

ZONING ORDINANCE

FOR THE TOWN OF SYLVAN SPRINGS, ALABAMA

A Comprehensive Revision and Update
developed and prepared
by the
Sylvan Springs Planning Commission
and the
Sylvan Springs Zoning Board of Adjustment

Adopted July 12, 2016

in public hearing by the
Sylvan Springs Town Council

Reprinted in July 2016
with all amendments and updates through July 2016

**ZONING ORDINANCE
FOR THE
TOWN OF SYLVAN SPRINGS, ALABAMA**

TITLE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLE 4, SECTIONS 70 THROUGH 84 (INCLUSIVE), CODE OF ALABAMA, 1975 AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT AND DELINEATION OF DISTRICTS WITHIN THE CORPORATE LIMITS OF SYLVAN SPRINGS, ALABAMA, AND TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE KIND, CHARACTER AND USE OF STRUCTURES AND IMPROVEMENTS; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE DENSITY OF POPULATION; THE USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES AND OTHER PURPOSES; TO PROVIDE THE METHOD FOR ADMINISTRATION, AMENDMENT AND APPEAL, AND TO PROVIDE FOR THE IMPOSITION OF PENAL TIES FOR THE VIOLATION OF, THE PROVISIONS OF THIS ORDINANCE.

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ARTICLE 1
PREAMBLE AND ENACTMENT CLAUSE

WHEREAS Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the Town of Sylvan Springs to establish districts within its corporate limits for the purpose of regulating the kind, character and use of structures and improvements within those zones, and to provide for the administration, enforcement and amendment thereof, and

WHEREAS the Town Council of Sylvan Springs deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the Town to enact such an ordinance, and

WHEREAS the Town Council has appointed the Sylvan Springs Planning Commission as the "zoning commission" to recommend the boundaries of the various districts and the appropriate regulations to be enforced therein, and

WHEREAS the Planning Commission, with the assistance of the Planning Department of Jefferson County, Alabama wherein the Town is located, has divided the Town into districts and has prepared regulations pertaining to such districts, has given due public notice of a hearing thereon, has held said public hearing and has submitted its final report to the Town Council, and

WHEREAS the Town Council has given due public notice of a second hearing related to the adoption of a zoning ordinance setting forth districts, regulations and restrictions, and has held said public hearing, and

WHEREAS all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended, with regard to the preparation of the report by the Planning Commission and subsequent action of the Town Council have been met;

NOW, THEREFORE, the public welfare requiring it, the Town Council of the Town of Sylvan Springs, Alabama, does hereby ordain and enact into law the following articles and sections:

ARTICLE 2
SHORT TITLE

This ordinance and all subsequent amendments, attachments and supplements thereto shall be known as the "Zoning Ordinance for the Town of Sylvan Springs, Alabama".

ARTICLE 3

THE OFFICIAL ZONING MAP

The boundaries of each zoning district are delineated on the Zoning Maps of Sylvan Springs, Alabama, hereinafter referred to as the "Zoning Map". Said map(s) and all notations, references, revisions, certifications and other information shown thereon shall be considered a part of this Ordinance and shall carry the same force and effect as if fully described therein. Said map'(s) shall be retained in the Sylvan Springs Town Hall.

ARTICLE 4

PURPOSE

The zoning regulations and districts as set forth herein are made in accordance with a comprehensive plan for the purposes of guiding development in accordance with existing and future needs, and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare. These regulations are designed to lessen congestion on the streets; to secure safety from fire, flood and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. These regulations are made with reasonable consideration of, among other things, the character of each area and its peculiar suitability for particular uses; the promotion of desirable living conditions and the sustained stability of neighborhoods; the protection of property against blight and depreciation; securing economy in governmental expenditures; and conserving the value of land, buildings and structures.

ARTICLE 5

APPLICATION OF REGULATIONS

No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations of this Ordinance for the district in which it is located except as otherwise provided herein.

ARTICLE 6 ANNEXATIONS

Any and all properties annexed into the Town of Sylvan Springs after the effective date of this Ordinance shall immediately and automatically, upon the date of annexation, be rezoned C-U Current Use and shall be subject to the restrictions and requirements contained within said zoning district until such time as an appropriate zoning classification is determined and approved by the Sylvan Springs Planning Commission and Town Council through the planning and rezoning process. Provided, however, that if an appropriate Town zoning classification is properly determined by the Sylvan Springs Planning Commission prior to the date of annexation of such property or properties, said property or properties may be rezoned directly to said zoning classification at the time of annexation.

AMENDED 7/12/2016

ARTICLE 7 DEFINITIONS

For the purposes of this Ordinance, certain words and terms are defined as herein indicated and shall apply to all parts of this Ordinance. Unless specifically defined therein, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "*used for*" shall include the meaning "*designed for*"; the word "*structure*" shall include the word "*building*"; the word "*lot*" shall include the words "*plot*:" and "*tract*"; and the word "*shall*" is mandatory.

Accessory Structure: See **Accessory Use**.

Accessory Use: The term "accessory" shall be distinguished from "incidental" in that the former contributes to, aids or acts in support of, or is otherwise a necessary or desirable accompaniment to the principal use of a property. More specifically, an accessory structure or use:

- a. is clearly incidental to and customarily found in connection with a principal building or use;
- b. is subordinate to and serves a principal building or a principle use;
- c. is subordinate in area, extent and purpose to the principal building or principal use served;
- d. contributes to the comfort, convenience or necessity of occupants, a business or industry in the principal building or principal use served; and

- e. is located on the same lot as the principal building or use served.

Agriculture: Any agricultural use of land, buildings and structures, including but not necessarily limited to the planting, cultivating, harvesting and storage of field crops, hay or plants, and/or the raising and feeding of livestock (as defined in this Section), and including both commercial and non-commercial farms or farming.

Alter: Any form of the word "alter" shall include any of the following:

- a. Any change to the height or depth of a building or structure;
- b. Any change in the location of any exterior wall of a structure;
- c. Any increase in the interior accommodations of a building or structure;
- d. Any repair, renovation, remodeling or reconstruction incurring a cost in excess of fifty percent (50%) of its fair market value prior to the commencement of such repairs, renovation, remodeling or reconstruction.

Animal: See **Livestock**.

Animal Unit: A numerical measurement set forth and used by this Ordinance for the purposes of counting different kinds of animals and regulating the density and/or population thereof.

Alley: A public thoroughfare or way which affords only a secondary means of access to abutting property.

Basement: A story wholly or partly underground, but having no more than one-half (-1) of its floor-to-ceiling height above the average ground level at the actual location of the building.

Billboard: See **Sign, Outdoor Advertising or Billboard**.

Buffer Strip: A landscaped strip of land, established to protect one type of land use from another type of use that is considered incompatible. Such a buffer strip or green belt is intended to separate and at least partially obstruct the view of adjacent land uses or properties from one

Building: Any structure having a roof supported by columns or walls designated or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building.

Building Line: The extreme overall dimensions of a building as staked on the ground, including all area covered by any vertical projection to the ground of the overhang of walls, roof or any other part of a structure, whichever is nearest to the property line.

Building, Non-Conforming: See Non-Conforming **Building**.

Business Sign: See **Sign, Business**.

Cemetery: Land used or intended to be used for the burial of the dead.

Centerline, Street: A line running parallel with street right-of-way which is half the distance between the extreme edges of the official right-of-way.

Certificate of Occupancy: Final certification issued by the Building Inspector upon a building or premises or part thereof being completed or otherwise made ready for occupancy or use. Such certification indicates conformance with the provisions of this Ordinance as well as with other applicable codes and ordinances, and is considered final approval for said occupancy or use; such certification *must* be issued prior to any occupancy or use may take place or commence.

Clinic: A building or portion thereof where patients are *not* lodged overnight, but are admitted for examination and/or treatment by physicians, dentists, optometrists or other members of the medical profession.

Club, Private: A premises, building or portion thereof owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but *not* primarily for profit or to render a service which is customarily carried on as a business.

Church: Building used for non-profit purposes by a recognized and legally established sect solely for purposes of worship.

Commercial Farm or Farming: See **Farm, Commercial**.

Commercial Districts: Zoning districts established by this Ordinance principally for occupancy by and use for varying degrees of retail sales, offices and other similar commercial businesses. Said districts are differentiated in a hierarchical manner so as to facilitate and promote the compatibility and consistency of development and uses *within* a district, and to facilitate and promote reasonable compatibility and orderly, rational, efficient and effective transitions *between* districts.

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation (e.g., potential danger, smoke or noise), may be permitted in a district subject to special requirements different from the usual requirements for the district in which the conditional use may be located. Such uses would not be considered appropriate generally or without restriction throughout a particular district but which, if controlled as to number, area, location, size, relation to the neighborhood, etc., would not be detrimental to the public health, safety or general welfare.

Convenience Store: A retail commercial establishment selling food, beverages, general merchandise, etc., in a building no larger than five thousand (5,000) square feet in gross floor area.

Covenant: A written agreement requiring or restricting the performance of some action or activity. Covenants run with the land, and should be enforced by private landowners and *not* the municipality. This term also includes deed restrictions.

Daycare: A facility which exclusively provides supplementary parental care and supervision and/or instruction to children under sixteen (16) years of age during the entire or any portion of the day, but not for lodging of said children overnight as in a boarding home or school.

Daycare, Home: A single family dwelling occupied by a family wherein supplementary parental care and supervision and/or instruction is provided to *no more than* six (6) children, excluding those of the resident family, under sixteen (16) years of age during the entire or any portion of the day. Such operations shall be uses incidental to the principal use of the premises for residential purposes, and will be allowable as *home occupations*.

Density: The number of units, whether animal or dwelling, per acre of land.

Direct Lighting: See **Lighting, Direct**.

District: See **Zoning District**.

Dump: See **Landfill or Dump**.

ADOPTED 7/12/2016

Duplex: See **Dwelling, Two-Family or Duplex**.

Dwelling: A building containing one or more dwelling units used for residential purposes. In the case of a building having two or more portions divided by one or more party walls forming a complete separation(s), each such portion shall be considered a separate dwelling.

Dwelling, Single Family: A building exclusively designed for or occupied by one family, and having only one dwelling unit from the ground to the roof and independent outside access.

Dwelling, Two-Family or Duplex: A building designed exclusively for occupancy by two (2) families living independently of each other under one roof.

Dwelling, Multi-Family: A building used or intended for use as a dwelling for three (3) or more families living independently of each other under one roof, or as an apartment building.

Dwelling Unit: One or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Easement: A grant of one or more of the property rights by the owner to, or for use by, the public, a corporation, or another person or entity.

Erect: The word "erect" or "erected" includes built, constructed, reconstructed, moved upon, or any physical operation required for building on the premises. When used in connection with signs, "erect" shall mean to build, construct, attach, hang, place, suspend or affix.

Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption or marriage.

Farm, Commercial: The agricultural use of property or land primarily for the purpose of generating income or as the principal occupation of the resident(s) or user(s) thereof.

Farm, Hobby: See **Farm, Non-Commercial**.

Farm, Non-Commercial: Agricultural use of property or land, from which the income generated is incidental to the total household income of the resident(s) or user(s) thereof.

Fence: Any artificially constructed barrier of any material or combination of materials (other than a building) erected to enclose or screen areas of land, or used as a boundary or means of protection or confinement.

Fence, Privacy: As distinguished from a *boundary* fence, a privacy fence is typically intended to block or screen part (or all) of a property or use from the view of neighboring properties. Such fences are usually allowed or required to be solid and taller than other types of fences.

Floor Area: Also considered the "gross floor area" consisting of the gross horizontal areas of all floors as measured from the exterior faces of the exterior walls of a building, but *excluding* basements and cellars.

Fowl: A sub-group of animals or livestock that distinguish themselves by having wings, including chickens, ducks, geese, tropical or exotic birds, etc.

Frontage, Street: Distance measured along a highway or street right-of-way.

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public: A building or portion thereof, other than a private storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles, but *not* including the storage of wrecked or junk vehicles.

Garage Apartment: A building of which a portion is used for private storage and/or parking of a motor-driven vehicle(s) and the remainder of which is to be used as a completely independent and separate single-family living unit for rental or non-profit purposes. Such a dwelling unit is an incidental use to that of the main dwelling for a residence.

Grade: The average level of the finished ground surface adjacent to the exterior walls of the building.

Group Home: More than three (3) unrelated persons (as distinguished from a "family" as defined herein) occupying a dwelling unit for living purposes.

Guest House: A structure which shall be for temporary occupancy and shall *not* be used for rental purposes. Such uses will be considered incidental to the main dwelling on the property for residential purposes.

Hardship: Generally where, owing to special conditions, the literal enforcement of the provisions of this Ordinance would deprive a person or persons of rights commonly enjoyed by others in the same district. Such "hardship" shall include or be considered the same as "*unnecessary hardship*", and such determination must further be based on the criteria set forth in Section 1702.4 of this Ordinance.

Hardship, Personal or Self-Imposed: As distinguished from "(unnecessary) hardships", these types of hardships will include all other situations that do *not* meet the criteria set forth for proving (unnecessary) hardship in Section 1702.4. Such hardships would include situations where a person or persons cause or bring about the condition necessitating a variance, whether by their own action, inaction, knowledge or lack of knowledge, etc; furthermore, such hardships shall *not* be considered an appropriate basis for compelling issuance of a variance.

Hobby Farm: See **Farm, Non-Commercial**.

Home Daycare: See **Daycare, Home**.

Home Occupation: Any occupation or activity which is clearly incidental to use of a premises for dwelling purposes, and which is carried on wholly within a main or accessory building by a member or members of a family residing on said premises. Such profession, activity or use is operated as a business or otherwise for financial gain, and is:

- a. *clearly* incidental, subordinate and secondary to the use of the property for residential purposes;
- b. is located in a residential district;
- c. is created and operated as a sole proprietorship; and,
- d. does not alter or change the exterior character or appearance of the property, or affect the residential character and integrity of the neighborhood.

House Trailer: A structure intended for use as a residential dwelling unit as distinguishable from a recreational vehicle or travel trailer. For the purposes of this Ordinance, a house trailer shall be considered a "Mobile Home".

Incidental Use: A secondary or subordinate use of property on which a primary or principal use has already been established, but which is *not* necessary to that principal use, and is not customarily associated with or considered accessory to such principal use. Such uses shall be considered "Special Exceptions" as defined herein, and shall accordingly be subject to prior approval by the Zoning Board of Adjustment. Such uses may include but

not necessarily be limited to home occupations, garage apartments, guest houses and home daycares.

Identification Sign: See **Sign, Identification.**

Improve, Improved or Improvements: Any development of land or buildings through the expenditure of money or labor that is designed to do more than merely replace, repair or restore to original condition. Improvements are generally considered permanent and fixed, and generally increase the value of the property.

Indirect Lighting: See **Lighting, Indirect.**

Industry: Generally, manufacturing and treatment of products and materials.

Industrial Districts: Zoning districts established by this Ordinance principally for occupancy by and use for varying degrees of industrial operations and other similar or related uses. Said districts are differentiated in a hierarchical manner so as to facilitate and promote the compatibility and consistency of development and uses *within* a district, and to facilitate and promote reasonable compatibility and orderly, rational, efficient and effective transitions *between* districts.

