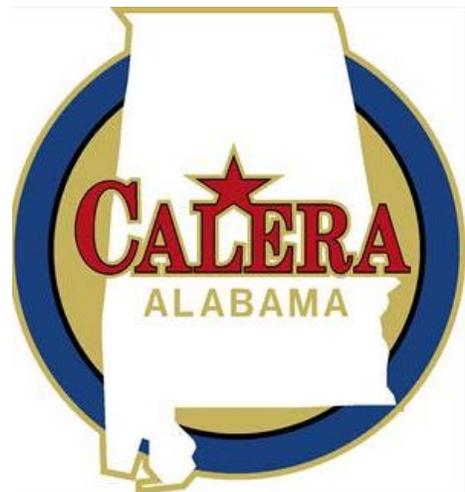


Zoning Ordinance



of the City of Calera, Alabama

Adopted by the City Council
of the City of Calera, Alabama on

November 1, 2010
Updated August ,2016

ZONING ORDINANCE



CITY OF CALERA

Adopted by the City Council
of the City of Calera, Alabama on

November 1, 2010

Prepared with the assistance of:
KPS Group, Inc.
2101 First Avenue North
Birmingham, Alabama 35203

BIRMINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Project Title: City of Calera Development Regulations
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For further information, please contact
William R. Foisy, Director of Planning, bfoisy@rpcgb.org or
Cissy Edwards Crowe, Public Information Officer, cedwards@rpcdb.org
Regional Planning Commission of Greater Birmingham,
Birmingham, Alabama

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ZONING ORDINANCE, CALERA, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY CODE OF ALABAMA, 1975, CHAPTER 52, VOLUME 10 TITLE 11 AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE COWORATE LIMITS OF CALERA, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE: HEIGHT; NUMBER OF STORIES; AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; AND THE USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND PENALTIES FOR THE VIOLATION THEREOF.

THE GENERAL PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of Calera, Alabama, as follows:

Article 1 SHORT TITLE AND PURPOSE

§1.1. Short Title

This Ordinance shall be known as the *Zoning Ordinance of Calera, Alabama* and the map herein referred to, identified by the title *Zoning Map of Calera, Alabama* shall be further identified by the signature of the Mayor of Calera and attested to by the City Clerk. The *Zoning Map of Calera, Alabama* is hereby adopted and made a part of this Ordinance. Such map is filed with the City Clerk of Calera at the time of the introduction of the Ordinance and will remain on file in the office of said clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

§1.2. Purpose

The zoning regulations and districts as herein established have been in accordance with a comprehensive plan and designed: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public improvements. The regulations have also been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

§1.3. Using this Ordinance

1.3.1. Organization. This Ordinance is organized as follows:

1. For purposes of organization, this Zoning Ordinance, is divided into ten (10) Articles. The Article designation number represents the first digit(s) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number §6.4.2.3, the digit "6" represents the Article.
2. Each Article is subdivided into Sections, which are represented by the second digit(s); e.g., in the reference number §6.4.2.3, the digit "4" represents the Section.
3. Each Section is subdivided into Subsections, which are represented by the digit(s) following the Section designation number; e.g., in the reference number §6.4.2.3 the digit "2" represents the Subsection.
4. Each Subsection may be subdivided into Paragraphs, which are represented by the digit(s) following the Subsection designation; e.g., in the reference number §6.4.2.3 the digit "3" represents the Paragraph.
5. Each Paragraph may be subdivided into Items, which are represented by the lower-case letter following the Paragraph designation; which may then be further subdivided as (1), (2), (3)...and (a), (b), (c)...

1.3.2. Internal Referencing. All references to Articles, Sections, Subsections, Paragraphs and Items within this Ordinance shall refer to Articles, Sections, Subsections, Paragraphs and Items in this Ordinance unless otherwise specified. When an Article, Section or other subdivision is referenced within a provision or requirement of this Ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

1.3.3. Page Numbering. Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

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Article 2 ADMINISTRATION AND REVIEW PROCEDURES

§2.1. Enforcing Officer

2.1.1. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator. He or she may be provided with the assistance of such other person(s) as the City Council, hereinafter referred to as the Council, may direct. The Zoning Administrator, or the duly authorized representative, shall in relation to this Ordinance:

1. Review all Building Permit applications with regard to conformance with all applicable provisions of this Ordinance and perform required inspections to insure such conformance;
2. Issue and renew where applicable, all temporary use permits and maintain records thereof;
3. Maintain current zoning maps and records of amendments thereto;
4. Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land, structures and buildings necessary to carry out the enforcement of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he or she shall proceed to notify, in writing, the person or persons responsible for such violations, indicating the nature of the violation(s) and ordering the appropriate action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions.

§2.2. Building Permit Required

It shall be unlawful: to commence earthwork or the construction of any building or other structure, including accessory structures, or signs; to store building materials or erect temporary field offices; to commence the moving, alteration or repair of any structure, including accessory structures, until the Building Inspector has issued for such work a Building Permit, including a statement that the plans, specifications and intended use of such building or structure conforms with the provisions of this Ordinance in all respects. Application for a Building Permit shall be made to the Building Inspector on forms provided for that purpose.

- 2.2.1. Plot Plan. It shall be unlawful for the Zoning Administrator to approve any plans or for the Building Inspector to issue Building Permits for any excavation or construction until such plans are in conformity with this Ordinance. To this end, every application for a Building Permit shall be accompanied by a plot plan drawn to scale, dimensioned and showing the Plot Plan requirements in Appendix A in sufficient detail to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance.
- 2.2.2. Site Plan Review. New construction and substantial site development expansion of all planned residential developments, townhouses, garden homes, five (5) or more multi-family dwellings, manufactured home parks, manufactured home subdivisions, institutional uses, commercial uses and industrial uses shall require the submission and approval of a site plan prepared by a Registered Engineer, with the minimum information described in Appendix A. One set of reproducible plans and five (5) copies of each set shall be submitted for approval.
- 2.2.3. Approval of Building Permit Application. If, after review, it is found that the proposed construction, excavation, moving or other alteration (as set forth in the application) is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a Building Permit accordingly.
- 2.2.4. Denial of Building Permit Application. The applicant, upon notification in writing by the Building Inspector of a Building Permit denial, may make application with the Chairman of the Zoning Board of Adjustment, hereinafter referred to as the "ZBA", and request a hearing before that body.
- 2.2.5. Certificate of Occupancy. No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Inspector has issued a Certificate of Occupancy. Within three (3) days after the owner or his or her agent has notified the Building Inspector that a building or premises thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this Ordinance; or if such certificate is refused, to state the refusal in writing with the cause. One (1) copy of the signed statement by the owner or his or her agent regarding the intended use of the premises and a signed refusal (if any) shall be kept on file with the records of the Building Inspector. Appeals from the decision of the Zoning

Administrator and Building Inspector shall be heard by the ZBA.

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

§2.3. Unlawful Structures

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Zoning Administrator is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Zoning Administrator has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from said official to vacate such premises, accomplish such vacation of said structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance. Service of notification shall be as follows:

- 2.3.1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion
- 2.3.2. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon
- 2.3.3. By posting and keeping posted twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises to be repaired

§2.4. Penalties and Remedies

- 2.4.1. Penalties. Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than one dollar(\$1.00) nor more than five hundred dollars (\$500.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

- 2.4.2. Remedies. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, maintained; or, any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner within 500 ft who would be damaged or caused hardship by such violation, in addition to other remedies, may:

1. Institute an injunction.
2. Institute a Mandamus.
3. Take other appropriate action or proceedings to stay or prevent the occupancy of such building, structure or land.

§2.5. Interpretation of District Boundaries

The Zoning Board of Adjustment (ZBA) shall make an interpretation of the Zoning Map of Calera, Alabama upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 2.5.1. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- 2.5.2. In un-subdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- 2.5.3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

§2.6. Interpretation of Uses

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

§2.7. Unclassified Uses

In the event the Zoning Administrator finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

- 2.7.1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by Special Exception upon approval and subject to the conditions set by the ZBA.
- 2.7.2. If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Administrator shall determine the most appropriate zoning district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the ZBA.
- 2.7.3. Following final action on the unclassified use, as (1) and (2) above may require, the Planning Commission, hereinafter referred to as the Commission, may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

§2.8. Zoning Board of Adjustment

- 2.8.1. Appointment. A Zoning Board of Adjustment (ZBA) is hereby established. Such board shall be appointed as provided by the Code of Alabama, 1975, Section 11-52-80 or as such, may be amended; and, it shall have all powers granted therein.
- 2.8.2. Procedure. The ZBA, shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman or in his or her absence, the acting Chairman. He or she may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the ZBA.
- 2.8.3. Powers and Duties. The ZBA shall have the following powers and duties as granted in §2.8.2 above and as herein specified.
 - 1. Administrative Review. The ZBA shall hear and decide appeals where it is alleged that an error exists in any order, requirements, decision or determination made by the administrative official in the enforcement of this Ordinance.
 - a. Action on Appeals. In exercising the above mentioned powers, the ZBA may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm (wholly or partly) or modify the order, requirement, decision or determination as to what should be made; and, to

that end, shall have powers of the administrative official from whom the appeal is taken. The concurring vote of four members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of said official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance. [Code of Alabama, 1975, Section 11 -52-80]

b. Appeals - How Taken

- (1) Appeals to the ZBA may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the ZBA, by filing with the Zoning Administrator and with the ZBA a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting which the action appealed from was taken.
- (2) The ZBA shall fix a reasonable time for hearing of the appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- (3) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official certifies to the ZBA (after the notice of appeal is filed by him or her) that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

c. Appeals from the Action of the ZBA. Any party aggrieved by any final judgment of the ZBA, may appeal therefrom to the Circuit Court or court of like jurisdiction as provided by Code of Alabama, 1975, Section 11-52-81 or as the same may be amended within 15 days from the date of the board hearing.

- 2. Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal

enforcement of the provisions of this Ordinance would result in unnecessary hardship.

a. Justification. Variances to the terms of this Chapter may be granted individual cases upon a finding by the ZBA that the variance will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Another essential factor is that the spirit of the Ordinance shall be observed and substantial justice done. More specifically, the ZBA shall determine **all** of the following criteria have been satisfied.

- (1) The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
- (2) Variances should be permitted only under peculiar and exceptional circumstances.
- (3) Hardship alone is NOT sufficient. Alabama statutes require unnecessary hardship. [Not self-created and involving the design or other limitations of the land itself]
- (4) Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an unnecessary hardship.
- (5) When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.

Variances should be granted sparingly and the spirit of this Ordinance, in harmony with the spirit of State Law, should be carefully preserved to the end, that the structure of this Section would not disintegrate and fall apart by constant erosion at the hands of the ZBA.

b. Application for a Variance. An application for a variance shall be filed with the Zoning Administrator at least twenty-one (21) days ahead of the scheduled hearing date before the ZBA. The application shall be filed by the property owner or the authorized agent of the owner on a form made available from the Zoning Administrator and shall include the materials listed in Appendix A.

c. Public Notice Required. At least fifteen (15) days prior to the scheduled ZBA hearing, the Chairman of the ZBA shall give written notice of the variance request to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail - first class, postage prepaid, addressed to such property owners at the addresses as submitted with the variance application. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five (5) percent of the total number of notices given contain any such error. Such notice shall state the following:

- (1) The name of the applicant
- (2) The location of the property
- (3) The nature of the variance and applicable zoning provisions
- (4) The time, date and location of the ZBA hearing at which said application is to be considered

3. Special Exception Uses. In certain cases, certain land uses are identified for special zoning treatment. The nature of these uses is such that, when properly regulated, they are appropriate in several districts. In order to bring about the proper integration of uses into the City's land use pattern, a special set of criteria or standards may be provided for each use listed in the Special Exception Use category. Review of these standards will tend to maintain compatibility with adjoining land uses and it is intended that the ZBA will review all such proposals for these types of uses for compliance with the appropriate provisions before approval is granted and appropriate permits are issued.

a. Special Exception Procedures. All uses listed as permitted by special exception shall require the submission of an application to the ZBA. An application for a special exception use shall be filed with the Zoning Administrator at least twenty-one (21) days ahead of the scheduled hearing date before the ZBA. An application shall be filed by the property owner or authorized agent on a form made available by the Zoning Administrator. Such form shall be completed by the applicant or agent and include the materials listed in Appendix A.

b. Public Notice. At least fifteen (15) days prior to the scheduled ZBA public hearing, the Chairman shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail first class, prepaid, addressed to those property owners at their addresses as

submitted by the applicant at the time application was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five (5) percent of the total number of notices contain any such error. Such notice shall contain the following:

- (1) The name of the applicant
- (2) The location of the property
- (3) The proposed use by Special Exception
- (4) The time, date and location of the ZBA Public Hearing

§2.9. Conditional Uses

2.9.1. Application. All requests for Conditional Uses shall be submitted on applications made available by the City Clerk. Applications shall be submitted at least twenty (20) working days prior to the next regularly scheduled meeting of the Commission and accompanied by maps, drawings, statements and/or other documentation as necessary to determine compliance with the criteria of this §2.9.

2.9.2. Public Hearing. Upon acceptance of an application, the Commission shall consider the application during a public hearing. The Commission shall have thirty (30) days, after the public hearing, in which to approve or disapprove the request. Failure of the Commission to make such decision within the prescribed time shall constitute approval.

An applicant may request reconsideration by the Council upon denial by the Commission or if the applicant feels conditions imposed by the Commission are excessive or arbitrary. Such request shall be submitted to the Zoning Administrator within fifteen (15) days of the decision of the Commission.

2.9.3. Determination. Approval shall not be made unless evidence presented is such to establish:

1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
2. That such development will comply with all applicable regulations and conditions specified within this Ordinance.
3. The Commission shall describe and have recorded and filed in writing, the conditions imposed on the development.

2.9.4. Expiration and Revocation. Approval of a Conditional Use shall be considered exercised when the use has been established or when the Building Permit has been issued and substantial construction accomplished. When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the Commission. Conditional Use approval shall be revoked when the applicant fails to comply with the conditions imposed by the Commission.

2.9.5. Review Criteria. Conditional Uses shall only be approved upon a finding that all of the following criteria are satisfied:

1. The request is consistent with all applicable provisions of the Comprehensive Plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.
9. The request conforms to all applicable requirements of this Ordinance.

§2.10. Amendments to the Zoning Ordinance or the Zoning Map

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the Council; but, no amendment shall be considered, unless it is first submitted to the Commission for its review and recommendation. This body may, on its own initiative, propose changes, hold public hearings (public notice of which shall be given), for the consideration of any proposed amendment to the provisions of this Ordinance or to the official Zoning Map of Calera, Alabama.

2.10.1. Authority to Amend. Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78 or as same may be amended.

2.10.2. Authorized Petitioners. A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Council, the Commission or by the owner or agent of such property owner.

2.10.3. Petition for Amendment

1. A petition for amendment; when initiated by the property owner or by authorized agent of such owner, shall meet the application requirements of this Section.

2. The application for rezoning shall be made on a form available from the Zoning Administrator and shall be filed with said official at least twenty-one (21) days prior to the Commission hearing. The applicant shall provide the information and materials described in Appendix A.

Note: When a petition for a zoning change is initiated by the City, rather than by property owner or his or her authorized agent, no Administrative Fee shall be required.

2.10.4. City Council Action on Amendments

1. Notification and Adoption Requirement

a. Prior to adoption, a proposed amending ordinance shall be published in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least fifteen (15) days in advance of its passage and in a newspaper of general circulation published within the City, or, if there is no such newspaper, then by posting the proposed ordinance in four (4) conspicuous places within the City, together with a notice stating the time and place that the ordinance is to be considered by the Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

b. After such public hearing, the Council may adopt the proposed amending ordinance as recommended by the Commission or in such amended form as it deems best. However, if the Council makes substantial or material changes

from the proposed amending ordinance as first advertised, the Council shall hold another public hearing on the proposed amending ordinance as changed, after giving notice as provided in Item a above.

2.10.5. Limitations on Rezoning Requests. Should the Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Commission until a period of six (6) months has elapsed from the date of such action by the Council. Further, a withdrawal of the application for rezoning, after the hearing held by the Commission but prior to the hearing held by the Council, shall also require a six (6) month time period before another application may be submitted. However, the Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

Article 3 DEFINITIONS

§3.1. Purpose of Definition

For the purpose of this Zoning Ordinance, certain terms used in this Ordinance shall have the meanings defined by this Article. In the event a term is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

§3.2. Interpretation

The Zoning Administrator is authorized to make a final determination of the meaning of any term used in this Ordinance.

§3.3. Word Usage

3.3.1. In the interpretation of this Zoning Ordinance, the provisions and rules of this Section shall be observed and applied, except when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include the other tenses and derivative forms.
2. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
4. The word shall is mandatory and the word may is permissive.
5. The word person includes an individual, firm, association, organization, partnership, trust, company or corporation.

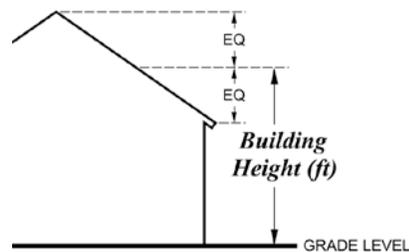
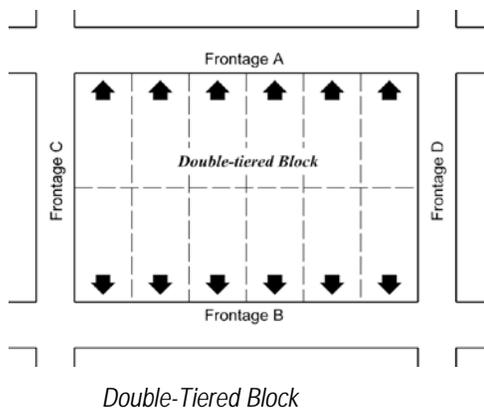
§3.4. Words and Phrases Defined

The following general terms, when referred to in this Ordinance, shall have the meanings defined by this Section.

1. **ABUT, ADJACENT, ADJOIN OR CONTIGUOUS**
To physically touch or border upon or to share a common border with or be separated from the common border by an easement.
2. **ACCESS** A way or means of approach to provide physical entrance to a property.
3. **ACCESSORY STRUCTURE** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
4. **ACCESSORY USE** A use of land or of a building or portion thereof commonly associated with and

integrally related to the principal use of the land or building on the same lot.

5. **ACRE** A measure of land containing 43,560 sf of area.
6. **ADDITION** A structure added to the original structure at some time after completion of or after a Certificate of Occupancy has been issued for the original structure.
7. **ALLEY** A service way providing a means of access to abutting property and not intended for general traffic circulation.
8. **ALTERATION** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to a building or structure whether horizontally or vertically or the moving of a building or structure from one location to another.
9. **APPLICABLE DISTRICT** That zoning district in which a building, structure, property, or subdivision, for which a zoning application is submitted or permit is sought, is located.
10. **APPLICANT** A person submitting an application for development, a variance, a special exception use or rezoning.
11. **BASEMENT** A portion of a building having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) ft.
12. **BEDROOM** A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
13. **BERM** A grass covered or landscaped mound of earth with a slope of 1/3 or greater on both sides of the mound, used to screen activities or uses.
14. **BLOCK** A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
15. **BLOCK, DOUBLE-TIERED** A residential block bounded on all sides by streets and within which lots fronts only on two of the surrounding streets. In the R-2, R-2A and R-3 Districts, the Corner Lots of such Blocks shall be considered "Standard Corner Lots".

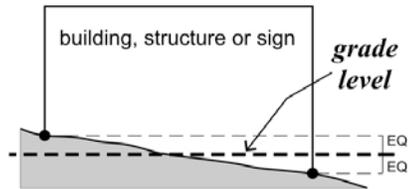


Building Height for pitched-roof buildings

16. **BLOCK FRONTAGE** The aggregate width of all the property on one (1) side of a street between two intersecting streets measured along the street right-of-way line, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
17. **BOARDER** An individual other than a member of a family occupying the dwelling unit or part thereof, who, for compensation, is furnished sleeping accommodations and meals and may be provided personal care, financial services, counseling, or other services.
18. **BUFFER** A strip of land retained in an undeveloped state to separate incompatible land uses, promote visual harmony, reduce noise, divert emissions, reduce the effects of adjacent lighting and enhance the natural environment. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or berms.
19. **BUILDING** A structure, having a roof supported by columns or walls and designed to be used as a place of occupancy, storage or shelter.
 - a. **BUILDING, ACCESSORY** A Building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.
 - b. **BUILDING, PRINCIPAL** The primary building on a lot or a building that houses a principal use.
20. **BUILDING HEIGHT** For flat or parapet roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.

21. **BUILDING LINE** A line generally parallel to the street right-of-way line touching that part of the building closest to the street, or in reference to a rear building line, closest to the rear lot line.
22. **BUILDING SPACING** The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and eaves.
23. **CARPORT** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.
24. **CITY** The City of Calera, Alabama.
25. **CONDITIONAL USE** A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. This use is permitted subject to a conditional use permit being granted by the Commission and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.
26. **CONDOMINIUM** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by the owners on a proportional, undivided basis.
27. **COUNCIL or CITY COUNCIL** The City Council of the City of Calera.
28. **CUL-DE-SAC** See "Thoroughfare".
29. **DENSITY** The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.
30. **DEVELOPMENT** The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.

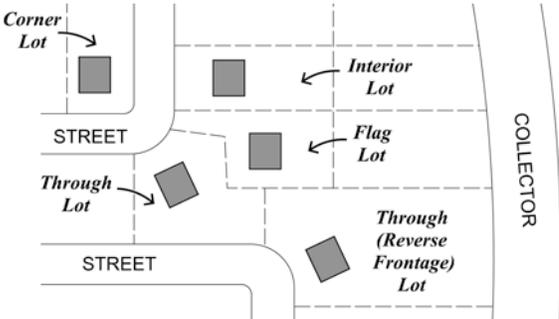
- 31. **EASEMENT** Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.
- 32. **ENGINEER or REGISTERED ENGINEER** A professional engineer registered in the State of Alabama.
- 33. **FAÇADE** The exterior wall of a building that fronts on a public street, park or plaza.
- 34. **FAMILY** Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:
 - a. an individual
 - b. two (2) or more persons related by legal adoption, blood, or a licit marriage plus up to two (2) unrelated individuals
 - c. a group of not more than four (4) unrelated persons.
- 35. **FENCE** An artificially constructed barrier of any material or combination of materials or vegetation, which is planted or retained as a means to enclose or screen areas of land.
- 36. **FLOOR AREA, GROSS** The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than six and one-half (6.5) ft.
- 37. **FRONT-LOADED** Having vehicular access from the front of the property, requiring a driveway along a front lot line.
- 38. **GRADE LEVEL** For buildings, the average level of the finished grade at the front building line. For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant or fixture.



Grade Level

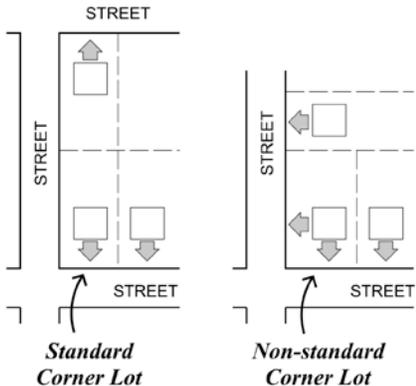
- 39. **HIGH TRAFFIC CORRIDOR** Land adjoining a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day.

- 40. **IMPROVEMENT** Any permanent structure that becomes a part of, is placed upon or is affixed to real estate.
- 41. **LIVABLE FLOOR AREA** Any heated, livable floor space within a dwelling, at ground level or above, usable for any combination of sleeping, eating, cooking and recreation purposes.
- 42. **LOT** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.



Types of Lots

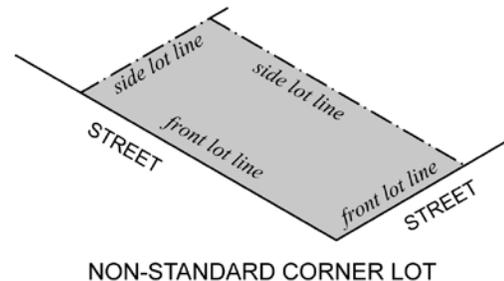
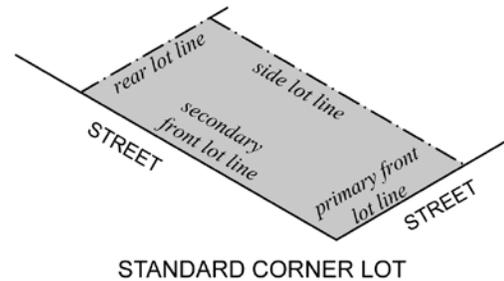
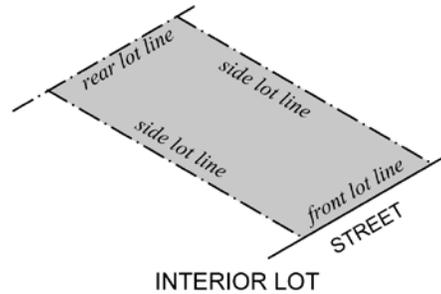
- 43. **LOT, CORNER** A lot abutting two (2) or more streets at their intersections.
 - a. **NON-STANDARD CORNER LOT** A corner lot in the R-2, R-2A, or R-3 District on other than a double-tiered block.
 - b. **STANDARD CORNER LOT** A corner lot on a double-tiered block in the R-2, R-2A or R-3 District.



