

## Chapter 111 - ZONING GENERAL

*Footnotes:*

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**State Law reference—** *Zoning, Code of Ala. 1975, § 11-52-70 et seq.*

### ARTICLE I. - IN GENERAL

#### Sec. 111-1. - Title; zoning map adopted.

This chapter shall be known as the "Zoning Ordinance of Alabaster, Alabama," and the map herein referred to, identified by the title "Zoning Map of Alabaster, Alabama," shall be further identified by the signature of the mayor and attested by the city clerk. The zoning map is hereby adopted and made a part of this chapter. Said zoning map shall zone only territory within the city. Such map is filed with the clerk at the time of the introduction of the ordinance from which this chapter is derived, will remain on file in the office of said clerk and, upon the adoption of the ordinance from which this chapter is derived, said map will show, by endorsement thereon, the date of such adoption.

(Code 2005, § 122-1; Ord. No. 99-010, art. I, 9-21-1999)

#### Sec. 111-2. - Purpose.

The fundamental purpose of this chapter is:

- (1) To promote the public health, safety, morals and general welfare;
- (2) To provide for orderly development and growth;
- (3) To avoid congestion on the public roads and streets; and
- (4) To conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people.

(Code 2005, § 122-2; Ord. No. 99-010, art. II, § 1.0, 9-21-1999)

#### Sec. 111-3. - District division method.

For the purpose hereinafter stated, the city is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and by further regulations, to limit the location, use and occupancy of buildings, structures and land to be used for trade, industry, residence or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards and other open spaces.

(Code 2005, § 122-3; Ord. No. 99-010, art. II, § 2.0, 9-21-1999)

Sec. 111-4. - Zoning districts established.

In order to classify, regulate and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the city is hereby divided into the following zoning districts:

- (1) A Agriculture District.
- (2) Residential districts.
  - a. E Single-Family Estate Residential District.
  - b. R-1 Single-Family Residential District.
  - c. R-2 Single-Family Residential District.
  - d. R-3 Single-Family Residential District.
  - e. R-4 Residential Patio/Garden Home District.
  - f. R-5 Two-Family Residential District.
  - g. R-6 Multifamily District.
  - h. R-7 Townhouse District.
  - i. R-8 Manufactured and Mobile Home Residential District.
- (3) I Institution District.
- (4) Commercial districts.
  - a. B-1 Office District.
  - b. B-2 Neighborhood Business District.
  - c. B-3 Community Business District.
  - d. B-4 General Business District.
  - e. B-5 Central Business District.
- (5) Industrial districts.
  - a. M-1 Light Industrial District.
  - b. M-2 Heavy Industrial District.
- (6) PDD Planned Development District.
- (7) MHD Manufactured and Mobile Home Park and Subdivision District.
- (8) MR Municipal Reserve District.
- (9) MXD Mixed Use District.

(Code 2005, § 122-4; Ord. No. 99-010, art. II, § 2.1, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-5. - District boundaries established.

The boundaries of the districts are as shown on the map which shall be known as the "Alabaster Zoning Map." Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of the ordinance from which this chapter is derived.

(Code 2005, § 122-5; Ord. No. 99-010, art. II, § 2.2, 9-21-1999)

#### Sec. 111-6. - Interpretation of district boundaries.

The building official shall make an interpretation of the zoning map upon the request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- (1) Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to lie along such boundaries.
- (2) In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such map.
- (3) Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the centerlines or alley lines of alleys or to the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the map.

(Code 2005, § 122-6; Ord. No. 99-010, art. II, § 2.3, 9-21-1999)

#### Sec. 111-7. - Enforcement.

The provisions of this chapter shall be administered and enforced by the building official. The building official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy or occupancy of the dwelling for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

(Code 2005, § 122-7; Ord. No. 99-010, art. III, § 1.0, 9-21-1999)

#### Sec. 111-8. - Building permit required; exception; invalidity.

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

Building permits shall not be required for any construction or alteration, the cost of which is less than \$1,000.00.

- (c) Every building permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

(Code 2005, § 122-8; Ord. No. 99-010, art. III, § 1.1, 9-21-1999)

Sec. 111-9. - Application for building permit.

- (a) *Review.* It shall be unlawful for the building official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. Said plan shall include:
- (1) The actual shape, proportion and dimensions of the lot.
  - (2) The shape, size, use and location of all buildings, signs or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
  - (3) The existing and proposed facilities for the disposal of stormwater drainage.
  - (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this chapter.
  - (5) Written certification from the appropriate county department regarding the adequacy of sanitary sewage disposal for the site.
  - (6) For every application for the use of land under and by virtue of the provisions of this chapter, a plan showing the location of necessary fire hydrants, with adequate fire flow. In addition thereto, the applicant shall submit a written agreement between the applicant and the city water department, which agreement shall specify that the applicant shall assume the responsibility for purchasing and having installed such fire hydrants as required by the fire department.
- (b) *Commercially structured buildings.* In the event such application requests such a permit for the construction of a facility that requires approval by the state building commission, the applicant shall furnish to the building official a written certification from the applicant's architect affirming that the plans have been approved by said commission.
- (c) *Approval.* If the proposed construction, moving or alteration, as set forth in the application, are in conformity with the provisions of this chapter and other applicable regulations, the building official shall issue a building permit accordingly.
- (d) *Denial.* The building official shall notify the applicant, in writing, that his building permit has been denied and said notification shall state the reasons for denial.

(Code 2005, § 122-9; Ord. No. 99-010, art. III, § 1.2, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-10. - Certificates of occupancy.

No land or building or other structure or part thereof erected, moved or altered in its use after the effective date of the ordinance from which this chapter is derived shall be used or occupied, including an increase in the number of dwellings, until the building official shall have issued a certificate of occupancy.

(Code 2005, § 122-10; Ord. No. 99-010, art. III, § 1.3, 9-21-1999)

#### Sec. 111-11. - Building permit expiration and renewal.

Any permit under which no construction work has been done above the foundation wall or other foundation support within six months from the date of issuance shall expire by limitation, but shall upon reapplication be renewable; subject, however, to the provisions of all ordinances in force at the time of said renewal and any renewal fees that may be required by the city. In no event shall any permit be renewed more than one time.

(Code 2005, § 122-11; Ord. No. 99-010, art. III, § 1.4, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

#### Sec. 111-12. - Nuisance declared; abatement.

Any uses of lands or dwellings, or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this chapter, are hereby declared to be a nuisance per se. The building official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of a structure. Whenever the building official has declared a structure to be not conforming with the provisions of this chapter, the owner or occupant shall, within 72 hours from the issuance of a notice from the building official to vacate such premises, accomplish such vacation of such structure or premises, which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this chapter.