Institution or Institutional Use: A structure or land occupied by a group, cooperative, board, agency or organization created for non-profit purposes, or for public use or services, including but not limited to churches, schools, hospitals, fraternal orders, etc.

Intermittent Lighting: See **Lighting, Intermittent.**

Junk: Old, used, dilapidated, scrap or abandoned metal, paper, building material and/or equipment, bottles, glass, appliances, furniture, tools, implements or portions thereof, machinery or motor vehicles or parts thereof, plastic, cordage or any other items, material or waste that has been abandoned from its original use, and may or may not be used again in its present or in some other form.

Junk Storage: The open storage of any of the items or materials defined above as "Junk" in such a way that is visually exposed to adjoining properties; is present in such quantity (or quantities) that the health, safety or esthetic well-being of the surrounding area is compromised. Any such storage maintained on a premises for a period exceeding thirty (30) days shall hereafter be considered a "Junk or Salvage Yard" as further defined herein, and will be treated accordingly.

Junk Yard or Salvage Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other discarded material; or, for the collecting, dismantling, storage and/or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been *or are intended to be* removed for reuse *or* sale, shall constitute *prima-facie* evidence of a junk or salvage yard.

Kennel: A lot or premises on which more than three (3) dogs are either permanently or temporarily boarded.

AMENDED 7/12/2016

Kindergarten: See **Nursery School or Kindergarten.**

Landfill or Dump: A lot or part thereof used for the disposal by abandonment, dumping, burial (see Sanitary Landfill), burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind, including land clearing waste (i.e., solid waste generated solely from land-clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material).

ADOPTED 7/12/2016

Landfill, Construction and Demolition (C&D): The disposal of non-biodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures, including the receiving of stumps, limbs, leaves, concrete, concrete block, brick, wood, uncontaminated earth or soil, gravel and rock, untreated and unpainted wood, yard trash or other solid wastes.

ADOPTED 7/12/2016

Landfill, Sanitary: Not to be confused with a **Dump**, solid waste at a dump site is disposed of without being compacted and covered. A sanitary landfill presents fewer health and aesthetic problems, and has the potential of being reclaimed for other uses. Hazardous or radioactive waste disposal is not permitted in a sanitary landfill.

ADOPTED 7/12/2016

Lighting, Direct: Of signs, where light is emitted from a source within or affixed to the sign face and beaming *outward* from it.

Lighting, Indirect: Of signs, where a sign reflects light aimed toward it from a separate outside source.

Lighting, Intermittent: Any flashing light, including signs that spell messages, simulate motion or form various symbols or images.

Livestock: Animals of any kind, including fish and fowl, kept, bred or raised for commercial purposes, or kept for personal pleasure or use.

Lot: Parcel of land shown on a recorded plat or on the official zoning map, or any piece of land described by a legally recorded deed.

Lot, Corner: A lot abutting two (2) or more streets at their intersection.

Lot, Interior: Any lot which is not a "corner lot".

Lot, Through: A lot other than a "corner lot" that abuts two (2) streets.

Lot, Depth: The mean (average) horizontal distance between the front and rear lot lines.

Lot, Width: The width of a lot as measured at the front building setback line.

Main Building: See **Building, Main or Principal**.

Manufactured Home or Housing: A generic term that describes single family structures that are manufactured in a factory rather than on site, and are transportable in one or more sections in order to be used as a place of human habitation. For the purposes of this Ordinance, this term shall include "mobile homes", "modular homes" (except as defined otherwise herein below), "manufactured homes" and "manufactured buildings", as defined respectively in the Code Of Alabama and administered by the Alabama Manufactured Housing Commission; and "Mobile Home" and "House Trailer" as defined herein, except where the context of a regulation or requirement indicates a distinction.

AMENDED 7/12/2016

Mini-Warehouse: A structure or group of structures that is partitioned for the leasing of individual storage spaces and is used exclusively for the storage of non-explosive and non-volatile materials. Such facility or its site is not used for wholesale or retail sales operations, and the individual storage spaces do not exceed eight hundred (800) square feet.

Mobile Home: A structure, transportable in one or more sections; is at least eight (8) body feet in width and at least thirty-two (32) body feet or more in length; which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation; and when connected to the required utilities, includes plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this Ordinance, and unless otherwise specified within a regulation or requirement, a mobile home shall be considered a "Manufactured Home".

AMENDED 7/12/2016

Mobile Home Park: An area containing one or more mobile homes and/or recreational vehicles (including travel trailers) used as living facilities, or an area containing one or more spaces designed or intended for parking of mobile homes and /or recreational vehicles (including travel trailers) to be used as living facilities.

ADOPTED 7/12/2016

Modular Home: A structure that is distinguished from, and is explicitly not, a manufactured home, mobile home or house trailer, the manufacture and construction of which must be certified as complying with ICC Construction Code(s) (not just HUD codes); it must have a 7:12-pitch shingle roof, front and back porches, and no chassis in any form; and it must be crane-installed onto a permanent foundation that also extends fully under the front porch. Such homes shall be allowed within any single family zoning district following approval from the Zoning Board of Adjustment, in a public hearing, that the structure complies with this definition and will be compatible with the existing homes on surrounding properties.

ADOPTED 7/12/2016

Multi- or Multiple Family Dwelling: See **Dwelling, Multi-Family.**

Neighborhood Commercial Uses: Non-residential uses determined by the Planning Commission to be appropriate or acceptable within or adjacent to a residential area based on an analysis of such factors as size, scope, scale, design; having a local customer base; frequency of repeat customers; and having minimal potential for adversely affecting surrounding residential properties in any way.

ADOPTED 7/12/2016

Non-Commercial Farm or Farming: See **Farm, Non-Commercial.**

Non-Conforming Building: Any building or structure that does not meet the limitations on or requirements for building size, dimensions or location on a lot, for the district in which such building or structure is located, and for the use to which such building is being put. For the purposes of this Ordinance, such buildings or structures shall be considered "non-conforming uses", and will be treated accordingly.

Non-Conforming Use: The use of any building or land which was lawful at the time of passage and adoption of this Ordinance or amendment thereto, but which does *not* conform -- after such passage and adoption -- with the use regulations of the zoning district in which it is situated.

Non-Residential Mobile Buildings: Portable, mobile or transportable factory-built buildings or structures which may be the principle building or an accessory building to an existing operation on the same lot or tract, the use of which shall be limited to office, professional

or business-type transactions (including normal accessory storage). Such use shall *not* include use as a residence or dwelling, *nor* shall it include the gathering together of persons for civic, social or religious functions; for instruction, recreation or for food and drink consumption; for the display or sale of merchandise; or for the purpose of providing medical treatment or care.

Nursery School or Kindergarten: Any premise or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

Nursing Home: A home for the aged or infirm in which three (3) or more persons (not of the immediate family) are received, kept or provided with food and shelter or care for compensation. Such operations do *not* include hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.

Office: A building, room or space where professional, clerical, administrative and similar activities are performed.

Off-Premise Sign: See **Sign, Off-Premise**.

On-Premise Sign: See **Sign, On-Premise**.

Open Space: Land area of a site which is accessible and available to all occupants of development thereon, and is not covered by buildings (except recreational structures), rights-of-way, driveways, parking lots, institutional or commercial uses. Such space is intended to provide light and air, and is designed either for environmental, scenic or recreational purposes.

Outdoor Advertising Sign: See **Sign, Outdoor Advertising** or **Billboard**.

Outside Storage: The keeping of any goods, junk, material, merchandise or vehicles that are not wholly enclosed within a building or structure, and that are retained in the same place for more than twenty-four (24) hours. The term “outside storage” shall not apply to fully-functional, completely-assembled vehicles, machines or items sold at retail and placed outside strictly for display purposes; however, it shall apply to any unattached parts of such vehicles, machines or items.

AMENDED 7/12/2016

Permitted On Appeal: Uses specified as being "permitted on appeal" shall be considered “*special exceptions*” as further defined in this Section.

Permitted Use: Any of the uses of land and/or structures that are listed in the Permitted Uses subsections of the various zoning Districts contained within this Ordinance. Any use listed in the Permitted Uses subsection for any given zoning District are accordingly permitted by right (or upon appeal) in the District in question, while any uses of land or structure that are not listed in the Permitted Uses subsection for a given zoning District shall be understood to be prohibited in that District.

ADOPTED 7/12/2016

Personal Hardship: See **Hardship, Personal** or **Self-Imposed**.

Planned Unit District: A zoning district established by this Ordinance principally for the development of and use for groups or clusters of individual dwelling units, or for structures containing more than one (1) dwelling unit, and accompanying accessory structures or uses.

Planned Unit Development: Land under unified control to be planned and developed as a whole in either a single development operation or a definitively programmed series of development operations or phases. Such a development includes principal and accessory structures, and uses substantially related to the character and purposes of the total development. Construction of such a development takes place in accordance with general and detailed plans that include not only streets, utilities, lots, building locations, etc., but also in accordance with site plans for all buildings as they are intended to be located, constructed, used and related to each other, and additional plans for other uses and improvements on the land as related to the buildings.

Planning Commission: Citizens residing within the Town that are appointed to develop and review plans, and to act as and be considered a "zoning commission" whose responsibility is to hear, review and make recommendations to the Town Council regarding changes to this Ordinance, the official map, the zoning classification and use of individual properties, etc. Such recommendations are advisory *only*, and shall not be considered binding on the Town Council. The Commission operates under the procedures generally outlined in Article 16 and any governing bylaws as may be adopted by said Commission.

AMENDED 7/12/2016

Portable Sign: See **Sign, Portable**.

Premises: A lot, together with all buildings and structures existing thereon.

Primary Use: See **Principal Use**.

Principal Building: See **Building, Main** or **Principal**.

Principal Use: The (single) primary, main or dominant operation, business or other such use of and taking place on a lot, parcel or premises.

Privacy Fence: See **Fence, Privacy.**

Private Club: See **Club, Private.**

Private Garage: See **Garage, Private.**

Private Drive: As distinguished from a personal or private *driveway* serving a residence on an individual lot, a private drive is a *service road* or *access drive* serving as and maintained for access to cluster or multiunit developments.

Product Advertising Sign: See **Sign, Product Advertising.**

Projecting Sign: See **Sign, Projecting.**

Public Garage: See **Garage, Public.**

Residential: The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area or piece of land, or any building used or intended to be used exclusively for family dwelling purposes (but including accompanying uses specified herein).

Residential Zone or District: Any zoning district established by this Ordinance or subsequent amendment thereto wherein the primary use is for residential purposes. Such zone or district is further distinguished, and for the purposes of this Ordinance shall be further defined as, any district for which the first letter or prefix of the code assigned such district is an "R" (e.g., R-1, R-2, R-M, R-P, R-R, etc.).

Right-of-Way Line: The right-of-way line shall be considered a property line, and all setback requirements provided for in this Ordinance shall be measured from said right-of-way line.

Salvage Yard: See **Junk Yard** or **Salvage Yard.**

Self-Imposed Hardship: See **Hardship, Personal** or **Self-Imposed.**

Service Station: Any building, structure or land used primarily for the dispensing, sale or offering for sale (at retail) of any automobile fuels, oils, other supplies or accessories and minor servicing, but *not* including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback: Distances between buildings, structures or uses and the property lines set forth within the zoning districts that determine the minimum sizes of the various yards to be required.

Sign: Any form of publicity visible from a public street or highway directing attention to an individual activity, business, service, commodity or product, and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade name, or other pictorial matter designed to convey information concerning same, and displayed by means of bills, panels, posters, paints or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structure or supports.

Sign, Business: A sign which directs attention to a business, profession, commodity, activity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached. Such sign may be free-standing, a projecting sign or a wall sign.

Sign, Face: The surface area of a sign devoted to a message or advertising display.

Sign, Identification: A sign which identifies a property or building by way of address, street number, building name or name(s) of person or persons residing in the dwelling unit upon the premises where such sign is located or to which it is attached. Such signs are *not* intended as "business signs", and are no larger than is minimally necessary to sufficiently perform its identification function when viewed from a street or roadway where it abuts the property in question.

Sign, Off-Premise: Any sign which directs attention to a business, service, product or activity *not* conducted, offered or sold as part of the business upon the premises where such sign is located; except, however, signs advertising the sale or lease of property upon which they are located.

Sign, On-Premise: A permanent sign erected upon, and maintained in conjunction with, the use of a specific parcel of property, identifying the name of the place, persons or organization occupying the premises, and/or designating the principal use or activity, or the principal product or service available upon the premises where such sign is located. Such signs should be fixed permanently onto a structure or otherwise freestanding provided being

mounted on a permanent foundation, and may also include wall signs, projecting signs, business signs or identification signs.

Sign, Outdoor Advertising or Billboard: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered or a commodity sold at a location other than where the sign is located, or the advertising upon which does not apply to the premises or any use of the premises where it is displayed or posted.

Sign, Portable: Any sign, whether on its own trailer, wheels or otherwise lacking a permanent foundation, and which is designed to be transported from one place to another. It is generally characteristic of such signs that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols.

Sign, Product Advertising: A sign erected and maintained in conjunction with the use of a specific parcel of property identifying the name of the place, persons or organization occupying the premises and/or designating a product or service available on the premises which is *not* the *principal* use, activity or product sold on the said premises.

Sign, Projecting: Any sign other than a "wall sign" that is located off the ground, and is affixed to an exterior wall or building face, and extends outward more than six (6) inches perpendicular to said wall or building face.

Sign, Temporary: A sign or advertising or promotional display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time *only*. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer, banners, balloons, political signs, etc.

Sign, Wall: Any sign affixed directly to and lying flat on a building wall or vertical portion of the roof or awning, and not extending outward from said building more than six (6) inches. Wall signs shall include messages carved, inscribed or designed into a face of a building, and any sign painted or drawn onto a face of a building. For the purposes of this definition, "vertical" shall mean an angular measure of between 45 degrees (45°) and ninety degrees (90°) determined by the surface of such roof or awning and the ground surface of the property on which the building is located.

Sign, Window: A sign placed inside a window or upon the window panels) or glass, and which is visible from the exterior of the window.

Silviculture: The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

ADOPTED 7/12/2016

Single Family Dwelling: See **Dwelling, Single Family.**

Single Family Residential District: Zoning districts established by this Ordinance principally for occupancy by and use for residential development of varying character and accessory uses. Said districts are differentiated in a hierarchical manner so as to facilitate and promote the compatibility and consistency of development and uses *within* a district, and to facilitate and promote reasonable compatibility and orderly, rational, efficient and effective transitions *between* districts.

Single Family/Mobile Home District: A zoning district established by this Ordinance principally for residential purposes, and for development and use by both single family dwellings and mobile homes.

Site: Area of a premises to be covered by a structure.

Site (Development) Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Special Exception: Generally uses that are "permitted on appeal", or are classified by this Ordinance as "incidental uses", for which no permit shall be issued except upon hearing by and with written approval of the Zoning Board of Adjustment, and further subject to such conditions as said Board may require to preserve and protect the character of a district.

Specialty Shop: A small-scale retail commercial business dealing specifically with goods or products associated with a specific, distinctively singular area of interest to a particular clientele.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, then the space between the floor and the next ceiling above it.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Frontage: See **Frontage. Street.**

Street Line: A dividing line between a lot, tract or parcel of land on a contiguous street.