Standard and Non-Standard Corner Lots

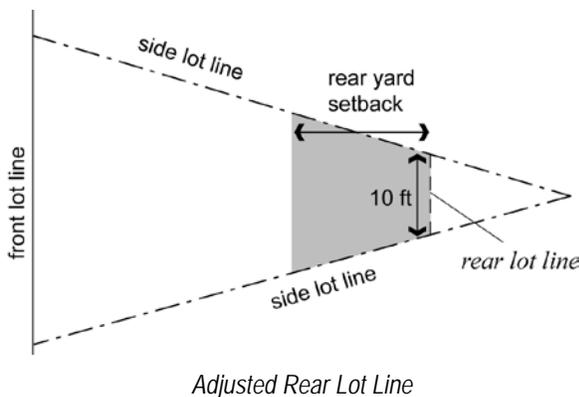
- 44. **LOT, DOUBLE FRONTAGE or THROUGH** A lot having frontage on two (2) or more streets, but not at their intersections.
- 45. **LOT, INTERIOR** A lot other than a corner lot.

- 46. **LOT, REVERSE FRONTAGE** A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.
- 47. **LOT, FLAG** A parcel of land which does not have the required minimum lot width at the front lot line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel.
- 48. **LOT AREA** The minimum area contained within the property of the individual parcels of land shown on a subdivision plat or survey, excluding any area within an existing or future street right-of-way or any area devoted to common open space.
- 49. **LOT FRONTAGE** The length of the front lot line measured at the street right-of-way line.
- 50. **LOT LINE** A line of record bounding a lot which divides one (1) lot from another or from a street or from any other public or private place.
- 51. **LOT LINE, FRONT** The lot line separating a lot from the street right-of-way. In the case of standard corner lots, there shall be a primary and secondary front lot line. The shorter of the two shall be the primary front lot line. For all other corner lots, both lot lines shall be considered front lot lines.
- 52. **LOT LINE, SIDE** Any lot line other than a front lot line or a rear lot line.
- 53. **LOT LINE, REAR** That lot line that is opposite and most distant from the front line. In the case of an irregular or triangular lot, a line ten (10) ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line. In the case of a double frontage lot, there are no rear lot lines, but only front lot lines.



Lot Line Configurations

- 54. **LOT OF RECORD** A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.
- 55. **LOT WIDTH** The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. In the case of only one side lot line, lot width is the distance measured between the side lot line and the opposite lot line.
- 56. **NON-CONFORMITIES** Lawful uses of lots, structures or characteristics of uses which, as a result of the adoption of this Ordinance or subsequent amendment thereto, no longer conform to all applicable zoning provisions.
- 57. **NON-RESIDENTIAL** Land uses including agricultural, institutional, commercial, lodging and



- industrial activities. Mixed-use developments shall also be considered non-residential uses.
58. **OPEN SPACE, COMMON** Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by covenant or deed restriction to insure that it remains in such uses. Common open space does not include surface water bodies, (i.e. rivers, streams, lakes or ponds) nor land occupied by non-residential buildings, common driveways, or parking areas or street right-of-way; nor does it include lots for single family or multi-family dwellings.
 59. **OUTDOOR STORAGE** The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.
 60. **OWNER** The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land.
 61. **PERIMETER** The boundaries or borders of a lot, tract or parcel of land.
 62. **PLANNING COMMISSION or COMMISSION** Shall mean the Planning Commission of the City of Calera, Alabama.
 63. **PORCH** A roofed open area, which may be screened, attached to or part of a building and with direct access to or from it.
 64. **PREMISES** A lot, parcel, tract or plot or land together with the structures hereon.
 65. **PROPERTY LINE** The lot line or boundary line.
 66. **REAR-LOADED** Having vehicular access by way of an alley or similar means so as not to require a driveway along a front lot line.
 67. **RETAIL** The rental or sale of goods and merchandise (usually to the general public for personal or household use or consumption, although businesses and institutional clients may also be served) and rendering of services incidental to the rental or sale of such goods.
 68. **SCREEN** To visually shield or obscure one abutting or nearby structure or use from another by means of opaque fencing, walls, berm or densely planted vegetation.
 69. **SIGHT DISTANCE, INTERSECTION** The length of a line of sight between a motorist, when stopped at an intersection or driveway, and the nearest intersection, driveway, alley or other signalized or non-signalized access point to the left or to the right of the motorist. See also "Sight Triangle".
 70. **SIGHT TRIANGLE, CLEAR** A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. [See typical illustration over-leaf.]
 71. **SITE** Any plot or parcel of land or combination of contiguous lots or parcels of land.
 72. **SITE AREA** A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:
 - a. Land within an existing or future street right-of-way or utility right-of-way easement.
 - b. Land which is not contiguous or is cut off by a major barrier.
 - c. Land which is part of a previously approved development.
 - d. Land which is zoned for another use.
 73. **SPECIAL EXCEPTION USE** A use that would not generally be appropriate without restriction(s) throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health. This use is permitted subject to a special exception use permit being granted by the Calera Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.
 74. **STORY** That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next above. A mezzanine or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four (24) ft or more. A basement shall be counted as a story if it is used as livable area (in the case of dwellings) or is used by the principal use (in the case of other uses).
 75. **STREET** See "Thoroughfare".
 76. **STRUCTURE** A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or

below the surface of land or water. All buildings are structures but not all structures are buildings

77. **SUBDIVISION** The division of a lot, tract or parcel or land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land or territory subdivided.

78. **TERRACE** A level, landscaped or surfaced area, including patios, on a lot directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

79. **THOROUGHFARE** A vehicular way dedicated for public use including all land within the right-of-way. Thoroughfares are further classified as:

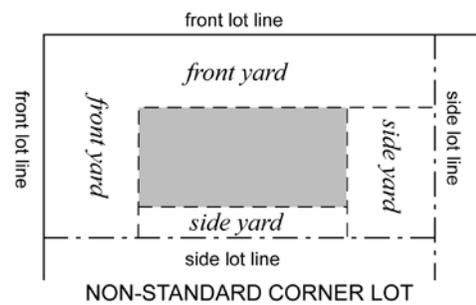
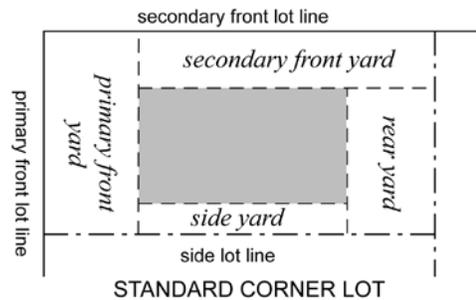
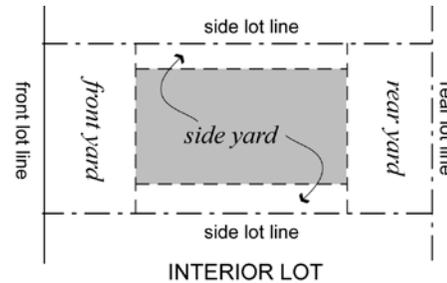
- a. **ARTERIAL** A major thoroughfare serving as a primary artery, intended to mainly carry through traffic and to connect major activity centers in the City; including US Highway 31, State Highways 25 and 70, and County Road 22.
- b. **COLLECTOR** A thoroughfare that collects traffic from an area and moves it to the arterial network while providing some access to abutting property. A collector will generally have lower design speeds than an arterial but higher than a local street. A "Residential Collector" is a collector that provides direct access to residential properties.
- c. **CUL DE SAC** A short thoroughfare designed to have one end permanently closed and terminated by a vehicular turnaround.
- d. **FREEWAY** A controlled access thoroughfare with four or more lanes providing fast, efficient movement of large volumes of traffic over a considerable distance and by prohibiting access except at controlled intervals; including Interstate 65.
- e. **LOCAL OR MINOR STREET** A minor thoroughfare used primarily for access to abutting properties. A "Residential Street" is a local street serving primarily residential property.

80. **RECREATIONAL VEHICLE** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodations for recreational and camping purposes, including but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.

81. **USE** The activity or function for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

82. **VARIANCE** Permission granted by the Zoning Board of Adjustment to depart from the literal requirements (excluding use regulations) of this Ordinance, pursuant to [§2.8](#).

83. **YARD** An open area that lies between the principal building or buildings and the nearest lot line. The yard shall be measured as the shortest distance between the structure and the lot line.



Yard Configurations

84. **YARD, FRONT** A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building to the closest point to the front lot line. Standard corner lots in the R-2, R-2A and R-3 Districts have a primary (deeper) front yard and a secondary (shallower) front yard.

- 85. YARD, REAR A yard extending across the full width of the lot between the rear lot line and the principal building and measured perpendicular from the building to the closest point of the rear lot line.
- 86. YARD, REQUIRED The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as specifically provided for otherwise in this Ordinance.
- 87. YARD, SIDE A yard extending from the front yard to the rear yard between the side lot line and the principal building and measured perpendicular from the side lot line to the closest point of the principal building.
- 88. ZONING BOARD OR ADJUSTMENT (ZBA) The Zoning Board of Adjustment of Calera, Alabama.

§3.5. Uses Defined

When referred to in this Ordinance, the following uses shall have the meanings defined in this Section:

3.5.1. Agricultural Uses

- 1. FARM A parcel of land, in one ownership, used for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- 2. FARM SUPPORT BUSINESS A commercial establishment engaged in the sale of farm support goods and services, including the following activities:
 - a. The sale of feed, grains, fertilizers, pesticides and similar farm support goods
 - b. The provision of warehousing and storage facilities for raw farm products
 - c. The provision of veterinary services to farm animals
- 3. FOWL Chickens, turkeys, ducks, geese, quail, guineas, etc.
- 4. HOBBY FARM A tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract.
- 5. KENNEL An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

- 6. LIVESTOCK Cows, horses, goats, sheep, swine, ponies, etc.
- 7. LIVESTOCK SALES The sale of livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
- 8. STABLE A used for the shelter or care of horses or cattle.

3.5.2. Residential Uses

- 1. DUPLEX A building containing two (2) single family dwelling units totally separated from one another by an unpierced wall extending from basement to roof.
- 2. DWELLING Any building or portion thereof, which is designed and used for residential occupancy.
- 3. DWELLING, DETACHED See "Dwelling, Single Family Detached."
- 4. DWELLING, MULTI-FAMILY A building containing three (3) or more dwelling units on a commonly shared lot.
- 5. DWELLING, SEMI-DETACHED A single-family dwelling attached to one other single-family dwelling by a common vertical wall, with each dwelling located on a separate lot.
- 6. DWELLING, SINGLE FAMILY DETACHED A building containing one dwelling unit and that is not attached to any dwelling by any means and is surrounded by open space or yards.
- 7. GARDEN HOME A detached, single family dwelling on a small lot.
- 8. INDEPENDENT LIVING FACILITY A multi-family residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
- 9. MANUFACTURED HOME, CLASS A A double-wide or larger Manufactured Home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:
 - a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.

- b. The manufactured home has a minimum of 960 sf of enclosed and heated living area.
 - c. The roof has a minimum vertical rise of three (3) ft for each twelve (12) ft of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
 - d. All roof structures have an eave projection of no less than six (6) inches, which may include a gutter.
 - e. The exterior siding consists predominantly of vinyl or aluminum horizontal siding, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
 - f. The manufactured home is set up in accord with the standards set by the Alabama Manufactured Home Institute.
 - g. The moving hitch, wheels and axles, and transporting lights have been removed.
10. MANUFACTURED HOME, CLASS B A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.
11. MANUFACTURED HOME, CLASS C A manufactured home built before 1976 that does not meet the definition of a Class A or Class B Manufactured Home. Class C Manufactured Homes are not allowed in the City, except as existing structures permitted prior to the adoption of this Ordinance.
12. MANUFACTURED HOME SUBDIVISION A division of a tract of land into two (2) or more lots, plats, sites or other subdivision of land which meets all required regulations and is designed and intended for the siting of Class A Manufactured Homes.
13. MANUFACTURED HOME PARK A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. The site may also include services and facilities for the residents.
14. MANUFACTURED HOME LOT A lot that is designed for use within a manufactured home subdivision.
15. MANUFACTURED HOME SPACE A space that is designed for use within a manufactured home park.

16. MODULAR HOME A structure intended for use as a single-family detached dwelling manufactured off-site and assembled on-site, all in accordance with the local or state building code.
17. TOWNHOUSE A single-family dwelling in a row of at least three (3) such units, in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

3.5.3. Institutional Uses. Institutional uses include structures or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services; but do not include those of an industrial nature such as garages, repair or storage yards, and warehouses. For the purposes of this Ordinance, institutional uses are categorized as shown below.

Low Intensity

-
- civic, service, and fraternal organizations; cultural facilities
 - places of assembly up to 150 seats
 - day care centers; dormitories; group care homes with more than 10 residents
 - nursing homes, rest homes, and other homes for the aged up to 10,000 sf

Medium Intensity

-
- government buildings up to 12,500 sf
 - elementary and junior high/middle schools; places of assembly up to 300 seats
 - stadiums and arenas up to 3,000 seats
 - health and other institutions up to 35,000 sf

High Intensity

-
- government buildings greater than 12,500 sf
 - places of assembly greater than 300 seats
 - high schools, universities, colleges, junior colleges
 - stadiums and arenas greater than 3,000 seats
 - health and other Institutions greater than 35,000 sf

1. ANIMAL SHELTER A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
2. ASSISTED LIVING FACILITY Licensed homes for the aged, intermediate institutions and related institutions (not otherwise defined in this

- Ordinance) whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who, because of age or disabilities, are incapable of living independently in their own homes or in a commercial board and room situation, yet who do not require the medical and nursing services provided by a Nursing Home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention that an individual would receive if living at home.
3. CEMETERY Human burial grounds.
 4. PET CEMETERY Burial grounds for small domestic animals (pets).
 5. CLUB A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or dues, which holds regular meetings and has a constitution or by-laws.
 6. COMMUNITY CENTER A facility used for social, educational, cultural and/or recreational programs and activities.
 7. COUNTRY CLUB A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining establishments and recreational facilities such as golf course(s), tennis courts, and swimming pools.
 8. GROUP CARE HOME A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
 9. HALFWAY HOUSE See "Group Care Home".
 10. HOSPITAL An establishment which provides health services primarily for inpatient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics training facilities, gift shops, coffee shops, cafeterias and staff offices.
 11. INDEPENDENT LIVING FACILITY See "Independent Living Facility" under [§3.5.2 Residential Uses](#).
 12. MILITARY INSTALLATION A government-sponsored defense facility, including military bases, national guard armories, military reserve centers and similar uses.
 13. NURSING CARE FACILITY A licensed institution 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 or independent living facility.
 14. PARK Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. For the purposes of this Ordinance, parks owned and operated by a property-owners association are referred to as "Common Open Spaces."
 15. PENAL INSTITUTION A public institution housing inmates for correction or rehabilitation.
 16. PLACE OF ASSEMBLY Buildings arranged for public assembly or for religious purposes, such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.
 17. PUBLIC BUILDING Buildings arranged for the purpose of providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
 18. PUBLIC UTILITY FACILITY A facility that provides public utility services to the public at large, including water and sewer facilities, gas distribution facilities, electric transmission and distribution facilities and cable transmission and distribution facilities.
 19. PUBLIC UTILITY SERVICE Essential utility services necessary to support development and which involve only minor structures such as lines and poles.
 20. SCHOOL Any building or part thereof designed, constructed, or used for education or instruction in any branch of knowledge.
- 3.5.4. Commercial Uses
1. AIRPORT A place where aircraft can land and take off. Such use may include terminals, hangers, refueling and repair facilities, passenger accommodations and other integrally related facilities.
 2. ANIMAL HOSPITAL A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

3. BAKERY, MINOR An establishment which bakes goods for on-premises retail sale only.
4. BANK or FINANCIAL INSTITUTION A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union, finance company and similar uses.
5. BED AND BREAKFAST Overnight accommodations and a morning meal, within a single-family detached dwelling, provided to guests for compensation.
6. BOARDING HOUSE A dwelling unit or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered to boarders on long-term basis (at least month-to-month). Each room intended to be rented does not constitute a dwelling unit as defined in this Ordinance.
7. BROADCAST STUDIO See "Broadcast Studio" under [§3.5.6](#) Telecommunications Uses.
8. BUSINESS or PROFESSIONAL OFFICE A room or group of rooms used for conducting the affairs of a business, profession, service or industry and generally furnished with desks, tables, files, and communication equipment.
9. BUSINESS SUPPORT SERVICE A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, office equipment, supplies and services, cleaning services, computer and office equipment repair and similar services.
10. CAMPGROUND A plot of ground on which two or more campsites are located, established, or maintained for occupancy by tents, recreational vehicles or similar accommodations, as temporary living quarters for recreation, education, or vacation purposes.
11. CAR WASH Any building or premises used for washing motor vehicles.
12. CLINIC An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than twenty-four (24) hours.
13. COMMERCIAL PARKING Parking of motor vehicles on a temporary basis within a commercially-operated, off-street parking lot or garage.
14. COMMERCIAL SCHOOL A private, gainful business providing instructional service in the arts, business, crafts, trades or professions.
15. CONVENIENCE STORE A retail establishment of up to 5,000 sf selling primarily food, beverages, household items, newspapers and magazines, candy and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption
16. DAY CARE CENTER A licensed facility, other than a residence, providing care for part of a twenty-four (24) hour day to children, elderly, handicapped or infirm persons in accordance with [§7.21](#) Day Care Facilities.
17. DAY CARE HOME, FAMILY A licensed service operated from a single-family dwelling by the resident, providing care for part of a twenty-four (24) hour day to children in accordance with [§7.21](#) Day Care Facilities.
18. ENTERTAINMENT, INDOOR A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, etc.
19. ENTERTAINMENT, OUTDOOR A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
20. FUNERAL HOME A building or part thereof used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. Funeral homes may also include the storage of caskets and related funerary items.
21. GARDEN CENTER or NURSERY The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
22. GASOLINE SERVICE STATION Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
23. GENERAL RETAIL, ENCLOSED Retail sales of goods and services, not otherwise defined in this Section, including, but not limited to; food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and

- supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses and similar retail activities.
24. GENERAL RETAIL, UNENCLOSED The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas; boats and aircraft; farm equipment; manufactured homes; burial monuments; building and landscape materials; flea markets; and lumberyards.
 25. GROCERY STORE or SUPER MARKET A retail establishment primarily selling food as well as other convenience and household goods.
 26. HOME OCCUPATION A business, profession, occupation or trade conducted for gain or support within a dwelling pursuant to [§7.9](#).
 27. HOME IMPROVEMENT CENTER A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
 28. HOTEL An establishment offering sleeping accommodations to guests, in which lodging rooms are accessed from the interior of the building. Such facility may also include, as an integral part of operations, such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Hotels may also include, as an incidental use, a liquor lounge.
 29. INN A commercial facility offering transient lodging accommodations on a daily or weekly basis, in which lodging rooms are accessed from the interior of the building. Inns do not include liquor lounges.
 30. LAUNDRY SERVICES Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering, dry cleaning, and dyeing plants.
 31. LIQUOR LOUNGE A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises. This shall include but not be limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included in this definition are establishments, which sell alcoholic beverages for off-premise consumption only, such as a package stores, State Alcoholic Beverage stores, supermarkets, etc.
 32. LIVE WORK A type of mixed-use development, in which one (1) single-family dwelling unit is located in the same building as a non-residential use. Typically, the dwelling unit is located in an upper floor with the non-residential use at ground level. The business use is typically owned or managed by the resident.
 33. MANUFACTURED HOME SALES A lot or tract of land used for display of manufactured homes for sale.
 34. MEDICAL SUPPORT SERVICE A place of business which supplies medical support services to individuals, medical practitioners, clinics and hospitals, such as a pharmacy (where the business activity is limited to the filling of prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician and the like.
 35. MINI-WAREHOUSE A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
 36. MIXED USE DEVELOPMENT The combination of a residential use with commercial and/or lodging uses on the same site or within the same building.
 37. MOTEL An establishment offering sleeping accommodations for guests, in which lodging rooms are accessed from the exterior of the building. Such facility may also include, as an integral part of operations such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Motels may also include, as an incidental use, a liquor lounge.
 38. OPEN AIR MARKET Retail sales of arts, crafts, produce, discount or used goods which are located partially or wholly outside of an enclosed building. This may include produce market, craft market, farmers market or similar activities.
 39. PERSONAL SERVICE A retail establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
 40. PRINTING ESTABLISHMENT, MINOR Blue printing, copying, printing, engraving or other reproduction services limited to 2,500 sf of floor space.
 41. RECREATION A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis

- courts and other commercial recreational and sports activities.
42. RESTAURANT, STANDARD An establishment where food and drink are prepared, served and consumed, mostly within the principal building.
43. RESTAURANT, FAST FOOD An establishment where food and drink are rapidly prepared for carry-out, fast delivery, drive-through or drive-in and may also include facilities for standard sit-down consumption by patrons.
44. SHOPPING CENTER A group of commercial establishments, planned, constructed, and managed as a total entity with shared parking and driveway facilities.
45. STUDIO A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
46. TRUCK STOP A commercial establishment which may contain a restaurant(standard) or a delicatessen; a gift shop; provisions for the incidental sale of gasoline, including diesel fuel; designated areas for the temporary parking of large trucks/rigs, including overnight parking; and, the sale of vehicle equipment, motor oil and other vehicle accessories. Such a facility may also engage in minor vehicle repair activities, as defined in this ordinance. This use shall not be confused with TRUCK TERMINAL, defined herein.
47. VEHICLE AND EQUIPMENT SALES, MAJOR A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors, farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.
48. VEHICLE SALES OR RENTAL A commercial establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.
49. VEHICLE REPAIR, MINOR A place of business engaged in sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
50. VEHICLE REPAIR, MAJOR A place of business engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities.
51. Wrecker Service - A business establishment involved in the recovery of wrecked, junked, abandoned or repossessed vehicles including the repair of vehicles including as an incidental use the storage of such vehicles for no longer than allowed by Section 4.11. This shall not include the repair of vehicles nor the salvage, dismantling or sales of used auto parts on the premises, which shall constitute a Vehicle Repair Service of a Salvage Yard, respectively. Storage of vehicles other than within a structure is subject to the requirements of Section 9.4 Screening.
- 3.5.5. Industrial Uses
1. BAKERY, MAJOR An establishment which bakes goods primarily for wholesale and/or retail and in which may include storage and distribution facilities.
 2. CONSTRUCTION SERVICE A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail) such as a building contractor, trade contractor or wholesale building supply store.
 3. HEAVY INDUSTRY Meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
 4. LAUNDERING PLANTS Establishments primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.
 5. MANUFACTURING, GENERAL The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.
 6. MANUFACTURING, LIGHT The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products.
 7. MAINTENANCE SERVICE An establishment providing building and yard maintenance, janitorial,

- exterminating, landscaping, window cleaning, office cleaning and similar services.
8. **OUTDOOR STORAGE** The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.
 9. **PRINTING ESTABLISHMENT, MAJOR** Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.
 10. **RECYCLING PLANT** A facility, other than a junkyard, in which recyclables, such as newspapers, magazines, books and other paper products; glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used in new products.
 11. **RESEARCH LABORATORY** A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.
 12. **RESOURCE EXTRACTION** The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.
 13. **SALVAGE YARD or JUNK YARD** A facility or area for storing, collecting, selling, dismantling, shredding, compressing, disposal, or salvaging of scrap, junk, discarded material, or equipment.
 14. **SANITARY LANDFILL** A State-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
 15. **TRUCK TERMINAL** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair and maintenance of trucks associated with the terminal.
 16. **Wrecker Service** - A business establishment involved in the recovery of wrecked, junked, abandoned or repossessed vehicles including the repair of vehicles including as an incidental use the storage of such vehicles for no longer than allowed by Section 4.11. This shall not include the repair of vehicles nor the salvage, dismantling or sales of used auto parts on the premises, which shall constitute a Vehicle Repair Service of a Salvage Yard, respectively. Storage of vehicles other than within a structure is subject to the requirements of Section 9.4 Screening.
- 3.5.6. Telecommunications Uses
1. **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. **ANTENNA** A device used to transmit and/or receive radio or electromagnetic waves between terrestrial structures and/or satellites.
 3. **ANTENNA TOWER** A structure that is intended to support antennas and related equipment used to transmit and/or receive telecommunications signals.
 4. **BROADCAST STUDIO** An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.
 5. **TRANSMISSION TOWER (COMMERCIAL)** A transmission tower that either (1) serves an individual user and is not available to the general public; (2) is privately owned and operated for the purpose of leasing tower space to others; and/or (3) is a single-purpose facility and not part of a cellular network.
 6. **SATELLITE DISH ANTENNA** A parabolic or dish-shaped antenna designed to receive television broadcasts relayed by signals from communications satellites.
 7. **WIRELESS COMMUNICATION** Any personal wireless services as defined by the Telecommunications Act of 1996 and licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, ground based repeaters for satellite radio services, microcell antennae and similar systems, which exist now or

may be developed in the future and exhibit technological characteristics similar to them.

8. WIRELESS FACILITY Any component of the wireless communication installation including any towers, antennas, antenna array, and any structure or device used to contain ancillary equipment for a wireless facility.

3.5.7. Temporary Uses

1. GARAGE or YARD SALES The sale by a resident, conducted on the premises of his or her dwelling, of personal property belonging to the occupant of such dwelling. [See [§6.9](#) Garage or Yard Sales.]
2. SEASONAL SALES Unless otherwise specified in this Ordinance, the seasonal sale of farm produce, firewood, Christmas trees and similar items. The use of structures or buildings in conjunction with said activity is temporary, as specified by the City and subject to the City's conditions at the time a business license is issued. This term shall not be confused with OPEN AIR MARKET, defined in this Ordinance.