(Code 2005, § 122-12; Ord. No. 99-010, art. III, § 1.5, 9-21-1999)

#### Sec. 111-13. - Amendments.

- (a) *Requests by owner.* Any proposed change of the zoning district boundaries, including initial pre-zoning of property to be annexed, or of the regulations as they pertain to a piece of property may be initiated at the request of the owner of the property to be rezoned or his authorized agents by the following procedure:
- (1) The applicant shall submit a complete zoning amendment application to the zoning administrator at least 18 business days prior to the planning and zoning commission meeting at which the amendment is to be considered containing, at a minimum, the following:
    - a. A \$200.00 fee to defray the cost of processing the application, together with an estimated cost to the city of advertising the proposed zoning ordinance amendment, the final cost of which shall be borne by the applicant. In the event the proposed zoning ordinance is not advertised, the estimated advertising cost paid to the city shall be refunded. No zoning amendment shall be finally effective until all advertising costs are paid by the applicant unless otherwise waived by the city council by resolution.
    - b. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the

vicinity in which it is located.

c. A site development plan, drawn to a scale sufficient to indicate:

1. Property lines, rights-of-way and easements.
2. Location and dimensions of all existing and proposed improvements.
3. Points of ingress and egress to the property.
4. Direction of stormwater flow and method of handling the same.

d. A written statement indicating:

1. Reason for the rezoning request.
2. Expected traffic volumes to be generated by the proposal, if applicable.
3. Availability of required utilities.
4. Relationship of the proposed rezoning to the land use pattern of the vicinity.
5. Legal description of the proposed rezoning site.

e. Landscaping and buffer plan, if applicable.

f. Legal description and a boundary survey of the subject property, certified by a land surveyor registered in the state.

(b) *Initiation by city.* The city may initiate zoning amendments. In such case, the city shall, in accordance with state law, initiate public hearings for the consideration of any proposed amendment to the provisions of this chapter and/or the zoning map.

(Code 2005, § 122-13; Ord. No. 99-010, art. III, § 2.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 1602716-029, § 1, 6-27-2016; Ord. No. 161024-032, § 1, 10-24-2016; Ord. No. 190122-81, § 1, 1-22-2019.)

Sec. 111-14. - Board of zoning adjustment.

(a) *Powers.* The board of zoning adjustment shall have only those powers specifically enumerated in Code of Ala. 1975, § 11-52-80, which are:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto;
- (2) To hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter; and
- (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

(b) *Administrative appeals.*

- (1) Appeals to the board of zoning adjustment concerning interpretation or administration of this chapter

may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within 30 days of the administrative decision which is the subject of the appeal. The building official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

- (2) The applicant shall submit a complete administrative appeal application, including a nonrefundable application fee of \$100.00, to the building official, at least 14 days prior to the board of zoning adjustment meeting at which the appeal is to be considered.
- (3) A minimum of seven days prior to the board of zoning adjustment meeting at which the appeal is initially considered, the building official shall mail notification to all owners of adjacent property as their names appear on the plats of the tax assessor. The notice shall state:
  - a. The location of the property which is the subject of the appeal (by mailing address and legal description).
  - b. The nature of the administrative appeal.
  - c. The time, date and location of the board of zoning adjustment meeting at which the administrative appeal is to be considered.
- (4) The board of zoning adjustment shall schedule a hearing on the appeal at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.
- (c) *Special exception uses.* Requests for special exception uses as stipulated within the zoning district regulations are permitted only after approval by the board of zoning adjustment. When a special exception request is received by the city, the following procedure shall be followed:
  - (1) The applicant shall submit a complete special exception application to the building official, at least 18 days prior to the board of zoning adjustment meeting at which the request is to be considered, containing, as a minimum, the following:
    - a. A nonrefundable application fee of \$100.00 to defray the cost of processing the application.
    - b. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located.
    - c. A site development plan, drawn to a scale, which shows the following:
      1. Property lines, rights-of-way and easements.
      2. Location and dimensions of all existing and proposed improvements, buildings and structures.
      3. Exterior lighting and signs.
      4. Buffers and fences.
      5. Outside storage areas.
      6. Parking and loading areas.
      7. Points of ingress and egress to the property.
      8. Direction of stormwater flow and method of handling the same.
    - d. A written statement indicating:

1. Expected traffic volumes to be generated by the proposal.
  2. Availability of required utilities.
  3. Relationship of the proposed special exception to the land use pattern of the vicinity.
  4. Legal description of the proposed special exception site.
  5. Landscaping and buffer plan, if applicable.
- (2) A minimum of 14 days prior to the board of zoning adjustment meeting at which the special exception request is initially considered, the building official shall mail notification to all owners of adjacent property as their names appear on the plats of the tax assessor. The notice shall state:
- a. The location of the special exception request (by mailing address and legal description).
  - b. The nature of the special exception request (indicating the current zoning of the site and the proposed use).
  - c. The time, date and location of the board of zoning adjustment meeting at which the special exception request is to be considered.
- (3) The board of zoning adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

(d) *Variances.*

- (1) A variance to the requirements of this chapter must be approved by the board of zoning adjustment at a public hearing as stipulated herein.
- (2) The applicant shall submit a complete variance application to the building official at least 14 days prior to the board of zoning adjustment meeting at which the request is to be considered, containing, as a minimum, the following:
  - a. A nonrefundable application fee of \$100.00 to defray the cost of processing the application.
  - b. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located.
  - c. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
    1. Property lines, rights-of-way and easements.
    2. The location, dimensions and building setback for all existing and proposed buildings and structures on the site and adjacent to the site.
    3. All dimensions of the building, structure or area which is the subject of the variance request.
- (3) A minimum of seven days prior to the board of zoning adjustment meeting at which the variance is initially considered, the building official shall mail notification to all owners of adjacent property as their names appear on the plats of the tax assessor. The notice shall state:
  - a. The location of the variance (by mailing address and legal description).
  - b. The nature of the variance.



c. The time, date and location of the board of zoning adjustment meeting at which the variance is to be considered.

(4) The board of zoning adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

(5) A variance shall expire if a building permit is not issued pursuant thereto, within 12 months after the date of approval by the board of adjustment. Upon expiration, the applicant may reapply, subject to the provisions of all ordinances in effect at the time of reapplication and to all fees that may be required by the city.

(e) *Rules of procedure.* The board of zoning adjustment shall adopt rules of procedure which govern the application process, conduct of meetings and hearings, election of officers and other subjects deemed appropriate by the board.