Structure: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings.

Structure, Non-Conforming: See **Non-Conforming Building**.

Structural Alterations: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall *not* be considered a structural alteration.

Subdivision: A division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development or other use.

Temporary Building: Portable, mobile or transportable temporary contractors' construction buildings, the use of which are incidental to construction operations being conducted on the same or adjoining lot or tract, will be allowed with permit in all districts provided they are *not* used as a dwelling. These buildings shall be removed upon completion or abandonment of such construction, or upon expiration of a period of one (1) year; however, at the end of said one (1) year period, application for a renewal permit may be made for a one (1) year extension.

Temporary Sign: See **Sign. Temporary**.

Temporary Use: A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, but provided that such intended use does *not* constitute continuation of a non-conforming use.

Two-Family Dwelling: See **Dwelling. Two-Family or Duplex**.

Unnecessary Hardship: See **Hardship**.

Use: The purpose for which land, a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory: See **Accessory Use**.

Use, Conditional: See **Conditional Use**.

Use, Incidental: See **Incidental Use**.

Use, Non-Conforming: See **Non-Conforming Use**.

Use, Permitted: See **Permitted Use**.

ADOPTED 7/12/2016

Use, Permitted On Appeal or Permitted On Appeal Only: See **Permitted On Appeal**.

Use, Primary or Principle: See **Principle Use**.

Use, Temporary: See **Temporary Use**.

Use Regulations: Restrictions and guidelines set forth in this Ordinance regarding the various types of uses and applicable conditions that are permitted in the various zoning districts within the Town.

Utilities: Equipment or facilities usually connected to or part of a structure designed to provide services such as heat, light, power, communication, water, sewage disposal, etc.

Wall Sign: See **Sign, Wall**.

Window Sign: See **Sign, Window**.

Yard: An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for determining appropriate widths and depths of same, the minimum distance between the lot line and the respective finished exterior wall shall be used; provided, however, that the cornice overhang does *not* exceed twenty-four (24) inches.

Yard, Front: A yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be considered as parallel to the street upon which said lot has its *least* dimension.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines. On all lots, the rear yard shall be in the rear of the front yard along the lot dimension opposite that along which the front yard extends.

Yard, Side: A yard between the main building and the side lot line, and extending from the required front yard to the required rear yard.

Variance: A modification or relaxation of the strict application of the terms and provisions of this Ordinance where, owing to special conditions or circumstances, a literal enforcement of the provisions of this Ordinance will result in an unnecessary hardship. The Zoning Board of Adjustment has the power to grant such var iancets) to alleviate a recognized hardship on individual parcels in the interest of allowing reasonable use of the building, structure or property which, because of unusual or unique circumstances, is denied by the terms of the Zoning Ordinance.

Zoning Approval: Certification documenting conformance with the provisions of this Ordinance, such certification being issued by the Zoning Officer and required prior to the issuance of any building permit.

Zoning Board of Adjustment: Citizens residing in the Town that are appointed to hear and decide appeals requesting reversal, modification or other examination of any order, requirement, provision, decision or determination made by any administrative official or governing body in the enforcement and administration of this Ordinance. In addition to such powers of administrative review, said Board has the responsibility for hearing and deciding cases of special exceptions and variances as set forth in Section 1702 of this Ordinance, and operates under the procedures and guidelines generally outlined in Article 17 and any governing bylaws as may be adopted by said Board. AMENDED 7/12/2016

Zoning Officer: An appointed official whose primary responsibility is to oversee the enforcement and administration of the provisions of this Ordinance, and of the Town's zoning function in general.

Zoning Upgrade: Any change in zoning that reclassifies land to a district of a more restrictive nature than that presently in place is generally considered an upgrade.

Zoning District: Zoning districts established by this Ordinance for the purpose of categorizing, controlling, guiding and regulating the development and use of land within the such districts and within the Town as a whole. Said districts are differentiated in a hierarchical manner so as to facilitate and promote the compatibility and consistency of development and uses *within* a district, and to facilitate and promote reasonable compatibility and orderly, rational, efficient and effective transitions *between* districts.

ARTICLE 8
ESTABLISHMENT OF DISTRICTS

SECTION 801
ZONING DISTRICTS

In order to carry out the intent and purposes of this Ordinance, the Town of Sylvan Springs, Alabama, is hereby divided into the following zoning districts; the location, boundaries and area of which are and shall be as shown and depicted on the official Zoning Map:

R-1	Single Family Residential District	
R-2	Single Family Residential District	
R-M	Single Family/Mobile Home District	
R-P	Planned Unit District	
R-R	Rural Residential District	
A-1	Agricultural District	
INST	Institutional District	
CEM	Cemetery District	
U-1	Utilities District	
C-1	Restricted Commercial District	
C-2	General Commercial District	
C-3	Special Commercial District	
I-1	Light Industrial District	
I-2	Heavy Industrial District	
I-3	Mining and Manufacturing District	
I-4	Special Industrial and Manufacturing District	ADOPTED 4/5/2001
C-U	Current Use District	ADOPTED 7/12/2016

SECTION 802
INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists regarding the boundaries of any district shown on the Zoning Map, the following rules shall apply:

- 802.1** Where such district boundaries are indicated as approximately following the center lines of streets and alleys, lot lines, stream center lines, property lines or corporate limit lines, said lines shall be considered to be such boundaries.
- 802.2** In unsubdivided property or where a district boundary divides a lot, the location of such boundary -- unless the same is indicated by dimensions shown on the Zoning Map -- shall be determined by the use of the scale appearing on the Zoning Map.
- 802.3** Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceeding rules, the Zoning Board of Adjustment shall interpret the district boundaries.

ARTICLE 9
USE REGULATIONS FOR ZONING DISTRICTS

SECTION 901: R-1 SINGLE FAMILY DISTRICT

A district designed to provide exclusively for single family residential housing, and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard and house size requirements.

901.1 Permitted Uses:

single family dwellings

customary accessory buildings or structures in accordance with Articles 10 and 11

home occupations (*permitted on appeal only*) in accordance with Article 15

modular homes, only as defined in this Ordinance and permitted on appeal only

ADOPTED 7/12/2016

901.2 Area and Dimensional Requirements:

Minimum Floor Area:

1,000 sq.ft. (one story)

850 sq.ft. (first floor)

1,100 sq.ft. (total for two stories)

Minimum Lot Sizes:

20,000 sq.ft. total area

100-foot minimum width

Minimum Yards:

45-foot front yard set-back

45-foot rear yard set-back

10-foot side yard set-backs

SECTION 902: R-2 SINGLE FAMILY DISTRICT

A district designed to provide exclusively for single family residential housing, and to facilitate and maintain a relatively more compact or higher density neighborhood environment through generally smaller lot, yard and house size requirements.

902.1 Permitted Uses:

single family dwellings

customary accessory buildings or structures in accordance with Articles 10 and 11

home occupations (*permitted on appeal only*) in accordance with Article 15

modular homes, only as defined in this Ordinance and permitted on appeal only

ADOPTED 7/12/2016

902.2 Area and Dimensional Requirements:

Minimum Floor Area:

900 sq.ft. (one story)

800 sq.ft. (first floor)

1,000 sq.ft. (total for two stories)

Minimum Lot Sizes:

15,000 sq.ft. total area

75-foot minimum width

Minimum Yards:

35-foot front yard set-back

35-foot rear yard set-back

10-foot side yard set-backs

SECTION 903: R-M SINGLE FAMILY/MOBILE HOME DISTRICT

A district designed to provide for residential neighborhoods consisting of both mobile homes and single family residences.

903.1 Permitted Uses:

single family dwellings

mobile and/or manufactured homes in accordance with Section 1007

customary accessory buildings or structures in accordance with Articles 10 and 11

home occupations (*permitted on appeal only*) in accordance with Article 15

903.2 Area and Dimensional Requirements:

Minimum Floor Area:

600 sq.ft. (one story)

600 sq.ft. (first floor)

800 sq.ft. (total for two stories)

Minimum Lot Sizes:

15,000 sq.ft. total area or less*

60-foot minimum width

*Any future division of land shall have the Minimum Lot Sizes specified.

Minimum Yards:

25-foot front yard set-back

35-foot rear yard set-back

8-foot side yard set-backs

SECTION 904: R-P PLANNED UNIT DISTRICT

A district designed to provide primarily for residential development and related uses to be developed on a relatively large scale or providing for more than one (1) dwelling unit, and to allow increased flexibility in terms of overall design, and the types and density of dwelling units. Development of property under this zoning classification will generally be considered a "Planned Unit Development" as defined in this Ordinance.

904.1 Permitted Uses:

single family dwellings

duplexes or two-family dwellings

residential townhouses or townhomes

garden homes

group homes (*permitted on appeal*)

multi-family dwellings or apartments

mobile home park or subdivision

accessory buildings or structures customarily incidental to the above permitted uses, and in accordance with Articles 10 and 11

recreational, religious or educational facilities normally desirable in an orderly and attractive residential area may be allowed

904.2 Area and Dimensional Requirements:

a. In General:

Internal stability, safety, attractiveness, order and efficiency in the use of land shall be required through the provision of adequate light, air and open space for dwellings and other facilities, and through consideration for the proper functional relationship of all dwellings, structures and/or uses within the Planned Unit District.

b. For All Residential Uses:

1. No building or structure shall be located less than twenty-five (25) feet from any boundary of the Planned Unit District.
2. No building or structure in the Development shall be located nearer a dedicated street than twenty-five (25) feet.
3. No building or structure shall be located nearer a private drive than ten (10) feet.
4. All buildings or structures in the Development shall be separated by not less than:
 - twenty (20) feet front to back
 - fifteen (15) feet front to side
 - thirty (30) feet front to front
 - twenty (20) feet back to back
 - twenty (20) feet side to back
 - ten (10) feet side to side
 - ten (10) feet in any other situation

c. For All Other Uses:

Minimum Yards:

- 35-foot front yard setback
- 35-foot rear yard setback
- 35-foot side yard setback

904.3 Procedure of Application for a Planned Unit District:

- a. **Preapplication Conference.** Before filing any application for a Planned Unit District, the prospective applicant shall submit to the Zoning Officer plans, sketches and basic site information for consideration and comments as to the proposed development's relation to the surrounding area and the general development objectives regarding said area. These materials must be submitted to the office of the Town Clerk at least ten (10) days prior to the date set for the preapplication conference in order to allow adequate review time.
- b. **Application.** After the preapplication conference has been held, formal application for zoning can be made. However, *in addition to* the information

usually required, supplemental materials shall also be required, and shall be submitted at the time of application. The supplemental materials and information that will be so required is identified and listed in provision 904.5 of this Section. These final application materials will be reviewed by the Zoning Officer, Building Inspector and any other appropriate entity or parties prior to the Planning Commission meeting at which the proposal for such R-P zoning district is to be heard.

- c. **Action on Petition.** After presentation of the R-P proposal to the Planning Commission, said Commission may take action immediately, may postpone taking action for no longer than sixty (60) days to allow further review of materials and/or request changes or other modifications to the proposed development. In the event any such proposed development is determined by the Planning Commission to be unacceptable in terms of conformance to the intent and purpose of this Ordinance as well as in consideration of the best interest of the area affected and the Town as a whole, the reasons for such determination shall be set forth as public record in said Commission's recommendation for denial of the petition. Upon recommendation for and/or approval of a proposed R-P development, all materials, proposed development plans, etc., and any changes or modifications made thereto in the review and hearing processes, shall be considered binding on subsequent development of the affected property while zoned as a Planned Unit District.

904.4 Additional Requirements:

- a. **Deviation from the Development Plan.** To facilitate minor adjustments to the approved development plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Zoning Officer is authorized to approve alterations to the final development plan which, in said Officer's estimation, are considered incidental in scope.

All other changes in the development or the approved development plan must be made under the procedures applicable to the initial approval of the Planned Unit District. The Zoning Officer and/or Planning Commission reserves the right to require further review, public hearing or complete reapplication regarding any changes to an approved development plan.

- b. **Plan Violation.** Any deviation from the development plan *not* approved under the above Section 904.4(a) shall constitute a violation of the resolution establishing

the Planned Unit District. Such violation will subject the developer to the procedures and penalties set forth in Article 16 of this Ordinance.

- c. **Failure to Begin Construction.** Construction of the approved development must begin within one (1) year from the time of its final approval. If the development is to be constructed in stages, the construction of each stage must begin within one (1) year of the construction start times for each such stage as provided for in the development schedule submitted as part of the requirements for application. In all cases, progress towards completion of the development should proceed in accordance with said development schedule; failure to comply with this provision shall constitute a deviation from the development plan, and the provisions and procedures of the above Section 904.4(a) shall apply accordingly.

904.5 Supplemental Materials Required for Application for a Planned Unit District:

Listed below is the additional information that shall be required when applying for R-P Planned Unit District zoning as per Section 904.3(b):

1. Written Documentation

- a. Legal description of the total site, including a statement of present and proposed ownership.
- b. A statement of development objectives, including a description of the character of the proposed development and its relationship to surrounding development.
- c. A development schedule indicating the approximate date when construction of the development can be expected to begin and be completed, and any applicable phasing of construction.
- d. A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the development, including land areas, dwelling units, etc.
- e. Plan or intended manner of permanent care and maintenance of open spaces, recreational areas, road right-of-ways, public utilities, etc., including a declaration of covenants and restrictions that will govern any intended homeowner's association.

- 2. Development Plan** (site plan) including the following items:
- a. Development name.
 - b. Legal tie, quarter-quarter section, township and range.
 - c. Scale.
 - d. Vicinity map and north arrow.
 - e. Boundary survey and dimensions of property.
 - f. Delineation of proposed land use districts or areas.
 - g. Proposed lot lines and dimensions.
 - h. Number of all existing and proposed residential buildings and structures, including:
 - distribution of housing types
 - location, grouping and orientation
 - numbers of units, stories and maximum heights
 - floor areas of all units
 - i. Number of all existing and proposed non-residential buildings and structures, including:
 - types of uses proposed
 - location, grouping and orientation
 - number of stories, maximum heights and all floor areas
 - j. Location and size(s) of all areas to be conveyed, dedicated or reserved as common open space(s), public parks, recreational areas and similar public or semi-public uses.
 - k. Location of utility easements.
 - 1. Existing and proposed circulation system of arterial, collector and local streets, including:
 - location and dimensions of streets, alleys, driveways and points of access to public rights-of-way
 - notations of proposed ownership

- location, dimensions and capacities of parking areas
- service and loading zones
- pedestrian circulation

m. A general landscape plan indicating treatment of materials used for private and common open spaces, and the proposed treatment of the perimeter of the development including materials and techniques to be used.

3. Any additional information determined by the Zoning Officer to be reasonable and necessary for evaluating the character and potential impact of the proposed development.

SECTION 905: R-R RURAL RESIDENTIAL DISTRICT

A district designed to provide primarily for the development and use of land for single family residential purposes, but also to allow limited agricultural use(s) in conjunction with an established residence *provided* such use(s) does not substantially alter the residential character of the property or surrounding residential areas.

