinance and are subject to applicable fines and penalties.

§11.06 Special Exceptions

11.06.01 All special exception requests, including but not limited to special exception uses indicated in Articles 4, 5 and 6, require application to the BOZA. Such application must be filed with the Building Official at least 30 days before the next scheduled Board hearing. The application must be filed by the property owner or their authorized agent on a form made available by the Building Official.

11.06.02 At least 15 days prior to the next scheduled Board hearing, the Building Official gives written notice of the proposed special exception to all adjacent property owners. Such notice must state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the BOZA hearing.

11.06.03 The BOZA reviews applications for compliance with this Ordinance and all other applicable codes and ordinances of the City. The BOZA must determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

b. The location and accessibility of off-street parking and loading areas.

c. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.

d. The screening and buffering of potentially adverse views and activities from surrounding properties.

e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.

f. The availability, location, and capacity of utilities.

g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.

h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

11.06.04 The BOZA may impose conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception are considered violations of this Ordinance and are subject to applicable fines and penalties.

§11.07 Rehearings

11.07.01 All decisions rendered by the BOZA are final and binding upon all parties. No Board decision may be reheard, and no further application may be accepted once a decision has been rendered except under one or more of the following conditions:

a. evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.

b. The decision resulted from an error in procedures required by this Ordinance or State law and made by the BOZA, the Building Official, or any other City officials.

c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

11.07.02 Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant is not sufficient grounds for rehearing a Board decision. Any applicant wishing a rehearing must appear before the BOZA to present one or more of the qualifying conditions listed in this Section.

11.07.03 If the BOZA finds that one or more of the qualifying conditions exist, the applicant may submit a new application. This new application will be heard at a subsequent Board meeting and is subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the BOZA to grant the request.

§11.08 Appeals From Action of the Board of Adjustment

In accordance with §11-52-81 of the State Code of Alabama, 1975, as amended, any party aggrieved by any final judgment or decision of the BOZA may, within 15 days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the BOZA a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the BOZA must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried de novo.

ARTICLE 12 ADMINISTRATION AND ENFORCEMENT

§12.01 Amendments

12.01.01 Petition for Change. A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission or by petition of property owners or their authorized agent in accordance with the procedure established by §11-52-78 of the State Code of Alabama, 1975, as amended.

12.01.02 Action On Petition. Any proposed amendment, modification or repeal must first be submitted to the Commission for its recommendation to the Council. The Commission must submit its recommendations to the Council within 60 days. If the Commission fails to submit a report within the 60-day period, it is deemed to have approved the proposed amendment and the Council will hold a public hearing pursuant to §11-52 of the Code of Alabama, 1975, as amended. Any party wishing to speak for or against an amendment may appear and speak at the public hearing.

12.01.03 Limit On Initiation of Amendment Applications. No action may be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Council on the grounds that the circumstances relevant to the amendment request have changed significantly since the prior hearing.

§12.02 Enforcing Officer

The provisions of this Ordinance are administered and enforced by the Building Official. This official has the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this Ordinance.

§12.03 Permit Required

It is unlawful to commence excavation for the construction of any structure, including accessory structures, signs, fences and pools; or to commence the demolition of any structure; or to store building materials or erect temporary field offices; or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures; until the Building Official has issued for any and all such work a building or accessory structure permit, as applicable. Application for building permits must be made to the Building Official on forms provided for that purpose and supplemented with appropriate plans and specifications to demonstrate proposed compliance with the Ordinance.

§12.04 Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance is established by separate ordinance. Such fees are computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees, and are adopted and revised as necessary by the Council.

§12.05 Plans

12.05.01 The Building Official may not approve any plans or issue any building permit for excavation or construction until they have inspected such plans in detail and found them in conformity with this Ordinance.

12.05.02 Site Plans. Every building permit application must be accompanied by a site plan drawn to scale, dimensioned, and showing in detail sufficient information to enable the Building Official to evaluate conformance with this Ordinance. Refer to Appendix A-2 for submittal requirements.

12.05.03 Development Plans

a. Any application for approval of a multifamily development requires the submission and approval of a Development Plan. This Development Plan must show the entire development site and all component phases and must graphically express the overall development concept for the site at completion. A written report, illustrated as appropriate, must accompany the Development Plan. Refer to Appendix A-3 for submittal requirements.

b. The Plan must be drawn to scale by an engineer or architect registered in the State of Alabama.

c. Development Plan approval expires 12 months after approval unless significant progress has been made toward implementation of the development. A development plan may be granted a maximum of one extension of 12 months upon written request of the developer.

d. Once approved, the Development Plan is binding on the development of the site, and each phase must be substantially consistent with the Plan. If the Building Official finds that any phase substantially deviates from the approved Plan, a new Development Plan must be submitted for review and approval. Any of the following constitute a substantial deviation:

1. An increase or reduction in the land area of the project site.
2. A change in the total number or in the type of dwelling units approved.
3. Provision of less than the approved percentage of resource protection, recreation or open space land.
4. Any significant addition, removal, or rearrangement of land uses or streets.