(f) *Appeals from decisions.* Any party aggrieved by any final judgment or decision of the board of zoning adjustment may, within 15 days thereafter, appeal therefrom to the circuit court by filing with such board a written notice of appeal, specifying the judgment or decision from which the appeal is taken. An appellant shall be required to pay a filing fee in the circuit court at the time that a notice of appeal is filed with that court. The board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken, and the case in such court shall be tried de novo. Said transcript shall consist of the minutes of the proceeding, together with true and correct copies of all exhibits, documents or other evidence presented for consideration by the board.

(Code 2005, § 122-14; Ord. No. 99-010, art. III, § 3.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z02, 1-3-2006)

#### Sec. 111-15. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* means a structure which is normally incidental to, subordinate to and related exclusively to the principal use of the premises.

*Accessory use* means a use normally incidental to and subordinate to and related exclusively to the principal use of the premises.

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

*Alter* and *alteration* mean any change or modification in construction or occupancy of a building or premises.

*Assisted living facility* means a licensed facility in which room, board, meals, laundry and assistance with personal care and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.

*Automobile repair, major*, means body shops, engine overhauls, frame and suspension repair, hydraulic repair, radiator rebuilding, spray painting and sand blasting of vehicles or equipment.

*Automobile repair, minor*, means battery, brake, electrical system repair, front-end alignment, muffler, oil change, tire and tune-up shops.

*Basement* means that portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

*Bed and breakfast* means a single-family, owner-occupied dwelling, wherein a fee is charged to provide more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests, but meals are not served to the nonresident general public.

*Billboard* means an off-premises sign on which advertising space is leased or rented for compensation.

*Block* means all land fronting on one side of a street between the nearest intersecting streets, roads, railroad rights-of-way and waterways meeting or crossing the aforesaid street and bounding such land.

*Buffer* means an area planted with live vegetation, as required by this chapter, intended to separate incompatible land uses and thereby mitigate the effects of the incompatibility.

*Building* means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

*Building area* means that portion of a lot or parcel covered by a building.

*Building face or wall* means all window and wall areas of a building in one plane or elevation.

*Building height* means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decked line for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

*Building official* means any official charged with the administration of this zoning chapter.

*Building, principal*, means a permanent building in which is conducted or is intended to be conducted the principal use of the lot on which said building is located. The principal building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely encloses the principal building area. A principal building shall not be a mobile building.

*Building setback lines* means lines which parallel property lines and determine the location of the building setback with respect to the street and other property lines.

*Carport* means an accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

*Convenience store/market* means a retail business that sells snacks, grocery items, health and beauty aids, off-premises beer and wine and gasoline. Automobile repair and the sale of liquor are not permitted.

*Copy area* means the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. The term "copy" includes text, emblems, logos, pictures, insignias and other graphic displays intended to inform, identify or attract attention to the premises.

*Cul-de-sac* means a circular terminus of a dead-end street having a minimum right-of-way radius of 50 feet.

*Day care center* means any child or adult care facility receiving more than six people for care during part of the day that is not located in a dwelling. The term "day care center" does not include programs operated as part of public or private schools; programs operated on federal governmental premises; and special activities programs such as athletics, crafts and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

*Day care home* means any child or adult care facility which receives not more than six people for care during part of the day, located within an owner-occupied, single-family detached dwelling.

*Diameter at breast height (DBH)* means a measure of tree size, and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

*Directional sign* means any sign which serves solely to designate the location or direction of any place or area.

*Dripline* means a vertical line extending from the outer surface of a tree's branch tips down to the ground.

*Drive-in theater* means a theater designed for the patron to view a performance while being seated in a vehicle.

*Dwelling* means any building or portion thereof which is designed or used exclusively for residential occupancy.

*Dwelling, multiple*, means a building situated on one lot or parcel which contains more than two dwelling units.

*Dwelling, single-family*, means a dwelling unit, other than a manufactured or mobile home, which is not attached to any other dwelling by any means.

*Dwelling, two-family*, means a building situated on one lot or parcel which contains two dwelling units.

*Dwelling unit* means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Entrance wall* means a freestanding masonry structure, located on private property, the sole purpose of which is to highlight or emphasize the appearance and location of a private driveway entrance from a public road.

*Erect* means to construct, including building, reconstruction, alteration, moved upon or any similar physical operations on the premises. Excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building or structure shall be considered within the meaning of the term "erect."

*Family* means one or more persons occupying a dwelling unit and living as a single housekeeping unit, all but two of whom are related to each other by birth, adoption or marriage. Notwithstanding such definition, the term "family" shall be deemed to include up to three unrelated persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if any one or more of said three unrelated occupants is handicapped as defined in title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act Amendments of 1988, 42 USC 3601 et seq., and the Alabama Fair Housing Law, Code of Ala. 1975, § 24-8-1 et seq. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

*Fence* means a structure intended for a barrier or enclosure.

*First floor, residential*, means the lowest floor surface of that portion of a structure defined as a story.

*Floor area, livable*, for all residential uses, means the area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum ceiling height of five feet. Livable floor area is measured as gross floor area less the thickness of exterior finishes. Garage floor area, basements, decks, porches, patios, terraces and carport floor area and other nonheated areas are not included as livable floor area.

*Floor area, nonresidential*, means the gross floor area, including the basement, of any structure.

*Garage, private*, means a garage for which the principal use is storage of privately owned vehicles and is an accessory use on the lot.

*Garage, public*, means any garage for which compensation is received for the parking of vehicles.

*Gasoline service station* means any building, structure or land at which the sale of combustible and flammable fuels is the principal use.

*Group day care home* means any child or adult care facility which receives at least seven but no more than 12 people, for care during part of the day, where there are at least two adults present and supervising the activities, located within an owner-occupied, single-family detached dwelling.

*Group home* means a dwelling which is occupied by persons who collectively do not comply the definition of the term "family."

*High-traffic corridor* means land adjoining a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day.

*Home occupation* means a use conducted entirely within an enclosed dwelling, which except for a group day care home, employs only the inhabitants thereof, and complies with the standards set forth in section 111-124.

*Hospital* means a public or proprietary institution providing medical diagnosis, treatment or other care of human ailments, operating under a license by the state health department, and which, unless otherwise specified, shall be deemed to include institutions primarily for the treatment of contagious diseases and the insane or feeble minded, but not including nursing homes.

*Hotel* means a facility offering transient lodging accommodations to the general public, where the rooms are accessed from the interior of the building, and providing additional services such as dining, meeting rooms and recreation facilities.