It is the express intent of this District to promote the health, safety and welfare of the animals kept on the R-R-zoned property while simultaneously recognizing and preserving the rights of adjoining property owners to the enjoyment of their own properties. The keeping of animals on R-R properties must be kept compatible with, and never impose adverse effects upon, the use and enjoyment of adjoining properties for residential purposes.

ADOPTED 7/12/2016

905.1 Permitted Uses:

single family residences*

customary accessory buildings or structures in accordance with Articles 10 and 11

livestock kept for personal use only (i.e., not for commercial purposes)

customary accessory buildings or structures
incidental to the keeping of the above livestock

non-commercial farming**

home occupations (*permitted on appeal only*) in accordance with Article 15

modular homes, only as defined in this Ordinance and permitted on appeal only

ADOPTED 7/12/2016

*The primary use of the property shall be residential, with any non-residential uses to be permissible only after the primary (residential) use has been established.

**"Hobby" farms whose expected agricultural income is incidental to the total household income of the occupants.

905.2 Area and Dimensional Requirements:

Minimum Floor Area:

900 sq.ft. (one story)
800 sq.ft. (first floor)
1,000 sq.ft. (total for two stories)

Minimum Lot Sizes:

1 acre (43,560 sq.ft.) total area or less*
100-foot minimum width

AMENDED 7/12/2016

*Any future division of land shall have the Minimum Lot Sizes specified.

Minimum Yards:

35-foot front yard set-back
35-foot rear yard set-back
15-foot side yard set-backs

905.3 Additional Requirements:

The minimum set-back of livestock barns (fowl houses, etc.) shall be:

- 100 feet from adjoining property lines;
- 300 feet from road right-of-way lines.

No livestock barn (or fowl house, etc.) shall be built closer than 300 feet to the nearest then existing residence other than that of the owner.

Swine shall not be housed, fed and/or watered within 100 feet of any adjoining property line, or within 300 feet of any road or road right-of-way.

905.4 Livestock Density Restrictions:

The number of animals permitted in an R-R (Rural Residential) district shall be determined by a system of "animal unit equivalents" that shall be assigned to each individual animal as follows:

horse = 1 unit
cow = 0.5 unit
goat = 0.2 unit

swine = 1 unit
sheep = 0.5 unit

all fowl = 0.067 unit (each)
rabbit = 0.025 unit

AMENDED 7/12/2016

Off-spring with the mother present shall be considered included in the mother's unit until reaching breeding age.

Unit equivalents for other animals shall be defined by the Sylvan Springs Planning Commission.

The maximum density of animals in an R-R (Rural Residential) district shall be one (1) animal unit per family *or* one (1) animal unit per acre.

905.5 Limitations on the Amount of Livestock:

For the purposes of protecting the residential character of development in this residential district, there shall be a maximum amount of livestock that will be allowable under an R-R Rural Residential classification. As determined by the table in the preceding Item (905.4), a total of no more than five (5) animal units shall be permitted in an R-R zoning district; any total number of units in excess of the five (5) units permitted herein will require an A-1 (Agricultural) zoning classification.

AMENDED 7/12/2016

SECTION 906: A-1 AGRICULTURAL DISTRICT

A district designed to provide for larger lot or land areas on which the dominant or primary use is of an agricultural nature, and ordinarily for the purpose of generating profit.

The A-1 District is distinguished from the R-R District in that A-1 is predominantly agricultural in nature, intended for a more rural setting, while R-R is predominantly residential in nature and intended to serve as a transitional zone between rural areas and traditional single family subdivision development.

ADOPTED 7/12/2016

906.1 Permitted Uses:

single family dwellings

mobile homes (*permitted on appeal only*) in accordance with Section 1007

modular homes, only as defined in this Ordinance and permitted on appeal only

ADOPTED 7/12/2016

apiary

aviary

dairy

dog kennel with outside runs (no retail sales)

general (including commercial) farming

greenhouse and nursery (wholesale only)

poultry farm

rabbit and other animal farms

ranching

customary accessory buildings or structures in accordance with Articles 10 and 11

906.2 Area and Dimensional Requirements:

Minimum Floor Area:

600 sq.ft. (one story)

Minimum Lot Sizes:

5 acres total area or less*

AMENDED 7/12/2016

150-foot minimum width

*Any future division of land shall have the Minimum Lot Sizes specified.

Minimum Yards:

50-foot front yard set-back

50-foot rear yard set-back

15-foot side yard set-backs

906.3 Additional Requirements:

In an A-1 (Agricultural) district, the minimum set-back of livestock barns and chicken houses shall be:

- 100 feet from adjoining property lines;
- 300 feet from road right-of-way lines.

No livestock barn (or fowl house, etc.) shall be built closer than 300 feet to the nearest then existing residence other than that of the owner.

Swine shall not be housed, fed and/or watered within 100 feet of any adjoining property line, or within 300 feet of any road or road right-of-way.

SECTION 907: INST INSTITUTIONAL DISTRICT

A district designed to provide for the development of land for public and semipublic uses, services and other similar institutional facilities or functions.

907.1 Permitted Uses:

churches, including all structures normal and incidental thereto*

schools

public parks and playgrounds

charitable/philanthropic organizations

convalescent/nursing homes, homes for the aged

day nurseries and kindergartens

fire stations

government buildings (except for garages, repair or storage
yards, warehouses and penal or correctional institutions)

libraries, museums, community centers and other

public service organizations

lodges, fraternal and social/youth organizations

not-for-profit membership clubs

stadiums/places of assembly operated by non-profit
organizations or public agencies

*A cemetery shall also be considered permissible in conjunction with a church having been established as the primary use on the site in question. Any new cemetery development proposed in an INST (Institutional) district shall comply with the following requirements:

- no interments shall be made closer than 35 feet to any adjoining property line;
- no interments shall be made within 150 feet of any well used for drinking water purposes;
- buildings or structures, including materials, shall be set back from adjoining property lines a distance of 35 feet;

907.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back
 35-foot rear yard set-back*
 35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned commercial, industrial or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned commercial, industrial or utility; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

907.3 Additional Requirements*

For Churches, Schools, Public Parks and Playgrounds:

There shall be no more than 35% coverage of the lot area by buildings and structures.

In cases where an Institutional district adjoins or abuts any residential zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

*These provisions shall apply only to newly established uses.

SECTION 908: CEM CEMETERY DISTRICT

A district designed to provide for the development and use of land exclusively for the burial of the dead, but *not* necessarily in association with a church or other religious institution.

908.1 Permitted use:

cemetery, provided the following requirements are met:

- no interments shall be made closer than 35 feet to any adjoining property line*;
- no interments shall be made within 150 feet of any well used for drinking water purposes;
- buildings or structures, including materials, shall be set back from adjoining property lines a minimum distance of 35 feet.

*The 35-foot set-back for interments may be reduced to 0 feet if the adjoining property is zoned CEM Cemetery.

908.2 Additional Requirement:

In cases where a Cemetery district adjoins or abuts any residential zoning district, the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s) shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

SECTION 909: U-1 UTILITIES DISTRICT

A district designed to provide for the development and use of land specifically for the purpose of providing utility services, or for enhancing the level or quality of such services.

909.1 Permitted Uses:

public utilities such as sewage pumping or lift stations,
power substations, gas peak shaving stations, water towers
or pumping stations, etc.

radio and television stations, towers, etc.
(excluding cellular communication towers: see Section 1011)

909.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back
35-foot rear yard set-back*
35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned commercial, industrial or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned commercial, industrial, utility or institutional; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

909.3 Additional Requirement:

In cases where a Utilities district adjoins or abuts any residential zoning district, the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s) shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

SECTION 910: C-1 RESTRICTED COMMERCIAL DISTRICT

A district designed to provide for office uses and limited or small-scale commercial businesses that, by the nature of such operations, are reasonably compatible with adjoining residential areas and, under certain conditions or in certain instances, may be desirable complementary uses within a residential area.

AMENDED 7/12/2016

910.1 Permitted Uses:

neighborhood commercial uses approved by the Sylvan Springs Planning Commission in accordance with Section 910.4 of this Section, including but not necessarily limited to those listed herein below

ADOPTED 7/12/2016

business offices

professional offices

The following uses will be permitted provided that the gross floor area involved does not exceed 2,000 square feet:

convenience stores with no gas pumps or service station
and no sale of alcoholic beverages

barber and beauty shops

drug stores

ice cream parlors

florist and gift shops

fortune telling/palmistry

other specialty shops

private training schools (music, dance, business, vocational, etc.)

A single family residence will be permitted as an accessory use after the primary (commercial) use has been established.

910.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back
35-foot rear yard set-back*
35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned commercial, industrial, institutional or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned commercial, industrial, utility or institutional; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

910.3 Additional Requirements:

In cases where a Restricted Commercial district adjoins or abuts *any* residential zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

No drive-through windows will be permitted.

No sales of alcoholic beverages of any kind will be permitted.

No open or outside storage of any kind will be permitted.

910.4 Neighborhood Commercial Uses Permitted:

Non-residential uses located within or adjacent to a residential area shall be closely evaluated by the Sylvan Springs Planning Commission with regard to their relationship to the (existing and future) surrounding community. Such uses must be determined by the Commission to be compatible in size, scope, scale and design with the surrounding residential development, and to rely primarily on the residents living in that area or its immediately surrounding area for the majority of their business. It is also characteristic of such uses to have a high frequency of repeat customers, as an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, personal services or food service. No commercial use shall be permitted that will in any way detract from the residents' safe and peaceful enjoyment of their neighborhood's living environment.

ADOPTED 7/12/2016

SECTION 911: C-2 GENERAL COMMERCIAL DISTRICT

A district designed to provide generally for most retail businesses and activities, and particularly for more intense or larger-scale commercial operations.

911.1 Permitted Uses:

any use permitted in a C-1 Restricted Commercial District

ADOPTED 7/12/2016

automotive service stations

(but not including major repair work or outside storage)

bakeries, ice cream and soda parlors

banks and financial institutions

barber and beauty shops

bowling alleys and other indoor recreations

bus stations

cafes and restaurants not serving alcoholic beverages
for on-premises consumption

convenience stores

dog kennels with no outside runs

drug stores

hotels or motels

laundry and dry-cleaning pick-up stations

mini-warehouses

private clubs/lodge halls

private training schools (music, dance, business, vocational, etc.)

post offices

radio stations (excluding towers)

retail stores and service establishments

shopping centers

sale of package liquor, beer, wine, etc. for off-premises consumption only

theatres (indoor)

veterinary establishments with no outside runs

outdoor amusement operations (*permitted on appeal*)

Permitted Conditional Use: fireworks may sold subject to

- sales in a permitted structure;
- permit to be good for thirty (30) days;
- front set-back may be 0 feet, however the rear and side set-backs shall be the minimum yard requirements as specified herein;
- a minimum of five (5) off-street parking spaces shall be required at each site;
- and,
- a business license fee will be required in accordance with a separate Town Ordinance establishing such fees, which itself may be amended from time to time.

AMENDED 7/12/2016

911.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back

35-foot rear yard set-back*

35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned commercial, industrial or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned commercial, industrial, or utilities; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

911.3 Additional Requirements:

In cases where a General Commercial district adjoins or abuts *any* residential zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

No establishment offering the sale of alcoholic beverages for off-premises consumption shall be located within five hundred (500) feet of any church, school, public park or playground. Said distance shall be measured from the zoning line of the C-2 facility to the nearest zoning district line of the institution.

No open or outside storage of any kind will be permitted.

SECTION 912: C-3 SPECIAL COMMERCIAL DISTRICT

A district designed to provide for more specialized or less common types of retail businesses or establishments, for businesses unique in the products or services offered, and for commercial uses determined to be inappropriate, unacceptable or not otherwise listed as being permitted in any other commercial district.

912.1 Permitted Uses:

cafes and restaurants offering the sale of alcoholic beverages
for on-premises consumption

dance halls

night clubs

bars and taverns

any other commercial use not specifically addressed
or determined to be comparable to uses addressed
in this or any other zoning district shall be *permitted on appeal*

912.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back
35-foot rear yard set-back*
35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned commercial, industrial or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned commercial, industrial, or utilities; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

912.3 Additional Requirements:

No establishment offering the sale of alcoholic beverages for on-premises consumption shall be located within 1,000 feet of any church or school. Said distance shall be measured from the zoning line of the C-3 facility to the nearest zoning district line of the institution.

In cases where a Special Commercial district adjoins or abuts *any* residential zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

No open or outside storage shall be allowed in a C-3 commercial district.

SECTION 913: I-1 LIGHT INDUSTRIAL DISTRICT

A district designed to provide for industrial uses that are determined to be *least* offensive or detrimental to adjoining properties in terms of health, safety, comfort, esthetics, the general welfare of, and overall compatibility with, the surrounding area.

913.1 Permitted Uses:

fabricating, processing, assembling and manufacturing uses but excluding those determined to be especially detrimental to health and safety beyond the district by reason of emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material

bottling and distribution plants

contractor and building material yards

distribution yards for gasoline/fuel oil tank trucks, provided that all bulk storage tanks and loading platforms shall be set back *no less than* one hundred and fifty (150) feet from adjoining property lines

heavy equipment sales and service

laundry and dry-cleaning plants

paint and body shops

service of machinery, vehicles, boats, mobile homes, etc.

service stations with garages

truck or bus terminal facilities

wholesaling, warehousing, lumber yards and other businesses to which outside storage is accessory or incidental, including building material yards, *but* provided that the operation does *not* involve the storage of any materials of an explosive or toxic nature

913.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back
35-foot rear yard set-back*
35-foot side yard set-backs**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned industrial or utilities.

**Side yard may be reduced to 0 feet if the adjoining property is zoned industrial or utility; however, if the structure is not built to the side lot line, a minimum set-back of 10 feet shall be maintained.

913.3 Additional Requirements:

In cases where a Light Industrial district adjoins or abuts *any* residential *or* agricultural zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential or agricultural zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

Business operations to which open or outside storage is accessory or incidental, and which are permitted in a Light Industrial district, shall be allowed accordingly *provided* that there is *no open or outside storage of junk or salvage items or materials of any type* in connection with the operation.

SECTION 914: I-2 HEAVY INDUSTRIAL DISTRICT

A district designed to provide for more intensive types of industrial uses that, by the nature of their products or operation, can be expected to have relatively greater detrimental impacts on adjacent properties and the surrounding area.

914.1 Permitted Uses:

any use permitted in an I-1 Light Industrial District

ADOPTED 7/12/2016

cement plants

fixed plants for processing stone, chert, gravel, clay, slag, coal or iron ore

iron and steel mills

other heavy manufacturing uses

railroad shops, roundhouses and yards

saw mills and timber processing facilities

Auto dismantling, junk yards and salvage yards shall be permitted under the following conditions:

- a minimum 8-foot high wall, privacy fence or other suitable screen will be required that will obstruct from view all wrecked cars and other junk;
- all wrecked cars and other junk will be stored to the rear of (behind) said wall, fence or screen; and,
- said wall and/or screen and its location shall be approved by the Planning Commission, and a privacy fence will be required to conform to the additional requirements set forth in Section 1009 of this Ordinance.

914.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back

35-foot rear yard set-back

35-foot side yard set-backs

914.3 Additional Requirements:

In cases where a Heavy Industrial district adjoins or abuts *any* residential *or* agricultural zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential or agricultural zoning district(s). Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip or green belt.