3.6.20. U.S. – United States

3.6.21. ZBA – Zoning Board of Adjustment

3.6.22. % - percent

3.6.23. § - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

§3.6. Abbreviations used in this Ordinance

- 3.6.1. ac – Acre(s)
- 3.6.2. ADEM – Alabama Department of Environmental Management
- 3.6.3. bldg. – Building
- 3.6.4. br – Bedroom
- 3.6.5. DU – Dwelling Unit
- 3.6.6. EQ – equal
- 3.6.7. FCC – Federal Communications Commission
- 3.6.8. ft – foot or feet
- 3.6.9. GFA – Gross Floor Area
- 3.6.10. lf – linear feet
- 3.6.11. max. – maximum
- 3.6.12. min. – minimum
- 3.6.13. na – not applicable
- 3.6.14. oc – on center
- 3.6.15. Pkwy. – parkway
- 3.6.16. PL – Property line or Lot Line
- 3.6.17. PUD – Planned Unit Development
- 3.6.18. ROW – Right-of-way
- 3.6.19. sf – square feet

Article 4 GENERAL REGULATIONS

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

§4.1. Application of this Ordinance

No structure shall be constructed, erected, placed, maintained and no land use commenced or continued in the City except as specifically or by necessary implication, is authorized by the City.

§4.2. Except as Otherwise Provided for in this Ordinance

- 4.2.1. No land may be used except for a purpose permitted in the district in which it is located.
- 4.2.2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
- 4.2.3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and height limits of the district in which the building is located.
- 4.2.4. The minimum building line, number of parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- 4.2.5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and one principal use on one lot except as otherwise permitted for non-residential uses, multi-family complexes and condominium developments. Except as specifically permitted for accessory dwellings, Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Council.
- 4.2.6. Every building or structure hereafter constructed in the City shall conform with all applicable provisions of the American National Standard for Buildings and Facilities for Physically Disabled and or Handicapped, ANSI A117. [See the City's adopted building code.] Note: Certain types of buildings are exempt from these requirements.

- 4.2.7. In no case shall basements of dwellings, residences or buildings be used as temporary living space prior to the release of a Certificate of Occupancy for the structure.

§4.3. Reduction in Lot Area Prohibited

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance. [See [§4.6.2](#)]

§4.4. Joint Occupancy

Except as specifically provided for mixed-use developments, live-work buildings and home occupations, no structure shall be erected, structurally altered for or used as a single family or two family dwelling simultaneously with any other use.

§4.5. Public Utilities

Utility structures including, but not limited to poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City. This is not to be construed to include the erection or construction of buildings. [See district regulations for public utility facilities and services]

§4.6. Non-conformities

- 4.6.1. Within the districts established by this Ordinance or amendments that may be later adopted, there exists lots, structures, uses of land and structures and characteristics of use which, were lawful before the Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the applicable district.
- 4.6.2. Non-conforming Lots of Record. Where a lot of record existed at the time of the effective date of this Ordinance having less area or width than herein required for the applicable district, the following shall apply:

1. Said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible with the requirements of the applicable district, in the opinion of the ZBA.
 2. However, this provision shall not apply when two or more lots exist together, with contiguous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot area or width below the requirements stated in this Ordinance.
- 4.6.3. Non-conforming Improvements.
1. For the purposes of this Subsection, the term "non-conforming improvements" shall mean any physical improvements, including drainage improvements, driveways, landscaping, lighting and parking areas, but not including buildings, structures or signs, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the applicable regulations for such improvements in this Ordinance.
 2. Non-conforming improvements shall be brought into conformance with the applicable regulations for such uses in this Ordinance prior to occupancy by a new, more intensive use; expansion of an existing use by more than twenty-five (25) percent GFA; or prior to occupancy following a period of vacancy of two (2) years or longer. The ZBA may modify this requirement where it finds that the fully required improvements may not practicably be provided due to inadequate area on a developed lot.
- 4.6.4. Continuance. A lawful non-conforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided although such use does not conform with the provisions of this Ordinance subject to the conditions outlined in [§4.6.1](#) and [§4.6.2](#).
- 4.6.5. Restoration to Safe Condition. Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.
- 4.6.6. Restoration after Damages. No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged

less than fifty (50) percent of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage.

- 4.6.7. Abandonment. A non-conforming use, which has been discontinued for a continuous period of one (1) year, shall not be re-established; and any future use shall be in conformity with the provisions of this Ordinance.
- 4.6.8. Annexed Property. See [§5.19](#) MR Municipal Reserve District for annexation procedures.
- 4.6.9. Change in Use. A non-conforming use shall not be changed to another non-conforming use.

§4.7. Abandoned Right-of-way

Whenever any street, alley or other public way is vacated or abandoned by official action of the City the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

§4.8. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance

The ZBA may require the conduct of any use, conforming or nonconforming use, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The ZBA may direct the Zoning Administrator to issue an abatement order, but such order maybe directed only after a public hearing by the said board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted (in addition to due notice by advertisement in a newspaper of general circulation). A hearing to consider issuance of an abatement order shall be held by the ZBA either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the ZBA only upon reasonable evidence of hazard or nuisance and such order shall clearly specify the date by which the hazard or nuisance shall be abated.

§4.9. Structures Conforming to District Regulations but not Other Regulations

A structure or building conforming to the use regulations of a district, but not conforming to other

provisions of this Ordinance, may be enlarged or altered, provided that such enlargement or alteration conforms with the provisions of this Ordinance.

§4.10. Buildings to be Moved

Any building or structure which is to be moved to any location within the city limits of the City shall be considered for the purpose of this Ordinance to be a new building under construction; and, as such, it shall conform to all applicable provisions of this Ordinance and the City's adopted building code.

§4.11. Storage of inoperable motor vehicles

It shall be unlawful for any person to park, leave or store upon any lot, place or premises within the City any inoperable motor vehicle for a period greater than thirty (30) days, unless such vehicle is in an enclosed building or screened from public view as required in [§9.4 Screening](#) and in accordance with the limitations of [§6.4 Fences and Walls](#). For the purpose of this Ordinance, a vehicle shall be deemed inoperable if it cannot be started or driven under its own power.

§4.12. General Regulations for Non-Residential Districts

The following general regulations shall apply in the O&I, B-1, B-2, B-3, M-1, M-2 and M-3 Districts:

- 4.12.1. Each Business to be Located in Permanent Building. Except as otherwise permitted in this Article, the main building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the main building area. The permanent building and premises shall conform in all respects to the applicable land and building development codes and ordinances of the City. The main building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of the applicable district.
- 4.12.2. No Minimum Lot Area shall be required, although each lot shall be adequate in size to allow for the proposed use, as well as the required parking, buffers (if required), storage and servicing of the building(s).
- 4.12.3. No Minimum Lot Width shall be required, although it is each lot shall be of sufficient width to allow for the proposed use, along with adequate space for parking, buffers (if required), storage and the servicing of the building(s).

4.12.4. Each structure shall have a service yard adequate for the handling of waste and garbage and the loading and unloading of vehicles. Such service yard(s) shall be paved, have access to a public street or alley, and be located to the side or the rear of the primary structure.

4.12.5. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes shall exceed twenty-five (25) ft in height measured from grade level and shall be designed and installed so as to direct the beam of light away from any adjacent residential areas.

4.12.6. High Traffic Corridors. Any commercial building abutting or visible from a high traffic corridor shall meet the following requirements in addition to other provisions of this Ordinance:

- 1. Buildings must be constructed so that, at a minimum, the front of the building (and side(s) of the building if abutting an intersection of two high traffic corridors) is constructed of a masonry material. Acceptable materials include brick, stone, dryvit, or decorative block.
- 2. Parking lots shall include curbing and/or gutters and be landscaped in accordance with [§9.3 Landscaping for Vehicular Area in High Traffic Corridors](#).

§4.13. Intersection Visibility

No building, fence, wall, sign, or other structure nor any hedge or other visual obstruction be placed or maintained so as to conflict with intersection sight distances as determined by the City Engineer in accordance with the Public Works Manual. This shall apply to any thoroughfare, driveway or alley providing access to a thoroughfare.

§4.14. Temporary Living Quarters, Recreational Vehicles

Recreational Vehicles, tents and similar facilities intended for camping and similar recreational purposes, but that are not considered "structures" as defined in this Ordinance, shall not be used as dwellings in any district but may be used for lodging within recreational vehicle campgrounds, where permitted. However, the use of recreational vehicles for temporary living quarters may be approved by the Zoning Administrator following natural disasters, fires and similar emergency circumstances. Such administrative approval shall be limited to seven (7) days consecutive or non-consecutive in a twelve (12) month period. An extension may be approved only by the ZBA. Any such extension shall expire as determined by the ZBA based on the particular findings related to the request.

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Article 5 ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purpose of this Zoning Ordinance, the City of Calera is hereby divided into the following districts. The location, boundaries and area of which are and shall be, as shown and depicted upon the official zoning map. The said districts are to be as follows:

- E-1 Single family Residential (Estate) District
- R-1 Single family Residential District
- R-2 Single family Residential District
- R-2-A Single family Residential District
- R-3 Single family (Affordable Housing) Residential District
- R-3-A Manufactured Home Subdivision District
- R-3-B Manufactured Home Park District
- R-4 Multi-family Residential District
- RG Garden Home Residential District
- RT Townhouse Residential District
- A-1 Agricultural District
- O&I Office and Institutional District
- B-1 Neighborhood Commercial District
- B-2 General Business District
- B-3 Historical Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- M-3 Heavy Industrial District
- MR Municipal Reserve District

Questions concerning the exact location of district boundary lines shall be decided by the ZBA, as outlined in [§2.5](#) Interpretation of District Boundaries. The zoning district regulations are supplemented by the following Articles and provisions of this Ordinance:

1. Administration and Review Procedures, Art. 2
2. Definitions, Art. 3
3. General Regulations, Art. 4
4. Supplemental Regulations, Art. 6
5. Use Specific Regulations, Art. 7
6. Off-street Parking and Loading Regulations, Art. 8
7. Landscaping Regulations, Art. 9
8. Buffer Requirements, [§9.2 Buffers](#).

The District regulations are as described following.

§5.1. E-1 Single family Residential (Estate) District

Intent. To provide areas suitable for detached single family residences on large lots, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

- 5.1.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:
 1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.
- 5.1.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:
 1. Minimum Lot Area: One (1) acre
 2. Minimum Lot Width: 100 ft
 3. Minimum Yard Setbacks:
 - a. Front: Fifty (50) ft, or if fronting on undedicated road: Sixty (60) ft from the centerline
 - b. Rear: Fifty (50) ft
 - c. Side: Fifteen (15) ft *Long Branch is 12'
 4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
 5. Minimum Livable Floor Area: 1,300 sf of heated space, ground level or above
 6. Corner Lot setbacks shall be the same on both streets.

§5.2. R-1 Single family Residential District

Intent. To provide areas for medium density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.2.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.2.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 15,000 sf
2. Minimum Lot Width: 100 ft
3. Minimum Yard Size:
 - a. Front: Thirty-five (35) ft, or if fronting on undedicated road: Sixty (60) ft from the centerline
 - b. Rear: Forty (40) ft
 - c. Side: Ten (10) ft
 - d. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See figure below.

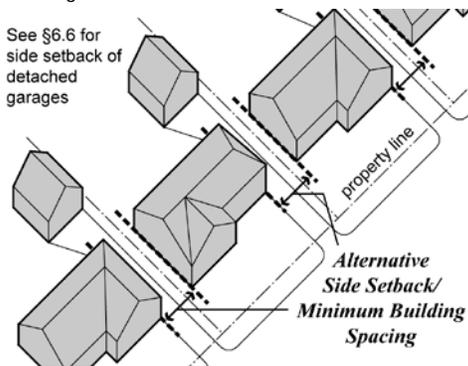


Figure 5-2: Alternative Side Setback/Minimum Building Spacing

4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Floor Area: 1,200 sf of heated space ground level or above
6. Corner Lot setbacks shall be the same on both streets.

§5.3. R-2 Single family Residential District

Intent. To provide areas for medium density single family residences along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.3.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.3.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 12,000 sf
2. Minimum Lot Width: Seventy-five (75) ft
3. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Secondary front (for Standard Corner Lots): twenty (20) ft
 - c. Rear: Forty (40) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See [Figure 5-2](#).
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Floor Area: 1,200 sf of heated space ground level or above
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.

§5.4. R-2-A Single family Residential District

Intent. To provide areas suitable for medium density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.4.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.4.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 10,000 sf
2. Minimum Lot Width: Sixty-five (65) ft
3. Minimum Yard Setback:
 - a. Front: Thirty-five (35) ft
 - b. Secondary front (for Standard Corner Lots): twenty (20) ft
 - c. Rear: Thirty (30) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See [Figure 5-2](#).
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area: 1,000 sf of heated space ground level or above
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.

§5.5. R-3 Single family (Affordable Housing) Residential District

Intent. To provide areas suitable for medium density detached single family residences, along with manufactured homes, duplexes and selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.5.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.5.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 8,000 sf
2. Minimum Lot Width: Sixty (60) ft
3. Minimum Yard Size:
 - a. Front: Twenty-five (25) ft
 - b. Secondary front (for Standard Corner Lots only): 20 ft
 - c. Rear: Thirty (30) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See [Figure 5-2](#).
4. Maximum Height: Thirty-five (35) ft or 2 1/2 stories
5. Minimum Floor Area: 600 sf, of heated space ground level or above
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.

§5.6. R-3A Manufactured Home Subdivision District

Intent. To provide areas for Manufactured Home Subdivision Development, free from other uses which are incompatible with the character and intent of this district.

5.6.1. Use Regulations. Refer to [Table 5.1](#).

5.6.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 7,500 sf [15,000 sf if septic tanks and field lines are required]
2. Minimum Lot Width: Fifty (50) ft
3. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Rear: Thirty-five (35) ft
 - c. Side: Eight (8) ft
 - d. Corner Lots: Setbacks shall be the same on both streets

5.6.3. Manufactured Home Standards

1. Only Class A Manufactured Homes, as defined in [§3.5 Uses Defined](#), shall be permitted.
2. Each manufactured home shall be provided with two (2) off-street parking spaces, with all streets and parking spaces in complete compliance with the Calera Subdivision Regulations relative to street standards.
3. All manufactured homes shall be installed according to all requirements of the City Building Code and shall be completely skirted within thirty (30) days from the date the home is moved on a lot with weather resistance material. Skirting shall be adequately vented.

5.6.4. Procedure for Plat Approval. Layout plans for all manufactured home subdivisions shall be prepared by a Registered Engineer and submitted to the Commission for review and approval of construction. This site plan shall include the following:

1. Area and dimensions of the site
2. Number of lots, dimensions and layout of all lots
3. Location, size and layout of all utilities and streets
4. Assessment of drainage conditions by a Registered Engineer, including all proposed measures needed to rectify problems, where they exist
5. Street plan, including all off-street parking

6. Assessment of traffic conditions, including all proposed measures needed to rectify problems where they exist

7. Location and type of all street lighting

8. Location of all fire hydrants

5.6.5. Additional Regulations

1. All manufactured homes shall be individually owned.
2. The subdivisions shall be in accordance with all applicable Sections of the City's Subdivision Regulations.
3. All access points shall be as approved by the City Engineer in accord with the Public Works Manual.
4. The subdivision shall be served with water, sanitary facilities, and adequate drainage facilities and such plans shall be submitted to both the City Engineer and the Commission for review and approval.

§5.7. R-3-B Manufactured Home Park District

Intent. To provide areas for Manufactured Home Parks, free from other uses which are incompatible with the character and intent of this district.

5.7.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. The following uses shall be permitted: Class A and B Manufactured Homes, management office, manager's residence, service facilities such as laundromats, garbage pick-up areas, accessory structures and buildings, outdoor storage yards, recreational areas and facilities along with retail convenience sales intended to serve the residents of the park and their guests.

5.7.2. Site Standards. A site plan shall be prepared and submitted for each manufactured home park, and:

1. The minimum site area for the manufactured home park shall be twenty (20) contiguous acres of land with access to a public street of not less than fifty (50) ft in width.
2. Each manufactured home space shall have a minimum of 5,000 sf and have a minimum width of forty-five (45) ft at the front lot line.
3. Each manufactured home space shall be set back a minimum of thirty-five (35) ft from any park boundary line and ten (10) ft from any other lot line.
4. Minimum Yard Setbacks:
 - a. Front Yard: Twenty-five (25) ft, or if fronting on undedicated road: sixty (60) ft from the centerline
 - b. Rear Yard: Ten (10) ft
 - c. Side Yard: Ten (10) ft
5. No manufactured home may be located closer than twenty (20) ft to another such home on an adjacent lot.
6. The maximum density shall be six (6) manufactured homes per gross tract acre, if not served by public water and sewer. A lower density may be required by the County Health Department.
7. Location and type of street lighting as recommended by the Alabama Power Company or comparable engineering data.
8. Location and type of fire hydrants to be coordinated with City of Calera Fire Department.
9. Each manufactured home park shall be provided with a park and recreational area having a minimum area of 100 sf per manufactured home space. Such areas shall be consolidated into usable areas.

5.7.3. Installation. All manufactured homes shall be installed according to all requirements of the City Building Code; and, be completely skirted within thirty (30) days from the date the home is moved into the park with a weather resistant material. Skirting shall be adequately vented.

5.7.4. Storage Facilities, Accessory Uses and Structures. A maximum of 100 sf of storage area shall be provided for each space. Alternatively, park management may provide common storage lockers at an equivalent capacity. Permitted accessory structures on manufactured home spaces shall include all accessory structures permitted on the lots of single family residences, except for private swimming pools and satellite dish antennas. Such accessory uses shall not be permitted closer than five (5) ft from the rear and side boundaries of each space. Carports may be permitted in the front yard but shall not be permitted within five (5) ft of the front building line. However, such shall not be permitted within five (5) ft of the rear and side boundaries of each space and twenty-five (25) ft from front lot lines; and, in the case of a corner lot, twenty-five (25) ft from the lot lines adjacent to a street.

5.7.5. Off-street parking and Streets. Two-way private, paved streets (maintained by the park management) shall be installed to furnish convenient access to all manufactured home spaces within the park and such streets shall be in complete conformance with City street standards. No manufactured (mobile) home shall have its own access into a public street. Dead-end streets shall have turn-arounds in conformance with City street standards and each manufactured home shall have two (2) paved, off-street parking spaces. In addition, the location of all driveways shall be shown on the required site plan and approved by the Commission.

5.7.6. Service Facilities. Common recreational facilities and laundromats shall be provided for the use of park residents and their guests only. Garbage collection and disposal shall be the responsibility of park management and common garbage pick-up points shall be provided and screened as required in [§9.4 Screening](#).

1. Required park and recreational areas shall be provided in one or more centrally located, usable areas easily accessible to all park residents. Such space shall be maintained in a usable and sanitary condition.
2. Every Manufactured Home Park of ten (10) or more spaces shall be provided with above- or below-grade storm shelters, which shall:

- a. have a minimum floor area of ten (10) sf for each Manufactured Home space.
 - b. Be designed by a licensed structural engineer or architect and built in accord with plans as approved by the Building Official.
 - c. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the Building Code, Mechanical Code, Plumbing Code and Electrical Code, where applicable.
 - d. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 - e. Be located no farther than 1,320 linear ft from the furthest Manufactured Home space on-site.
- 5.7.7. Buffer Requirements. See [§9.2 Buffers](#).
- 5.7.8. Signs. Internal signs shall be in conformance with park management policy. If no such policy exists, the same signs permitted in other single family districts shall apply.
- 5.7.9. Landscaping. All required yards shall be permanently landscaped and maintained with ground cover, trees and shrubs.
- 5.7.10. Deck/Patio. Each Manufactured Home should be provided with a deck or patio of at least 200 sf.
- 5.7.11. Ownership. All Manufactured Homes are to be leased or rented only and are not to be sold individually.
- 5.7.12. Fences. Fences shall be in accordance with the provisions of [§6.4 Fences and Walls](#).

§5.8. R-4 Multi-family Residential District

Intent. To provide areas for multi-family residential development along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.8.1. Use Regulations. Refer to [Table 5.1](#) and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.8.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Maximum Building Height: three (3) stories
2. Regulations for Multi-family Uses, Assisted and Independent Living Facilities:
 - a. Minimum Lot Area: None specified, although the maximum density shall be twenty (20) units per acre
 - b. Minimum Lot Width: 200 ft
 - c. Corner Lots shall have the same setbacks on both streets
 - d. Minimum Livable Floor Area: 500 sf of heated space per unit, ground level or above
 - e. All principal buildings shall be set back from parking areas and driveways by not less than twenty (20) ft.
 - f. Minimum Open Space shall be as required per [§7.7](#) for Assisted Living Facilities and per [§7.15](#) for Multi-Family developments and Independent Living Facilities.

3. For multi-family buildings (one building per lot):

- a. Minimum Yard Setbacks:
 - (1) Front: Fifteen (15) ft
 - (2) Rear: Thirty (30) ft
 - (3) Side: None, except as required by the Building and Fire Code.
- b. Off-street parking shall be to the side or the rear.

4. For multi-family complexes, assisted living facilities and independent living facilities, no building shall be nearer a dedicated street than thirty-five (35) ft. All multiple dwelling buildings shall be separated by not less than:

- a. Forty (40) ft front to front
- b. Fifteen (15) ft front to end

- c. Thirty (30) ft front to end
- d. Fifty (50) ft front to back
- e. Twenty (20) ft end to end
- f. Any other situations: Ten (10) ft

5. Requirements for Other Uses.

- a. Public Buildings. See [§7.16](#).
- b. Places of Assembly, Group Care Homes, Boarding Houses and Duplexes shall comply with the following setbacks:
 - (1) Front: Twenty-five (25) ft
 - (2) Rear: Thirty (30) ft
 - (3) Side: Ten (10) ft

5.8.3. Additional Regulations

1. For multi-family complexes and any other permitted use with multiple buildings, A Site Development Plan is required, which provides for:
 - a. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress and egress from the proposed site
 - b. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply prepared by a Registered Engineer
 - c. Suitable entrance and exit points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic safety hazards
 - d. Garbage and refuse collection facilities shall be the responsibility of apartment management and shall be screened as required in [§9.4 Screening](#).

§5.9. RG Residential Garden Home District

Intent. To provide areas suitable for the development of residential garden homes along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

portion of a detached accessory structure devoted to required parking shall not be counted against this allowance.

5.9.1. Use Regulations. Refer to [Table 5.1](#).

5.9.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 6,000 sf
2. Minimum Lot Width: sixty (60) ft
3. Minimum Yard Setbacks:
 - a. Front: Twenty (20) ft
 - b. Rear: Twenty-five (25) ft
 - c. Side: Ten (10) ft
 - d. Corner Lots shall have the same setbacks on both streets.
 - e. No building in an RG District shall be located less than twenty-five (25) ft from any boundary of the RG Development abutting single family residential zoning districts.
 - f. Alternative setback provisions for new subdivisions: When required parking is provided within a detached structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, the side yard is sized to accommodate, at a minimum, the width of the driveway.
4. Minimum Floor Area:
 - a. One story: 1,000 sf
 - b. Two story: 850 sf on first floor

5.9.3. Additional Regulations (When Applicable)

1. No fence shall be permitted forward of the front corner of the house.
2. No Garden Home site shall share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer.
3. All utilities shall be placed underground or in an alley for rear-loaded lots.
4. All lots shall be served by water and sewer.
5. There shall be two (2) paved, off-street parking spaces for each unit
6. Customary accessory buildings or structures, one (1) per parcel or lot, shall not exceed 200 sf. That

§5.10. RT Residential Townhouse District

Intent. To provide areas suitable for Townhouse Residential Dwellings

- 5.10.1. Use Regulations. Refer to [Table 5.1](#).
- 5.10.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:
 - 1. Maximum Density: Ten (10) units per gross tract acre, including common area
 - 2. Minimum Lot Width: Eighteen (18) ft for townhouses; otherwise the minimum lot width shall be as necessary to provide fire separation in accordance with the Fire/Building Code
 - 3. Minimum Yard Setbacks:
 - a. Front: Townhouses shall be set back no less than ten (10) ft from the front lot line. Where the front yard is less than fifteen (15) ft, the ground floor of the unit shall be no less than two (2) ft above grade level at the sidewalk. If front-loaded, units shall be setback thirty-five (35) ft from the front lot line.
 - b. Rear: For dwellings, the minimum rear yard setback shall be thirty (30) ft. Where an alley is present at the rear of the lot, the minimum rear yard setback for accessory buildings shall be twelve (12) ft from the alley centerline.
 - c. Side: Zero (0) ft for townhouses; as required by the Fire/Building Code in all other cases
 - d. Townhouse dwellings shall be located at least fifteen (15) ft from the RT District boundary as depicted on the site development plan; twenty (20) ft from an E-1, R-1, R-2, R-3 or R-G District.
 - e. Corner Lots: Shall have the same setbacks on both streets.
 - 4. Maximum Height: Thirty-five (35) ft or 2 1/2 stories
 - 5. Minimum Livable Floor Area:
 - a. One (1) story Townhouse: 1,000 sf
 - b. One and one-half (1 1/2) or two (2) story Townhouse: 500 sf on the first floor
 - c. Total minimum for townhouse: 1,000 sf
 - 6. Eave Overhangs: Cornices or eaves may extend into adjoining property when allowed by properly executed and recorded covenants between property owners. All such cornices and eaves shall be fire-proof.
 - 7. Building Groups. No less than three (3) nor more than eight (8) Townhouses shall be located within a

continuous building group and no interconnection or overlapping between individual dwelling units shall be permitted.