*Independent living facility* means multifamily dwellings, restricted to occupancy by persons 62 years of age and older, which may provide common facilities and services, but which are not defined as an assisted living facility.

*Indirectly illuminated sign* means a sign which is illuminated by a light source which is external to the sign cabinet or structure.

*Industrial park* means a tract of industrial land subdivided into at least two parcels, each of which have frontage on a public street.

*Inn* means an establishment which is located in a building which was originally designed and used as a single-family dwelling, wherein a fee is charged to provide overnight accommodations for guests.

*Internally illuminated sign* means a sign which is illuminated by a light source which is behind the sign face.

*Junk* means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvaging, storage, baling, disposal or other use or disposition, including, but not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

*Junkyard* means any area, lot, land, parcel, building or structure, or portion thereof, used for the storage, collection, processing, purchase, sale or abandonment of junk.

*Kennel, indoor,* means a building in which five or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

*Kennel, outdoor,* means a premises where five or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation, outside of a building.

*Land area* means property which is not water surface area.

*Live entertainment* means any activity performed by persons for the entertainment of patrons on the premises of establishments dispensing alcoholic beverages.

*Loading space* means a space having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

*Lot* means a parcel of land intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area which complies with the area and dimensional regulations of the zoning district in which it is located. Each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Said land area shall be contiguous and have principal frontage upon a public street. (See section 111-38(2)e.)

*Lot, corner,* means a lot abutting upon two or more streets at their intersection.

*Lot line, front,* means, in the case of a lot line abutting upon one street, the lot line separating such lot from such a street. On corner lots and through lots, the front lot line shall be considered as parallel to the streets upon which the lot is located.

*Lot line, rear,* means the lot line opposite the front line, except in the case of a through lot. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten feet long, the rear lot line shall be considered a line parallel to the front lot line, having a length not less than ten feet long.

*Lot line, side,* means any lot line other than the front lot line or rear lot line.

*Lot lines* means the lines bounding a lot.

*Lot of record* means a legally platted lot shown on the records in the office of the judge of probate.

*Lot, through,* means a lot which abuts two parallel or approximately parallel streets.

*Lot width* means the width of the lot measured at the minimum required building setback line.

*Manufactured home* means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 USC 5401 et seq. The definition, at the date of adoption of the ordinance from which this chapter is derived, is as follows: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected with required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that such term shall include any structure which meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

*Mezzanine* means an intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third of the floor area of such main story.

*Mobile building* means a building used for nonresidential purposes, which is transportable in one or more sections, is built on a permanent chassis, and is designed to be occupied and used with or without a permanent foundation.

*Mobile home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, and which does not meet the standards required of a manufactured home herein.

*Mobile home or manufactured home park* means a lot or parcel which contains more than one mobile home or manufactured home used as living quarters, or a lot or parcel containing more than one space designed or intended for parking of mobile homes or manufactured homes to be used as living quarters.

*Modular home* means a single-family dwelling, factory fabricated and transportable as a building, consisting of units designed to be incorporated at a building site, on a permanent foundation, into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the state manufactured housing commission.

*Motel* means a facility offering transient lodging accommodations to the general public, where most of the rooms have separate and direct access to the outside, and which may provide additional services such as dining, meeting rooms and recreation.

*Nonconforming use* means the use of any building, structure or land which was lawful at the time of the passage of the ordinance from which this chapter is derived, or amendment thereto, but which use does not conform, after the passage of the ordinance from which this chapter is derived, or amendment thereto, with the use regulations of the district in which it is located.

*Nursing home* means a licensed facility providing inpatient care for convalescents or other persons not acutely ill and not in need of acute general hospital care, but do require skilled nursing care.

*Office* means space or rooms for professional, administrative, clerical and similar uses.

*Parking area* means space which is surfaced by either bituminous pavement or concrete, used or intended to be used exclusively for the off-street parking of vehicles.

*Parking space* means an area surfaced by either bituminous pavement or concrete, which is at least nine feet wide and 20 feet long.

*Premises* means a lot or parcel, together with all buildings and structures existing thereon, except that, in the case of leased space in a multiple-tenant building, the premises shall be the subject leased space.

*Public utility* means any person, firm, corporation, municipal department or board, duly authorized to furnish, and furnishing under regulations, to the public, electricity, gas, steam, wired telephone, telegraph, water or sewer service.

*Restaurant* means an establishment where food is cooked, patrons dine on or off the premises and where there is no drive-up or walk-up window service or service to customers in their vehicles.

*Restaurant, drive-up*, means an establishment where food is cooked or prepared, and where there is drive-up or walk-up window service, or service to customers in their vehicles.

*Roadway* means the paved portion of a public thoroughfare designed for and used by vehicular traffic.

*Roofline* means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

*Seasonal business* means a business which is operated, due to its nature, on a seasonal basis, including, but not limited to, fruit or vegetable stands, Christmas tree sales, and income tax preparation.

*Self-service storage, limited access*, means a self-service storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

*Self-service storage, multiaccess*, means a self-service storage facility with access points from the exterior of the building to individual storage units.

*Shopping center* means a group of commercial retail establishments (as permitted in the district) located on a lot of five or more acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

*Sidewalk* means the paved portion of a public right-of-way designed for use by pedestrians in conformity with the requirements of the subdivision regulations (see appendix A).

*Sign* means a name, identification, image, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

*Sign, animated*, means any sign with irregular intensity of illumination or movement, whether mechanical or electrical.

*Sign, attached*, means any sign which is permanently fastened, attached or supported by a building or structure which is permanently attached to the ground. All attached signs and supporting structures shall conform to building codes adopted by the city.

*Sign, building wall*, means a sign attached to the front or side exterior wall of a building, which shall not project more than 12 inches from the wall, nor above the top of the building wall. Said signs may be attached to, but not above, a mansard roof or parapet wall.

*Sign, canopy*, means a sign painted or otherwise depicted upon a canopy.

*Sign, directional* means a temporary sign intended to direct traffic to a noncommercial event or gathering.

*Sign, electrical*, means any sign containing electrical wiring which is attached or equipped to be attached to an electrical energy source.

*Sign, electronic message center (EMC)* means a computer programmable sign capable of displaying words, symbols, figures, or picture images that can be altered or rearranged from a remote location without altering the face or surface of the sign, subject to the requirements of section 111-235.

*Sign face area* means the sign face area of a building wall sign or other sign with only one sign face, which shall be computed by means of the smallest geometric figure that encompasses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The sign face area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are not more than 42 inches apart, with a horizontal angle no greater than 30 degrees, the sign area shall be computed by the measurement of one of the sign faces.