SECTION 915: I-3 MINING AND MANUFACTURING DISTRICT

A district designed to provide for mining and manufacturing operations that are more extensive or large-scale in nature than industrial uses classified in other industrial districts and, as such, are most likely to have substantial detrimental impacts on adjoining properties and the surrounding area.

915.1 Permitted Uses:

any use permitted in an 1-2 Heavy Industrial District
except auto dismantling, junk and salvage yards

extraction, milling and other processing of timber products

subsurface and underground mining operations, quarrying, etc.

dumping of spoiling, tailings and other such waste

non-residential mobile buildings and/or other facilities that may be accessory or appropriate to the conduct of such uses as are permitted herein

surface or strip mining and gas wells (*permitted on appeal only*)

any other industrial use not specifically addressed or determined to be comparable to uses addressed in this or any other zoning district shall be *permitted on appeal*

915.2 Area and Dimensional Requirements:

Minimum Yards:

35-foot front yard set-back

35-foot rear yard set-back

35-foot side yard set-backs

915.3 Additional Requirements:

In cases where a Mining and Manufacturing district. adjoins or abuts *any* residential, agricultural *or* institutional zoning district, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet (minimum) along the property line(s) abutting the residential or agricultural zoning district(s). Said outermost fifteen (15) feet shall maintained in a natural wooded state, or as a buffer strip or green belt as set forth in Section 1009 of this Ordinance.

No extraction of minerals, coal, ore, etc. by the surface stripping method will be permitted within one hundred (100) feet of any property line or public road right-of-way within this zoning district. No buildings, structures or other facilities accessory or incidental to strip mining will be permitted within fifty (50) feet of any property line or public road right-of-way within this zoning district. Exceptions to these additional requirements for strip mining will be made where adjoining property is zoned and properly permitted for strip mining, in which case *no setback(s) from such adjoining property line(s) will be necessary.*

SECTION 916: I-4 SPECIAL INDUSTRIAL AND MANUFACTURING DISTRICT

ADOPTED 4/5/2001

A district designed to provide for heavy industrial and manufacturing operations that are more extensive of large in scale.

916.1 Permitted Uses:

any use permitted in an I-2 Heavy Industry
or I-3 Mining and Manufacturing District

fertilizer plants

incinerators

oil refineries

landfills, as defined in this Ordinance, including construction and demolition
(i.e., C&D) landfills and/or areas, industrial landfills and sanitary landfills

AMENDED 3/6/2012, 7/12/2016

paper or pulpwood plants

any other industrial use not specifically addressed or determined to be
comparable to uses addressed in this or any other zoning district
shall *be permitted on appeal*

AMENDED 3/6/2012

916.2 Area and Dimensional Requirements:

Minimum Yards:

100 ft. front yard set-back

100 ft. rear yard set-back

100 ft. side yard set-back

SECTION 917: C-U CURRENT USE DISTRICT

ADOPTED 7/12/2016

The purpose of this district is to stabilize land use and development patterns in the Town by helping to avoid the creation of land use and zoning conflicts arising due to the presence of antiquated, non-applicable or otherwise inappropriate zoning. This district is intended to provide a means for more properly zoning land in accordance with its actual use and with proper consideration of its compatibility with the surrounding area; in accordance with the Town's adopted Comprehensive Plan, where there is conflict between the existing zoning and the future proposed land use pattern of a given area; or in order to establish a Town zoning classification on property previously zoned by another jurisdiction.

917.1 Permitted Uses:

Continuation of any legal existing use(s) actually established and operating on the parcel or property as of the date C-U (Current Use) zoning was applied to said parcel or property;

Silviculture (as defined in this Ordinance), and any other activity (such as minor maintenance or repair work) for which a land disturbance permit from either the Alabama Department of Environmental Management (ADEM) or the local Storm Water Management Authority (SWMA) is *not* required.

A single family residence on an existing individual parcel, including accessory buildings and structures as are normally permitted in association therewith.

917.2 Area and Dimensional Requirements:

Minimum Lot Sizes:

15,000 square feet or less*

*Any future division of land shall have the Minimum Lot Sizes specified.

Minimum Yards:

35-foot front yard set-back

35-foot rear yard set-back

15-foot side yard set-backs

Other setbacks (as may be applicable) shall be measured in accordance with Articles 10 and 11 of this Ordinance.

917.3 Additional Requirements:

In conjunction with the uses permitted in this Section, the following development and operational parameters shall apply:

- a. Any existing use(s) established and operating on any and each parcel or property in a C-U District shall remain at the same level of intensity and density of such use(s) as was present at the time of zoning to C-U (Current Use).
- b. No increase in said intensity or density of use shall be permitted, including new construction, clearing of vegetation, grading, fill, improvements, road-cutting or other modifications of the existing surface features of the property.
- c. Nothing in this Section shall be construed or used to grandfather or otherwise make legal any currently illegal or nonconforming use(s) that are not listed as being permitted in sub-section 917.1 above (Permitted Uses).

917.4 Additional Provision for the Subsequent Rezoning of C-U-Zoned Properties:

Any owner of an interest in land classified into the Current Use District zoning may, at any time following such reclassification, file a petition seeking rezoning to different classification in accordance with Article 16 of this Ordinance.

However, it is hereby provided that the rezoning fees of Article 18 shall be waived with regard to the first such filing for any given parcel or property.

ARTICLE 10
GENERAL REGULATIONS AND PROVISIONS

SECTION 1001
USES IN GENERAL

In each district, only the uses specifically listed as "permitted uses" or "permitted on appeal" shall be allowed; no other uses shall be allowed. Uses specified as being "permitted on appeal only" are exceptions and no permit shall be issued for such uses except with written approval of the Zoning Board of Adjustment, and shall be further subject to such conditions as said Board may require to preserve and protect the character of the district concerned.

Any use or structure existing at the time of enactment or subsequent amendment of this Ordinance but not in compliance with its provisions shall thereafter be considered a "non-conforming use", and shall be subject to the stipulations, regulations and other provisions set forth in Article 12 of this Ordinance.

SECTION 1002
ACCESSORY USES

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures that are accessory to a principle use or structure (as defined in this Ordinance) if located on the same site or building plot. However, such accessory uses, buildings and/or structures shall *not* be established or erected prior to the establishment or construction of the principle use or building *except* in A-1 Agriculture zones that are not in a recorded subdivision. Furthermore, said accessory uses, buildings and structures shall be compatible with the character of the principle use as well as with that of the zoning district in which it is located.

SECTION 1003
INCIDENTAL USES

Unless otherwise prohibited or restricted, certain uses, buildings and structures that are incidental to a principle use or structure (as defined in this Ordinance) will be permitted on the same site or building plot as said principle use or structure *subject to* prior approval by the Zoning Board of Adjustment. However, such incidental uses, buildings and/or structures shall *not* be established or erected prior to the establishment or construction of the principle use or building.

Furthermore, said incidental uses, buildings and structures shall be compatible with the character of the principle use as well as with that of the zoning district in which it is located.

SECTION 1004
TEMPORARY USES

Temporary uses will be permitted only on appeal to and upon approval of the Zoning Board of Adjustment. All such uses and/or occupancy permits shall be for one (1) year or less unless otherwise specified.

SECTION 1005
USE EXEMPTIONS

The following uses are permitted in any district provided the parties in question have complied with all existing laws and regulations governing such installations: poles, wires, cables, conduits, pipe lines, utility vaults, laterals and other similar distribution facilities, and roads and ways of any description. All such uses shall be subject, however, to the securing of any proper and necessary "use" and "building" permits.

SECTION 1006
DELETED 7/12/2016

SECTION 1007
ONE MAIN BUILDING ON A LOT

Every building hereafter erected or moved shall be located on a lot, tract or parcel, and in no case shall there be more than one (1) principal residential building (and its accessory or duly permitted incidental structures) on any lot, tract or parcel.

SECTION 1008
GARAGE APARTMENTS AND GUEST HOUSES

Garage apartments and guest houses will be permitted as incidental and accessory uses respectively only on appeal to and upon approval of the Zoning Board of Adjustment.

SECTION 1009

BUFFER STRIP AND PRIVACY FENCE REQUIREMENTS

In cases where a buffer strip, green belt or privacy fence is required or deemed necessary for the protection and/or separation of uses on adjoining properties or parcels, the following elements shall constitute the *minimum* requirements for each (unless otherwise specified in individual cases):

- 1009.1** **For a Buffer Strip or Green Belt**, a planted strip at least fifteen (15) feet in width composed of living deciduous or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be maintained in perpetuity by the owner of the property.
- 1009.2** **For a Privacy Fence**, a solid wooden fence, six (6) feet in height, erected on the interior of the property in question at least fifteen (15) feet from and parallel to the property line(s) abutting the parcels that are to be screened. The land area between the privacy fence and the property line shall be grassed, landscaped or otherwise maintained as a buffer strip or green belt, and *both* said grassed or landscaped area *and* the fence shall be perpetually maintained neat and orderly in appearance by the owner of the property.

SECTION 1010

HOUSE TRAILERS AND MOBILE HOMES

- 1010.1** All house trailers and mobile homes are prohibited in all districts within the zoning jurisdiction of Sylvan Springs *except* in an R-M zoning district or, *if permitted on appeal*, in an A-1 district. A permit shall be required for each mobile home and/or house trailer, and a fee shall be assessed for each permit as set forth in Ordinance #88-13 adopted by the Town of Sylvan Springs on July 11, 1989. (See also Section 1207, Replacement Of A Non-Conforming Mobile Home.)
- AMENDED 7/12/2016
- 1010.2** Mobile homes or house trailers will be allowed for security purposes in all zoning districts only on appeal to and upon approval of the Zoning Board of Adjustment. Such uses will be permitted for a period of one (1) year only unless otherwise specified by the Board, and shall be subject to the permitting fees set forth in Ordinance #88-13 adopted by the Town of Sylvan Springs on July 11, 1989.

SECTION 1011

COMMUNICATION TOWERS

Communication towers may be erected within the Town limits, in any zoning district, as deemed appropriate by the Zoning Board of Adjustment. Communication towers, antennas, and similar or related wireless communications facilities (excluding radio and television stations and towers permitted in a U-1 Utilities District) may be permitted in any zoning district upon appeal to, and approval by, the Zoning Board of Adjustment, and subject to such conditions as said Board may require to preserve and protect the character of the district and surrounding properties.

In considering each such appeal, the Board shall give due consideration to the following:

- lighting of the tower;
- visual impact;
- use compatibility;
- co-location alternatives, provisions, possibilities and/or other options;
- design options (e.g., use of existing structures, camouflage techniques, etc.);
- safety and security.

Setbacks for communication tower facilities shall be those of the district in which said tower is to be located; however, in no case shall tower facilities (including security fences) be located closer than fifteen (15) feet to a residential or agricultural zoning district. Further, the outermost fifteen (15) feet (minimum) abutting any such residential or agricultural district shall be landscaped and maintained as a buffer strip or green belt as set forth in Section 1009 of this Ordinance.

ADOPTED 9/2/2014

SECTION 1012

LIMITATIONS ON ANIMALS

- 1012.1** No person shall keep or maintain in connection with any residential dwelling unit more than three (3) dogs aged six (6) months or older, except in the A-1 Agriculture District.
- 1012.2** The keeping or maintaining of horses, mules, cattle, sheep, goats, hogs, fowl or any other such “farm” or “livestock” animal shall be prohibited throughout the Town, except in (and in accordance with the regulations of) the A-1 Agriculture and R-R Rural Residential Districts, and as otherwise provided in Section 1012.3 herein below.
- 1012.3** Within all single family zoning districts, or a single family portion of a Planned Unit Development, the keeping of chickens (*gallus domesticus*) is allowed but only under the following terms and conditions:

- a. the minimum lot size of the property is 10,000 square feet.
- b. the principal use of the property is a single family dwelling.
- c. the number of chickens does not exceed:
 - four (4) on lots 10,000 square feet to 19,999 square feet; or,
 - six (6) on lots 20,000 square feet or greater.
- d. no roosters shall be allowed.
- e. the chickens shall be kept in the rear yard only.
- f. the chickens shall be provided with secure indoor accommodations in the form of a henhouse, coop or similar enclosed structure, raised above the surface of the ground and allowing a minimum of two (2) square feet per bird.
- g. the structure of Item (f) above shall be contained within, or made a part of, a securely protected enclosure or fenced outdoor area containing a minimum four (4) square feet per bird.
- h. no part of the chicken housing areas encompassed by Items (f) and (g) above shall extend into any side yard area, nor closer to the rear property line than the minimum standard setback for the zoning district in which the property is located; all required chicken housing areas must be located directly behind the residence.
- i. the chickens may be allowed an expanded outdoor forage area beyond that required in Item (g) above, however provisions must be made (fencing, etc.) such that they shall not be allowed to roam beyond the property lines of the parcel on which their permanent housing (of Items (f) and (g) above) is located.
- j. the enclosures (both indoor and outdoor) shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- k. feed shall be stored in a rat-proof container.

- l. the chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- m. there shall be no outside slaughtering of the chickens.
- n. there shall be no breeding of chickens or production of fertilizer for commercial purposes.
- o. **PERMIT REQUIRED:** Persons wishing to keep chickens in a residential district under this Section must first obtain a permit from the Town by submitting a dimensioned site plan showing the size, location and orientation of the chicken housing areas. The Town will issue a permit upon verification of the property's zoning and the compliance of the housing facilities with the requirements of this Section, and remittance of a \$15.00 permit fee.
- p. **PERMIT REVOCATION:** Any permit issued for the keeping of chickens in a residential district/development may be revoked for the following reasons:
 - an owner allowing any chicken(s) to become a nuisance to any neighbors, including but not limited to noxious odors from the animals or their enclosure, or noise of a loud and persistent and habitual nature; or,
 - violation of any of the terms or conditions this Section.
- q. This Sub-Section (1012.3) is not intended to apply to ducks and geese, nor to indoor birds kept as pets (such as, but not limited to, parrots or parakeets), nor to the lawful transportation of fowl through the corporate limits of the Town. Neither shall it apply to poultry kept in areas of the Town which are zoned A-1 Agriculture or R-R Rural Residential (which have their own governing regulations).
- r. Fowl currently existing in residentially-zoned areas of the Town shall not be "grandfathered" or permitted to remain after the effective date of this Section; however, owners of the poultry will have ninety (90) days from the effective date to come into compliance with this Section.

1012.4 No person shall breed or maintain any wild animal or reptile that, in the opinion of the Zoning Officer, poses a threat to human safety in Sylvan Springs. Excluded from this restriction are zoos, pet shops, animal shelters, medical or scientific facilities, or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Ordinance.

ARTICLE 11

AREA AND DIMENSIONAL REQUIREMENTS

Any structure hereafter erected or altered shall be on a lot or parcel of the area and width specified in the zoning district within which the affected property is located, shall also be provided with the yards specified therein, and shall further be subject to the requirements and provisions of this Article. No open space (yard) or lot requirement for a building or structure shall be occupied by or counted as open space for another building or structure.