12.05.04 The Building Official reviews site and development plans for general completeness and compliance with this Ordinance and forwards copies of the plans to the Engineering, Utilities and other appropriate departments for review and comment. The Building Official provides the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, must be stated in writing to the applicant. A reproducible set of the final approved site plan must be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the final site plan. An approved site plan becomes null and void if significant development does not commence with 12 months of approval.

§12.06 Conditional Uses

12.06.01 Conditional uses, identified as such in Articles 4, 5 and 6, must be reviewed by the Planning Commission and Council and approved by the Council.

12.06.02 All conditional uses require the submission of an application, which must be filed with the Building Official by the property owner or their authorized agent at least 30 days prior to the next Commission hearing and must include a site plan (see §12.05 Plans and Appendix 2). At least 15 days prior to the Commission hearing, the Building Official must give written notice to all adjacent property owners. Such notice is deemed given when deposited in the United States mail, first class postage pre-paid, addressed to such property owners at their addresses submitted with the application. Such addresses must be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application.

12.06.03 The Commission and Council review proposed conditional uses for compliance with this Ordinance and other applicable codes and ordinances, and for compatibility with the purposes of the applicable district. Conditional uses are reviewed to determine whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Zoning Ordinance, and any other development policies and regulations of the City, and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare and safety in general. In particular, the Commission and Council evaluate whether and to what extent provisions have been made concerning the following:

a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

b. The location and accessibility of off-street parking and loading areas.

c. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.

d. The screening and buffering of potentially adverse views and activities from surrounding properties.

e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.

f. The availability, location, and capacity of utilities.

g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.

h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

12.06.04 Within 60 days of the hearing on the application, unless an extension of time is agreed to by the applicant, the Commission must submit its recommendation to the Council, either to approve, approve with conditions, or deny the conditional use request. Failure of the Commission to act within this time period is considered a recommendation for approval.

12.06.05 Upon receipt of the Commission's recommendation, the Council will hold a public hearing on the request. The Council may impose such conditions for approval as it deems necessary to protect the public interest and further the purposes of this Ordinance. Such approval and conditions are granted to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use are considered violations of this Ordinance and are subject to applicable fines and penalties.

§12.07 Statutory Review

The Commission reviews the character, location and extent of any public street, square, park or other public way, ground, open space or structure, or any major utility project in accordance with §11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review is to determine whether or not such projects are consistent with the goals and policies of the Comprehensive Plan. The Commission's findings and recommendations are transmitted to the Council. Failure of the Planning Commission to act on an official submission within 60 days from the date of such submission is considered approval.

§12.08 Certificate of Occupancy Required

The owner or their authorized agent, prior to use or occupancy of any structure, whose construction or substantial rehabilitation is undertaken following adoption of this Ordinance, must secure a Certificate of

Occupancy. Within three days after the owner or their agent has notified the Building Official that a building, premises or part thereof is ready for occupancy or use, the Building Official makes a final inspection and issues a Certificate of Occupancy if the building, premises or part thereof is found to conform with the provisions of this Ordinance, or, if such certificate is refused, state such refusal in writing with the cause. The BOZA hears appeals from the decision of the Building Official in accordance with §11.04 Administrative Appeals. One copy of the signed statement by the owner or their agent regarding the intended use of the premises, and a signed refusal (if any) is kept on file with Building Official records.

§12.09 Expiration of Building Permit

Any permit under which no construction work has been done above the foundation wall or other foundation support within six months from the date of issuance expires by limitation, but may be renewed by reapplication, subject, however, to the provisions of any ordinances in force at the time of the re application. Permits may not be renewed more than one time.

§12.10 Unlawful Structure

Any uses of land or dwellings or construction or alteration of structures erected, altered, razed or converted in violation of any of this Ordinance are declared to be a nuisance per se. The Building Official is authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of such land or structure. Whenever the Building Official has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant must, within72 hours from receipt of notification from the Building Official to vacate such premises, accomplish such vacation until the structure or premises has been adapted to conform to the provisions of this Ordinance. Such notification must be:

a. By delivery to the owner personally, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

b. By depositing the notice in the United States as first class certified mail; or

c. By posting and keeping posted for 72 hours, a copy of the notice in a conspicuous place on the premises to be repaired.