*Sign, flashing*, means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Public service time and temperature signs are not classified as flashing signs.

*Sign, freestanding*, means any sign erected on a freestanding frame, foundation, mast or pole and not attached to a building.

*Sign, marquee*, means a sign which is permanently attached to and projects above a marquee. The sign shall be at least nine feet at its lowest level from the sidewalk and shall extend not more than within 18 inches of the curbline. For the purpose of sign regulation, the term "marquee" means a permanent roof projecting beyond the front wall of a building, designed to provide protection from the weather.



*Sign, off-premises*, means a sign which advertises or directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is not located on the same lot or parcel as the sign.

*Sign, portable*, means any sign not permanently attached to the ground or a building.

*Sign structure* includes the entire sign, its supporting devices, source of illumination and copy area. However, with regard to internally illuminated signs in which the copy area is depicted on a sign face which is designed to be removed from the sign cabinet for maintenance, repair or change of copy, the sign structure shall not include the sign face or source of illumination.

*Sign, wall* means any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

*Story* means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. The term "story" thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

*Street* means a public thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

*Structure* means any construction or production of a piece of work artificially built up or composed of parts joined together in some definite manner.

*Tourist home* means a single-family, owner-occupied dwelling, wherein a fee is charged to provide not more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests, but meals are not served to the nonresident general public.

*Townhouse* means two or more dwelling units, attached by at least 20 feet of continuous common side walls, each unit of which is located on an individual lot and designed to be occupied and owned by one family.

*Tree* means any self-supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more and normally attaining a mature height of 25 feet.

*Tree cover* means the area directly beneath the crown and within the dripline of a tree.

*Use* means the purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained.

*Use, temporary*, means one established for a fixed period of time, with the intent to discontinue such use upon the expiration of this time. Such use does not involve the construction or alteration of any permanent structure.

*Vehicle barricade* means a fence or wall less than 30 inches high, located within the front yard, for the sole purpose of restraining motor vehicles from entering said yard. The vehicle barricade may not be located on the public road right-of-way.

*Water surface area* means property within lakes, ponds, rivers and yearround streams. The term "water surface area" shall not include property within storm drainage structures, drainageways which periodically contain water, or swimming pools and other structures which contain water.

*Wholesale establishment* means any establishment which exclusively sells goods in large quantities, as for resale by a retailer.

*Yard* means an open space that lies between the principal or accessory buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this chapter.

*Yard, front*, means a yard, or yards in the case of a corner lot or through lot, extending across the full width or depth of the lot between the front of the principal building and the closest lot line, and between the principal building and any public street right-of-way.

*Yard, rear*, means a yard extending across the full width of the lot between the rear lot line and the principal building.

*Yard, side*, means a yard between the side of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.

(Code 2005, § 122-15; Ord. No. 99-010, art. IV, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 161024-032, §§ 2, 3, 10-24-2016)

#### Sec. 111-16. - Violations; penalties; remedies.

- (a) Any person, firm, corporation or other organization which violates any provision of this chapter shall be fined upon conviction not less than \$1.00 nor more than \$500.00 and cost of court for each offense. The minimum fine on a first offense within a 12-month period of time on a finding of guilty or a plea of guilty shall be \$250.00, on a second offense within a 12-month period of time on a finding of guilty or a plea of guilty the minimum fine shall be \$500.00 which first and second offenses may be resolved administratively as provided in section 1-12; provided, however, that upon the third offense and subsequent offense charged within a 12-month period the offender shall be required to appear in court and, upon a finding of guilty or a plea of guilty, the minimum fine shall be \$500.00 plus court costs and/or a sentence for a definite term of imprisonment or hard labor for the city. A sentence of imprisonment or hard labor for the city may not exceed six months. A sentence to pay a fine for a violation of this chapter shall be for a definite amount, fixed by the court, and shall not exceed \$500.00. The penalty imposed upon a corporation shall consist of the fine only, plus costs of court.
- (b) In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the building official or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, 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, to correct or abate such violation or to prevent occupancy of such building, structure or land.

(Code 2005, § 122-16; Ord. No. 99-010, art. III, §§ 1.6, 1.7, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-17. - City not subject to chapter.

Any provision of this chapter to the contrary notwithstanding, the city, its departments and appointed boards, in exercising any function, power or authority, shall not be subject to the provisions of this chapter or in anywise limited thereby in the exercise of such governmental function, power or authority.

(Code 2005, § 122-17; Ord. No. 99-010, art. III, § 1.8, 9-21-1999; Ord. No. 160411-021, § 1, 4-11-2016)

Secs. 111-18—111-37. - Reserved.

## ARTICLE II. - GENERAL REGULATIONS

Sec. 111-38. - General use requirements.

The following general regulations pertain to the administration, enforcement of and compliance with this chapter:

- (1) *Application.* No structure shall be constructed, erected, placed or maintained, and no land use commenced or continued within the city, except as specifically or by necessary implication authorized by this chapter. In addition, no excavation for foundations, nor any erection or structural alteration of any structure shall be undertaken prior to appropriate permits having been approved and issued by the building official.
- (2) *Use restricted.* Except as otherwise provided in this chapter:
  - a. No land may be used except for a use permitted in the district in which it is located.
  - b. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which the building is located.
  - c. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
  - d. The minimum building lines, lot area, parking spaces, buffers and other criteria required by this chapter for each and every building existing at the time of the passage of the ordinance from which this chapter is derived or for any building hereafter erected, shall not be encroached upon or considered as a required building, parking or open space for any other building, nor shall any lot area be reduced below the requirements of this chapter.

e. Every building hereafter erected or structurally altered shall be located on one lot and in no case shall there be more than one principal building on one lot; except in the case of multifamily dwellings; self-storage facilities; service centers, provided that all outparcels are a separate lot; churches, schools and similar institutional campus buildings; and the Industrial District, M-2 (Heavy Industrial District) and the Mixed Use District. Accessory buildings shall not be used as quarters, except for resident managers at self-storage facilities.

f. No accessory structure shall be constructed or moved upon a lot more than 30 days prior to the beginning of construction of the principal building.

- (3) *Public utilities.* Public utility structures, including, but not limited to, poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service, and pipelines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities, may be constructed, erected, repaired, maintained or replaced in any zoning district. This is not to be construed to include the erection or construction of buildings or wireless telecommunication facilities. A six-foot chainlink fence is required around all pumping stations.