- 5.10.3. A Site Development Plan is required which provides for:
 - 1. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress and egress to the proposed site.
 - 2. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply, prepared by a Registered Engineer.
 - 3. Suitable entrance and exit points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic hazards.
- 5.10.4. Additional Regulations (When Applicable)
 - 1. Parking.
 - a. For front setbacks less than twenty-five (25) ft, all required parking shall be within a front-loaded garage or within common or individual parking areas accessed at the rear of units by an alley or common drive.
 - b. The minimum depth of off-street parking spaces shall be measured from back of sidewalk, if front-loaded. No parking shall be permitted on a driveway less than twenty (20) ft in depth from the sidewalk to the building line. Any lots for semi-detached or detached dwellings less than sixty (60) ft wide shall be rear-loaded.
 - c. Required parking spaces shall not be permitted along existing streets.
 - 2. No Townhouse site shall share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer.
 - 3. Building groups shall be planned so that all units on the same block frontage are either front-loaded or rear-loaded.
 - 4. Adequate provisions for emergency access from the rear of lots may be required by the Fire Marshal for lots less than sixty (60) ft in width.
 - 5. A sidewalk of at least thirty-six (36) inches in width shall be provided connecting from the front entrance of each unit to the rear of the building group for unobstructed access to the rear of each unit. Where units are set back no more than twenty (20) ft from the sidewalk along the street, such

- sidewalk may be used as a part of this required access. Where such access must cross lots, an easement of five (5) ft in width shall be provided.
6. An easement appurtenant across lots shall be provided where a property owner must cross an adjoining property to reach his or her own property with gates provided if fence extends to the property line.
 7. The applicant shall provide for and establish an organization or other legal entity for the ownership and maintenance of any commonly owned areas designated as such on the site development plan (see also [§6.11](#)). Such organization shall be created by covenants running with the land and such deed restrictions or covenants shall be duly recorded in the Office of the Probate Judge.
 8. No fences shall be allowed in the front yard for front-loaded units.
 9. Private swimming pools are prohibited on individual townhouse lots in the RT District but may be placed in a common area.
 10. All utilities shall be placed underground or in an alley for rear-loaded lots.
 11. All lots shall be served by water and sewer.
 12. Garbage and refuse collection and disposal shall be the responsibility of management and such collection facilities shall be screened as required in [§9.4 Screening](#).

Table 5.1 Permitted Uses for Residential Districts										
	E-1	R-1	R-2	R-2A	R-3	R-3A	R-3B	R-4	RG	RT
<i>Agricultural Uses</i>										
Hobby Farms, §7.2	Y									
<i>Residential Uses</i>										
Accessory Dwellings, §7.17	SE	SE	SE	SE	SE					
Boarding Houses					Y			Y		
Duplexes					Y			Y		
Conservation Subdivisions, §7.19	Y	Y	Y	Y	Y					
Cottage Subdivisions, §7.20				Y	Y					
Family Day Care Homes, §7.21	Y	Y	Y	Y	Y	Y	Y		SE	SE
Garden Homes									Y	
Group Care Home (4 or less residents)			Y	Y				Y		
Group Care Home (10 or less residents)			SE	SE				Y		
Home Occupations, §7.9	Y	Y	Y	Y	Y	Y			Y	Y
Independent Living Facilities, §7.15								Y		
Manufactured, Modular Homes					Y	Y				
Manufactured Home Parks							Y			
Manufactured Home Subdivisions						Y				
Multi-family Dwellings, §7.15					Y	Y		Y		
Single-family Dwellings, Detached	Y	Y	Y	Y	Y					Y
Single-family Dwellings, Semi-detached										Y
Townhouses										Y
<i>Residential Accessory Uses</i>										
Customary Accessory Structures, §6.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garage Sales, §6.9	Y	Y	Y	Y	Y	Y		Y	Y	Y
Private Swimming Pools, §6.10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Private Tennis Courts, §6.10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Satellite Dish Antennas, §6.7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<i>Institutional Uses</i>										
Assisted Living Facilities, §7.7								SE		
Cemeteries, §7.8	Y									
Country Clubs	Y	Y	Y							
Group Care Home (more than 10 residents)								SE		
Parks	Y	Y	Y	Y	Y			Y		
Places of Assembly	SE	SE	SE	SE	SE			SE	SE	SE
Public Buildings, §7.16	Y	Y	Y	Y	Y			Y	Y	Y
Public Utility Facilities	SE	SE	SE	SE	SE			SE	SE	SE
Public Utility Services	Y	Y	Y	Y	Y			Y	Y	Y
Schools	C	C	C	C	C			C		
<i>Commercial Uses</i>										
Bed and Breakfasts, §7.18			Y		Y					
<i>Telecommunications Uses</i>										
Wireless Facilities, §7.11	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<p>Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses.</p> <p>SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations.</p> <p>C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations.</p> <p>A use followed by a numeric cross-reference is also subject to the regulations referenced.</p> <p>A blank cell indicates that the use is not permitted.</p>										

§5.11. A-1 Agricultural District

Intent. This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agriculture support centers may serve outlying areas beyond the City. Further, the intent of the A-1 District is to preserve these areas in agriculture, forestry, rural residential and other limited, yet compatible land uses until such time as a higher density development pattern may be desired and City services can be expanded to accommodate this development.

5.11.1. Use Regulations. Refer to [Table 5.2](#) and the provisions herein.

1. Those institutional uses listed herein as permitted or as Special Exception Uses shall be limited to medium intensity as provided in [§3.5.3](#) unless approved by the Commission as a Conditional Use.

5.11.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Size: 20,000 sf

2. Minimum Yard Size:

- a. Front: Forty (40) ft
- b. Rear: Forty-five (45) ft
- c. Side: Fifteen (15) ft

3. Maximum Height: Thirty-five (35) ft or 2-1/2 stories

4. In the A-1 Agricultural District, no structure housing livestock or fowl of any kind shall be located any closer than 100 ft from any property line of a district other than an A-1 Agricultural District. In any event, no such structure shall be located any closer than 300 ft from the nearest then existing residence other than that of the owner of the property.

5. Regulations for Manufactured Homes.

Manufactured homes shall be permitted subject to the following requirements:

- a. All manufactured homes, as located on the proposed site, shall be at least seventy-five (75) ft from the nearest residential structure, excluding another such home.
- b. Water and sanitary facilities must be approved by the City, as well as the County Health Department.
- c. Site Requirements:
 - (1) Minimum Lot Width: 100 ft
 - (2) Minimum Lot Area: 15,000 sf
- d. Yard Requirements:

(1) Front: Thirty-five (35) ft

(2) Undedicated street: Sixty (60) ft from centerline

e. Side: Fifteen (15) ft

f. Rear: Thirty-five (35) ft

g. Parcel and adjacent property, under the same ownership, will allow the following:

(1) One (1) home: 15,000 sf

(2) Two (2) homes: One (1) acre minimum

h. Only two additional homes, three including the principal structure, shall be permitted.

§5.12. O&I Office and Institutional District

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

- 5.12.1. Use Regulations. Refer to [Table 5.2](#).
- 5.12.2. Area and Dimensional Requirements. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 - 1. Minimum Yard Setbacks:
 - a. Front: 10 ft if all parking and vehicular areas are located to the side or rear (may be reduced to 0 ft subject to approval of City Engineer, Public Works Director and Inspections Department), otherwise thirty-five (35) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Building and Fire Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by [§9.2 Buffers](#).
 - 2. Maximum Building Height: Forty-five (45) ft or 4 stories
 - 3. Corner Lots: Setbacks shall be set back the same from each street.
- 5.12.3. Additional Regulations (When Applicable)
 - 1. A site development plan is required which provides for:
 - a. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, as well as in adjacent areas and no undue interference with through traffic in gaining ingress and egress from the proposed site.
 - b. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply prepared by a Registered Engineer.
 - c. Suitable entrance and exit points adjoining public streets serving the proposed development.
 - d. The location, size, number and character of all exterior signs and lighting.
 - e. The type and location of all buffers to be employed (if required).

§5.13. B-1 Neighborhood Commercial District

Intent. To establish and preserve areas for those commercial uses which are especially useful in close proximity to residential areas, along with selected institutional uses, while minimizing the possible undesirable impact of such uses on the neighborhoods they serve.

- 5.13.1. Use Regulations. Refer to [Table 5.2](#) and the provisions herein:
 - 1. Gasoline sales shall only be permitted together with convenience store with a GFA of at least 1,000 sf.
- 5.13.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 - 1. Minimum Yard Setbacks:
 - a. Front: 10 ft if all parking and other vehicular areas are to the side or rear (may be reduced to 0 ft subject to approval of City Engineer, Public Works Director and Inspections Department), otherwise Twenty (20) ft, which shall apply to both frontages of corner lots
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Building and Fire Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by [§9.2 Buffers](#).
 - 2. Maximum Height: thirty-five (35) ft or 2 stories.
 - 3. Maximum Floor Area:
 - a. No commercial use shall exceed 5,000 sf GFA.
 - b. No multi-tenant development may exceed 15,000 sf of GFA.
 - c. Permitted institutional uses shall be limited to those of Low or Medium Intensity as defined in [§3.5.3](#).
- 5.13.3. Additional Regulations (When Applicable)
 - 1. All buildings shall maintain a public entrance, accessible by sidewalk, along the street on which the building fronts.
 - 2. Drive-through facilities shall be located to the side or rear of the building only.
 - 3. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.

4. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with [§9.4](#).

§5.14. B-2 General Business District

Intent. To establish and preserve a retail business district convenient to the public and attractive for a wide range of retail and service uses usually found along major thoroughfares.

- 5.14.1. Use Regulations. Refer to [Table 5.2](#).
- 5.14.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 1. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Building and Fire Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by [§9.2 Buffers](#).
 2. Maximum Building Height: Sixty-five (65) ft or 5 stories
 3. Corner Lot setbacks shall be the same on both streets.
- 5.14.3. Additional Regulations (When Applicable)
 1. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.
 2. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with [§9.4](#).

§5.15. B-3 Historical Business District

Intent. To establish and preserve a retail business district convenient to the public and attractive for a wide range of retail and service uses.

- 5.15.1. Use Regulations. Refer to [Table 5.2](#) and the provisions herein:
 1. Any existing single-family dwellings shall be permitted and may be altered or expanded though no new single-family dwellings shall be permitted.
 2. Bed and breakfasts may be permitted in an existing dwelling.
- 5.15.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 1. Minimum Yard Setbacks:
 - a. Front:
 - (1) All commercial and mixed-use buildings shall be located within ten (10) ft of the front lot line.
 - (2) Institutional buildings shall be located within twenty (20) ft of the front lot line.
 - (3) No parking, gas pumps, drive-through facilities or other vehicular areas shall be permitted forward of the front building line.
 - (4) Buildings shall be set back as necessary to accommodate a sidewalk of at least twelve (12) ft, measured from the curb to the front building line. Such setback may be in the form of an easement or may be dedicated as part of the adjoining street right-of-way.
 - b. Side: 0 ft and/or as required by the Building and Fire Codes
 - c. Rear: twenty (20) ft
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by [§9.2 Buffers](#).
 2. Maximum Building Height: Sixty-five (65) ft or 5 stories
- 5.15.3. Additional Regulations (When Applicable)
 1. All buildings shall maintain a public entrance, accessible by public sidewalk, along the street on which the building fronts.
 2. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with [§9.4](#).

§5.16. M-1 Light Industrial District

Intent. This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities light manufacturing, light industry, warehousing, wholesaling, distribution, services and other limited impact activities. The M-1 Light Industrial District also allows for selected commercial and institutional uses which are supportive of industrial centers.

- 5.16.1. Use Regulations. Refer to [Table 5.2](#) and the provisions herein:
 - 1. Wholesale and warehousing operations shall not engage in the storage of dangerous or offensive items of an explosive or toxic nature.
- 5.16.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 - 1. Minimum Yard Setbacks:
 - a. Front: Seventy-five (75) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Fire and Building Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by [§9.2 Buffers](#).
 - 2. Maximum Building Height: Forty-five (45) ft or 3 stories
 - 3. Corner Lot setbacks shall be the same on both streets.
- 5.16.3. Additional Regulations (When Applicable)
 - 1. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with [§9.4](#).

§5.17. M-2 Heavy Industrial District

Intent. To provide suitable areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially high to

moderate degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

- 5.17.1. Use Regulations. Refer to [Table 5.2](#).
- 5.17.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 - 1. Minimum Yard Setbacks:
 - a. Front: None specified, the Commission shall determine setback requirements during the site plan review process.
 - b. Rear: Same as front requirement above.
 - c. Side: Same as front requirement above.
 - 2. Corner Lot setbacks shall be the same on both streets.

§5.18. M-3 Heavy Industrial District

Intent. To provide suitable areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially high to moderate degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

- 5.18.1. Use Regulations. Refer to [Table 5.2](#).
- 5.18.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also [§4.12 General Regulations](#) for Non-Residential Districts):
 - 1. Minimum Yard Setbacks:
 - a. Front: None specified, the Commission shall determine setback requirements during the site plan review process.
 - b. Rear: Same as front requirement above.
 - c. Side: Same as front requirement above.
 - 2. Corner Lot setbacks shall be the same on both streets.

Table 5.2 Permitted Uses for Non-Residential Districts								
	A-1	O&I	B-1	B-2	B-3	M-1	M-2	M-3
<i>Agricultural Uses</i>								
Farms, §7.1	Y							
Farm Support Business	SE					Y		
Hobby Farms, §7.2	Y							
Livestock Sales and Auctions	SE							
Stables	Y							
<i>Residential Uses</i>								
Family Day Care Homes, §7.21	Y							
Home Occupations, §7.9	Y							
Live-Work/Upper Story Dwellings, §7.22			Y		Y			
Manufactured, Modular Homes	SE							
Single-Family Detached Dwellings	Y							
<i>Commercial Uses</i>								
Airports	C					C		
Animal Hospitals	Y		SE	Y	SE	Y	Y	
Bakeries, Major						Y		
Bakeries, Minor				Y	Y			
Banks or Financial Services		Y	Y	Y	Y			
Bed and Breakfasts, §7.18	Y				Y			
Broadcast Studio		Y						
Businesses or Professional Offices		Y	Y	Y	Y	Y		
Business Support Services		Y	Y	Y	Y	Y		
Campgrounds	Y			C				
Car Washes				Y				
Clinics		Y	Y	Y	Y			
Commercial Parking		Y		Y	Y			
Commercial Schools		Y		Y	Y			
Construction Services				Y		Y		
Convenience Stores			Y	Y				
Day Care Centers, §7.21		Y	Y	Y	Y			
Entertainment, Indoor				Y	Y			
Entertainment, Outdoor	C							
Funeral Homes		Y		Y	Y			
Garages, Repair						Y		
Garden Centers or Nurseries				Y	Y			
Gasoline Service Stations, §7.4			Y	Y	C	Y		
General Retail, Enclosed			Y	Y	Y			
General Retail, Unenclosed				Y	C			
Grocery Stores / Supermarket				Y	Y			
Home Improvement Centers				Y	Y	Y		
Hotels				Y	Y			
Inns			Y		Y			
Kennels	SE					Y	Y	
Liquor Lounges				Y	SE			
Manufactured Home Sales				C				
Medical Support Services				Y	Y			
Mini-warehouses, §7.10						Y		
Motels				Y				

Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to [§2.6](#) Interpretation of Uses and [§2.7](#) Unclassified Uses.
 SE – Special Exception Use, requires approval by ZBA (see [§2.8](#)). May also be subject to district limitations.
 C – Conditional Use, requires approval by the Commission (see [§2.9](#)). May also be subject to district limitations.
 A use followed by a numeric cross-reference is also subject to the regulations referenced.
 A blank cell indicates that the use is not permitted.

Table continued on following page

Table 5.2 Permitted Uses for Non-Residential Districts cont.								
	A-1	O&I	B-1	B-2	B-3	M-1	M-2	M-3
<i>Commercial Uses (cont.)</i>								
Personal Services		Y	Y	Y	Y			
Printing Establishment, Major						Y		
Printing Establishment, Minor				Y	Y			
Restaurants, Fast Food, §7.5				Y	SE			
Restaurants, Fast Food, with no drive-thru					Y			
Restaurants, Standard				Y	Y			
Seasonal Sales, §7.14			Y	Y	Y			
Shopping Centers, §7.3			Y	Y	Y			
Studios		C		Y	Y			
Truck Stops				C				
Vehicle Repair, Major				SE	C	Y		
Vehicle Repair, Minor			Y	Y	Y	Y		
Vehicle Sales or Rental				Y	C			
<i>Institutional Uses</i>								
Animal Shelters	Y					Y	Y	
Cemeteries, §7.8	Y							
Clubs	Y							
Country Clubs	Y							
Hospitals, §7.6		C						
Military Installations	C					C		
Nursing Care Facilities, §7.7		Y						
Parks	Y	Y	Y	Y	Y	Y		
Penal Institutions	C							
Places of Assembly	SE	SE	SE	SE	SE	SE		
Public Buildings, §7.16	Y	Y	Y	Y	Y	Y		
Public Utility Facilities	SE	Y		Y	SE	Y	Y	Y
Public Utility Services	Y	Y	Y	Y		Y	Y	Y
Schools	Y	Y	C		Y			
<i>Industrial Uses</i>								
Industrial Uses, General							Y	Y
Heavy Industries							Y	Y
Industrial Parks, §7.12						Y	Y	Y
Maintenance Services						Y		
Manufacturing, Heavy							Y	Y
Manufacturing, Light						Y	Y	Y
Outdoor Storage							SE	SE
Warehousing, wholesaling and distribution						Y	Y	Y
Quarters for a watchman or custodian						Y	Y	Y
Recycling Plants							C	Y
Research Laboratory						Y		
Resource Extraction and Processing							Y	Y
Salvage Yards							C	Y
Sanitary Landfills							C	C
Truck Terminal						Y		
Vehicle and Equipment Sales, Major						Y		
Wrecker Service				SE		SE	Y	Y
<i>Telecommunications Uses</i>								
Satellite Dish Antennas, §6.7	Y	Y	Y	Y	Y	Y	Y	Y
Transmission Towers (Commercial), §7.13	SE			SE	SE	SE	SE	SE
Wireless Facilities, §7.11	Y	Y	Y	Y	Y	Y	Y	Y
<p>Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses.</p> <p>SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations.</p> <p>C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations.</p> <p>A use followed by a numeric cross-reference is also subject to the regulations referenced.</p> <p>A blank cell indicates that the use is not permitted.</p>								

§5.19. MR Municipal Reserve District

Intent. This district serves an interim zone for newly annexed areas of the municipality. The MR District seeks to protect newly annexed property prior to the time comprehensive zoning can be applied to the area(s).

- 5.19.1. Zoning of Annexed Area. On the effective date of annexation, all newly annexed property shall be zoned MR Municipal Reserve District.
- 5.19.2. Rezoning from the MR District. As soon as practicable following annexation, the Commission shall initiate a petition to rezone property annexed into the City from the MR District to any other district contained within this Ordinance. In making this determination, the Commission shall consider the following items, among others.
 1. The Comprehensive Land Use Plan and/or a Commission Study of the area(s).
 2. The desires of property owners in the area(s) subject to rezoning.
 3. Compatibility with surrounding development and availability of utilities.
 4. The purposes and considerations of zoning as contained in this Ordinance as well as Code of Alabama, 1975, Section 11-52-72 and as same may be amended.
- 5.19.3. Permitted Uses and Development Standards. All uses in existence at the time of annexation may lawfully continue under the provisions of the MR District. However, at such time as rezoning is accomplished, all applications shall be subject to the uses permitted in the zone or zones assigned to the subject property along with all criteria and requirements.
- 5.19.4. Action on Annexation Ordinances. All annexation ordinances enacted by the City shall include the provision that the property shall be temporary zoned MR. A copy of the annexation ordinance shall be transmitted to the Zoning Administrator and the Commission for action.

§5.20. PUD Planned Unit Development District

Intent. Planned Unit Development (PUD) is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan: the intent of which is to:

- Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- Permit higher densities of land in conjunction with provisions for functional open space and community services;
- Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities,
- Combine and coordinate uses, building forms, building relationship, and architectural styles within PUD,
- Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein;
- Give the developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence.

5.20.1. Application and Requirements for a PUD

1. Submission of Application. In lieu of the provisions of [§2.9.3](#) Petition for Amendment herein, the owner (or his duly appointed representative) of a tract of land shall submit to the Zoning Administrator a minimum of twenty-one (21) days prior to a regularly scheduled Commission meeting an application for approval of a PUD. A \$150.00 fee to defray the cost of processing the application is required at the time of filing.

2. Area Requirements. Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include additional area as provided in [§5.20.6](#), any tract of land to be zoned PUD shall have a minimum of 150 acres.
3. Contents of Application. The application submitted in accordance with this §5.20.1 shall contain the following:
 - a. Name and address of the applicant.
 - b. Current zoning of the property under consideration.
 - c. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - (1) If corporation, principal officers and members of the Board of Directors;
 - (2) If partnership, general and managing partners;
 - (3) Any material change to the above shall be submitted within 60 days.
 - d. A Master Development Plan of the PUD and any maps necessary to show the following minimum information.
 - (1) The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography (in not greater- than 5 ft contour intervals) water ways, and forest cover.
 - (2) The location of the various land uses by PUD land use districts as listed in [§5.20.4](#).
 - (3) Location of any existing streets and general outlines of the interior roadway system, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.
 - e. The Planning Criteria of the PUD. The application shall include the following written statements and other matters:
 - (1) A legal description of the total site proposed for the PUD.
 - (2) A general description of the surrounding area, including current zoning and/or land uses.
 - (3) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant and how they are consistent with the City's Comprehensive Plan. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the overall community growth.

- (4) If the development is to be staged, a general indication, of how the staging is to proceed, including an estimated date when construction of the PUD will begin.
 - (5) Delineation of the various land use districts, indicating for each such area its general extent, size and composition in terms of total number of acres. In residential use districts the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e. townhouses, garden homes, single family detached, condominiums or duplexes) shall be provided, and for non-residential use districts, the gross square footage of non-residential uses.
 - (6) A calculation of the residential density in dwelling units per gross acre including interior roadways, including maximum density in units per acre.
 - (7) Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, greenbelts, buffers, and off street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
 - (8) The interior open space system.
 - (9) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
 - (10) General statement as to how common open space is to be owned and maintained
 - (11) Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.
 - (12) A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
 - (13) Any planned interim uses
 - (14) A traffic study may be required, if determined necessary by the City Engineer
 - (15) Landscaping criteria
- 5.20.2. Other Regulations not Applicable. It is the intent of this §5.20 that the PUD application shall set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, for the purposes of this §5.20, Articles 6, 7, 8 and 9 shall not apply to this §5.20. The development criteria submitted with the application for the PUD will set forth sign, off-street parking and loading requirements, and supplemental regulations (including standards for specific uses as provided in [Article 7](#)). If the application does not contain such information, or if the Commission finds that the criteria is insufficient or incompatible with the Comprehensive Plan and the intent of these regulations, then the provisions of Articles 6, 7, 8 and 9 shall apply.
- 5.20.3. Review Procedure.
1. General. The application shall be reviewed as provided in [§2.9](#)
 2. Approval. Approval of the application for the PUD by the Council shall be an approval of the Master Development Plan and Planning Criteria of the application (the "Plan"). The developer of the PUD may proceed with the development of the property in accordance with the Plan, and no further approvals shall be required, except as set forth in [§5.20.5](#).
 3. Special Exceptions not Applicable. [§2.8.3](#) Special Exception Uses shall not apply within areas having a PUD designation as provided in this §5.20. Special exception uses may be submitted as part of the original application and be reviewed by the Commission and approved by the Council without being heard by the ZBA.
- 5.20.4. PUD Land Use District. It is intended that the flexibility of the PUD will allow, in appropriate circumstances, mixed uses on any particular parcel within the PUD, taking into consideration the compatibility of the intended uses with the surrounding use(s). "Mixed Use", as used herein, shall be defined as a combination of principal permitted use(s) and special exception use(s) and shall be considered as a "special exception use" under each land use district. For the purposes of this §5.20, [§4.4](#) Joint Occupancy shall not apply. The following PUD land use districts shall apply to all or part of a PUD.
1. Planned Single-Family (PR-1)
 - a. Intent. To provide for maximum flexibility in the development of single family residences and to coordinate with appropriate community services.
 - b. Permitted Uses. Uses shall be permitted as shown in [Table 5.20](#).
 - c. Maximum Building Height. Buildings in the PR-1 District shall not exceed three (3) stories in height and shall conform to the City Building Code, Fire Code and Fire Prevention Code.
 - d. With the exception of townhouses, lots shall be greater than forty (40) ft in width.

2. Planned Multi-Family (PR-2)

- a. Intent. To provide for maximum flexibility in the development of multi-family residences and to coordinate with appropriate community services.
- b. Permitted Uses. Uses shall be permitted as shown in [Table 5.20](#).
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

3. Planned Office (PO)

- a. Intent. To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.
- b. Permitted Principal Uses. Uses shall be permitted as shown in [Table 5.20](#). In addition, offices used exclusively for office purposes shall be permitted, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of; together with usual related support businesses (such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors, and like uses), provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

4. Planned Commercial (PC)

- a. Intent. To provide for maximum flexibility in the development of retail business districts and other compatible uses.
- b. Permitted Uses. Uses shall be permitted as shown in [Table 5.20](#). On-premise and off-

premise sale of alcoholic beverages, including private clubs, night clubs; liquor stores and lounges shall be approved by the Council.

- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5. Planned Business (PB)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with the office, commercial and limited light industrial uses which are performed inside buildings with limited outside storage or operations that may be adjacent to residential districts.
- b. Permitted Uses. Uses shall be permitted as shown in [Table 5.20](#).
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

6. Planned Light Industrial (PI)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.
- b. Permitted Uses. Uses shall be permitted as shown in [Table 5.20](#).
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5.20.5. Building Permit.

- 1. General. The developer of the PUD shall proceed with the development of the property in accordance with the plan and no further approvals shall be

required except as set forth in this §5.20.5. If plans are submitted for the construction of improvements on any particular parcel within the PUD, a Building Permit shall be approved or disapproved according to the procedure set forth in this §5.20.5.

2. Issuance of Permits for Permitted Principal Uses. Upon application for a Building Permit for the construction of improvements on any parcel within the PUD, if the Building Official shall determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD, then a Building Permit shall be issued in accordance with the provisions of [§2.2](#).