§12.11 Penalties and Remedies

12.11.01 Any person, firm, corporation, or other organization which violates any provisions of this Ordinance will be fined, upon conviction, not less than $25.00 nor more than $500.00 plus court costs for each offense.

12.11.02 Each day such violation continues constitutes a separate offense. The conviction of a violation and imposition of any fine does not exempt the premises from compliance with this Ordinance.

12.11.03 If any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this Ordinance, the Building Official may seek an injunction or writ of mandamus or take other appropriate action or proceedings to stay or prevent occupancy of such structure or land.

APPENDIX

1. Rezoning Application Requirements
2. Site Plan Requirements
3. Development Plan Requirements
4. Planned Development District Submittal Requirements
5. Conservation Subdivision Submittal Requirements
6. Special Exception, Conditional Use and Variance Application Requirements

1. Rezoning Application Requirements

The following are general submittal requirements. Refer to the Public Works Manual for the most recent, complete list of requirements.

A. Application fee
B. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
C. Name of the owner of the subject property
D. Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office.
E. Address and legal description of the subject property
F. A map, drawn to scale, indicating the dimensions and exact location and boundaries of the subject property and adjoining public rights-of-way
G. Reason for the rezoning request, including existing and proposed zoning; if the request involves a change in the zoning regulations, the applicant must submit a written statement describing the desired amendment and the reasons for the request.
H. Location of any proposed structures
I. Availability of required utilities
J. Written time schedule for beginning and completion of any proposed development planned by the applicant.

2. Site Plan Requirements

A. Application Fee
B. Cover Sheet with:
    1) Name of the development; address and legal description of property; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;
    2) Vicinity map;
    3) Zoning and existing and proposed land use of the site; and
    4) Date, scale, north arrow, and number of streets.
C. Site Plan information for nonresidential developments
    1) Copies of all deed restrictions and/or covenants pertaining to the subject property.
    2) The actual shape and dimensions of the lot to be built upon.
    3) Site layout, including easements, setbacks, driveway access, off-street parking
    4) The shape, size, and location of all structures to be erected, altered, or moved, and of any structures already on the lot, both above and below grade.
    5) Existing and intended use of all structures.
    6) Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
    7) Water and sanitary sewer locations.
    8) Layout of rights-of-way, loading, circulation, screening, buffers, and landscaping.
    9) Location of fire lanes and fire hydrants with adequate water flow.
    10) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with this Ordinance.

3. Development Plan Requirements

A. Application Fee

B. Cover Sheet with:
   1) Name of the development
   2) Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
   3) Name of the owner of the subject property
   4) Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office.
   5) Address and legal description of the subject property
   6) Zoning and existing and proposed land use of the site

C. The outer boundary or perimeter of the total development site, including a valid legal description.

D. A topographic map showing contours at two foot intervals.

E. An identification of the characteristics of existing land uses and development for land adjoining the project site.

F. The rights-of-way and pavements of all streets within the development, and the access to the surrounding public street system.

G. The type, number, and location of all structures.

H. The location, extent, and approximate acreage of all resources protection, recreation, and open space lands and other common areas.

I. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.

J. Location of all utilities, and surface water drainage facilities.

K. Written report
   1) A general description of the proposal.
   2) The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants.
   3) A plan for the provision of utilities and storm drainage facilities.
   4) Plans for parking, loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts.
   5) Method for dedicating or reserving common open spaces and/or facilities and any land or facilities for public use or for the use of the property owners in the project.

4. Planned Development Submittal Requirements

A. Application Fee

B. Cover Sheet with:
   1) Name of the development
   2) Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
   3) Name of the owner of the subject property
   4) Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office.
   5) Address and legal description of the subject property

C. Preliminary Master Plan. Drawings must be approximately to scale and include the following:
   1) Vicinity map showing the location of the proposed project.

2) Site map showing the property boundaries and ownership of adjoining property.
3) Existing zoning map, indicating the zoning classification of the tract and all properties within 500 ft
4) Existing site conditions map
5) Development plan showing the total project including:
    a) Conceptual circulation plan, including whether streets will be public or private, shown in relationship to external streets (with street name and existing right-of-way width noted)
    b) Conceptual drainage plan
    c) Conceptual open space plan showing common areas to remain in private ownership and proposed public dedication sites, if any
    d) A proposed use plan showing the location of acreage of distinct use areas including:
        i) Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
        ii) Density of each residential development area calculated in gross acres
6) Phasing plan, if involving multiple phases of development