(Code 2005, § 122-51; Ord. No. 99-010, art. V, § 1.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z02, 1-3-2006)

#### Sec. 111-39. - Nonconforming uses of land and buildings.

- (a) *Intent; exceptions.* Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance from which this chapter is derived was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed or their use discontinued, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this section shall not apply to nonconforming signs, nonconforming landscaping, or nonconforming parking or vehicle areas, which are addressed articles VI, VII and VIII.
- (b) *Continuance.* If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the ordinance from which this chapter is derived, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:
- (1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (2) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided the board of zoning adjustment, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to

the district than the existing nonconforming use. In permitting such change, the board of zoning adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
  - (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (c) *Restoration to safe condition.* Nothing in this chapter shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities provided that such restoration does not exceed 50 percent of the structure's current replacement value.
- (d) *Restoration after damage.* No nonconforming building or structure which has been damaged by fire or other cause to the extent of more than 50 percent of its current replacement value at the time of such damage shall be rebuilt or restored, except in conformity with the provisions of this chapter. If a nonconforming building is damaged less than 50 percent of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months from the date of such damage.
- (e) *Abandonment.* Except as provided in subsection (d) of this section, a nonconforming use which has been discontinued for a continuous period of six months shall not be reestablished and any future use shall be in conformity with the district in which it is located.
- (f) *Change in use.* Except as provided in subsection (b)(2) of this section, a nonconforming use shall not be changed to another nonconforming use. A nonconforming use which is changed to a conforming use shall not be permitted to revert to a nonconforming use.
- (g) *Single-family dwellings.* Nonconforming single-family dwellings may be enlarged, expanded, structurally altered provided all new construction or alterations conform to the dimensional requirements of the district in which it is located.
- (h) *Nonconforming residential lots of record.* "Nonconforming residential lot of record" means an approved residential subdivision lot approved by the planning and zoning commission that was platted and recorded prior to January 31, 2016, in the real estate records of the Office of the Probate Judge of Shelby County, and the lot no longer conforms to the minimum lot area or lot width requirements for the district in which it is located due to changes in the zoning ordinance. Structures on a nonconforming residential lot of record may be expanded or rebuilt for a permitted use, except apartments and duplexes, provided:
- (1) The lot has a minimum width of 40 feet and a minimum area of 4,000 square feet;
  - (2) The lot abuts an all-weather street and has not less than 20 feet frontage;

- (3) The proposed building conforms to all yard requirements for the district;
- (4) The water supply and sewage disposal meet all health requirements; and
- (5) All original setbacks, dwelling size, and dimensional requirements are met.

(Code 2005, § 122-52; Ord. No. 99-010, art. V, § 2.0, 9-21-1999; Ord. No. 160411-021, § 2, 4-11-2016)

Sec. 111-40. - Annexed property.

Any owner of land seeking annexation shall file a petition with the City of Alabaster Planning and Zoning Commission to pre-zone the property to an appropriate and compatible category in accordance with section 111-13. In determining a category, the commission shall use factors such as existing and surrounding land uses and/or districts, the comprehensive plan future land use and the desire of the owner.

(Code 2005, § 122-53; Ord. No. 99-010, art. V, § 3.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 190122-81, § 2, 1-22-2019)

Sec. 111-41. - Vacation and abandonment of streets, alleys and other public ways.

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

(Code 2005, § 122-54; Ord. No. 99-010, art. V, § 4.0, 9-21-1999)

Sec. 111-42. - Area modification for lots of record.

Where a lot of record, at the time of the effective date of the ordinance from which this chapter is derived, has less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site upon approval by the board of zoning adjustment. When two or more nonconforming lots exist together, with contiguous frontage and under single ownership, said lots shall be resurveyed to conform as closely as possible to the provisions of this chapter.

(Code 2005, § 122-55; Ord. No. 99-010, art. V, § 5.0, 9-21-1999)

Sec. 111-43. - General yard modifications.

- (a) Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof and unoccupied for storage, servicing or similar uses, except as provided herein.
- (b) More than one multiple dwelling or institutional building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations.
- (c) Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet or less) a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to

the street than the average front yard so established by the existing buildings.

- (d) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
  - (1) Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings; or
  - (2) Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- (e) Through lots shall provide the required front yard on both sides.
- (f) Corner lots shall provide a front yard on each street side.

(Code 2005, § 122-56; Ord. No. 99-010, art. V, § 6.0, 9-21-1999)

Sec. 111-44. - Chimneys, fire towers, steeples and public utility water storage tanks.

Chimneys, fire towers, steeples and public utility water storage tanks, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the city, except that, where permitted on property which is adjacent to property zoned for residential use, such structures shall be limited to a height of 25 feet above the average height of structures permitted in that district.

(Code 2005, § 122-57; Ord. No. 99-010, art. V, § 7.0, 9-21-1999)

Sec. 111-45. - Porches, terraces, balconies, cornices, eaves and accessory structures.

- (a) Sills or ornamental features of a structure, except awnings, shall not project more than six inches into any building setback which is less than ten feet.
- (b) Cornices or eaves shall not project more than 24 inches into any required yard.
- (c) Except as regulated elsewhere in this section, uncovered patios, terraces, walkways and porches, which do not extend more than three feet above grade, may project into a required yard, provided such projections are not closer 25 feet from the front lot line, six feet from the side lot line, and eight feet from the rear lot line. No such structure may extend into a public easement or right-of-way.
- (d) Except as regulated elsewhere in this section, an uncovered balcony, deck or fire escape in a single-family or two-family residential district may project into a required rear or side yard, provided such structures shall not be located closer than 25 feet from the rear property line, nor ten feet from either side property line.
- (e) In multifamily residential districts, an uncovered balcony, deck or fire escape may project not more than 12 feet into a required rear yard, nor more than eight feet into a required sideyard, but said structures shall not be located closer than 25 feet from any property line.
- (f) In commercial and industrial zones, an uncovered balcony, deck or fire escape which projects into a rear or side yard that abuts a residential district boundary shall comply with the minimum building setbacks for the

district in which it is located. Said structures which do not project into a yard which abuts a residential district may project not more than eight feet into a rear or side yard.

- (g) Accessory buildings and structures are permitted only in a rear yard, and shall have a cumulative gross floor area which is less than 15 percent of the required rear yard. The minimum building setback for accessory buildings and structures shall be five feet.

(Code 2005, § 122-58; Ord. No. 99-010, art. V, § 8.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-46. - Storm drainage and flooding.