3. Subdivision Plats and Roads. Nothing in this §5.20 shall be construed to require a Building Permit for approval of subdivision plats or road designs. The construction of roads within the PUD require approval of preliminary and final subdivision plats and all required design drawings according to the Subdivision Regulations of the City to build roads and infrastructure.

5.20.6. Amendment to the Plan.

1. Intent. It is the intent of this §5.20 to provide for flexibility in the development of the property submitted for the PUD, and to approve minor changes administratively. Accordingly, additional approvals shall be required only for major changes as defined in §5.20.6.2.
2. Major Change. A "major change" in the plan shall be defined as a change in the boundaries of any land use district reflected on the master development plan, and any changes in the planning criteria submitted with the master development plan, including a change in an approved use from one that is permitted to one that is categorized as a "special exception" within the applicable PUD land use district. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use districts, to other PUD land use district or conventional zoning districts unless the total PUD is submitted along with the rezoning request. Any other changes shall be considered "minor changes" and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the City and all said plats for a PUD will be reviewed and approved on the basis of the approved planning criteria of the PUD only.
3. Approval of Major Changes. Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application

for change which shall be reviewed in accordance with the provisions of [§5.20.3](#).

- 5.20.7. Time Limit for Development of the Plan. If no construction has begun with six (6) months from the estimated and approved start up date of the PUD, as indicated by [§5.20.1.3.e\(4\)](#), said approval shall lapse and be of no further effect. The Planning and Zoning Commission, upon showing of good cause by the developer, may extend for period(s) of three (3) months for the beginning of construction and development shall commence each year on five (5) acres and said construction should continue and be completed within a reasonable time.

5.20.8. Definitions.

1. Intent. The intent of this §5.20.8 is to clarify terms of this §5.20. For the purpose of this §5.20, certain terms used herein are herewith defined, and if any terms defined herewith in this §5.20.8 shall contradict or conflict with any terms defined in [Article 3](#) or in any other Section of this Ordinance, those terms as defined in Article 3 or other Sections shall not apply to this §5.20.
2. Definitions.
 - a. ATTACHED SINGLE FAMILY DWELLING Those buildings so designed and arranged to provide separate sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of more than two families where by the living units are built for sale, fee simple, and not for lease, including condominiums and townhouses.
 - b. DETACHED SINGLE FAMILY DWELLING A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet - facilities for occupancy by one family only, and are built for sale, fee simple, and not for lease.
 - c. MULTI-FAMILY DWELLINGS A structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.
 - d. OPEN SPACE Any greenbelt, park, lake, river or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located

and/or maintained so as to provide relatively permanent recreation opportunity either in the passive sense (such as the viewing of pleasant vista, gardens, etc.) or in the active sense, (such as the participation in athletic endeavors, playground activities, etc.) to the general public or may be restricted to use for a homeowner or business association membership or segment thereof.

e. INTERIM USES Any temporary use of land in any area of a PUD, which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or a special exception use of the applicable district.

f. PLAT Any drawing or drawings and related written material indicating the proposed manner or layout of a road, parcel, and/or subdivision to be submitted to the City for approvals and/or recording purposes.

5.20.9. Changes to Zoning Ordinances. No amendment or modifications of this Zoning Ordinance shall be

effective as to any PUD approval issued prior to such amendment or modification, it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in effect at the time of such prior approval.

5.20.10. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Calera, Alabama which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

5.20.11. Severability. If any part, Section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

5.20.12. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

Table 5.20 PUD Land Use District Table of Permitted Uses						
	PR-1	PR-2	PO	PC	PB	PI
<i>Agricultural Uses</i>						
Farm machinery and farm supply sales						P
<i>Residential Uses</i>						
Accessory Dwellings	Y	Y				
Attached single-family dwellings (condominiums and townhouses)	Y	SE	SE			
Detached single-family dwellings (including garden homes)	Y	SE				
Semi-detached single-family dwellings	Y	SE				
Duplexes	Y	SE				
Live-Work/Upper Story dwellings		SE	SE	SE	SE	
Multi-family dwellings		Y	SE	SE	SE	
Residential accessory structures and buildings	Y	Y				
<i>Institutional Uses</i>						
Assisted living care facilities		SE	SE	Y	SE	SE
Child day-care centers	SE	SE	SE	Y	SE	SE
Places of Assembly	SE	SE	SE	SE	SE	SE
Libraries, museums and art galleries	SE	SE	SE	SE	SE	SE
Nursing homes		SE	SE	Y	Y	
Public buildings			Y	Y	Y	Y
Public and Private schools (not providing residential accommodations)	SE	SE	SE	Y	Y	Y
<i>Commercial Uses</i>						
Animal kennels, Domestic						Y
Appliance and small engine repair				Y	Y	Y
Art supply and frame shops				Y	Y	Y
Audio/video stores				Y	Y	Y
Auto dealerships				Y	Y	Y
Auto parts stores				Y	Y	Y
Auto repair/renovation facilities (not housed with auto sales establishment)						Y
Bakeries (for baked goods sold at retail on-premises only)				Y	Y	Y
Banks and other lending institutions			Y	Y	Y	Y
Bicycle shops (including repair)				Y	Y	Y
Building materials sales (no outside storage yards)				Y	Y	Y
Building materials sales (with outside storage yards) and lumber yards						Y
Card, gift and florist shops and drug stores				Y	Y	Y
Convenience commercial uses	SE	SE	SE	Y	Y	Y
Craft and hobby shops, toy and sporting goods stores				Y	Y	Y
Dance studios				Y	Y	Y
Department and jewelry stores				Y	Y	Y
Duplicating and copying services				Y	Y	Y
Furniture and interior decorating stores				Y	Y	Y
Gasoline service establishments (including muffler, tire, battery, brake and transmission services) and car washes				Y	Y	Y
Grocery and health food stores				Y	Y	Y
Hardware stores and domestic equipment rental				Y	Y	Y
Heavy equipment sales and service						Y
Home occupations	SE	SE	SE			
Hotels, inns and motels				Y	Y	Y
Y – The use is permitted by right. SE – Special Exception Use, requires approval pursuant to §5.20.3 . A blank cell indicates that the use is not permitted.						
Table continued on following page						

Table 5.20 PUD Land Use District Table of Permitted Uses cont.						
	PR-1	PR-2	PO	PC	PB	PI
Commercial Uses (cont.)						
Indoor sports facilities (bowling, health club or spa, racquet club, skating rink)				Y	Y	Y
Indoor recreational and amusement uses				SE	SE	SE
Medical clinics and opticians				Y	Y	Y
Motion picture theaters				Y	Y	Y
Neighborhood service facilities				Y	Y	Y
Personal services (barber and beauty shops, cosmetic studios, dry cleaning outlets and coin-op laundromats, tanning salons, shoe repair, etc.)				Y	Y	Y
Photographic studios				Y	Y	Y
Professional offices (doctor, dentist, attorney, etc.)		SE	Y	Y	Y	Y
Radio and TV stations (no antennae)				Y	Y	Y
Research laboratories					Y	Y
Residential information offices	SE	SE	SE			
Restaurants				Y	Y	Y
Sales showrooms for appliances, furniture, carpet, lighting fixtures, medical and office equipment				Y	Y	Y
Shopping centers, factory outlet stores				Y	Y	Y
Veterinary clinics (with no outside kennels)				Y	Y	Y
Industrial Uses						
Bakeries						Y
Bottling plants						Y
(Bulk) Distribution facilities					Y	Y
Clothing, textile or dyeing plant						Y
Cold storage and ice plants						Y
Construction yards, highway maintenance yards and buildings						Y
Janitorial and maintenance services					Y	Y
Laundry and dry cleaning plants						Y
Light industrial, fabricating, processing assembling and manufacturing uses					Y	Y
Plumbing, heating and cooling, electrical and other supply and service facilities					Y	Y
Printing establishments						Y
Recycling collection point						Y
Sanitary sewage treatment facilities						Y
Truck or bus terminals						Y
Warehouses (including mini-warehouses, self-storage facilities and office/warehouses)					Y	Y
Water or liquid storage tanks						Y
Woodworking shops					Y	Y
Recreational and Open Space Uses						
Recreational facilities operated on a non-profit basis	SE	SE	SE	SE	SE	SE
Golf courses	SE	SE	SE	SE	SE	SE
Golf courses (if shown on Master Development Plan)	Y	SE	SE	SE	SE	SE
Open spaces	Y	SE	SE	SE	SE	SE
Outdoor amusements and recreation facilities (carpet golf, par-3 golf, go-carts, batting cages, bumper boats, water slides, etc.)				Y	Y	Y
Parks (playgrounds, tot-lots, ball fields, picnic areas, etc.)	SE	SE	SE	SE	SE	SE
Swimming pools and tennis courts	SE	SE	SE	SE	SE	SE
Y – The use is permitted by right. SE – Special Exception Use, requires approval pursuant to §5.20.3 . A blank cell indicates that the use is not permitted.						

§5.21. TND Traditional Neighborhood Development District

5.21.1. Purpose and Intent. The purpose of this section is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A Traditional Neighborhood Development (TND):

1. Is compact and designed for the human scale;
2. Provides a mix of uses in close proximity to one another within the neighborhood;
3. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
4. Incorporates a system of relatively narrow, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments; and
5. Incorporates significant environmental features into the design.

5.21.2. Applicability. This section is an alternative set of standards for development for: 1) new development of thirty (30) acres or more; 2) fifteen (15) acres or more for development contiguous to existing development; or 3) five (5) acres or more for development of areas designated as neighborhood centers in the Comprehensive Plan.

5.21.3. Definitions. The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

1. BUILDING SCALE The relationship between the size of a building and its surroundings, including street width, open space, and surrounding buildings.
2. PLAZA A civic space, predominantly hardscaped, and enclosed on at least two or three sides by building facades. Plazas may be publicly or privately owned but, in either case, are designed and maintained for public use.
3. SQUARE A Common Open Space that serves as the focal point for a traditional neighborhood development. It is typically surrounded by commercial or mixed-uses and may include a landmark structure or building.

5.21.4. Procedures.

1. TND Plans shall be submitted, reviewed and approved as described for PUDs in [§5.20.1](#),

[§5.20.3](#), and [§5.20.5.1](#) except as provided following:

2. Initial Conference. Before submitting an application, the applicant shall schedule an appointment and meet with City staff to discuss procedures for approval, submittal requirements and design standards.
3. Master Development Plan Submittal Requirements. The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed TND development. In addition to the submittal requirements of [§2.10 Amendments](#), any request for approval of a Master Plan of a TND shall also include the following items:
 - a. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, location of storm water infiltration areas, and other significant storm water best management practices.
 - b. A pattern book representing the site design and architectural patterns of typical residential and non-residential buildings. Design patterns shall be conveyed with illustrations of typical proposed elevations including building heights, widths and façade treatments.
 - c. the location of sidewalks, trails, passages and other pedestrian and bicycle circulation elements
 - d. typical street cross sections including streetscape elements (street and pedestrian lighting, street trees, paving patterns, etc.)
 - e. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
4. Amendments to the Master Plan. Amendments to the TND Master Plan shall follow the procedure in [§5.20.6](#) except that minor amendments to the Master Plan may be approved by the Zoning Administrator provided that the changes do not involve:
 - a. an increase of more than 10% of the floor area of structures other than single family detached dwellings;
 - b. an increase of more than 10% of the number of dwelling units; or
 - c. an alteration of any conditions or modifications to the Master Plan required by the Commission.
- 5.21.5. Ownership and Maintenance of Public Space. See [§6.11](#).
- 5.21.6. Permitted Uses and Arrangements. A TND should consist of a mix of residential areas, one or more

neighborhood center(s), and common open space(s).

1. Open Spaces. The open space uses identified below should be incorporated into the development as appropriate.

- a. Environmental corridors/greenways
- b. Protected natural areas
- c. Neighborhood or community parks
- d. Streams, ponds and other water bodies
- e. Storm water detention/retention facilities

2. Residential Areas. A mix of the following residential land uses may be located with flexibility throughout the site. Higher density residential uses should be located nearest a neighborhood center. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the development.

- a. Single-family detached dwellings, duplexes and row houses
- b. Townhouses
- c. Multi-family dwellings, including independent and assisted living and group living quarters
- d. Accessory dwelling units on a single-family lot

3. Neighborhood Centers. A TND will include a neighborhood center composed of a mix of commercial, residential, civic or institutional, and open space uses as identified herein. The development should be laid out such that all residential blocks are within a ten (10) minute walk (approximately 2,800 ft measured along pedestrian routes) from a neighborhood center.

a. Commercial Uses. The interior square footage of individual businesses should not exceed 6,000 sf, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are permitted and encouraged:

- (1) Food services, including but not limited to neighborhood grocery stores; butchers and bakeries; restaurants; cafes; coffee shops; neighborhood bars or pubs
- (2) Retail uses, including but not limited to florists; nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artists; apparel shops and home décor stores
- (3) Services, including but not limited to day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning

(4) Accommodations, including but not limited to bed and breakfasts, small hotels or inns

b. Residential Uses. The following are permitted:

- (1) Single-family attached dwellings, including duplexes, townhouses, and row houses
- (2) Multi-family dwellings, including independent and assisted living and group living quarters
- (3) Residential units located on upper floors above commercial uses or to the rear of storefronts;

c. Civic or Institutional Uses. The following are permitted:

- (1) Municipal offices, fire stations, libraries, museums, and post offices
- (2) Transit shelters
- (3) Places of assembly
- (4) Educational facilities

d. Open Space Uses. The following are permitted:

- (1) Central squares
- (2) Plazas
- (3) Pocket parks
- (4) Neighborhood parks
- (5) Playgrounds
- (6) Storm water retention/detention facilities (where incorporated into one of the above)

5.21.7. Density Standards

1. Open Space. At least ten (10) percent of the gross acreage must be open space. At least twenty-five (25) percent of the open space shall be Common Open Space dedicated for public use. Ninety (90) percent of the lots within residential areas shall be within 1,400 ft from a Common Open Space.

2. Density in Residential Areas. Maximum residential shall be as follows:

- a. Single family, attached or detached: 8 du per acre
- b. Multi-family dwellings: 15 du per acre
- c. 1 accessory dwelling per single family lot

3. Density in Neighborhood Centers:

- a. Single family, attached: 10 du per acre
- b. Multi-family dwellings: 20 du per acre.

4. Non-residential GFA. The total ground floor area of non-residential uses, including off-street parking areas, shall not exceed twenty-five (25) percent of the development except where the TND is oriented around and integrated with, through the interconnection of vehicular, bicycle, and pedestrian ways, adjacent residential development.

5.21.8. Design Standards

1. Lot and Block Standards.
 - a. Blocks shall be 200-400 ft deep by 400-800 ft long. Where topography averages over a twenty (20) percent slope and cross streets are not practical, longer blocks may be provided.
 - b. A variety of lot sizes should be provided that allow for diverse housing types.
2. Building Frontage Standards.
 - a. All non-residential buildings should abut a public sidewalk or a plaza. Civic or institutional buildings may also front on squares, lawns or similar landscaped frontages.
 - b. Single-family detached dwellings, duplexes and row houses shall have a front yard setback (measured to sidewalk) between eight (8) and twenty-five (25) ft. Unenclosed porches shall not extend closer than eight (8) ft to the sidewalk.
 - c. Townhouses and multi-family dwelling buildings shall be built to within eighteen (18) ft of the sidewalk. If located closer than twelve (12) ft to the sidewalk, the floor level of ground level dwellings shall be at least two (2) ft above or at least three (3) ft below sidewalk level.
 - d. The front yard setback in residential areas with slopes averaging over twenty (20) percent may be greater than specified above provided that there is a plan for the landscaping treatment of the setback area.
3. Rear Setbacks.
 - a. Single-family dwellings, attached and detached, shall be set back no less than thirty (30) ft from the rear lot line.
 - b. Specific rear setbacks are not required for other uses. Where a multi-family or non-residential use abuts, at the rear, a single-family lot, a buffer, pedestrian passage, alley or similar separation of at least twenty (20) ft in width is required.
 - c. Accessory structures shall be set back from rear lot lines as required in [§6.6](#).
4. Side Setbacks.
 - a. A minimum, aggregate side yard of ten (10) ft shall be provided between detached dwellings, duplexes and row houses. No side setbacks shall be required for townhouses.
 - b. No side setbacks are required for multi-family and non-residential uses. However, where a multi-family or non-residential use abuts a single-family detached dwelling, duplex or row house

along a side lot line, a minimum building separation of twenty (20) ft shall be required.

- c. Accessory structures shall be set back from side lot lines as required in [§6.6](#).

- 5.21.9. Circulation Standards. The circulation system shall provide for different modes of transportation; shall provide links within and between residential areas, neighborhood center(s), and open spaces; and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide property access from streets of lesser classification, and promote safe and efficient mobility throughout the TND.

1. Pedestrian Circulation. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. Sidewalks shall be provided as follows:
 - a. Public sidewalks shall be provided on both sides of any street within a neighborhood center or medium or high-density residential area and only on one side of any street within low-density residential areas in accordance with the following:
 - (1) Neighborhood centers: sidewalks shall be at least ten (10) ft and maintain a clear pedestrian zone of at least six (6) ft
 - (2) Medium and high density residential areas (4 or more du/acre): sidewalks shall be at least five (5) ft wide and buffered from the street by a planting strip at least four (4) ft wide
 - (3) Low density residential areas (less than 4 du/acre): sidewalks shall be at least four (4) ft wide and buffered from the street by a planting strip at least six (6) ft wide
 - b. Residential Sidewalks. Clear and well-lighted sidewalks shall connect residential building entrances to the adjacent public sidewalk. Shared sidewalks are acceptable.
 - c. Neighborhood Center Sidewalks. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) ft in width.
 - d. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - e. Crosswalks. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
2. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features

such as "yield flow" streets, curb extensions, roundabouts and traffic circles, and medians may be used to encourage slow traffic speeds.

3. Street Layout. The TND should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

- a. Corner Radii should be kept to the minimum practicable given the size of vehicles expected to use the particular intersection and the intended rate of speed at which turns will be taken.
- b. All streets shall terminate at other streets or at public land, with the following exceptions:
 - (1) Local streets may terminate in stub streets when such streets act as connections to future development;
 - (2) Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
 - (3) Where topography prevents the local street from terminating at another street or public land and the exceptions under Items (1) and (2) above are not practical, the local street may terminate in a cul-de-sac or "close" in accordance with the standards contained in the Public Works Manual.

5.21.10. Parking Standards. Parking areas for shared or community use should be encouraged. In addition:

- 1. In multi-family and non-residential areas, parking lots shall be located at the rear or side of buildings and landscaped as required in [§9.3](#).
- 2. Parking lots and garages shall be separated from intersections by a building containing another use.
- 3. Adjacent on-street parking, if created as a part of the TND, may apply toward minimum parking requirements.
- 4. In residential areas, parking shall be provided on-site.
- 5. Parking shall be provided in the following amounts:
 - a. Commercial uses: no less than one (1) space for every 500 sf of gross building area but no more than one (1) space for every 300 sf provided that parking can be shared with other uses
 - b. Other non-residential uses and residential uses: as provided in Art. 8
 - c. Mixed-uses: for vertically or horizontally mixed uses, parking requirements shall be determined as provided in Art. 8

d. For multi-family and non-residential uses, a minimum of one (1) bicycle parking space for every ten (10) motor vehicle parking spaces shall be provided

6. Paving shall be as normally required by the City except as follows:

- a. Ribbon driveways may be used for single-family detached dwellings, duplexes, and row houses to reduce impervious surfaces.
- b. To reduce impervious surfaces, interlocking pavers, grid pavers, sand set paving blocks or other such paving systems may be required for remote parking lots and parking areas for periodic uses.

7. Outdoor lighting. Street lighting shall be provided along all streets. Generally more, smaller lights as opposed to fewer, high-intensity lights should be used. Street lights shall be installed on both sides of the street at intervals of no greater than eighty (80) ft. Exterior lighting shall be cut-off type or directed downward to reduce glare onto adjacent properties.

5.21.11. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. Guidelines for Existing Structures. If existing structures are determined to be historic or architecturally significant, they shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

2. Guidelines for New Structures.

- a. Height: New structures within a TND shall be no more than three (3) stories, forty-five (45) ft for single-family residential or four (4) stories, sixty-five (65) ft for commercial, multi-family residential or mixed use.
- b. The architectural features, materials, and the articulation of a facade shall be continued on all sides visible from a public street or common area.
- c. Principal buildings shall face onto a public street (except as provided for cottage subdivisions in [§7.20](#)) and shall not face directly toward a parking lot.
- d. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements

shall be used to define the front entrance to residences.

- e. For commercial buildings, a minimum of fifty (50) percent of the street level facade shall be window or door openings.
- f. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

5.21.12. Signage. A comprehensive sign program is required for the entire TND to establish a cohesive wayfinding system.

- 1. Signs for commercial uses shall be attached (wall signs or blade signs). Blade signs shall be mounted perpendicular to the building face and shall not exceed eight (8) sf. Wall signs shall be sized and placed to fit within the architectural elements of the facade.
- 2. Signs for multi-family buildings may be attached or detached. Such signs shall not exceed sixteen (16) sf.
- 3. Signs for institutional or civic uses may be attached or detached. Such signs shall not exceed twenty (20) sf.
- 4. Signs for live-work buildings shall be as provided for commercial uses in Paragraph 1 above.

5.21.13. Landscaping and Screening Standards.

- 1. Street trees. A minimum of one deciduous canopy tree per forty (40) ft of street frontage, or fraction thereof, shall be provided and evenly spaced. Street trees shall be located in the planting strip between the sidewalk and curb or in tree wells adjacent to the curb. In the case of existing overhead utility lines, understory trees may be used or trees may be planted within the front yard setback adjacent to the sidewalk.
- 2. Parking lot landscaping and screening shall be provided as required in [§9.3](#) and as follows.
 - a. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or pedestrian or vehicular circulation shall be provided and maintained with vegetative ground cover, including turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include benches, kiosks or bicycle parking.
 - b. In parking lots containing more than 200 spaces, a landscaped area of at least 300 sf shall be provided for each twenty-five (25) spaces or fraction thereof, containing one canopy tree. The

remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

5.21.14. Storm Water Management. The design and development of the TND should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be protected/maintained to the maximum extent practicable. TNDs shall be subject to the following, in addition to any other applicable regulations:

- 1. Untreated, direct storm water discharges to wetlands or surface waters are not allowed.
- 2. Post development peak discharge rates should not exceed predevelopment peak rates.
- 3. Erosion and sediment controls must be implemented to remove eighty (80) percent of the average annual load of total suspended solids.
- 4. Redevelopment storm water management systems should improve existing conditions and meet standards to the extent practicable.
- 5. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

Article 6 SUPPLEMENTAL REGULATIONS

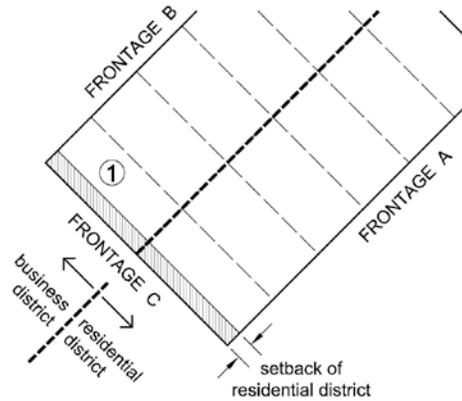
§6.1. Area Modification for Lots of Record

The ZBA shall approve all proposed development involving non-conforming lots of record. See §4.6.2 Nonconforming Lots of Record.

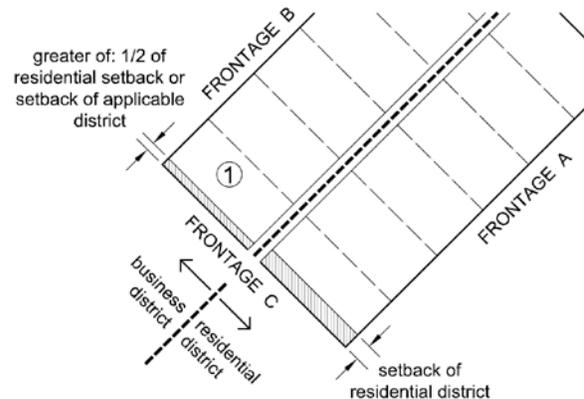
§6.2. General Yard Requirements

- 6.2.1. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and, unoccupied for storage, servicing or similar uses, except as provided for herein.
- 6.2.2. More than one (1) multiple dwelling, office, institutional, industrial or public building may be located upon a lot or tract of land, but such dwellings shall not encroach upon the front, side or rear yards required by the district regulations.
- 6.2.3. In certain cases the Building Official can reduce either the front or rear yard requirement by no more than (5) five ft in any district. A greater reduction may only be approved by the ZBA through a variance. However, the side yards must meet the requirements for the applicable district.
- 6.2.4. Front Yard Modifications
 - 1. Where new development is proposed on the same block face as abutting, previously developed lots located within the same district with front yards less than required in such district, the following modifications shall apply:
 - a. Where a building is to be erected on a parcel that is within 100 ft of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings
 - b. Where a building is to be erected on a parcel that is within 100 ft of an existing building on one (1) side only, such building may be erected as close to the front lot line as the existing building.
 - 2. Contextual Setbacks. The minimum front yard setback for all lots along a block face that includes multiple zoning districts shall be the most restrictive front yard setback required among the districts occurring along that block face (see Figure 6-2, Example 1). This shall be considered the contextual setback. However, in the case of a block face wherein a district with a greater setback requirement is separated from a district with a lesser setback requirement by an alley, watercourse, buffer, or similar physical transition, the contextual setback within the less restrictive district shall be half (1/2) of the setback required in

the abutting district or the normally required setback of the abutting district, whichever is greater (see Figure 6-2, Example 2). These adjustments shall also apply to secondary front yards.