SECTION 1101

GENERAL REQUIREMENTS

1101.1 Yards and Building Setback Lines from Roads and/or Streets.

- a. When any required yard abuts a street or roadway with a dedicated right-of-way of forty (40) feet or more in width, the setback shall be the standard setback required in that zoning district, and shall be measured from the property line.
- b. When any required yard abuts a street or roadway with a dedicated right-of-way of less than (40) feet in width, the setback shall be not less than twenty-five (25) feet *plus* the setback required in the zoning district affected. The total setback shall be measured from the centerline of the existing road.
- c. When any required yard abuts a street or roadway without a dedicated right-of-way, the setback shall be not less than twenty-five (25) feet *plus* the setback required in the zoning district affected. The total setback shall be measured from the centerline of the existing street or roadway.

1101.2 Gasoline, Fuel, Lubricating Oil, Etc.

- a. Gasoline pumps and air and water services of retail service stations shall be at least fifteen (15) feet from the street or road right-of-way. Canopies over pump islands shall not have any supports beyond the center of the pump island nearest to the front property line.
- b. All petroleum refractories, distribution plants (pipe line terminals, etc.) and all bulk storage tanks and loading platforms for gasoline, fuel,

lubricating oil, etc., shall be setback no less than one hundred and fifty (150) feet from adjoining property lines.

- 1101.3 Accessory Buildings.** Incidental or accessory buildings or structures (not for occupancy) shall be located to the rear of the principle building (*except* in A-1 Agriculture districts that are *not* in a recorded subdivision) and shall be set back not less than five (5) feet from the side yard (setback) line and five (5) feet from the rear property line. In all residential zoning districts, such buildings or structures shall be limited to one (1) per parcel or lot, shall be one (1) story only; and shall not exceed one thousand and two hundred (1,200) square feet in area.

AMENDED 3/2/1999, 7/12/2016

- 1101.4 Distances Between Buildings.** Minimum requirements for the distance between buildings shall be:

16 feet between residences;

16 feet between residences and accessory buildings;

35 feet *plus* the side yard requirement of the residence(s) between
residences and commercial and/or industrial buildings;

75 feet between a mobile home or house trailer
and the nearest residential structure (except mobile homes)
located on property under separate ownership.

- 1101.5 Height Limitations.** The height limitations, if any, included in this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; nor shall they apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, silos, flag poles, radio towers, masts, aerials and similar structures.

- 1101.6 Fences, Hedges and Shrubbery.** Must be kept trimmed down or otherwise modified at street and/or road intersections so as to permit clear visibility within a vision triangle formed by the required setback lines of both the front and side yards and points three and one-half (3.5) feet above the crowns of the intersecting roads.

- 1101.7 Denied Access Highways and Railroad Right-of-ways.** The setback requirements along denied access highways and railroad right-of-ways shall be not less than fifteen (15) feet.

SECTION 1102
EXCEPTIONS AND MODIFICATIONS
TO
AREA AND DIMENSIONAL REQUIREMENTS

- 1102.1** **Conformity of Front Setbacks to Existing Patterns.** In any residential district where a majority of the existing residences are *less* than the minimum setback required for that zoning district, the setback may be in line therewith.
- 1102.2** **Irregular Shaped Subdivision Lots.**
- a. The lot width at the building shall be at least the minimum width required by the zoning applicable to the property in question.
 - b. The minimum road, street or highway frontage shall be no less than fifty percent (50%) of the minimum lot width required in the affected zoning district.
- 1102.3** **Other Residential Exceptions.** In cases of practical difficulty or unnecessary hardship, the Zoning Officer may grant the following exceptions to the yard requirements in a residential district:
- a. An allowance of up to five (5) feet for uncovered front or rear stoops or steps.
 - b. Chimneys, bay windows, etc. may project no more than thirty (30) inches into the required rear or side, yards provided they are not more than ten (10) feet in width.
 - c. Uncovered rear decks may project no more than fifteen (15) feet into the minimum required rear yard.

ARTICLE 12
NON-CONFORMING USES

SECTION 1201
CONTINUANCE OF NON-CONFORMING USES
AND STRUCTURES

The lawful use of a structure or land existing at the time of the effective date of this Ordinance (and subsequent amendments) may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a *more restrictive* classification or to a conforming use; however, such use shall not thereafter be changed to a use of a *less* restrictive classification.

SECTION 1202
DISCONTINUED NON-CONFORMING USES

In the event that a structure or premises occupied by a non-conforming use becomes discontinued, or a non-conforming structure (such as a mobile home) is removed from a premises, the use of same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

AMENDED 7/12/2016

SECTION 1203
STRUCTURAL EXTENSIONS AND ALTERATIONS

No structure or premises occupied by a non-conforming use shall be enlarged, extended, reconstructed or otherwise structurally altered *unless* such use is changed to a use that conforms to the use regulations of the district in which such structure or premises is located. However, a structure or premises occupied by a nonconforming use *may* be physically enlarged, extended, reconstructed or structurally altered if and only to the extent necessary to be in compliance with any existing and applicable law or ordinance specifying minimum standards for reason of health or safety.

SECTION 1204
USE EXTENSIONS

No non-conforming use shall be enlarged, extended or expanded unless such use is changed to a use which conforms to the use regulations of the zoning district in which such use is located.

SECTION 1205
NEW CONSTRUCTION FOR CONFORMING USES

A structure or building conforming to the use regulations of the district in which it is located but *not* conforming to other provisions of this Ordinance may be enlarged, extended or expanded provided that such enlargement, extension or expansion conforms to all regulations set forth in that district and any other applicable regulations provided for in this Ordinance.

In cases where an existing building or structure does *not* conform to the area and dimensional requirements, or other related provisions, of this Ordinance, said building or structure may be enlarged, extended or expanded provided that such enlargement, extension or expansion conforms to all regulations set forth in that district and any other applicable regulations provided for in this Ordinance. If such improvements or alterations do *not* conform to the applicable regulations and requirements of this Ordinance, and/or do not bring the existing building or structure into conformity with the provisions of this Ordinance, a variance will be required prior to issuance of a building permit for any enlargement, extension, expansion or similar structural alterations.

SECTION 1206
DESTRUCTION OF A NON-CONFORMING USE

Any building or structure (occupied by a non-conforming use) that is damaged by explosion, fire, act of God or the public enemy to the extent of more than seventy-five percent (75%) of its fair market value *immediately prior* to said damage shall *not* be restored except in conformity with the regulations of this Article.

SECTION 1207
REPLACEMENT OF A NON-CONFORMING MOBILE HOME

While this Article generally prohibits the “expansion” of non-conforming uses, the intent of this Section is to prohibit any increase in the *effect* of a given use’s non-conformity. Specifically, the replacement of any pre-existing non-conforming mobile home in a single family district should constitute an upgrade or update, or otherwise improve the compatibility of said mobile home with surrounding residences. In no case shall replacement with an older or structurally less-sound unit be allowed. Thus, to replace any pre-existing non-conforming mobile home will require prior approval by the Zoning Board of Adjustment to verify, in a public hearing, the proposed mobile home’s compliance with this Section.

ADOPTED 7/12/2016

ARTICLE 13

SIGN REGULATIONS

The purpose of this Article is to establish regulations for the erection and maintenance of signs. It is determined that, while signs are a proper commercial use of private property in certain areas of the Town and under certain zoning classifications, such signs should be reasonably regulated in the interest of the public safety and welfare, and to safeguard and promote the aesthetic quality of the Town by the establishment of standards for the number, size, height, spacing and illumination of such signs.

The regulations contained herein shall govern all signs, both presently existing and hereafter erected or displayed; however, said regulations shall not waive or repeal additional requirements of other applicable ordinances.

Furthermore, for the purposes of this Ordinance, all signs shall be considered "*uses*" in their own right and, as such, shall hereafter be subject to the provisions set forth in Article 12 of this Ordinance (Non-Conforming Uses).

SECTION 1301

GENERAL REGULATIONS APPLYING TO ALL SIGNS

- 1301.1** No sign shall be erected or maintained which would imitate, resemble, obscure or otherwise physically interfere or be confused with any official traffic sign, signal or device, nor obstruct, mislead, confuse or otherwise physically interfere so as to disrupt either pedestrian or vehicular traffic flow.
- 1301.2** Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.
- 1301.3** It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this Article.
- 1301.4** No sign shall be permitted on top of any building or rooftop.
- 1301.5** No sign structure shall be located on or project over any public property or right-of-way.
- 1301.6** No sign shall contain, include or be illuminated by intermittent lighting except those giving *only* public service information such as but not limited to time, date, temperature, weather or news.

- 1301.7** All illuminated or highly reflective signs shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or roadway, or from shining on or into any residential buildings, or otherwise adversely affecting surrounding or facing properties. Furthermore, such signs shall not adversely affect the safe operation of motor vehicles by reason of light intensity or brilliance which causes glare or otherwise impairs the vision of drivers of motor vehicles.
- 1301.8** Unless otherwise authorized by the Zoning Board of Adjustment, the prescribed time period for the display of temporary signs shall be thirty (30) days.
- 1301.9** **Maintenance.** Any sign not meeting the following provisions shall be removed within sixty (60) days after receipt of notification from the Building Inspector unless it is determined by the Inspector that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies:
- a. The area around any free-standing sign shall be kept clear of trash and litter, and shall present a neat and healthy appearance.
 - b. All signs shall be maintained at the level of appearance originally held at the time of erection and in accordance with the requirements of this Article.
 - c. Exposed backs of signs must be painted a single neutral color so as to present an attractive, finished appearance.
 - d. It shall be the responsibility of the business owner of an on-premises sign to maintain and insure conformance to the provisions of this Article; abandoned signs shall be the responsibility of the property owner.
- 1301.10** **Area and Dimensional Requirements.** Unless otherwise specified in this Article, the following dimensional requirements shall apply:
- a. The minimum front setback shall be zero (0) feet from the right-of-way or ten (10) feet from the edge of the pavement, whichever is greater, or twenty-five (25) feet from the centerline of an undedicated public road; except, however, for identification signs mounted on mailboxes, and for temporary signs which conform to the requirement set forth as item 1301.10(c) below.

- b. The side and rear setbacks shall be the minimum such yard or setback required for the district in which the sign is located; except, however for temporary signs which shall be placed no closer than fifteen (15) feet to any residential district boundary.
- c. No sign shall be placed in such a manner that motorist visibility is obscured at driveways, entrance points to any business or at intersecting streets and alleys.
- d. The maximum area of any sign shall be thirty-two (32) square feet, with a maximum height of four (4) feet and a maximum length of eight (8) feet, *inclusive* of any embellishments, border or trim, but excluding the base or apron, supports and other structural members.
- e. The maximum height (elevation) of all signs shall be four (4) feet as measured from ground level at the base of the sign to the top of said sign; except, however, in the case of projecting signs or wall signs, the top of which shall be elevated *no higher than* the top of the building or structure upon which said signs are attached or mounted.
- f. Any (all) projecting sign(s) shall extend outward from the building to which it is affixed no more than two and one-half (2½) feet, shall not exceed a total of six and one-quarter (6¼) feet in area, and shall be limited in elevation such that the top edge of the sign is no higher than the top of the building or structure to which it is attached.
- g. Any (all) wall sign(s) shall be limited such that no portion of such sign shall be higher than the top of the portion of the building or wall face to which it is attached or affixed, nor shall it extend more than one (1) foot beyond the wall.

1301.11 Penalties. Both the owners or other persons in charge or control of signs *and* the owners or other persons in charge or control of property on which signs are located shall be responsible for assuring compliance with this Article. Any failure or refusal to comply with the provisions of this Article shall be a violation and subject to penalties as provided in Article 16 of this Ordinance.

SECTION 1302
SIGNS PERMITTED IN SPECIFIED ZONING DISTRICTS

Any type of sign not listed herein as being permitted in the specified zoning district shall be considered prohibited in that district.

1302.1 Signs Permitted in All Zoning Districts. The following signs shall be permitted in all zoning districts, but shall be subject to additional regulations as further specified below:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.
- c. Warning signs and no trespassing signs.
- d. Identification signs lighted with indirect, non-intermittent light only.
- e. Signs established by, or by order of, any governmental agency.
- f. Signs indicating bus stops, taxi stands and similar transportation facilities.
- g. Signs giving information concerning the location or use of accessory off-street parking facilities, or loading and unloading facilities.
- h. Flags or insignias of a governmental, religious, charitable or fraternal organization except when displayed in connection with a commercial promotion.
- i. Decorative flags and bunting for celebrations, conventions and commemorations for a period of time prescribed and authorized by the Town Council.
- j. Temporary signs.
- k. Window signs which identify or advertise activities, services, goods or products available within the building, but which collectively cover no more than twenty percent (20%) of the window glass surface.

1. One (1) construction sign per street frontage located on the property where building is actually in progress under a valid building permit. Such sign may include the names of persons and/or firms performing services or labor, or supplying materials to the premises, but must not exceed twenty-four (24) square feet in area. Such sign must also be removed immediately upon completion of construction.

1302.2 Signs Permitted in Agricultural Districts. The following signs shall be permitted in an Agricultural zoning district:

- a. Product advertising signs provided the total combined area of such signs shall not exceed six (6) square feet for anyone premise. Such signs may include single signs with two (2) sign faces oriented in opposite directions which shall be counted as only one (1) sign for the purpose of computing and allocating the total square footage allowed herein.
- b. No such signs shall be placed within fifteen (15) feet of any residential zone boundary.

1302.2 Signs Permitted in Institutional Districts. The following signs shall be permitted in an Institutional zoning district, and shall be subject to additional regulations as further specified below:

- a. Bulletin boards and identification signs for public, charitable, educational or religious institutions to be located on the premises of said institutions, not to exceed a total of twenty-four (24) square feet in area. One (1) single sign with two (2) sign faces oriented in opposite directions will be allowed.
- b. No such signs shall be placed within fifteen (15) feet of any residential zone boundary.

1302.3 Signs Permitted in all Commercial and Industrial Districts. The following signs shall be permitted in any commercial or industrial zoning district, and shall be subject to additional regulations as further specified below:

- a. One (1) business sign or professional name plate for each premise denoting only the name, street, number and business of an occupant in a commercial or office building, or of an industrial operation. Each such sign or name plate shall not exceed a total of six (6) square feet in area.

One (1) single sign with two (2) sign faces oriented in opposite directions will be allowed.

- b. No such signs shall be placed within fifteen (15) feet of any residential zone boundary.

1302.4

Signs Permitted in C-2 General Commercial and all Industrial Districts. The following signs shall be permitted in a C-2 General Commercial zoning district or in any industrial zoning district, but shall be subject to additional regulations as further specified below:

- a. One (1) on-premise sign shall be permitted on a parcel or property subject to the provisions of Section 1304 of this Article (Permitting Procedures) and of Article 18 of this Ordinance (Schedule of Fees). If a property has frontage on more than one (1) street or roadway, one (1) additional on-premise sign may be *permitted on appeal*; said additional sign(s) shall also be subject to the provisions of Section 1304 and Article 18 of this Ordinance.
- b. Fuel price informational signs advertising the price of motor vehicle fuel provided that only one (1) fuel price sign per fuel type will be allowed. The size of each individual price sign shall not exceed two hundred and sixteen (216) square inches (or one and a half (1.5) square feet) in area.
- c. One (1) product advertising sign not exceeding twelve (12) square feet in area. If a property has frontage on more than one (1) street or roadway, one (1) additional such sign will be permitted.
- d. One (1) portable sign shall be permitted for any one business establishment. Such signs shall be subject to the provisions of Section 1304 of this Article (Permitting Procedures) and of Article 18 of this Ordinance (Schedule of Fees).
- e. Wall signs provided the total area covered by such signs does not exceed twenty-four (24) square feet.
- f. The following restrictions shall govern the number and combination of sign types (listed herein as being permitted in C-2 General Commercial and Industrial zoning districts) that will be allowed on any single parcel or property at any one time:

- additional signage of any one (1) type listed in items "a" through "d" above, and subject to the conditions and/or restrictions provided therein, will be permitted *in addition* to wall signage as provided for in item "e";
- at no time will a portable sign (item "d") be allowed on the same parcel or property containing an on-premise sign (item "a");
- at no time will a portable sign (item "d") be allowed on the same parcel or property containing a product advertising sign (item "c");
- at no time will a product advertising sign (item "c") be allowed on the same parcel or property containing a fuel price informational sign (item "b").