- (a) Every lot created after the effective date of the ordinance form which this chapter is derived shall contain an area equal to or greater than the minimum lot area of the zoning district in which the lot is located, outside of the 100-year regulatory flood area as determined and mapped by the Federal Emergency Management Agency (FEMA).
- (b) All developed property shall be graded to eliminate ponding and standing water.
- (c) All property shall be developed in compliance with the floodplain regulations set forth in chapter 107. Variances authorized under such regulations shall be heard by the board of zoning adjustment.

(Code 2005, § 122-59; Ord. No. 99-010, art. V, § 9.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Secs. 111-47—111-65. - Reserved.

ARTICLE III. - ZONING DISTRICTS

Sec. 111-66. - A Agriculture District.

- (a) *Intent*. The purpose of the A Agriculture District is to establish and preserve areas for agricultural, low density residential and outdoor recreation uses without permitting an intensity of development which would require the provision of urban facilities and services.
- (b) *Permitted uses*. Uses permitted in the A Agriculture District include the following:
  - (1) Single-family dwellings;
  - (2) Day care homes;
  - (3) Tourist homes;
  - (4) Bed and breakfasts;
  - (5) Greenhouses;
  - (6) Home occupations;
  - (7) Municipal public safety buildings and facilities;
  - (8) The raising and keeping of livestock, except commercial feed lots, poultry houses and the raising and keeping of swine;



(9) The raising of crops, roadside stands for the sale only of fruit and vegetables grown on the premises.

(c) *Special exception uses.* Special exception uses in the A Agriculture District include the following:

- (1) Agricultural uses that are not a permitted use in this district.
- (2) Group day care homes.
- (3) Group homes.
- (4) Inns.
- (5) Private kennels for more than five dogs, provided that open pens or runs are located at least 100 feet from any lot line.
- (6) Stables and riding academies.
- (7) Utility uses such as electric substations, water storage tanks and above-ground pumping stations.

(d) *Prohibited uses.* Prohibited uses in the A Agriculture District include the following:

- (1) All commercial and industrial uses, except as specified in subsections (b) and (c) of this section.
- (2) All permitted uses in the I Institution District.
- (3) Duplex or two-family dwellings.
- (4) Manufactured homes.
- (5) Mobile homes.
- (6) Multifamily dwellings.
- (7) Townhouses.

(e) *Area and dimensional regulations.* Area and dimensional regulations in the A Agriculture District include the following:

Area and Dimensional Regulations	
Minimum lot area	3 acres
Minimum lot width	150 feet
Maximum building height	
Permitted uses	35 feet
Special exception uses	30 feet
Minimum building setbacks:	
Front	75 feet
Rear	75 feet
Side	25 feet
Minimum livable floor area:	
One-story dwelling	1,000 square feet
More than one-story dwelling	1,300 square feet

(f) *Buffer regulations.* All special exception uses, except group homes and inns, shall provide a buffer which is at least 12 feet wide on all rear and side property lines which abut an agricultural or residential district.

(g) *Additional regulations.*

- (1) A minimum lot area of three acres is required in order to house or raise any livestock or animals other than those permitted in the residential districts of the city.
- (2) Provision must be made to dispose of manure and other organic wastes in such a manner as to avoid pollution of groundwater or any lake or stream.
- (3) All structures, cages, pens and other facilities used for the feeding or housing of any livestock or animals which are not permitted within the residential districts of the city must be set back a minimum of 50 feet from the side and rear property lines, 75 feet from the front property line and 100 feet from any residential dwelling other than the principal single-family dwelling located on the premises.
- (4) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
- (5) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (6) Sign regulations are as set forth in article VII of this chapter.
- (7) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-91; Ord. No. 99-010, art. VI, § 1.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

## Sec. 111-67. - E Single-Family Estate Residential District.

- (a) *Intent.* The intent of the E Single-Family Estate Residential District is to provide minimum density and maximum open space and privacy for single-family housing, free from other uses which are not compatible with low density residential use.
- (b) *Permitted uses.* Permitted uses in the E Single-Family Estate Residential District include the following:
  - (1) Single-family dwellings;
  - (2) Day care homes;
  - (3) Home occupations;
  - (4) Municipal police, fire and emergency medical stations.
- (c) *Special exception uses.* The following special exception uses, except utility uses, in the E Single-Family Estate Residential District shall only be permitted on lots which front a public street with paving at least 22 feet in width:
  - (1) Bed and breakfasts;
  - (2) Group day care homes;
  - (3) Group homes;
  - (4) Tourist homes;
  - (5) Utility uses such as electric substations, water storage tanks and above-ground pumping stations.
- (d) *Prohibited uses.* Prohibited uses in the E Single-Family Estate Residential District include the following:
  - (1) All industrial uses and commercial uses, except those specified as a special exception use.
  - (2) All permitted uses in the I Institution District.

- (3) Duplex or two-family dwellings.
  - (4) Manufactured homes and mobile homes.
  - (5) Multifamily dwellings.
  - (6) Private kennels for more than five dogs.
  - (7) Townhouses.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the E Single-Family Estate Residential District include the following:

Area and Dimensional Regulations	
Minimum lot area	1 acre
Minimum lot width	150 feet
Maximum building height	35 feet
Minimum building setbacks:	
Front	75 feet
Rear	75 feet
Side	25 feet
Minimum livable floor area:	
One-story dwelling	2,400 square feet
More than one-story dwelling:	
First floor	1,800 square feet
Total dwelling	2,800 square feet

- (f) *Buffer regulations.* All special exception utility uses in the E Single-Family Estate Residential District shall provide a buffer which is at least 12 feet wide on all rear and side property lines which abut a residential district.
- (g) *Additional regulations.* Additional regulations in the E Single-Family Estate Residential District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (3) Sign regulations are as set forth in article VII of this chapter.
  - (4) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (5) Horses are permitted subject to the following:
    - a. Minimum lot area of three acres is required.
    - b. Maximum of one horse per acre is required.

(Code 2005, § 122-92; Ord. No. 99-010, art. III, § 2.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-68. - R-1 Single-Family Residential District.

- (a) *Intent.* The intent of the R-1 Single-Family Residential District is to provide low density, open space and privacy for single-family housing, free from other uses which are not compatible with low density residential use.
- (b) *Permitted uses.* Permitted uses in the R-1 Single-Family Residential District include the following:
- (1) Single-family dwellings.
  - (2) Day care homes.
  - (3) Home occupations.
  - (4) Municipal police, fire and emergency medical stations.
- (c) *Special exception uses.* Special exception uses in the R-1 Single-Family Residential District are the same special exception uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (d) *Prohibited uses.* Prohibited uses in the R-1 Single-Family Residential District are the same prohibited uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-1 Single-Family Residential District are as follows:

Area and Dimensional Regulations	
Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Maximum building height	35 feet
Minimum building setbacks:	
Front	50 feet
Rear	50 feet
Side	15 feet
Minimum livable floor area:	
One-story dwelling	2,000 square feet
More than one-story dwelling:	
First floor	1,400 square feet
Total dwelling	2,400 square feet

- (f) *Buffer regulations.* Buffer regulations in the R-1 Single-Family Residential District are the same as the E Single-Family Estate Residential District.
- (g) *Additional regulations.* Additional regulations in the R-1 Single-Family Residential District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (3) Sign regulations are as set forth in article VII of this chapter.
  - (4) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-93; Ord. No. 99-010, art. III, § 3.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-69. - R-2 Single-Family Residential District.