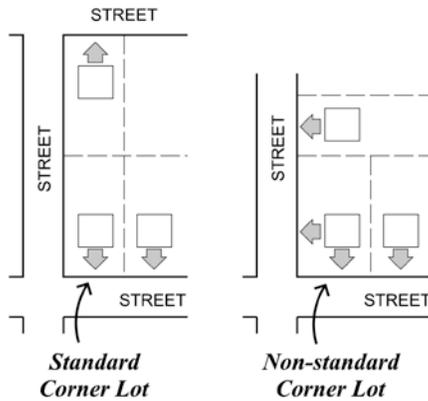
Example 1: Where the Lots along Frontage A are in a district with more restrictive Setbacks than those Lots along Frontage B, the Setback along Frontage C for Lot 1 is subject to the more restrictive Setback, except as shown in the Example 2.



Example 2: Where the Lots along Frontage A and those along Frontage B are separated by a public Alley ROW, the "Contextual Setback" along Frontage C for Lot 1 shall be the greater of: the normal Setback of the Applicable District for or half of the Setback in the Abutting residential district.

Figure 6-2: Contextual Setbacks

- 3. Through lots shall provide the required front yard on both sides.
- 4. Standard corner lots for detached single-family and duplex dwellings in the R-2, R-2A and R-3 Districts, shall have a primary (greater) front yard setback and a secondary (lesser) front yard setback. Corner lots, in all other cases, shall provide a front yard on each street.



Standard and Non-Standard Corner Lots

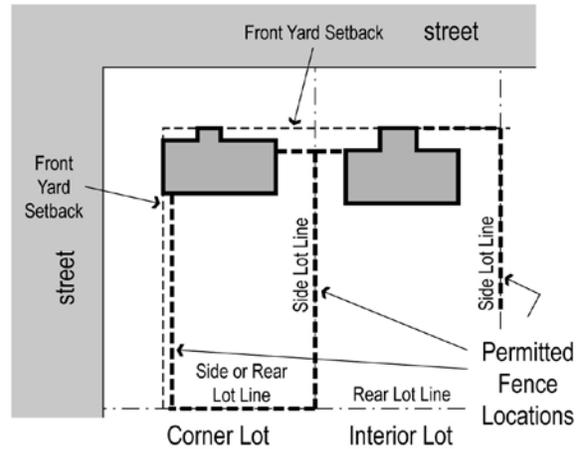


Figure 6-4: Permitted Fence Locations

6.2.5. Rear Yard Modifications. Where a lot abuts an alley, one-half (1/2) of the alley width may be considered as part of the required rear yard.

§6.3. Height Modification

- 6.3.1. Any limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, with the exception of Mini-warehouses provided such buildings do not exceed the height in feet permitted in the applicable district.
- 6.3.2. Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers or necessary appurtenances, where permitted, may be erected to any height not in conflict with existing of hereafter adopted ordinances of the City, except that where permitted in connection with residential uses, such structures shall be limited to a height of twenty-five (25) ft above the average height of structures permitted in that district. [See §7.13 Transmission Towers (Commercial)]

§6.4. Fences and Walls

- 6.4.1. No fence shall be allowed within the front yard setback in any single family residential district (see Figure 6-4). However, for corner lots, the Zoning Administrator may approve an encroachment of not more than five (5) ft into the secondary front yard (standard corner lots) or into the front yard corresponding with the longer of the two street frontages (for non-standard corner lots). In such cases, fences shall not exceed forty-two (42) inches in height.
- 6.4.2. Fences in any single family residential district shall not exceed a height of six and one half (6.5) ft as measured from the topmost point of the fence to grade level at the fence line.

- 6.4.3. The following types of fences are permitted in Residential Districts: masonry walls, ornamental (iron), woven wire (chain link), wood or other man made materials designed specifically for such use, and hedges. The following type of fences are prohibited: any fence carrying electric current, any fence that utilizes spikes, nails, barb wire or other pointed materials in its construction. However, when warranted, those fence types listed as prohibited above may be permitted in the A-1 Agricultural, M-1 Light Industrial and M-2 Heavy Industrial Districts.
- 6.4.4. No fence of any material shall encroach into the Clear Sight Triangle where a thoroughfare intersects a driveway, alley, or another thoroughfare, as determined by the City Engineer in accordance with the Public Works Manual. No fence, hedge or any type of planting shall be placed or constructed in any location that would hinder access to fire hydrants, including ornamental or split-rail fences.
- 6.4.5. The following exceptions should be noted: fences used for guard railing, around depressed ramps, tops of retaining walls along driveways and adjacent to residential sidewalks, not to exceed forty-two (42) inches in height.
- 6.4.6. The finished side of the fence, if applicable, shall face adjoining properties or public areas.
- 6.4.7. For non-residential Districts, all fence construction shall be subject to site plan approval with no height or setback restriction(s) except those deemed, necessary and reasonable by the Commission unless otherwise stipulated elsewhere in this Ordinance. [See Use Specific Regulations, if applicable]

§6.5. Porches, Terraces, Balconies, Cornices and Eaves

- 6.5.1. Sills or ornamental features of a structure may project into any yard not to exceed six (6) inches.
- 6.5.2. Cornices or eaves may project into any required yard not to exceed twenty-four (24) inches, except as otherwise provided by the Building Code.
- 6.5.3. Terraces, unenclosed porches, underground fallout shelters or ornamental features (which are constructed as part of a single family or two-family dwelling) may project into a required yard, provided such projections shall not extend into the required front yard more than five (5) ft and shall not extend closer than twenty-five (25) ft to the rear lot line. The said terraces, porches, shelters and ornamental features (when constructed as part of a multi-family dwelling) shall not encroach more than five (5) ft into the side yards.
- 6.5.4. In single family and two-family residential districts, an unenclosed balcony, deck, porch or fire escape may project into a required rear yard, provided such structures be located not closer than twenty-five (25) ft from the rear property line and ten (10) ft from either side lot line.
- 6.5.5. In multi-family residential districts, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard for a distance not to exceed twelve (12) ft and may project into a required side yard for a distance not to exceed eight (8) ft; but, in no instances, shall the said structures be located within a required buffer.

§6.6. Accessory Buildings and Structures

- 6.6.1. Accessory buildings or structures up to twelve (12) ft in height shall be permitted within five (5) ft of any side or rear property line. Accessory buildings above twelve (12) ft in height shall be set back one (1) additional foot for each four (4) ft in height above twelve (12) ft up to the maximum building height of the applicable district.
- 6.6.2. Accessory buildings and structures shall be constructed of materials compatible with other buildings in the same district to ensure that the aesthetic value and appearance of the area is retained.
- 6.6.3. Accessory buildings and structures and attached and detached carports and garages on residential lots shall meet the following requirements:
 - 1. In the A-1 District, the lot coverage of detached accessory structures, in aggregate, shall not exceed twenty-five (25) percent of the established rear yard (as measured from the rear building line

of the principal structure). In the E-1 and R-1 Districts, the lot coverage of detached accessory structures, in aggregate, shall not exceed fifteen (15) percent of the established rear yard and the gross floor area shall not exceed fifty (50) percent of that of the principal building. In all other cases, the maximum floor area of detached accessory structures shall be twenty-five (25) percent of the gross floor area of the principal building.

- 2. Accessory buildings and structures shall not exceed the principal building height.
- 3. Such structures and additions shall be subject to the front yard setback of the applicable district.
- 4. Attached accessory buildings and structures, such as, carports and garages shall conform with the side yard setback for the applicable district.
- 5. When the lot abuts an alley, detached accessory structures may be closer than five (5) ft to the lot line at the alley, but not closer than twelve (12) ft to the alley centerline.
- 6. Accessory structures shall not be built prior to construction of the primary structure, nor shall such be used for non-residential purposes which are not normally incidental to residential use.
- 7. All electrical power service to accessory buildings on residential lots shall originate from the main power service at the main building and not a separate metered service. However, after review, the Zoning Administrator may approve a separate meter for utilities in the A-1 and E-1 Districts only.

§6.7. Satellite Dish Antennas

- 6.7.1. Satellite dish antennas and other ground mounted antennas shall not be permitted in the front yard. Setbacks shall be from all lot lines, a distance equal to the height of the antenna. The setback shall be measured from the closest edge of the dish to the lot line. Satellite dishes are subject to the district's maximum building height.
- 6.7.2. Satellite dish antennas shall be neutral in color and to the greatest extent possible, compatible with the appearance and character of the neighborhood in which located.
- 6.7.3. If the required placement prevents satisfactory reception or other problems of a unique nature, such may be referred to the ZBA for a variance.

§6.8. Temporary Structures and Building Material Storage

Temporary buildings may be permitted for storage of materials connected with construction projects and

such buildings may also be permitted as temporary offices until such time as the construction projects are completed and permanent buildings are ready for habitation. However, no such buildings or structures shall be permitted until appropriate Building Permits have been approved and issued.

§6.9. Garage or Yard Sales

- 6.9.1. Garage or yard sales on the same lot shall not be conducted for more than three (3) days (whether consecutive or not) during any ninety (90) day period.
- 6.9.2. All posters and/or signs, display tables, stands, racks, etc. shall be removed immediately after such sale by the person conducting the garage or yard sale and such items shall be stored inside an enclosed building or screened from public view.

§6.10. Private Swimming Pools and Tennis Courts

- 6.10.1. Private Swimming Pools. Where permitted, private swimming pools shall comply with the following requirements:
 - 1. Permanent swimming pools which are wholly or partially above grade level shall be located in the rear yard of a single or two-family residential district no closer than twenty-five (25) ft from any lot line. No mechanical appurtenance shall be located within ten (10) ft of any lot line.
 - 2. Private Swimming Pools constructed below grade level shall be:
 - a. Located, including mechanical appurtenances, no closer than ten (10) ft from any lot line.
 - b. Enclosed at the time of construction by a fence of not less than four (4) ft in height (measured from grade level to the highest point on the fence) as per the City's adopted building code. Fences and gates shall be constructed of such materials so as to prevent unauthorized entry. Moreover, gates shall be provided with permanent self-latching devices which shall be locked at all times when the pool is not in use.
 - c. Above-ground pools shall be subject to the requirements of the Standard Swimming Pool Code, 1991 and any future amendments thereto.
 - d. All exterior lighting fixtures shall be constructed to direct the beam of light below the horizontal plane of the fixture, reflecting away from any adjacent property. Said fixtures may not extend higher than twenty-five (25) ft in height.
 - e. Swimming pools for multi-family and commercial uses shall meet minimum standards deemed

appropriate by the Commission upon review of each specific proposal.

- 6.10.2. Private Tennis Courts. Where permitted, all tennis courts constructed in single family or two family residential districts shall meet the following minimum standards:
 - 1. The tennis court shall be located in the rear yard.
 - 2. The tennis court may not be located any closer than twenty-five (25) ft from any lot line and residential structure.
 - 3. All fences shall meet the requirements of [§6.4 Fences and Walls](#).
 - 4. Tennis courts for multi-family and commercial uses shall meet the standards deemed appropriate by the Commission during the review of each specific proposal, including but not limited to required buffers.
 - 5. If lighted, all exterior lighting fixtures shall be constructed in a manner so as to direct the beam of light toward the facility itself and away from any adjacent areas. Said fixtures shall not exceed twenty-five (25) ft in height.

§6.11. Ownership and Management of Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities to be owned and maintained by a homeowner, property owner, or condominium association, the following shall apply:

- 6.11.1. Owner's Association. An association representing the owners shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities located thereon shall be borne by the association.
- 6.11.2. Management Plan. The applicant shall submit a plan for management of open space and/or common facilities that:
 - 1. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
 - 2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities

and outlines the means by which such funding will be obtained or provided;

3. provides that any changes to the plan be approved by the Commission; and

4. provides for enforcement of the plan

6.11.3. In the event the party responsible for maintenance of the Common Open Space 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, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

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Article 7 USE-SPECIFIC REGULATIONS

§7.1. Farm

- 7.1.1. The minimum land area shall be ten (10) acres
- 7.1.2. The following farming activities shall be permitted:
 - 1. Forage and sod crops
 - 2. Grain and seed crops
 - 3. Dairy animals and products
 - 4. Livestock, such as beef cattle, swine, sheep, goats or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations
 - 5. Poultry, including egg production but excluding commercial poultry processing operations
 - 6. Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation, including greenhouses and the incidental sale of items customarily associated with a nursery operation
 - 7. Bees and apiary products
 - 8. Fisheries, excluding commercial fish processing operations
 - 9. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations
- 7.1.3. Area and Dimensional Regulations.
 - 1. In the A-1 Agricultural District, the minimum setback of livestock barns and commercial chicken (fowl) houses from adjoining property lines shall be 100 ft; and from street right-of-way lines shall be 300 ft; provided, however, that no livestock barn or chicken houses shall be built closer than 300 ft to the nearest then existing residence other than that of the owner. Swine, (hogs) to be housed, fed and watered not nearer than 100 ft to any adjoining property line or within 300 ft of any street right-of-way.
 - 2. Temporary sawmills and chippers (used in connection with timber cutting operations) shall be set back at least 200 ft from any lot line.
 - 3. Non-farm related single family residences and subdivisions are permitted, provided that the recording of lots in this district contains a minimum of half (1/2) an acre and is in complete conformance with the City subdivision regulations. Applicants should also be apprised of the fact that a two (2) acre minimum lot is required for a hobby

farm, in case the intent is to utilize the lot for that purpose.

- 7.1.4. A booth or stall (farm stand) from which farm produce grown on the same premises and sold to the general public shall be permitted subject to the following:
 - 1. Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
 - 2. Sales areas shall not occupy any part of a required off-street parking or loading area.
- 7.1.5. Incidental structures and activities commonly associated with a farm may include: barns, silos, animal pens, loading and unloading platforms, chutes and other accessory uses.

§7.2. Hobby Farms

- 7.2.1. The minimum lot area shall be two (2) acres.
- 7.2.2. Unless otherwise provided for in this Ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:
 - 1. Poultry (shall not include chicken houses or other facilities to house fowl), horses, donkeys and ponies are permitted.
 - 2. The keeping of goats, sheep and swine in a hobby farm is prohibited.
- 7.2.3. The use shall be subject to the following setback and area requirements:
 - 1. Farm animals shall be housed not less than 200 ft from any adjacent lot not zoned A-1 Agricultural District.
 - 2. At least one (1) acre of lot area shall be required for each small livestock animal and a maximum of twenty (20) poultry for every 8,000 sf of lot area shall be permitted.
 - 3. Offensive animal odors shall not be detectable at the property line.

§7.3. Shopping Centers

Where permitted, a shopping center shall consist of a building group that is unified in accordance with the following:

- 7.3.1. A site development plan shall be required which provides for:
 - 1. An integrated parking area and vehicular loading spaces as specified in [Article 8](#).
 - 2. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic throughout the parking areas and no undue interference with

through traffic in gaining ingress and egress from the proposed site.

3. The location, size and character of all exterior signs.
4. A buffer strip if required in accordance with [§9.2 Buffers](#).
5. Convenient and safely located pedestrian walkways.
6. A traffic analysis indicating the estimated effect of the proposed shopping center on adjacent street traffic, including volume flows to and from the proposed facility. This analysis should be prepared by a Registered Engineer.
7. A preliminary plan or engineering report providing for site grading, storm drainage, sanitary sewers and water supply prepared by a Registered Engineer.
8. Copy of any Deed Restrictions intended for the property upon which the shopping center is to be constructed.

§7.4. Gasoline Service Stations

Where permitted, Gasoline Service Stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama, as well as provisions contained herein:

- 7.4.1. All permanent storage of materials, merchandise and equipment shall be within the principal building or within the setback lines and screened as required in [§9.4 Screening](#).
- 7.4.2. Drains located on the premises without the approved separators in the trap shall be prohibited. Gasoline storage tanks shall be in full compliance with Alabama Department of Environmental Management (ADEM) requirements and local regulations.
- 7.4.3. Applicable Only To New Service Stations:
 1. Minimum site of 12,000 sf
 2. Frontage on a public street of at least 120 ft
 3. All islands shall have a minimum of a twenty (20) ft setback from the street.
 4. All driveways shall as approved by the City Engineer in accordance with the access standards of the Public Works Manual.
 5. A minimum of 1,600 sf of lot area is required for each triple pump island after the first three. A lot area of 1,200 sf shall be provided for each service

bay or car wash and 150 sf for a separate pay station.

- 7.4.4. Applicable Only To Construction of Gasoline pumps and facilities to existing establishments. The following minimum standards shall apply to the gasoline dispensing area, including pump islands and approach drives:
 1. One triple island, 2,700 sf
 2. One pay station and one triple island, 5,200 sf
 3. A minimum of 1,600 sf of lot area shall be provided for each additional triple pump island and a minimum of 1,200 sf of lot area shall be provided for each bay and car wash.
- 7.4.5. The following are prohibited uses at Gasoline Service Stations:
 1. Storage of vehicles on the premises for purposes other than maintenance and repair. This shall not include wrecked motor vehicles left on the premises temporarily for insurance inspection and estimates of repair. However, such vehicles shall not be parked or stored on the premises longer than seventy-two (72) hours.
 2. Major vehicle repair activities as defined in [§3.5.4](#)
 3. Buying or offering for sale of new or used motor vehicles
 4. Any use performed inside the principal building or on the premises which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties by reason of smoke, fuels, dust, odor, vibrations, noise or unsightliness

§7.5. Fast Food Restaurants

Where permitted, Fast Food Restaurants shall comply with the following:

- 7.5.1. Submission of a site development plan, which provides for:
 1. A landscaping strip shall be provided along any frontages in accordance with [§9.3](#).
 2. A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewers and water supply shall be prepared by a Registered Engineer.
 3. Fixed lighting shall be arranged so as not to shine, reflect or glare onto surrounding properties or public streets.
 4. The outside premises shall be cleared of all used paper, trash, refuse and other waste materials at least once every six (6) hours prior to closing.

5. Fast Food Restaurants shall not be permitted to install and maintain loud speakers or jukeboxes in a manner which allows emanating sounds to be heard outside the restaurant building. This shall not, however, include microphones and speakers necessary for ordering food.
6. Each Fast Food Restaurant shall be provided with a dumpster pad which shall be located in the rear of the establishment and screened as required in [§9.4 Screening](#).

§7.6. Hospitals

Where permitted, Hospitals shall comply with the following regulations:

- 7.6.1. Submission of a site development plan which provides for:
 1. A preliminary plan or engineering feasibility report providing for site grading, storm drainage, sanitary sewers and water supply, prepared by a Registered Engineer
 2. Where deemed necessary, by the City Engineer, a traffic analysis indicating the estimated traffic flows to and from the hospital prepared by a Registered Engineer
 3. For each bed in a hospital there shall be 100 sf of outdoor open space, exclusive of required front yards, side yards, buffer areas, parking areas, loading spaces or other purposes. The said outdoor space shall be open and unobstructed from the ground upwards.

§7.7. Assisted Living and Nursing Care Facilities

Where permitted, Nursing Care and Assisted Living Facilities shall comply with the following requirements:

- 7.7.1. Submission of a site development plan which provides for:
 1. A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewers and water supply, prepared by a Registered Engineer.
 2. Where deemed necessary by the City Engineer, a traffic analysis indicating the estimated traffic flows to and from the nursing care facility prepared by a Registered Engineer.
 3. For each bed in the facility there shall be 200 sf of outdoor open space, exclusive of require front yards, side yards, buffer areas, parking areas, loading spaces or other purposes. The said outdoor open space shall be open and unobstructed from the ground upwards.

§7.8. Cemeteries

Where permitted, Cemeteries shall comply with all applicable State regulations and the following requirements:

- 7.8.1. A site development plan which depicts the boundaries of the cemetery, existing zoning, adjacent land uses, topography, drainage and buffers
 1. No part of a Cemetery shall be located closer than 200 ft from any residential district, nor closer than 500 ft from any hospital or nursing care facility.
 2. A six (6) ft high protective wall or fence shall be constructed on all property lines, except at points of ingress and egress. Cemeteries shall be exempt from any required screening along public rights of way. The facility shall have installed gates with locks at points of ingress and egress.
 3. No grave site shall be located closer than 150 ft from a water line or underground water supply.
 4. Mausoleum, crematorium or any other building or structure, accessory to or incidental to a cemetery, shall not be closer than 200 ft from any property line.

§7.9. Home Occupations

Where permitted, Home Occupations shall comply with the following requirements:

- 7.9.1. The Home Occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the uses permitted in the applicable district. No Home Occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
- 7.9.2. Home Occupations shall be limited to:
 1. an office or a business of a personal service nature.
 2. Instruction of music, art, dancing and similar activities limited to two (2) students at a time. Any noise created by the activity shall not be detectable outside the premises.
- 7.9.3. The Home Occupation shall be confined to twenty-five (25) percent of the principal dwelling and, no outside storage shall be used in connection with the Home Occupation. In addition, no additional buildings or structures may be constructed in connection with the Home Occupation.

- 7.9.4. Employment shall be limited to members of the family residing in the dwelling.
- 7.9.5. No display of products shall be visible from the street and only articles made on the premises may be sold.
- 7.9.6. The activity carried on as a Home Occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
- 7.9.7. Procedure. An application for a Home Occupation Permit shall be filed with the Zoning Administrator. The Building Inspector and a representative of Public Safety Department, shall be permitted to make an inspection upon receipt of the initial application; and, in addition, make inspections at any time, upon reasonable request, to enter and inspect the premises for compliance purposes.
- 7.9.8. The Building Inspector and/or representative of the Public Safety Department shall file with the Zoning Administrator, or ZBA when a Special Exception is required, a written report of any inspection to determine if the licensee is in compliance with this Section or, if not in compliance, to set out any area of non-compliance.
- 7.9.9. Signs shall be in accordance with the specifications set forth in the City Sign Regulations.

§7.10. Mini-warehouses

- 7.10.1. Where permitted mini-warehouses shall comply with the following requirements:
1. No outdoor storage shall be permitted on the site.
 2. No storage of volatile, toxic or explosive materials shall be permitted, either inside the structure(s) or on the premises.
 3. Use shall be limited to storage of personal property items and the pickup and deposit of goods or property in dead storage, except a manager's office which is clearly incidental to the principle use. The facility or site shall not be used for wholesale or retail sales operations or activities. However, this shall not include periodic auctions which are held on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.
 4. A minimum lot size of three (3) acres shall be required for a mini-warehouse development.
 5. Screen fencing shall be installed around the perimeter of the development. Said fencing shall be a minimum of eight (8) ft in height. The points of access to the facility shall be provided with gates

which shall be locked when the facility is not open for business.

6. All outdoor lighting shall be shielded to direct light and glare only onto the mini-warehouse premises and may be of sufficient intensity to discourage vandalism and theft. The said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
 7. A limit of thirty (30) mini-warehouses or 15,000 sf of mini-warehouse floor area per acre is required.
- 7.10.2. A site development plan is required, which provides for:
- A preliminary plan or engineering feasibility report which addresses site grading, storm drainage, water run-off, the availability of required utilities, and the identification of areas to be buffered. A buffer shall be provided as required in [§9.2 Buffers](#).

§7.11. Wireless Facilities

- 7.11.1. General Requirements. Applications for wireless facilities shall include the following:
1. A network design plan for all of the service provider's existing and planned sites in the City and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
 2. A qualified electrical engineer licensed by the state of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur.
 3. Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles.
 4. The City may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
 5. If the facility is abandoned in the future, the applicant shall be required to remove the wireless antennae and equipment from the site within 180 days.
 6. Wireless facilities and all equipment shall be designed to be in compliance with the City noise ordinance.
 7. All applications shall include a notarized letter of intent committing the antenna support structure

owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.

8. No transmissions from a wireless facility shall interfere with any existing public safety communications.

7.11.2. Design Requirements. The following specific design requirements shall apply to each type of wireless facility:

1. General Design Standards.

- a. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated.
- b. No signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.
- c. All wireless facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.
- d. In considering a wireless facility for approval by Special Exception, the ZBA shall have the authority to impose conditions on the placement and/or concealment of the facility as necessary to achieve the intents of the regulations herein.

2. Building-Mounted Facilities.

- a. Building-mounted wireless facilities shall not exceed ten (10) feet above the building surface on which they are located. An additional one (1) foot of height may be added for every ten (10) feet the antenna is set back from the building parapet. Distributed, repeater, or microcell antenna systems mounted on buildings within non-residential districts shall conform to the height limit of the applicable zoning district.
- b. Building mounted antennae shall be integrated with the building design so as to be visually unobtrusive.
- c. Building mounted antenna equipment shall be screened from public view.

3. Structure-Mounted Facilities. Wireless facilities, including distributed, repeater and microcell antenna systems, mounted on a utility pole/structure shall be subject to the following:

- a. An antenna system mounted on a structure within the public right-of-way shall be limited in height to the height of that particular structure.
- b. Antenna systems shall be located and designed to minimize their visibility on utility poles or other structures.
- c. Antenna systems' equipment shall be screened from public view.
- d. If proposed to be located in a district in which above-ground utilities are prohibited, the ZBA may approve such installation by Special Exception provided the structure on which it is to be mounted may be located out of public view, such as within an alley or wooded area.