1302.5

ADOPTED 6/5/2012; DELETED 7/12/2016

SECTION 1303 PROHIBITED SIGNS

The following signs shall hereafter be considered expressly prohibited throughout the Town:

1. Lights and signs that resemble any traffic control device, official traffic control signs, or emergency vehicle lights or markings.
2. Signs that produce noise or sounds capable of being heard, including non-distinguishable sounds.
3. Signs which emit odor, visible smoke, vapor or particles.
4. Signs attached to or painted onto a vehicle for the *primary* purpose of advertising.
5. Abandoned signs.
6. Signs attached to trees, utility poles or street lights, or placed on any public property except as authorized by ordinance of the Town Council.
7. Signs painted or drawn upon rocks, trees or other natural features.
8. Stacked signs that are separate sign displays mounted one above the other whether on unified or separate structures.
9. Signs or attention attracting devices that contain a beacon of any type and/or contain a spot light providing direct illumination to the public.
10. Three-sided signs and “V”-type signs.
11. Off-premise signs.
12. Outdoor advertising signs and billboards. AMENDED 6/5/2012, 7/12/2016
13. Signs that project more than two and a half (2.5) feet from any building or structure on which they are mounted.
14. Portable signs except as provided for in Section 1304 of this Ordinance.

SECTION 1304 PERMITTING PROCEDURES

1304.1 Any sign classified and/or defined in this Ordinance as "On-Premise" or "Portable" shall require a permit as provided in this Section. Application for a permit shall be made to the Building Inspector, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the Inspector with the sign and its location. Said application shall also be accompanied by the deed, lease or other agreement and zoning approval by which the applicant has the right to erect, use or maintain the sign at that location.

Prior to the issuance of a sign permit, fees for on-premise and portable signs shall be payable as set forth in Article 18 of this Ordinance. These fees are in addition to and *not* in lieu of any other fees or licenses required.

1304.2 **Special Provisions for Portable Signs.** For the purposes of this Ordinance, all portable signs shall be considered temporary in nature, and shall be permitted for a period not to exceed six (6) months. A permit for a second six (6) month period may be issued only upon appeal to and approval of the Zoning Board of Adjustment. No further permits will be issued for a portable sign to be located on the same parcel or property for which two (2) permits have already been issued.

Any fee paid for the issuance of a permit for a portable sign shall be refundable on a prorated basis, less and except a standard administration fee that shall be non-refundable, as provided for in Article 18 of this Ordinance. Said refund shall only be made upon verification of the removal of a portable sign from the property for which the permit in question was issued, and the amount of the refund shall be based on the proportional amount of time said sign remained on the property relative to the six (6) month period allowable. The actual amount of any refund shall be determined in accordance with the Portable Sign Permit Fee Refund Schedule set forth in Article 18.

ARTICLE 14 PARKING REGULATIONS

SECTION 1401 OFF-STREET PARKING

There shall be permanent off-street parking in the amount specified by this Article at the time of the erection of any building, when any principle building is enlarged or increased in capacity by the addition of dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another. Such parking may be provided in a parking garage, a parking lot or in driveways serving residences. Parking facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

- 1401.1 Parking Lots to be Improved.** Parking lots are intended to provide for the off-street parking space required by this Article, and shall be improved and maintained.
- 1401.2 Joint Use of Parking Lots.** Parking facilities for one use shall not be considered as all or part of the required parking facilities for any other use on the same or separate lots. However, in instances where circumstances involving a combination of uses or other factors might require total parking in excess of actual need, such shall be determined and certified by the Zoning Officer and/or Building Inspector, and subsequently approved by the Planning Commission.
- 1401.3 Certification of Minimum Parking Requirements.** Each application for zoning approval shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress between such space(s) and a street and/or alley. This information shall be in sufficient detail so as to allow an accurate determination of whether or not the requirements of this Article will be met. Zoning approval for the use of any building, structure or land where off-street parking space is required shall be withheld until the provisions of this Article are fully met.
- 1401.4 Free Flow of Traffic and Pedestrian Protection.** Ingress and egress for parking facilities shall be arranged so as to provide for the free flow of vehicles at all times, and so as to prevent the blocking or endangering of vehicles on sidewalks or streets. If a reservoir or vehicle standing area is deemed necessary by the Building Inspector and/or Zoning Officer to prevent such blocking of traffic, an adequate reservoir shall be provided.

- 1401.5 Use of Setback Space.** In all zoning districts except residential where side and rear yards adjoin residential districts, all of the required side and rear setback space may be utilized for parking space *except* the outermost fifteen (15) feet. Said outermost fifteen (15) feet shall be grassed or landscaped, or otherwise maintained as a buffer strip in accordance with the requirements of the individual district in which the property is located, with applicable provisions elsewhere in this Ordinance, or as may otherwise be required in a particular case or situation.
- 1401.6 Dimensional Requirements.** For the purposes of this Ordinance, each off-street parking space should not be less than two hundred (200) square feet in area *exclusive* of access drives or aisles, shall be of and maintained in usable shape and condition, and shall have vehicular access to a public street.
- 1401.7 No Backing Onto Public Streets.** Except for residential uses in residential zoning districts, adequate turning space shall be provided so that no vehicle will be required to back out into a public street.

SECTION 1402 MINIMUM PARKING REQUIREMENTS

The number of off-street automobile parking spaces required shall be at least as great as the number specified below for various types of uses. Where a use is not specifically identified herein, the parking space requirements of a similar or related use shall apply.

TYPE OF USE	REQUIRED OFF-STREET PARKING
a. Any residential use of not more than three (3) units.	One (1) parking space for each dwelling unit.
b. Business, Professional or Public Office Building, Studio, Bank, Medical or Dental Clinic.	Three (3) parking spaces <i>plus</i> one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
c. Church or place of worship.	One (1) parking space for each four (4) seats in the main auditorium.
d. Community Center.	Ten (10) parking spaces plus one (1) additional space for each four hundred (400)

square feet of floor area over two thousand (2,000) square feet.

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| e. | Dance, Assembly or Exhibition Hall without fixed seats. | One (1) parking space for each one hundred (100) square feet of floor area devoted to such use. |
| f. | Day Nursery or Kindergarten. | Two (2) spaces for each employee <i>plus</i> adequate area to provide for the loading and unloading of children. |
| g. | Elementary School. | Two (2) parking spaces for each classroom and office room. |
| h. | Manufacturing or Industrial Uses, Research Laboratories, Distribution, Warehouse or Wholesale and similar uses. | One (1) parking space for each three (3) employees on the maximum working shift. |
| i. | Mortuary or Funeral Home. | One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms. |
| j. | Private Club or Lodge. | One (1) parking space for each one hundred (100) square feet of non-storage and non-service floor area. |
| k. | Restaurant, Cafe, Night Club or other indoor Recreation or Amusement Establishments. | One (1) parking space for each one hundred (100) square feet of floor area. |
| l. | Retail Store or Personal Service Establishment. | One (1) parking space for each two hundred and fifty (250) square feet of floor area. |

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| m. | Sanitariums, Rest and Convalescent Homes, Homes for the Aged, and similar institutions. | One (1) parking space for each six (6) beds. |
| n. | Outdoor Amusement or Recreation Facilities. | Sufficient off-street parking space for patrons and employees, and satisfactory ingress and egress points in relation to the street with ample off-street parking space for patrons and guest awaiting entrance to the facilities. |
| o. | Multi-family structures containing more than three (3) dwelling units. | Two (2) parking spaces for each dwelling unit. |

ARTICLE 15

HOME OCCUPATION REGULATIONS

Home occupations may be allowed as an incidental use, in conjunction with a single family residence, only upon appeal to and approval by the Zoning Board of Adjustment. The following regulations shall apply to the conduct of a home occupation permitted in any zoning district:

1. **General Restrictions.** The home occupation shall be clearly incidental to the residential use of the dwelling, and shall *not* change the essential residential character of the dwelling or the property on which it is located, nor shall it adversely affect any of the uses permitted in the zoning district in which the occupation is located.

No home occupations shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and/or vehicular traffic, or any other conditions that might be created which would constitute an objectionable use of residentially zoned property.

2. **Limitation on Types of Home Occupations.** Home occupations should be limited to an office or a business of a personal service nature.
3. **Limitation on Area of a Home Occupation.** Use of the dwelling for a home occupation purpose shall be limited to twenty-five percent (25%) of one (1) floor of the principal building. One (1) accessory building may be permitted provided that it be no larger than twenty-five percent (25%) of the floor area of the principle building.
4. **Confinement to Building.** A home occupation shall be confined *entirely* to the principle building and\or accessory building; *no* outside storage shall be allowed in connection with a home occupation.
5. **Employment Limitations.** Employment for a home occupation purpose shall be limited to members of the family residing in the dwelling; there shall be *no* employment of help other than members of the residing family.
6. **Sale of Products.** No display of products shall be visible from the street. Furthermore, except for non-durable articles (consumable products) that are incidental to a service that is the principle operation in the home occupation, only articles made *on the premises* may be sold.
7. **Limitation on Students.** Instruction in music, dancing, art, crafts and similar subjects shall be limited to two (2) students at any one time.

8. **Restriction on Hours of Operation.** Any activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
9. **Home Daycare as a Home Occupation.** Home daycares, as defined in Article 7 of this Ordinance, shall be considered home occupations for the purposes of this Ordinance, and shall accordingly be subject to approval by the Zoning Board of Adjustment; however, in recognition of the differences between home daycares and other, more business-like type of home occupations, regulation items 3, 4, 7 and possibly 8 of this Article may be not be applicable and/or may be relaxed to some extent with regard to a home daycare.

ARTICLE 16
ADMINISTRATION, ENFORCEMENT,
AMENDMENTS AND PENALTIES

SECTION 1601
ZONING OFFICER

The Zoning Officer is hereby authorized, and it shall be said Officer's duty, to administer and enforce the provisions of this Ordinance. The Zoning Officer shall give information upon request as to the provisions of this Ordinance, and shall interpret the meaning of said Ordinance in the course of administration and enforcement thereof.

SECTION 1602
BUILDING PERMIT

1602.1 Building Permit Required. No building, sign or other structure shall be erected, moved, extended, enlarged or otherwise structurally altered until the Building Inspector has issued a building permit for such work. The Building Inspector shall *not* issue a building permit until conformance with the provisions of this Zoning Ordinance is certified by the Zoning Officer through the issuance of Zoning Approval.

1602.2 Expiration of Building Permit. Any building permit under which no construction work has been done above the foundation walls or other foundation support within ninety (90) days from the date of issuance shall expire by limitation, but shall, upon reapplication, be renewable subject to the provisions of all ordinances in force at the time of said renewal.

SECTION 1603
ZONING APPROVAL

The provisions of this section shall govern the filing for, and the applicability and issuance of a Zoning Approval:

1603.1 Application. Each application for a Zoning Approval shall be filed in written form at the Sylvan Springs Town Hall, and shall include the following:

- a. The address and legal description of the property as of public record;
- b. The name of the property owner and the applicant;

- c. A description of the uses to be established or expanded;
- d. A dimensioned drawing of the building plot showing the location of:
 - buildings and structures, both existing and proposed
 - lot areas to be used
 - parking areas
 - water supply facilities
 - sewage disposal facilities;
- e. Any additional information as may be required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance are being observed.

1603.2 **Expiration of Zoning Approval.** Any Zoning Approval issued shall expire at the end of a ninety (90) day period from the date of issuance.

1603.3 **Non-Conformities.** In *no* case shall a Zoning Approval be issued for the construction or alteration of a structure not in conformity with the provisions of this Ordinance.

SECTION 1604

CERTIFICATE OF OCCUPANCY

No land, building or other structure or part thereof hereafter erected, moved or altered following issuance of a proper building permit shall be occupied or utilized until the Building Inspector of the Town shall have issued a certificate of occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this Ordinance and other applicable building codes.

Within three (3) days after the owner or his agent has notified the Building Inspector that building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector, the Zoning Officer and any other appropriate authority of the Town to make a final inspection thereof, and to jointly issue a certificate of occupancy *if* the building or premises or part thereof is found to conform to:

- a. The provisions of this Ordinance;
- b. The provisions of any applicable building codes;

- c. The provisions of any other applicable ordinances;
- d. The content of site development and use information submitted in the application for zoning approval; and,
- e. The content of site development and use information submitted in an application for rezoning, and any restrictions or conditions resulting from said petition a change of zoning.

In the case said land, building, structure or part thereof is not found to conform in any way to any of the items set forth above, a certificate of occupancy shall be refused, and said refusal and the cause for same shall be stated in writing.

SECTION 1605 AMENDMENTS

The provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified or repealed by the Town Council in accordance with the procedure stated herein.

SECTION 1606 PETITION TO AMEND: REQUESTING CHANGES IN ZONING OR TO THIS ORDINANCE

1606.1 Petitions to amend this Ordinance and/or the Zoning Map may be initiated by:

- a. The owner of the land, or the owner's authorized agent in which case a notarized letter to that effect is required, upon the filing of an application with the Planning Commission; or,
- b. By the introduction of a resolution for such purpose by any member of the Town Council.

1606.2 **Application.** An application for any change in zoning shall be filed in the Town Hall at least fifteen (15) working days prior to the next regularly scheduled meeting of the Planning Commission. Any petition/application so filed shall include at least the following items and information; *no petition/application will be accepted without the items and information below:*

- a. Statement of the nature of the proposed amendment;

- b. Parcel Identification Number(s), address and, if applicable, a legal description of the property involved;
- c. Names and addresses of the owner(s) of the property;
- d. Names and addresses of the all property owners within five hundred (500) feet of the property involved;
- e. Statement of how the property in question is to be used;
- f. A dimensioned drawing of the property showing the location of:
 - buildings and structures, both existing and proposed
 - lot/yard areas and how they are to be used
 - parking areas and access points
 - water supply facilities
 - sewage disposal facilities;
- g. Any additional information as may be required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance are being observed *and* to allow for an adequate evaluation of potential land use conflicts or other adverse impacts on adjacent properties and the surrounding area.

SECTION 1607

ACTION ON PETITIONS

Subsequent action following the proper filing of a petition/application and required materials shall be as follows:

1607.1 The Planning Commission. The Planning Commission shall consider a petition/application at the first regularly scheduled meeting following proper filing of said petition.