D. Preliminary Master Plan Narrative:
1) Evidence that the proposal is compatible with the Comprehensive Plan
2) Evidence that the proposal meets the purpose for PD development and community objectives and description of community benefits to be achieved as described in §6.03
3) Preliminary information regarding normally required zoning and subdivision standards to be modified and alternative standards to be proposed
4) A general description of any community facilities to be provided, such as school sites, fire stations or recreation facilities, if any
5) Preliminary information regarding restrictive covenants and form of ownership and maintenance of any common open spaces and facilities

E. Master Plan. The Master Plan submission must include the following:
1) Total project plans and conditions:
    a) The property boundaries, including metes and bounds
    b) An area map showing the applicant's entire holding and all properties, streets, rights-of-way and easements within 300 feet of the property.
    c) Topographic map with five-foot contour intervals
    d) Phasing plan, if applicable, showing areas already developed, areas for which development approval is being requested, and areas for future development with approximate timetable for completion.
2) Development Plan showing the total project including:
    a) Proposed use plan showing the location and acreage of distinct land use areas including:
        i) Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
        ii) Density of each residential area calculated in net acres
    b) Site plan showing location, use, scale and orientation of all buildings other than detached single-family dwellings
    c) Conceptual lotting plan for attached and detached single-family dwellings
    d) The internal street network shown in relationship to external streets with street name and existing right-of-way width noted
    e) Conceptual drainage and utilities plan, including method of sewage disposal and location of such facilities

f) Open space plan, including identification of improved and unimproved open spaces and area and overall dimensions of each required open space

g) Parking master plan, including location and circulation pattern of all nonresidential and common parking areas

h) Signage master plan, including location, height and size of all freestanding signs

i) Landscaping plan, including location, overall dimensions and design approach to parking lot landscaping, screening, buffers and open spaces

j) Location and design of lighting facilities

F. Master Plan Narrative

1) Evidence that the proposal is compatible with the Comprehensive Plan

2) Evidence that the proposal meets the purpose for PD development and community objectives and description of community benefits to be achieved as described in §6.03

3) Prototype development plans and schedule to show lot sizes, setbacks, typical structure arrangements, access and parking provisions

4) Complete description of all normally required zoning and subdivision standards to be modified and proposed alternative standards

5) Description of community facilities to be provided, such as school sites, fire stations or recreation facilities, or statements on which existing facilities will be used by the proposed residents of the project

6) Proposed restrictive covenants including how any common open spaces and facilities are to be owned and maintained; design standards and method of implementation

5. Conservation Subdivision Submittal Requirements

A. Cover Sheet with:

1) Name of the development

2) Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application

3) Name of the owner of the subject property

4) Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office.

5) Address and legal description of the subject property

B. Site Analysis Map. Site map drawn to scale and including the following:

1) Property boundaries and ownership of adjoining property

2) Existing zoning of the tract and all properties within 500 ft

3) Existing structures, roads, streets, parking areas on and/or adjoining the tract

4) Location and extent of wetlands, FEMA-designated flood hazard areas, steep slopes (at a minimum, 20% or more) and any other natural features on the tract

C. Conservation Subdivision Plan. Drawings must be approximately to scale and include the following:

1) All information normally required for preliminary plat consideration

2) Open Space Management Plan, including delineation of open spaces to be protected, their acreage and proposed uses; and a written description of how open spaces will be maintained, who will be responsible for their maintenance and the manner in which long-term maintenance costs will be funded

3) Proposed deeds and covenants or other binding legal instrument by which use of designated open spaces will be restricted and their perpetual maintenance will be assured.

6. Special Exception, Conditional Use and Variance Application Requirements

A. Application fee

B. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application

C. Name of the owner of the subject property

D. Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office

E. Address and legal description of the subject property

F. Width, depth and area of the subject property

G. Zoning classification and present use of the subject property

H. Reason for the Special Exception/Variance request

I. For requests involving a change in use:

   1) Proposed days of the week and hours of operation, if applicable
   2) Estimated minimum and maximum number of employees
   3) Whether the use will be open to the public, whether visits will be by appointment only or otherwise limited; estimated number of visitors per day
   4) Provisions for off-street parking
   5) Description of any activities to be undertaken involving the use of equipment or operations, which would generate noise or odors that may be detectable beyond the building and any measures to lessen the impact of noise or odors on adjoining properties
   6) Location of loading areas, including waste receptacles
   7) Location of any outdoor storage or work areas
   8) Location and height of any freestanding, exterior light fixtures
   9) Description of any proposed/required screening or buffers

J. A map, drawn to scale, indicating the dimensions and exact location and boundaries of the subject property and adjoining public rights-of-way

K. Location of any proposed structures, building additions and site improvements.

L. Written time schedule for beginning and completion of any proposed development planned by the applicant