§7.12. Industrial Parks

Where permitted, Industrial Parks shall comply with the following requirements:

- 7.12.1. An Industrial Park shall, for the purpose of this Ordinance, include all land forty (40) acres or more in size, subdivided and platted into two (2) or more parcels, and used or intended to be used for predominately industrial or commercial purposes of an Industrial character.
- 7.12.2. A site development plan shall be required for each Industrial Park which provides the following:
 1. Access to an Industrial Park shall be by way of a major thoroughfare.
 2. All streets within an Industrial Park shall have a minimum right-of-way width of seventy (70) ft, a maximum gradient of five (5) percent and shall conform to the City standards for commercial streets or as otherwise approved by the reviewing authority.
 3. Off-street parking and loading shall be provided in accordance with [Article 8](#).
 4. Outdoor storage in an Industrial Park shall be permitted only when accessory to a permitted principal use and only when storage areas are suitably screened by either landscaping, fences or walls, and are located at least 100 ft from any property line and at least 150 ft from any street lines. Such storage areas shall not cover more than fifteen (15) percent of the site areas. The reviewing authority shall approve plans for the location and screening of all outdoor storage areas before a Building Permit shall be issued for their construction.
 5. Buffers shall be provided as required in [§9.2 Buffers](#).

- 6. Cul-de-sac streets shall not be permitted in Industrial Parks. Dead end streets; however, are permitted when no more than 500 ft in length, as measured from the terminal point of the dead-end street to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum right-of-way radius of seventy (70) ft.
- 7. Street lighting shall be provided in accordance with the City street lighting standards with the location of street lights in conformance with Alabama Power Company recommendations.
- 8. The vehicular approach to an Industrial Park site from a public street shall be so designed that uncontrolled left hand turns from the street shall be eliminated or reduced either by a frontage roadway or other suitable means deemed adequate by the reviewing authority.
- 9. Sight distances at all points of ingress and egress to public streets shall not be less than 1000 ft, except where a traffic signal light is installed at the entrance to or exit from the Industrial Park site unless otherwise determined by a study conducted by the City Engineer or other persons qualified in this field.
- 10. Where points of ingress and egress to Industrial Parks from public streets or highways having speed limits in excess of thirty (30) miles per hour are located, there shall be provided on the public thoroughfare acceleration and deceleration lanes, the length of which shall be determined in accordance with Table 7.12 or other standard adopted by the City, whichever is more restrictive:

Table 7.12 Minimum Length of Acceleration/Deceleration Lanes for Industrial Parks				
Speed Limit (in Miles per Hour)	30	40	50	55
Distance (in Feet)	100	200	300	350

- 11. A report of subsurface soil conditions shall be provided to the reviewing authority by a Registered Engineer as evidence of suitable bearing for foundations in the construction of industrial structures of a nature intended to be used within the proposed Industrial Park.
- 12. A preliminary plan or engineering feasibility report shall be submitted to the reviewing authority, which provides for the site grading, storm drainage, sanitary sewerage and water supply, prepared by a Registered Engineer.

- 13. A copy of any deed restrictions shall be provided to the Commission.

§7.13. Transmission Towers (Commercial)

Where permitted, the distance between the base of the tower and property lines abutting urban residential districts, public parks and roads must equal twenty (20) percent of the tower height; property lines adjacent to other uses (e.g. agricultural, industrial) require a setback equal to the rear yard setback established for the underlying zone.

- 7.13.1. All applicants for such towers shall submit an engineering report to both the Zoning Administrator and to the Commission, documenting all of the following:
 - 1. Height, design and building materials selected, including pertinent technical, engineering, economic and other factors influencing the final design.
 - 2. Total anticipated capacity of the structure, including the number and types of antennas that can be accommodated.
 - 3. Evidence of structural integrity.
 - 4. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain debris.
 - 5. Mitigation measures for ice and other hazards, including setbacks and de-icing equipment.
- 7.13.2. Where applicable, adequate parking shall be provided, along with buffers where such tower site abuts any residential zone district. Such towers shall be prohibited in any residential district.
- 7.13.3. In all zones permitted, a security fence, six (6) ft in height, around the tower base or along the perimeter of the site, shall be required to prevent unauthorized entry, vandalism and injuries.
- 7.13.4. In addition, all such structures shall be in full compliance with all applicable local, State and Federal Regulations.

§7.14. Seasonal Sales

Unless otherwise specified in this Ordinance, the seasonal sale of farm produce, firewood, Christmas trees and similar items shall be conducted either from motor vehicles or premises. Such items shall not be sold from permanent structures/locations and the use of structures or buildings in conjunction with said activity shall be temporary as specified by the City and subject to the City's conditions at the time a business license is issued. Nothing herein shall prohibit seasonal

sales as a temporary activity on the premises of and associated with an otherwise existing use and the permanent building in which such existing use is housed.

§7.15. Multiple-family Dwellings

Multiple-family developments shall comply with the area and dimensional regulations of the applicable district except as otherwise indicated herein. For the purposes of these regulations, Independent Living Facilities shall be considered a type of multi-family development.

- 7.15.1. Requirements applicable to all Multiple-family development types.
 - 1. Parking areas for tenants shall be set back behind the front building line and shall be set back no less than fifteen (15) ft from any dwelling building. A sidewalk of no less than four (4) ft in width shall be provided between the building and parking area.
 - 2. All utilities shall be placed underground; all multiple-family dwellings shall be served by public water and sewer.
 - 3. Min. Front Yard Setback: as required by the R-4 District except when abutting a single-family dwelling or duplex or a property zoned for such uses. In such case, the minimum front yard setback for the multiple-family dwelling shall be no less than that established or required by the abutting single-family dwelling or duplex district along the same frontage.
 - 4. Min. Side and Rear Yard Setbacks: as required by the applicable district or by [§9.2 Buffers](#), whichever is greater
- 7.15.2. Requirements for Multi-Family Buildings. The following shall apply only to multiple-family developments with no more than one (1) dwelling building be constructed on the lot.
 - 1. Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same Building.
 - 2. No less than fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants.
- 7.15.3. Requirements for Multi-Family Complexes. The following shall apply to any multiple-family developments with more than one (1) dwelling building to be constructed on the lot.
 - 1. Two (2) or more principal buildings shall be permitted per Lot.

- 2. Spacing shall be provided between buildings in accord with [§5.9 R-4 District](#).
- 3. No less than twenty (20) percent of the site area shall be reserved as Open Space. At least twenty-five (25) percent of the Open Space shall be dedicated, designed and improved as a Common Open Space for the recreational use of residents. Such space shall be no less than forty (40) ft in width along its narrowest dimension. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

§7.16. Public Buildings

Area and Dimensional Regulations. The following requirements shall apply to all public buildings located in any Residential District.

- 1. Front yard: As required in the applicable district.
- 2. Rear yard: Thirty-five (35) ft
- 3. Side yard: Thirty-five (35) ft
- 4. Maximum height: Forty-five (45) ft or 3 stories
- 5. Maximum area: Fifty (50) percent

§7.17. Accessory Dwellings

Accessory dwellings shall only be permitted as an accessory use to a permitted single-family detached dwelling.

- 7.17.1. Area and Dimensional Requirements.
 - 1. Minimum lot area: Accessory dwellings shall only be permitted on lots with a minimum lot size of 8,000 sf.
 - 2. The minimum habitable floor area shall be 300 sf and the maximum habitable floor area shall be thirty (30) percent of the gross floor area of the principal dwelling. For instance, a principal dwelling with a gross floor area of 1,500 sf shall be permitted an accessory dwelling no larger than 450 sf.
 - 3. Setbacks. If detached from the principal dwelling, accessory dwellings shall be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure and shall be set back as otherwise required of accessory structures.
- 7.17.2. Additional Requirements.
 - 1. Utilities shall not be separate or separately metered from that of the principal dwelling. However, in the A-1 and E-1 Districts, the ZBA, upon a recommendation by the Zoning Administrator, may

approve separate meters as part of the Special Exception approval.

2. No more than two (2) persons, regardless of their relationship to the owner of the principal residence, shall reside in the accessory dwelling at any time.
3. One (1) parking space, in addition to that required for the principal dwelling, shall be provided. Access to such space shall not conflict with the parking area for the principal dwelling; however, an additional driveway shall not be permitted for the accessory dwelling.
4. Accessory dwellings, whether attached to the principal structure or contained within an accessory structure, shall maintain the appearance of the principal dwelling, including colors, materials, and style, and shall not create additional entrances toward the front of the property.

§7.18. Bed and Breakfasts

Bed and breakfasts shall only be permitted in single-family detached dwellings, shall only be operated by the owner and resident of the dwelling, and shall comply with the following provisions:

7.18.1. Use Regulations.

1. Intensity of Use. All guest rooms shall be located within the principal structure.
2. Length of stay. The maximum length of stay shall be limited to two (2) consecutive weeks.
3. The only meal provided to guests shall be breakfast, which may be served only to registered guests. Individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

7.18.2. Parking. For each and every guest room as approved by the City, there shall be provided one (1) parking space, in addition to the spaces required for the residence. Such additional required parking spaces shall be screened from adjacent properties and arranged so that each space has direct access to a driveway, whether from a public street or an alley. Such parking areas shall be designed and arranged on the site so as to not detract from the character of the neighborhood. Recreational vehicle parking shall be prohibited.

7.18.3. Signs. Only one (1) non-illuminated sign, attached to the front facade, shall be allowed. Such signs shall not exceed eight (8) sf in size.

7.18.4. Building Design Standards.

1. Interior. Only minimal interior modifications shall be allowed whenever it is necessary to meet Building Code or Health Department requirements.
2. Exterior. Aside from any alterations necessary to ensure the safety of the structure, no exterior modifications shall be allowed (other than provision for a separate entrance). Approved exterior modifications should not detract from the residential character of the dwelling or the neighborhood.

§7.19. Conservation Subdivision/Development

7.19.1. Intent.

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or by environmental regulations, which may limit the amount or type of development;
2. To enhance quality of life by promoting the creation of accessible green space;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
5. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places as focal points within the community;
6. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.
7. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
8. To reduce perceived density by providing access to and views of open space.

7.19.2. Applicability. The Conservation Subdivision/Development option is available as a use by right for any residential development of ten (10) or more acres. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

7.19.3. Ownership of Development Site. The tract to be subdivided and/or developed may be held in single, separate, or multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common

maintenance responsibility as approved by the City Attorney.

7.19.4. Density Determination. The maximum number of lots shall be determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, as applicable to the site. In making this calculation, the following shall not be included in the total area of the parcel:

1. The 100-year floodplain;
2. Bodies of open water over 5,000 sf of contiguous area; and
3. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

7.19.5. Application Requirements.

1. Site Analysis Map. Concurrent with the submission of a Site Plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. The preliminary Site Plan shall include the following:
 - a. Property boundaries;
 - b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
 - c. All boundaries of applicable regulated buffer areas, easements, and ROWs;
 - d. Topography at 5-ft or smaller intervals;
 - e. All Primary and Secondary Conservation Areas labeled by type, as described in §7.19.6;
 - f. General vegetation characteristics;
 - g. General soil types;
 - h. Planned location of protected Open Space;
 - i. Existing roads and structures; and
 - j. Potential connections with existing greenspace and trails.
2. Conservation Subdivision Plan. The developer shall prepare a conservation subdivision plan which yields no more lots than identified under §7.19.4. The conservation subdivision plan shall identify open spaces to be protected in accordance with §7.19.6 and may include lots which do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall

include an open space management plan, as described in §7.19.6, and shall be prepared and submitted prior to the issuance of a grading permit.

3. Instrument of Permanent Protection. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in [§7.19.7](#), shall be placed on the open space at the time of issuance of a grading permit.
4. Other Requirements. The Applicant shall adhere to all other applicable requirements of the applicable district and the Subdivision Regulations.

7.19.6. Open Space Management Plan. For the purposes of Conservation Subdivisions, "open space" is defined as the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

1. Standards to Determine Open Space.

- a. The minimum restricted open space shall comprise at least twenty-five (25) percent of the gross tract area.
- b. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:
 - (1) The 100-year floodplain;
 - (2) Riparian zones of at least seventy-five (75) ft width along all perennial and intermittent streams;
 - (3) Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;
 - (4) Wetlands, as defined by the Corps pursuant to the Clean Water Act;
 - (5) Existing trails that connect the site to neighboring areas; and
 - (6) Archaeological sites, cemeteries and burial grounds.
- c. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
 - (1) Important historic sites;
 - (2) Existing healthy, native forests of at least one acre contiguous area;
 - (3) Individual existing healthy trees greater than eight (8) inches caliper; and

- (4) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- d. Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the twenty-five (25) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
- e. At least thirty-three (33) percent of the open space shall be suitable for passive recreational use.
- f. At least seventy-five (75) percent of the open space shall be in a contiguous tract, which may be divided by a local street whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- g. The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the open space.
2. Permitted Uses of Open Space:
- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails constructed of porous paving materials;
- d. Passive recreation areas, such as open fields;
- e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- f. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- g. Easements for drainage, access, and underground utility lines;
- h. Other conservation-oriented uses compatible with the purposes of this Section.
3. Prohibited Uses of Open Space:
- a. Golf courses;
- b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;
- c. Agricultural and forestry activities not conducted according to accepted best management practices;
- d. Impoundments; and
- e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
4. Ownership and Management of Open Space. See [§6.11](#).
- 7.19.7. Legal Instrument for Protection of Open Space. The open space shall be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection shall include clear restrictions on use of the open space, including all restrictions contained in this Section, and any restrictions the applicant chooses to place on the open space. The instrument shall be one of the following:
1. A permanent conservation easement in favor of either:
- a. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
- b. a governmental entity with an interest in pursuing goals compatible with the purposes of this Section, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall 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.
- 7.19.8. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor shall be requested to reassess the open space at a lower value to reflect its more limited use.

§7.20. Cottage Subdivision

Cottage Subdivisions shall only be permitted on sites served by public water and sewer and in accordance with the following:

- 7.20.1. Number of Units. Cottage Subdivisions shall include a minimum of four (4) to a maximum of twelve (12) homes.
- 7.20.2. Frontage Conditions. Lots within Cottage Subdivisions are exempt from the requirement for each lot to have street frontage, as follows:
 - 1. Each Lot shall front on and have a main entry facing the Common Open Space, except those Lots, nearest the fronting street, may front on the street and/or Common Open Space. In no case shall the rear of a unit front on a street.
 - 2. Where a Cottage Subdivision is to be developed on an existing reverse frontage lot, the rear of cottage lots may face the street of higher classification provided that such lots are separated from the street by one of the following: 1) an Alley/Driveway and a twenty (20) ft Buffer or 2) a forty (40) ft Buffer.
- 7.20.3. Area and Dimensional Requirements.
 - 1. Minimum Common Open Space: 250 sf per unit and not less than forty (40) ft in width at any point.
 - 2. Permitted Total Floor Area per Dwelling.
 - a. One-Story units: 800 - 1,000 sf
 - b. Two-Story units: 1,200 – 1,400 sf
 - 3. Maximum Height: two (2) stories
 - 4. Minimum Building Setbacks.
 - a. No unit shall be less than twenty (20) ft from an exterior lot line nor less than the contextual setback from any street ROW.
 - b. No setback is required between a unit and the Common Open Space; however, no building projections may extend into or over the Common Open Space.
 - 5. Minimum Parking Setback. Forty (40) ft from a street ROW and twenty (20) ft from exterior Lot Lines.
 - 6. Alley Setback. Where located along an existing Alley, structures and parking shall be set back from the alley centerline no less than twelve (12) ft. Where a new alley is constructed for the Cottage Subdivision, there shall be a minimum setback of twenty (20) ft between the alley and any rear or side lot line of abutting properties. Within this setback shall be provided a natural buffer

consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge. Existing natural vegetation may be counted toward this requirement.

- 7.20.4. Ownership and Management of Open Space. See [§6.11](#).
- 7.20.5. Parking. Parking shall be required as per single-family detached dwellings. Parking shall be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces shall:
 - 1. be clustered together or provided individually at the rear of each home;
 - 2. be separated from the common area by landscaping, wall or architectural screen; and
 - 3. be screened from streets and adjacent residential uses by landscaping, wall or architectural screen.

§7.21. Day Care Facilities

Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

- 7.21.1. Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24) hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.
- 7.21.2. General Provisions.
 - 1. State regulation. All child day care facilities shall comply with all applicable State regulations.
 - 2. Inspections. The Building Official shall have the right to enter and inspect the premises for compliance purposes after advance notice to the property owner.
 - 3. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.
 - 4. Sewage facilities. Day care facilities using, or proposing to use, an on-site sewage disposal system shall obtain a written statement from the County Health Department certifying that the

system is properly designed to accommodate the use and that there are no apparent signs of system failure.

5. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and adjacent streets. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
 6. Expansion to Day Care Center. The care of more than twelve (12) individuals at a time constitutes a Day Care Center, which may require, in the case of expansion of a Family Day Care Home, to a district in which Day Care Centers are permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), on-lot sewage disposal facilities, parking spaces, and the drop-off circulation pattern.
 7. Application and permitting procedure. Any individual proposing a family day care home shall submit an application for a Day Care Home Permit to the Building Official. If the application demonstrates compliance with this Section, the Building Official shall grant the permit. Group day care homes shall only be permitted as Special Exception Uses in accordance with [§2.8](#) and the provisions of §7.21.3 below.
- 7.21.3. Family Day Care Homes and Group Day Care Homes.
1. Family Day Care Homes shall:
 - a. only be permitted in single-family detached dwellings
 - b. have a current State registration certificate (proof of registration renewal must be supplied to the City every two (2) years)
 - c. have no external signage
 - d. be limited to the care of no more than six (6) children
 - e. not receive children for care before 7:00 am nor continue care after 7:00 pm.
 2. Group Day Care Homes shall be permitted only by Special Exception and shall be limited to no more than twelve (12) individuals receiving care in accordance with applicable state regulations.
- 7.21.4. Day Care Centers. In addition to the other provisions of this Section, Day Care Centers shall comply with the following:

1. The facility shall have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the City every year.
2. A fence with a minimum height of four (4) ft shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
3. On corner lots, access shall only be from the street of lesser classification.
4. Play equipment shall be located at least ten (10) ft from all lot lines.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

§7.22. Upper-story Dwellings

Upper-story dwellings in mixed-use buildings shall be located on a floor level above a use of another type and no non-residential use shall be located on the same floor in the same building. In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building and Fire Codes.

- 7.22.1. Live-Work. Single-family dwellings in mixed-use buildings are normally intended for the occupancy of the proprietor of the associated use(s) within the building. In such cases, the dwelling unit may be accessible from within the associated use. If the dwelling is to be occupied by other than the proprietor of the associated use, the dwelling shall have an entrance separate from the associated use.
- 7.22.2. Multi-family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

Article 8 OFF-STREET PARKING AND LOADING REQUIREMENTS

§8.1. Purpose of Off-street Parking and Loading Requirements

The primary purpose of these provisions is to reduce traffic congestion on public streets of the City by requiring certain minimum parking and loading areas be provided off street. Further, these provisions insure safe and convenient access to and from each site, as well as safe and efficient on-site traffic circulation and encourage the design of attractive, efficient and harmonious facilities.

§8.2. Off-street Parking and Loading Terms

The following off-street parking and loading terms, when used in this Article, shall have the meanings defined in this Section:

- 8.2.1. ACCESS BOUNDARY That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.
- 8.2.2. BR Bedroom or guest accommodations.
- 8.2.3. DU Dwelling unit.
- 8.2.4. 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.
- 8.2.5. GROSS LEASABLE AREA (GLA) The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 8.2.6. INOPERATIVE MOTOR VEHICLE A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.
- 8.2.7. ABANDONED MOTOR VEHICLE Any motor vehicle which is permanently dismantled, inoperative, or wrecked which is left at any place on a public street within the City for a period of seventy-two (72) consecutive hours.

- 8.2.8. LOADING AREA That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 8.2.9. LOADING SPACE An off-street space or berth used for the unloading or loading of commercial vehicles.
- 8.2.10. OCCUPANCY LOAD The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.
- 8.2.11. PARKING AISLE That portion of the parking area consisting of lanes providing access to parking spaces.
- 8.2.12. 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.
- 8.2.13. PARKING SPACE That portion of the parking area set aside for the parking of one (1) vehicle.
- 8.2.14. SF Square feet
- 8.2.15. STACKING SPACE An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

§8.3. Required Off-street Parking Spaces

Unless otherwise provided for, all uses shall conform with the minimum parking space requirements outlined in [Table 8.3.1](#). In situations where the required number of parking spaces is not readily determinable by [Table 8.3.1](#), the Zoning Administrator is authorized to determine the parking space requirements using the table as a guide.

- 8.3.1. Shared parking for mixed-use developments. Subject to approval by the Commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements for the development utilizing the shared parking demand information in [Table 8.3.2](#) and the Worksheet shown in Figure 8.3.2. These parking reductions shall not be available to lodging or residential uses unless such uses are part of a development also including non-lodging, non-residential uses.

Parking reductions may be allowed as part of site plan approval only if it is demonstrated to the satisfaction of the Commission that a combination of the following factors or measures are proposed by the development plan, including but not limited to:

1. There are no material adverse impacts on parking conditions in the immediate vicinity.
2. The development plan mitigates vehicular traffic impacts by proposing limited access to and from public streets.
3. The development plan proposes the creation of new or upgraded sidewalks to help foster non-vehicular accessibility.

8.3.2. Off-street Parking Design Requirements

1. The minimum Parking Space dimensions shall be as shown in [Table 8.3.3](#).
2. In large parking areas of twenty (20) or more parking spaces, up to twenty (20) percent of the Parking Spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight (8) ft width and sixteen (16) ft length. These spaces shall be conspicuously marked for compact cars only.
3. Stacking Space shall contain a minimum rectangular area of ten (10) ft in width and twenty (20) ft in length and be separated from parking aisles and spaces.
4. Handicapped Parking Spaces shall be provided and designed in accordance with the applicable provisions of the Standard Building Code, 1994, Chapter 11, and as such may be amended with regard to Accessibility for the Physically Disabled and/or Handicapped.
5. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one (1) or two (2) dwelling units; although, backing into arterials shall be prohibited.
6. All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.

Table 8.3.1 Required Off-Street Parking Spaces by Use	
<i>Agricultural Uses</i>	
Farm	1 per 1.05 employees
Farm Stand	1 per 250 sf of retail floor area
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
<i>Residential Uses</i>	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Manufactured Home	2 per Manufactured Home
Multi-family Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit
Single-family Dwelling (attached/detached)	2 per DU
<i>Institutional Uses</i>	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club	1 per 100 sf of non-storage and non-service floor area
Community Center	1 per 300 sf of GLA
Country Club	1 per 3 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	1 per 5 students plus 2 per 3 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)
Table continued on following page	

School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
<i>Commercial Uses</i>	
Animal Hospital	1 per 300 sf of GLA
Appliance Store	1 per 400 sf of GLA
Art Gallery	1 per 350 sf of GLA
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 250 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bowling Alley	3.5 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Gasoline Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island

Gas Station/ Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	Under 50,000 sf: 1 per 200 sf of GLA 50,000-99,999 sf: 1 per 250 sf of GLA 100,000+ sf: 1 per 300 sf of GLA
Home Improvement Center	1 per 400 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (free standing)	1 per 100 sf of GLA
Mini-Warehouse	5 spaces adjacent to leasing office (if any)
Office, business or professional	1 per 250 sf of GLA
Movie Theater	1 per 3 seats
Open Air Market	1 per 500 sf of display area plus 1 per employee
Outdoor Recreation	Golf Course: 4 per hole Miniature Golf: 2 per tee Golf Driving Range: 1 per tee Other: 1 per 3 persons of occupancy load
Pool Hall	1 per table
Restaurant, Carry-Out and/or Delivery	1 per employee plus 1 per 300 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 100 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 3 seats of occupancy load
Shopping Center	see General Retail, plus requirements for other uses
Tourist Home, Bed and Breakfast	1 per guest bedroom plus 2 spaces
<i>Industrial Uses</i>	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle but not less than 1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

Table 8.3.2: 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 (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

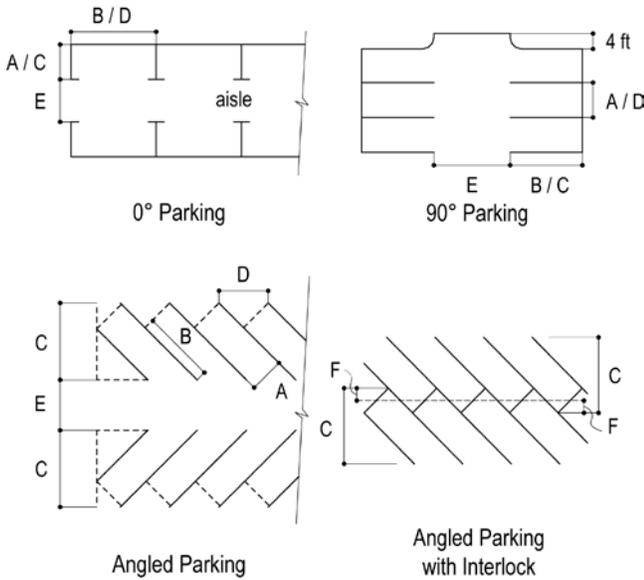
* Different parking demands may be used than the typical shown here if documented in a parking demand study.

Figure 8.3.2: Shared Parking Reduction Worksheet Example 1*

Shared vs. Conventional Demand	Conventional parking demand	A	B	C	D	E	F
		Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
1 - Residential	<i>100</i>	<i>60</i>	<i>100</i>	<i>100</i>	<i>80</i>	<i>100</i>	<i>100</i>
2 - Office	<i>100</i>	<i>100</i>	<i>20</i>	<i>5</i>	<i>5</i>	<i>5</i>	<i>5</i>
3 - Commercial	<i>100</i>	<i>90</i>	<i>80</i>	<i>5</i>	<i>100</i>	<i>70</i>	<i>5</i>
4 - Lodging	<i>100</i>	<i>70</i>	<i>100</i>	<i>100</i>	<i>70</i>	<i>100</i>	<i>100</i>
5 - Restaurant	<i>100</i>	<i>70</i>	<i>100</i>	<i>10</i>	<i>70</i>	<i>100</i>	<i>20</i>
6 - Total Parking Needed	<i>500</i>	<i>390</i>	<i>400</i>	<i>220</i>	<i>325</i>	<i>375</i>	<i>230</i>
Conventional Demand = <u>500 spaces</u>							
Shared Parking Demand (greatest value from Line 6 Columns A-F) = <u>400 Spaces</u>							
Shared Parking Reduction = <u>100 Spaces</u>							
* Figures in italics are sample calculations only.							