1607.2 Recommendations of the Planning Commission. The Planning Commission shall have sixty (60) days after the public hearing in which to make recommendations to the Town Council. The recommendations of the Planning Commission shall be advisory only, and shall not be binding on the Town Council. Failure of the Planning Commission to make such recommendations within the prescribed time shall constitute a *favorable* recommendation.

1607.3 Planning Commission Review Required. No amendment to this Ordinance or the Zoning Map shall become effective unless it has been submitted to the Planning Commission for a recommendation.

1607.4 The Town Council. Only after the recommendations of the Planning Commission regarding a petition/application have been recorded and submitted to the Town Council will the Council take action on said petition.

SECTION 1608

NOTICE OF PUBLIC HEARING

No changes in or amendments to the provisions of this Ordinance shall become effective until after a public hearing in relation thereto, and at which interested parties and citizens shall have an opportunity to be heard. At least seven (7) days notice of the time and place of such public hearing shall be given in a newsletter of general circulation in the Town of Sylvan Springs, Alabama. Written notice shall be given to all property owners within five hundred (500) feet of a property being considered for rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public.

SECTION 1609

TIME LIMIT

After the Town Council has voted on a petition/application for an amendment to this Ordinance and/or the Zoning Map, another petition/application for the same kind of rezoning of the same tract or parcel of land, or for the same change of the same portion of the Zoning Ordinance, will not be considered until a period of one (1) year has elapsed from the date of such action by the Town Council.

Furthermore, the withdrawal of a petition/application to amend this Ordinance or the Zoning Map *after* the hearing held by the Planning and Zoning Commission but *prior to* hearing by the Town Council shall also require a one (1) year period of time before another application of the same nature may be submitted.

Be it further provided with regard to this Section, however, that the Planning Commission may adjust this time period if, in the opinion of the majority of said Commission, an unusual situation or circumstance exists which would warrant another hearing prior to expiration of the one (1) year period stipulated herein.

SECTION 1610

TEMPORARY EMERGENCY RELIEF

The Zoning Officer is hereby granted authority to provide immediate emergency and temporary relief to applicants requesting such relief by issuing permits authorizing the installation of mobile homes on applicant's property under the following conditions:

- a. Such permit shall be temporary and not to exceed one (1) year from date of issuance;
- b. Such permit shall *not* be transferable;
- c. Prior to the issuance of such permit, the Zoning Officer shall be reasonably satisfied that the applicant's requested relief is necessary, and that the need for such relief was proximately caused by damage resulting from fire or natural disaster; and,
- d. A permit fee shall be required in accordance with Article 18 of this Ordinance.

SECTION 1611

REMEDIES AND PENALTIES FOR VIOLATION

In accordance with Section 83, Chapter 52, Title 11 of the Code of Alabama, 1975, as amended, it shall be unlawful for any building or structure to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land to be used in violation of any regulation in, any provision of or any amendment to this Ordinance.

1611.1 Remedies. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used, or any structure, building or land is used in violation of this Ordinance as set forth above, the Building Inspector, Zoning Officer or other appropriate authority of the Town may institute injunction, mandamus or any other appropriate action or proceedings to:

- a. Stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- b. Restrain, correct, abate or remove such violation;
- c. Prevent the occupancy of such building, structure or land; or,

d. Prevent any illegal act, conduct, business or use in or about such premises.

1611.2 Procedures. Prior to any criminal prosecution, the Zoning Officer or an agent thereof shall give a written notice or citation to the person, firm, corporation or other organization violating any provision of this Ordinance stating the rule or regulation being violated, and notifying said person, firm, corporation or organization to cease and desist such violation immediately or otherwise be prosecuted as provided for herein.

1611.3 Penalties. Any person, firm, corporation or other organization which violates any regulation in, any provision of or any amendment to this Ordinance shall, upon conviction, be fined at least the cost of court, *plus* not more than one hundred dollars (\$100.00) or imprisonment for not more than ten (10) days or both, for each offense. Each and every day during which such violation continues shall be deemed a separate offense. Conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the regulations and other provisions of this Ordinance.

1611.4 Further Provisions. In any case of violation of this Ordinance as set forth herein, any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, may institute injunction, mandamus or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate such violation, or to prevent occupancy of, such building, structure or land.

The Zoning Officer or other appropriate authority of the Town may intervene in any such action, suit or other proceedings wherein there is involved any violation of any regulation in, any provision of or any amendment to this Ordinance. When such intervention takes place, said Officer or other appropriate authority shall be deemed to be, and shall be treated as, an original party to the action, suit or proceedings. It is the intent of this Section that any action, suit or proceedings in which such authority of the Town intervenes shall proceed the same as if said authority had been an original party insofar as any statute, act or rule prohibiting an entire change of parties is concerned.

ARTICLE 17
ZONING BOARD OF ADJUSTMENT

SECTION 1701
ESTABLISHMENT AND PROCEDURES

1701.1 Creation and Membership. A Zoning Board of Adjustment for the Town of Sylvan Springs is hereby established. This Board shall be composed of five (5) members appointed by the Town Council for overlapping terms of three (3) years. Each member of this Board serves without pay and may be removed for cause. The subsequent appointment, procedures, powers and actions of said Board shall be governed and controlled by Title 11, Chapter 52, Article 4, Sections 80 and 81 of the Code of Alabama, 1975, and amendments thereto.

1701.2 Meetings, Procedure and Records. Meetings of this Board shall be held at such times as the Board may determine, or upon call of the chairperson. Such chairperson or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of this Board shall be open to the public.

This Board shall adopt its own rules of procedure, and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, so indicating such fact. All records of the Board's examinations and of other official actions shall be immediately filed in the office of the Town Clerk and shall be of public record.

1701.3 Public Hearing. This Board shall fix a reasonable time for the hearing of an appeal taken within the time specified, and shall give public notice thereof as well as due notice to all adjacent property owners. A decision regarding such appeal shall be made by the Board within a reasonable time. Upon the hearing of such appeal, any party may appear in person, by agent or by attorney.

1701.4 Time Limit. A request for hearing before the Zoning Board of Adjustment having been denied on first presentation will only be accepted for re-hearing after a waiting period of six (6) months, unless there are changes which would warrant another hearing as determined by the Board.

SECTION 1702 POWERS AND DUTIES

The Zoning Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards as provided for herein, shall have the following powers, duties and responsibilities:

1702.1 Powers in General. In exercising the powers set forth in this section, the Zoning Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirement, decision or determination appealed from. Said Board may subsequently make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or official from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to effect any variation in such Ordinance.

1702.2 Administrative Review. To hear and decide appeals where it is alleged there is any error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or amendment thereto. In exercising the power of Administrative Review, the Board must apply and not *vary* the terms of this Ordinance. Such appeals may include the following:

- a. Hear and decide upon requests for the interpretation of the provisions of this Ordinance;
- b. Determine the precise location of boundary lines between zoning districts when there is dissatisfaction with a decision regarding said subject made by an administrative official; or,
- c. Classify a use which is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of any zoning district.

1702.3 Special Exceptions. Within this Ordinance, there are exceptions to the permitted uses of land listed in certain zoning districts, such as conditional uses and uses that are permitted on appeal. The term "special exception" shall also apply to and

include incidental uses, and may be applicable to certain accessory uses or structures as well. The Zoning Board of Adjustment is specifically authorized to:

- a. Hear and decide such special exceptions;
- b. Decide such questions as are involved in determining whether special exceptions should be granted; and,
- c. Insure that special exceptions are granted *only* when they conform to the spirit and intent of this Ordinance.

In exercising this power regarding Special Exceptions, the Board shall follow the language of this Ordinance exactly, and shall make certain that all the conditions specified in this Ordinance have been met.

1702.4 Variances. The Zoning Board of Adjustment may authorize, upon appeal in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

Before any variance is granted, the Board shall consider the following guidelines and, upon finding that the conditions outlined below do, in fact, exist, may grant such variance:

- a. There are extraordinary and exceptional conditions which are peculiar to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- b. Granting the requested variance will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

- d. The requested variance will be in harmony with the purpose and intent of this Ordinance, and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances causing the alleged need for the variance are not the intended result of actions of the applicant (i.e., *self-imposed* hardship).
- f. The requested variance is the *minimum* variance that will make the legal use of the land, building or structure possible.
- g. The variance will not allow the permanent establishment of a use that is *not permissible* in the district involved under the terms of this Ordinance, nor any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Furthermore, in contrast to the conditions warranting a variance outlined above, the Board shall ***not*** consider the following as grounds for the issuance of a variance:

- a. The non-conforming use of neighboring lands, structures or buildings in the same district, or the permitted *or* non-conforming use of lands, structures or buildings in other districts shall not be considered grounds for a variance.
- b. Proof that a variance would increase the financial return from the land will not be considered pertinent to the determination of a hardship.
- c. Neither a personal hardship nor a self-imposed hardship will be considered grounds for a variance.

In *no* case shall the Zoning Board of Adjustment grant a variance that:

- a. Would permit the permanent use of land, building(s) or structure(s) for a use prohibited within the district in which the land, building(s) or structure(s) is located; or,
- b. Would permit the extension or addition of a non-conforming use; or,
- c. Would in any way make a non-conforming use more permanent.

1702.5 **Validity and Applicability of Variances and Special Exceptions.** Any variance or special exception granted by the Zoning Board of Adjustment, in addition to any other relevant provisions of this Section, shall be applicable *only* to the land or property involved, and shall be valid *only* for the applicant having appealed for such variance or special exception unless otherwise determined and/or designated by the Board.

SECTION 1703

APPEALS FROM ACTIONS OF THE ZONING BOARD OF ADJUSTMENT

Any party aggrieved by any final judgment or decision of the Zoning Board of Adjustment may, within fifteen (15) days after said judgment or decision, appeal therefrom to the circuit court (or court of like jurisdiction) by filing with the Board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In the case of such appeal, the Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried *de novo*.

ARTICLE 18 SCHEDULE OF FEES

The following schedule of fees shall apply to action under this Ordinance. These fees are in addition to and *not in lieu of* any other fees or licenses required.

SECTION 1801 REQUESTS FOR REZONING

The following fees are hereby fixed and assessed as application fees for the filing of requests for rezoning:

1801.1 **For individual single family residential** uses in upgrading zoning to any "single family only" residential classification (i.e., R-1 or R-2) from any other zoning classification, no fee will be charged.

1801.2 **For subdivision development uses**, an initial minimum fee of seventy-five dollars (\$75.00) for the first ten lots *plus* five dollars (\$5.00) for each additional lot with a maximum of one hundred dollars (\$100.00) shall be charged.

AMENDED 7/12/2016

1801.3 **For any other single family residential use**, a fee of fifty dollars (\$50.00) shall be charged.

AMENDED 7/12/2016

1801.4 **For any agricultural use**, including changes to A-1 or R-R zoning, an initial fee of fifty dollars (\$50.00) for the first five (5) acres *plus* five dollars (\$5.00) for each additional two (2) acres with a maximum of one hundred dollars (\$100.00) shall be charged.

AMENDED 7/12/2016

1801.5 **For all other zoning changes not already specified herein**, an initial fee of seventy-five dollars (\$75.00) for the first ten (10) acres *plus* five dollars (\$5.00) for each additional acre with a maximum of two hundred and fifty dollars (\$250.00) shall be charged.

AMENDED 7/12/2016

1801.6 **Special Provisions Regarding Rezoning Fees.** The fees and charges specified in this Section shall be retained by the Town, and shall not be conditioned upon or related to the action taken with respect to such application.

- a. In the event of a request for withdrawal or postponement within fifteen (15) working days of a hearing date, there shall be no refund.

- b. If a hearing at a later date is desired, an additional fee in the amount of the initial fee shall be charged.

1801.7 Fee Exemptions. Churches, Town properties and projects funded entirely by the Town of Sylvan Springs shall be exempt from all such zoning fees.

SECTION 1802

REQUESTS BEFORE THE ZONING BOARD OF ADJUSTMENT

The following fees are hereby fixed and assessed as an application fee for the filing of a request for hearing before the Zoning Board of Adjustment:

1802.1 For any single family residence variance or adjustment, a fee of twenty-five dollars (\$25.00) shall be charged. AMENDED 7/12/2016

1802.2 For all other applications to appear before the Zoning Board of Adjustment, a fee of forty dollars (\$40.00) shall be charged. AMENDED 7/12/2016

1802.3 Special Provisions for Zoning Board of Adjustment Fees. The fees specified in this Section shall be retained by the Town, and shall not be conditioned upon or related to the action taken with respect to said applications.

- a. In the event of a request for withdrawal or postponement within ten (10) working days of a hearing date, there shall be no refund.
- b. If a hearing at a later date is desired, an additional fee in the same amount as the initial fee shall be charged.

1802.4 Fee Exemptions. Churches, Town properties and projects funded entirely by the Town of Sylvan Springs shall be exempt from all such zoning fees.

SECTION 1803 PERMITS

The following fees are hereby fixed and assessed as permit fees, and said permit(s) shall be required in order for the structures, items or uses specified herein to be placed on property or properties within the corporate limits of the Town of Sylvan Springs.

- 1803.1 Mobile Homes.** A permit fee shall be required for each house trailer and/or mobile home in accordance with a separate Town Ordinance establishing building fees, etc., which itself may be amended from time to time. AMENDED 7/12/2016
- 1803.2 On-Premise Signs.** No permit fee shall be charged for the first on-premise sign to be erected; however, a permit fee of twenty-five dollars (\$25.00) shall be charged for each *additional* on-premise sign to be located on the same property.
- 1803.3 Portable Signs.** A permit fee of fifty dollars (\$50.00) shall be charged for a permit issued for a portable sign for the first six (6) month period. A permit fee of seventy-five (\$75.00) shall be charged for a permit issued for a portable sign for the second six (6) month period as provided for in Section 1304, Article 13 of this Ordinance.
- 1803.4** DELETED 7/12/2016
- 1803.5 Urban/Backyard Chickens.** In order to keep chickens in a residential zoning district under Section 1012.3 of this Ordinance, a permit fee shall be charged in accordance with Item o. of said Section (i.e., Section 1012.3.o). ADOPTED 7/12/2016

ARTICLE 19
LEGAL STATUS PROVISIONS

SECTION 1901
CONFLICT WITH OTHER REGULATIONS

Whenever the regulations of this Ordinance require more restrictive standards than are required in or under any other statute, the requirement of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

SECTION 1902
VALIDITY

This Ordinance and the various articles, sections, subsections, sentences, clauses, etc. contained herein are hereby declared to be severable. Should any section, provision or other element of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall *not* affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 1903
REPEAL OF EXISTING ZONING RESOLUTION

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Any previous resolution(s) referring to and/or authorizing such administration and regulation as provided for in this Ordinance, prior to as if in place of this Ordinance, are also hereby repealed.

SECTION 1904
EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing contained herein shall require any change in the plans, construction, size or designed use of any building structure or part thereof for which there is a valid outstanding permit on the date of passage of this Ordinance. However, any further construction or use shall be in conformance with this Ordinance.

SECTION 1905
EFFECTIVE DATE

This Ordinance, and any amendments thereto, shall take effect and be in force immediately upon adoption by the Town Council of the Town of Sylvan Springs, Alabama.

AMENDED 7/12/2016