Table 8.3.3: Parking Lot Dimensional Requirements

Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	na
30°	8.5 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	8.5 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	19 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	19 ft	19 ft	9 ft	20 ft	24 ft	na



Parking Dimensions Illustration

7. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the Fire Code.
 8. All parking areas shall be surfaced with dust-free materials (asphalt or concrete).
 9. Parking spaces [except those serving one (1) or two (2) dwelling units] shall be demarcated with painted lines or other markings.
 10. All parking areas shall be maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc.
 11. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Parking areas of twenty (20) or more spaces shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a twenty-five year (25) storm frequency. Drainage plans shall be subject to approval by both the Commission and the City Engineer.
- 8.3.3. Location of Required Parking. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:

1. Required parking within planned residential developments may be provided in common parking areas.
2. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, satellite parking may within 400 ft of the nearest public entrance to the building housing the principal use. If the use is not housed within a building, satellite parking spaces shall be located within 400 ft of the lot. A satellite parking exception requires written legal documentation that the user of such satellite spaces has the right to such spaces.
3. A joint parking area may contain required parking spaces for more than one (1) use, provided the combined number of spaces complies with the parking for all uses. If, however, the combined uses wish to make use of the same spaces at different times, the same spaces may be credited to each separate use. The applicant for a, combined use facility must present documentation of a combined parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces.

8.3.4. Parking Prohibitions

1. The keeping of an inoperative motor vehicle in a residential district shall be within a fully enclosed building or structure or be completely screened or shielded from public view. Moreover, no inoperative motor vehicle shall be parked on any public street.
2. No vehicle exceeding 7,500 pounds gross weight shall be kept within a residential district.
3. The use of off-street parking in any residential district for non-residential purposes, other than those permitted or approved by Special Exception or Conditional Use in the district, is prohibited.
4. The use of any required parking space for the storage of any motor vehicle for sale, or for any purpose other than parking is prohibited.

§8.4. Access Controls

- 8.4.1. Proposed access points within the City shall be reviewed by the Zoning Administrator, Street Department Superintendent, City Engineer and shall be approved by the Commission. The proposed location, width, drainage structure, traffic conditions, site distances and resurfacing shall be addressed in the request for approval.
- 8.4.2. Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades and maximum separation.

Combined or shared driveways and entrances or marginal access streets may be required for highway service uses along major thoroughfares.

- 8.4.3. The maximum number of and minimum spacing between entrances, for each site shall be as approved by the City Engineer in accordance with the Access Management Standards established in the Public Works Manual.
- 8.4.4. Entrances shall be located so that the curb openings are a minimum of five (5) ft from the nearest edge of a street drainage inlet.
- 8.4.5. Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the City Engineer to provide safe turning movements.
- 8.4.6. Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier in accordance with the Subdivision Regulations and Public Works Standards.

§8.5. Off-Street Loading

8.5.1. Required Off-Street Loading Spaces

- 1. Any use with a gross leasable area (GLA) of 4,000 sf or more which requires deliveries and shipments must provide off-street loading spaces in accordance with the following table. In situations where the required number of loading spaces is not readily determinable by the table, the Zoning Administrator is authorized to determine the loading space requirement, using the Table 8.5.1 as a guide.

GLA of Building	Required Number Of Loading Spaces
6,000 - 24,999	1
25,000 - 79,999	2
80,000 - 127,999	3
128,000 - 198,999	4
199,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Each additional 72,000 sf	1

Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office building, funeral home, multi-family apartment buildings of twenty (20) or more units, restaurants and hotels of 30,000 sf or more shall provide off-street loading spaces, as shown in Table 8.5.2:

GLA of Building	Required Number Of Loading Spaces
6,000 - 29,999	1
30,000 - 44,999	2
45,000 - 119,999	3
120,000 - 197,999	4
198,000 - 290,999	5
291,000 - 389,999	6
390,000 - 488,999	7
489,000 - 587,999	8
588,000 - 689,999	9
Each additional 105,000 sf	1

8.5.2. Off-street Loading Design Standards

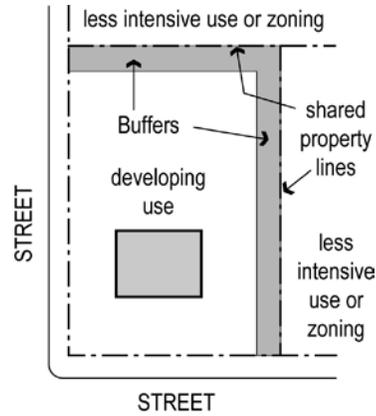
- 1. Each loading space shall have a minimum rectangular area of twelve (12) ft in width and fifty-five (55) ft in length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen (14) ft.
- 2. No loading space shall be located within the front yard or within five (5) ft of any property line.
- 3. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.
- 4. All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties.
- 5. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint parking facilities, as provided by [§8.1.4](#) Location of Required Parking.

§8.6. Change in Parking and Loading Requirements

Whenever there is an alteration of a structure, an expansion of a use or a change in use which increases the parking and loading requirements, the use shall conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

Article 9 LANDSCAPING REGULATIONS

The intent of this Article is to require a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in high traffic corridors. For the purposes of this Article, “fences” and “walls” shall have the same meaning. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.



Buffer Illustration

§9.1. Landscaping for Dwellings

The following standards shall apply to the construction of single family and two family dwellings and the placement of manufactured homes.

- 9.1.1. Prior to issue of a Certificate of Occupancy for a single family dwelling, two family dwelling, manufactured home, on a lot that is 100 ft or less in width, the owner shall plant at least one shade tree in the front or side yards and at least two shade trees in the rear yard.
- 9.1.2. Prior to issue of a Certificate of Occupancy for a single family dwelling, two family dwelling, manufactured home, on a lot that is more than 100 ft in width, the owner shall plant at least three (3) shade trees in the front or side yards and at least two shade trees in the rear yard.
- 9.1.3. Only shade trees listed in [Table 9.1](#) may be counted toward the requirements of this Section.
- 9.1.4. Existing trees which are at least six (6) inches in diameter may be used toward meeting the requirements of Table 9.1, if the area within the drip line of the trees has been left in its natural condition and no filling, grading, excavation, or parking of vehicles or equipment, or other activity which could damage or kill the tree, has occurred within the dripline of said existing trees.

§9.2. Buffers

Buffers shall be provided in accord with the requirements of [Table 9.2](#) and as described in this §9.2.

- 9.2.1. Applicability. A Landscaping Plan shall be provided in accordance with [§9.6](#). Except as otherwise provided herein, Buffers shall be required based on the developing land use and the existing, abutting use, regardless of the zoning districts in which they are located.

9.2.2. General Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers: whether the buffer is comprised of planted, natural, or a combination of planted and natural vegetation.

- 1. Required yards, where corresponding with the buffer area, may overlap and may be counted toward a buffer width requirement.
- 2. 100 percent of the applicable buffer requirement shall be the responsibility of the developing land use, except when the developing use will abut an existing more intensive use established prior to the adoption of these standards and for which no buffer is in place. In this case, the approving authority may require up to fifty (50) percent of the required buffer width on the developing site. In such case, the applicant shall only be required to preserve existing vegetation within the buffer width or replace such vegetation with equivalent landscaping.
- 3. Any required buffer abutting a park or greenway may be reduced, if the owner dedicates land to be set aside for all or part of the required buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Council.
- 4. Buffer requirements may be modified by the approving authority in certain cases as follows (See also [§9.7 Modification or Waiver](#)):
 - a. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan *and* is zoned accordingly with said plan, the Buffer may be modified to be consistent with the projected use of the neighboring land.
 - b. If the land use relationships between two abutting lots changes so that a lesser Buffer would be

required, the width of the previously provided Buffer may be reduced accordingly.

- c. Up to one-half (1/2) of the width of an abutting alley may be counted toward the buffer width requirement but the landscaping density requirements shall not be reduced.
- d. Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
- e. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required Buffers. The approving authority may permit a pedestrian access way through a required Buffer, to allow access between the abutting uses, if desired. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved Landscaping Plan. The City may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.

9.2.3. Design Standards

1. Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) ft above grade throughout the entire length of the buffer. Within one year after installation the buffer shall be at least six (6) ft above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.
2. In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this Section. Only evergreen plant materials may be planted within a required buffer. Trees shall be provided as required in accordance with [Table 9.2](#).
3. The required Buffer width may be reduced as provided in [Table 9.2](#) when a fence is provided that is 5-7 ft tall and that meets the requirements in [§9.5](#). However, this shall not waive or reduce planting requirements.

§9.3. Landscaping for Vehicular Areas

- 9.3.1. Applicability. These regulations apply to any off-street parking area containing more than forty (40) parking spaces and the vehicular areas of any developments, which are located within or visible

from a high traffic corridor, as defined by this Ordinance. For the purposes of this section, vehicular areas shall include: off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels.

- 9.3.2. A Landscaping Plan shall be required as part of every zoning application, Special Exception or Conditional Use application, Variance application and Building Permit application for new construction which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except single family dwellings, two family dwellings and manufactured homes. If the size of an existing vehicular area is increased by ten (10) percent or more, the new vehicular area shall be made to comply with the requirements of this Section; except that landscaping in the existing vehicular area shall be exempt from the irrigation requirement.

9.3.3. Interior Vehicular Area Landscaping Requirements

1. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area. Such landscaping shall be in addition to all planting within six (6) ft of a building.
2. In addition, a five (5) ft wide landscaping strip shall be provided along the parking lot perimeter and shall be planted with evergreen shrubs (and shade trees (1 per 40 linear ft). Where this overlaps or conflicts with other landscaping requirements, the greater requirement shall govern.
3. The primary landscaping materials used in vehicular areas shall be trees, which comply with the standards of [Table 9.1](#). Shrubs and other planting materials may be used to compliment the tree planting, but shall not be the sole component of the landscaping.
4. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

9.3.4. Perimeter Landscaping Requirements adjacent to Public Rights-of-Way

1. Only trees listed in [Table 9.1](#) shall be counted toward these requirements.
2. A landscaped strip at least ten (10) ft wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line. The width may be reduced to five (5) ft when a fence, meeting the requirements of [§9.5](#) and that is between 2.5-3.5 ft tall, is provided.

3. The entire width of the strip shall be planted with a double staggered row of shrubs. The shrubs shall be evergreen and a minimum of thirty (30) inches high at installation.

4. At least one tree for every thirty (30) linear ft of required landscape strip, or portion thereof, shall be planted in the landscape strip.

Table 9.1 Tree List

Only the following trees may be planted to comply with the requirements of §9.1 and §9.3. All such trees shall be at least two and one half (2 and ½) inches in diameter, measured five (5) feet above the root ball of the tree.

Residential Trees

Note: The following includes only a limited number of acceptable tree species that may be used toward the requirements of §9.1. Many other types of trees may be appropriate in residential environments and may be selected.

Willow Oak	<i>Quercus phellos</i>
Zelkova	<i>Zelkova serrata</i>
Chinese Elm	<i>Ulmus parvifolia</i>
American Elm	<i>Ulmus americana 'Liberty'</i>
Ginkgo	<i>Ginkgo biloba</i>
Shumard Oak	<i>Quercus shumardii</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
American Holly	<i>Ilex opaca</i>
Bigleaf Magnolia	<i>Magnolia macrophylla</i>
Okame Cherry	<i>Prunus x incamp</i>
Trident Maple	<i>Acer buergerianum</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Crape Myrtle	<i>Laegerstroemia indica</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Flowering Dogwood	<i>Cornus florida</i>
River Birch	<i>Betula nigra</i>
Tulip Poplar	<i>Liriodendron tulipifera</i>

Trees for Vehicular Areas

Note: The following are those tree species approved for planting in and around vehicular areas as required by §9.3. Canopy trees should be used wherever possible to maximize shade opportunities. Understory trees are primarily for ornamental purposes.

Canopy Trees

Willow Oak	<i>Quercus phellos</i>
Zelkova	<i>Zelkova serrata</i>
Chinese Elm	<i>Ulmus parvifolia</i>
American Elm	<i>Ulmus americana 'Liberty'</i>
Ginkgo	<i>Ginkgo biloba</i>
Shumard Oak	<i>Quercus shumardii</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
American Holly	<i>Ilex opaca</i>
Bigleaf Magnolia	<i>Magnolia macrophylla</i>

Understory Trees

Okame Cherry	<i>Prunus x incamp</i>
Trident Maple	<i>Acer buergerianum</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Crape Myrtle	<i>Laegerstroemia indica</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Flowering Dogwood	<i>Cornus florida</i>
River Birch	<i>Betula nigra</i>

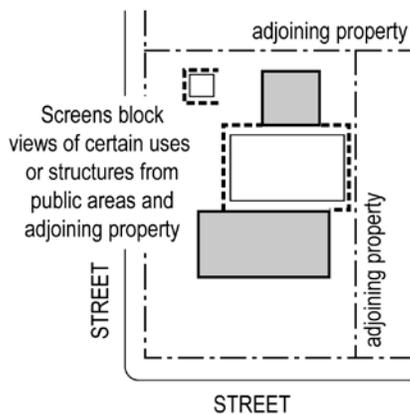
Table 9.2 Buffer Requirements By Use									
Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & greenways
	detached	attached			low/medium/high				
Residential and Lodging									
Buffer Class Required									
Detached, single-family	na	na	na	na	na			na	na
Attached, single-family	A	na	na	na	na			na	na
Multi-family	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	na	na	na	na	na	na	na
Medium intensity	A	A	A	na	na	na	na	na	A
High intensity	B	B	B	A	A	na	na	na	A
Business/Commercial									
Offices up to 50,000 sq. ft.	A	A	A	na	A	na	na	na	A
Offices greater than 50,000 sq. ft.	B	B	B	A	B	A	na	na	A
Amusement; outdoor entertainment	B	B	B	A	B	A	na	na	A
Retail, shopping centers, and restaurants up to 50,000 sq. ft.	B	B	A	A	A	A	na	na	A
Retail, shopping centers, and restaurants greater than 50,000 sq. ft.	B	B	B	A	B	A	na	na	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	na	na	A
Industry									
Warehousing, storage, telecommunications towers and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width						Required trees per 100 lf		
	With fence/wall			Without fence/wall					
A	18 ft			25 ft			8		
B	25 ft			35 ft			10		
C	35 ft			45 ft			12		

§9.4. Screening

Screening is intended to provide visual separation of certain uses from public areas and adjoining properties.

9.4.1. Applicability. For all multi-family, non-residential and mixed use developments, the following shall require Screening:

1. Garbage collection, recycling and refuse handling areas
2. Maintenance areas or utility structures associated with a building or development
3. Water meters, gas meters, electric meters and air conditioners/mechanical units
4. Loading areas
5. Outside runs for veterinary clinics, animal shelters, and kennels
6. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair)
7. Any other uses for which screening may be required by the reviewing authority



Screening Illustration

9.4.2. Safety Provisions. Screening shall not impede or divert the flow of water in any drainage way and shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.

9.4.3. Design Requirements. The design of screening shall be in accord with the following and as approved by the reviewing authority:

1. Location on site should be the first consideration in screening the uses listed in §9.4.1 above. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility or other impact to the public and neighboring properties.

2. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred.
3. Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this Section, may count toward these requirements.
4. Uses requiring screening, when co-located, may be screened together.
5. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.
6. Shrubs shall be evergreen and spaced no more than five (5) ft on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight (8) ft on center.
7. Trees shall be evergreen and, when used in the absence of a fence, should have a low understory and/or be used together with shrubs to provide a continuous, opaque screen.

9.4.4. Requirements for specific uses.

1. Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access. The fence shall be at least two (2) ft taller than the container.
2. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
3. Mechanical equipment on roofs or on site shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
4. Outdoor storage, where permitted, shall be screened to a height of six (6) ft or two (2) ft taller than the material or equipment to be screened, whichever is greater.
5. Service areas, loading docks, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where their location is insufficient to effectively

screen the use, required screening shall be at least six (6) ft in height.

§9.5. Design Standards for Fences

Fences used as a part of any required Buffer, Screen, or Perimeter Landscaping shall comply with the following:

- 9.5.1. Fences shall be of masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.
- 9.5.2. Required shrubs and trees shall be planted on the exterior side of the fence.
- 9.5.3. If a fence is longer than 100 ft in one direction, it shall have columns of wood or masonry which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) ft on center.

§9.6. Landscaping Plan

A Landscaping Plan shall be required as part of every zoning application, Special Exception or Conditional Use application, Variance application and Building Permit application for new construction which requires a buffer, screening and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals fifty (50) ft and shall contain the following information:

- 9.6.1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- 9.6.2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
- 9.6.3. Existing and proposed buildings and structures, including signs, trash and garbage containers, utility and drainage structures.
- 9.6.4. Existing and proposed buildings and structures on the subject property and on adjacent property affected by the required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) ft or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include a cross section which accurately shows the comparative elevations of the buildings in relationship to the buffer.
- 9.6.5. Bodies of water including water detention and retention areas.

9.6.6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.

9.6.7. Sufficient information and detail to demonstrate compliance with the requirements of this Section.

§9.7. Modification or Waiver

The planting requirements of this Article shall be applied equally to similarly classified and situated properties, but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances determined by the Planning Commission:

- 9.7.1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward the requirements of this Article. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a Building Permit, such natural vegetation shall be left undisturbed until the Zoning Administrator has evaluated it with regard to its suitability as a buffer or screen, as applicable. The Zoning Administrator may require that the developer retain a portion of the natural vegetation, where such already exists, rather than require a man-made planting strip or other methods of buffering or screening. However, additional planting may be required to achieve the requirement.
- 9.7.2. Where impending development of adjacent property would make these standards unreasonable or impractical.
- 9.7.3. Where, after inspection by the City, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- 9.7.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade or similar conditions.
- 9.7.5. In special cases where the side and/or rear yards may be inadequate to meet the landscaping requirements, the Planning Commission shall determine, based upon site plan review or other pertinent information requested, an alternative method of buffering, screening or other landscaping as applicable.

§9.8. Maintenance and Irrigation

- 9.8.1. All plantings required in this Article shall be permanently maintained in good growing condition by the party or parties required to provide such plantings and, when necessary, replaced with new growth. All fencing shall be permanently maintained

in good condition and whenever necessary, repaired or replaced by the party or parties required to provide such fence.

9.8.2. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

9.8.3. All landscaping required in this Article 9 shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.

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**Article 10 LEGAL STATUS PROVISIONS
(AMENDMENTS)**

§10.1. Interpretation of Uses

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, conveniences, order, prosperity and general welfare of the City. Where other Ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restriction of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance.

§10.2. Savings Clause

If any Section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other Section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

§10.3. Amendment to Existing Ordinance

These amendments to the zoning ordinance heretofore adopted and therefore the zoning ordinance in its updated form shall repeal all previous zoning ordinances; provided, however, that nothing in this Ordinance shall be construed to modify or in any manner permit, extend or enlarge any non-conforming property or improvement at the time of adoption of this Ordinance, but such non-conforming use shall continue to be subject to all restrictions and limitations existing at the time of adoption of this amendment related to such non-conforming use. No nonconforming use, existing at the time of amendment of this Ordinance, shall be enlarged, extended, or expanded, unless such use is changed to a use which will conform to the regulations of the district in which such property is located.

§10.4. Effective Date

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

AMENDED AND APPROVED this 1st day of November 2010.

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APPENDIX A Application Requirements

PLOT PLAN REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS

1. The actual shape, proportion and dimensions of the lot to be built upon
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade
3. The existing and intended use of all buildings or other structures
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as required for determining conformance with the provision of this Ordinance.
5. A plan showing the location of necessary fire hydrants with adequate water flow.
6. Where applicable, the applicant shall provide the Zoning Administrator with copies of all deed restrictions and/or covenants which pertain to the subject property.

SITE PLAN APPLICATION REQUIREMENTS

1. Cover Sheet with:
 - a. Name and location of the development; name, address and signature of the owner; and, name, address and seal of the engineer
 - b. Vicinity map
 - c. Existing zoning and proposed land use of the site
 - d. Date, scale, north arrow and number of streets
2. Site layout, including: property dimensions, rights-of-way, easements, topography, location and dimensions of all buildings(existing and proposed), setbacks, driveway access, off-street parking and loading, traffic circulation, screening, buffer yards and landscaping.
3. Drainage; paving; grading and excavation; erosion and sedimentation; and storm water detention and floodplain management controls
4. Public and private utilities, including sewage disposal system and water system
5. Fire lanes and hydrants

VARIANCE APPLICATION REQUIREMENTS

1. Name, signature and address of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Zoning and land use of the property under consideration
4. Justification for the variance in accordance with ALL of the criteria in [§2.8.3.2a](#).
5. A vicinity map showing the location of the property
6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted
7. The names and addresses of adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's Office
8. An Administrative Fee of fifty dollars (\$50.00) is required from the applicant or agent at the time the application for a variance is made, plus the cost incurred in notification and publication

SPECIAL EXCEPTION APPLICATION REQUIREMENTS

1. Name, address and signature of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Existing zoning and land use of the property under consideration
4. Proposed use by Special Exception
5. A vicinity map showing the location of the property

6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and the proposed development layout
7. the names and addresses of adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's office
8. An Administrative Fee of seventy-five dollars (\$75.00) is required from the applicant or agent at the time the application is made, plus the cost incurred in the required notification and publication.

REZONING APPLICATION REQUIREMENTS

1. Name, signature and address of the property owner and agent of the property owner, if any
2. Address and legal description of the property under consideration, accompanied, by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request
3. Present and proposed zoning and land use of the property under consideration
4. Reason for the rezoning request
5. Availability of required utilities and methods of storm water drainage and traffic control
6. A vicinity map, drawn to scale, showing the size and location of the subject property
7. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way and the proposed use and development layout, including topography
8. The names and addresses of all adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's Office
9. An Administrative fee of one hundred and fifty dollars (\$150.00), plus the cost incurred in the notification by certified mail and publication

CONDITIONAL USE APPLICATION REQUIREMENTS

1. Name, address and signature of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Existing zoning and land use of the property under consideration
4. Proposed use by Conditional Use
5. A vicinity map showing the location of the property
6. Site layout, including: property dimensions, rights-of-way, easements, topography, location and dimensions of all buildings(existing and proposed), setbacks, driveway access, off-street parking and loading, traffic circulation, screening, buffer yards and landscaping.
7. the names and addresses of adjacent property owners, as shown on the most recent records of the County Tax Assessor's office
8. An Administrative Fee of seventy-five dollars (\$75.00) is required from the applicant or agent at the time the application is made, plus the cost incurred in the required notification and publication.

Zoning District Area and Dimensional Regulations								
Refer to District Regulations for specific requirements.								
	Front Yard	Secondary Front Yard	Rear Yard	Side Yard	Min. Lot Width	Min. Lot Area/ Max. Density	Max. Bldg. Height	Min. Livable Floor Area
E-1 §5.1	50 ft ¹	na	50 ft	15 ft	100 ft	1.0 acre	35 ft or 2-1/2 stories	1,300 sf
R-1 §5.2	35 ft ¹	na	40 ft	10 ft	100 ft	15,000 sf	35 ft or 2-1/2 stories	1,200 sf
R-2 §5.3	35 ft	20 ft	40 ft	10 ft	75 ft	12,000 sf	35 ft or 2-1/2 stories	1,200 sf
R-2A §5.4	35 ft	20 ft	30 ft	10 ft	65 ft	10,000 sf	35 ft or 2-1/2 stories	1,000 sf
R-3 §5.5	25 ft	20 ft	30 ft	10 ft	60 ft	10,000 sf	35 ft or 2-1/2 stories	600 sf
R-3A §5.6	35 ft	na	35 ft	8 ft	50 ft	7,500 sf ²	35 ft or 2-1/2 stories	960 sf
R-3B §5.7	35 ft	na	10 ft	10 ft	45 ft ³	5,000 sf	na	na
R-4 §5.8	35 ft	na	30 ft	25 ft	200 ft	20 du/acre	3 stories	500 sf
RG §5.9	20 ft	15 ft	25 ft	10 ft	60 ft	6,000 sf	2 stories	1 story: 1,000 sf 2 story: 850 sf on 1 st floor
RT §5.10	10 ft	na	30 ft	0 ft	18 ft	10 du/acre	35 ft or 2-1/2 stories	1 story: 1000 sf 1-1/2 or 2 stories: 500 ft per floor
A-1 §5.11	40 ft	na	45 ft	15 ft	na	15,000 sf	35 ft or 2-1/2 stories	na
O&I §5.12	35 ft ⁴	na	15-35 ft	0-35 ft	na	na	45 ft or 4 stories	na
B-1 §5.13	20 ft ^{4,5}	na	15-20 ft	0 ft	na	na	35 ft or 2 stories	na
B-2 §5.14	35 ft	na	15-35 ft	0-35 ft	na	na	65 ft or 5 stories	na
B-3 §5.15	0 ft ⁷	na	0 ft	0 ft	na	na	65 ft or 5 stories	na
M-1 §5.16	75 ft	na	15-35 ft	0-35 ft	na	na	45 ft or 3 stories	na
M-2 §5.17	6	na	6	6	na	na	na	na
M-3 §5.18	6	na	6	6	na	na	na	na
¹ Undedicated Road: Sixty (60) ft from centerline						⁵ Corner lots shall be set back same from each street		
² 15,000 sf if septic tanks and field lines are required						⁶ Subject to Site Plan approval		
³ Measured at front lot line						⁷ Buildings must be within 20 ft of the back of sidewalk.		
⁴ 10 ft if parking is to side or rear, see District Regulations								