- (a) *Intent.* The intent of the R-2 Single-Family Residential District is to provide medium density single-family housing free from other uses which are not compatible with medium density residential use.
- (b) *Permitted uses.* Permitted uses in the R-2 Single-Family Residential District include the following:
- (1) Home occupations;
  - (2) Municipal police, fire and emergency medical stations;
  - (3) Single-family dwellings.
- (c) *Special exception uses.* Special exception uses in the R-2 Single-Family Residential District include the same special exception uses as in the E Single-Family Estate Residential District, except bed and breakfasts and tourist homes, subject to the same conditions.
- (d) *Prohibited uses.* Prohibited uses in the R-2 Single-Family Residential District include the same prohibited uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-2 Single-Family Residential District include the following:

Area and Dimensional Regulations	
Minimum lot area	15,000 square feet
Minimum lot width	90 feet
Maximum building height	35 feet
Minimum building setbacks:	
Front	35 feet
Rear	35 feet
Side	10 feet
Minimum livable floor area:	
One story dwelling	1,600 square feet
More than one story dwelling:	
First floor	1,200 square feet
Total dwelling	2,000 square feet

- (f) *Buffer regulations.* Buffer regulations in the R-2 Single-Family Residential District are the same as the E Single-Family Estate Residential District.
- (g) *Additional regulations.* Additional regulations in the R-2 Single-Family Residential District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (3) Sign regulations are as set forth in article VII of this chapter.
  - (4) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-94; Ord. No. 99-010, art. III, § 4.0, 9-21-1999)

Sec. 111-70. - R-3 Single-Family Residential District.

- (a) *Intent.* The intent of the R-3 Single-Family Residential District is to provide medium density single-family housing free from other uses which are not compatible with medium density residential use.
- (b) *Permitted uses.* Permitted uses in the R-3 Single-Family Residential District include the following:
- (1) Single-family dwellings.
  - (2) Day care homes.
  - (3) Home occupations.
  - (4) Municipal police, fire and emergency medical stations.
- (c) *Special exception uses.* Special exception uses in the R-3 Single-Family Residential District include the same special exception uses as in the E Single-Family Estate Residential District, except bed and breakfasts and tourist homes, subject to the same conditions.
- (d) *Prohibited uses.* Prohibited uses in the R-3 Single-Family Residential District include the same prohibited uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-3 Single-Family Residential District include the following:

Area and Dimensional Regulations	
Minimum lot area	10,000 square feet
Minimum lot width	80 feet
Maximum building height	35 feet
Minimum building setbacks:	
Front	30 feet
Rear	20 feet
Side	13 feet between dwellings, with at least one side setback of 10 or more feet
Minimum livable floor area:	
One-story dwelling	1,400 square feet
More than one-story dwelling:	
First floor	1,000 square feet
Total dwelling	1,600 square feet

- (f) *Buffer regulations.* Buffer regulations in the R-3 Single-Family Residential District are the same as the E Single-Family Estate Residential District.
- (g) *Additional regulations.* Additional regulations in the R-3 Single-Family Residential District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Sidewalk regulations are as set forth in section 111-114.

- (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (4) Sign regulations are as set forth in article VII of this chapter.
- (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
- (6) All utilities shall be installed underground.

(Code 2005, § 122-95; Ord. No. 99-010, art. III, § 5.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-71. - R-4 Residential Patio/Garden Home District.

- (a) *Intent.* The intent of the R-4 Residential Patio/Garden Home District is to provide high density, single-family detached housing free from other uses which are not compatible with high density detached residential use.
- (b) *Permitted uses.* Permitted uses in the R-4 Residential Patio/Garden Home District include the following:
  - (1) Single-family dwellings.
  - (2) Day care homes.
  - (3) Home occupations.
  - (4) Municipal police, fire and emergency medical stations.
- (c) *Special exception uses.* Special exception uses in the R-4 Residential Patio/Garden Home District include the same special exception uses as in the E Single-Family Estate Residential District, except bed and breakfasts and tourist homes, subject to the same conditions.
- (d) *Prohibited uses.* Prohibited uses in the R-4 Residential Patio/Garden Home District include the same prohibited uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-4 Residential Patio/Garden Home District include the following:

Area and Dimensional Regulations	
Minimum required acreage	6 acres
Minimum lot area	7,000 square feet
Minimum lot width	60 feet
Maximum building height	35 feet
Minimum Building Setbacks:	
Front	20 feet
Rear	15 feet
Side	13 feet between dwellings, with at least one side setback of 10 or more feet
Minimum livable floor area:	
One story dwelling	1,400 square feet
More than one story dwelling:	
First floor	1,000 square feet

Total dwelling	1,600 square feet
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- (f) *Buffer regulations.* Buffer regulations in the R-4 Residential Patio/Garden Home District are the same as the E Single-Family Estate Residential District.
- (g) *Additional regulations.* Additional regulations in the R-4 Residential Patio/Garden Home District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Sidewalk regulations are as set forth in section 111-114.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (4) Sign regulations are as set forth in article VII of this chapter.
  - (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (6) All utilities shall be installed underground.
  - (7) An opaque fence or wall shall be erected along all side and rear property lines which abut an E, R-1, R-2 or R-3 district boundary.

(Code 2005, § 122-96; Ord. No. 99-010, art. III, § 6.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-72. - R-5 Two-Family Residential District.

- (a) *Intent.* The intent of the R-5 Two-Family Residential District is to provide low density two-family housing free from other uses which are not compatible with low density two-family residential use.
- (b) *Permitted uses.* Permitted uses in the R-5 Two-Family Residential District include the following:
- (1) Home occupations.
  - (2) Municipal police, fire and emergency medical stations.
  - (3) Two-family dwellings.
- (c) *Special exception uses.* Special exception uses in the R-5 Two-Family Residential District include the same special exception uses as in the E Single-Family Estate Residential District, except bed and breakfasts and tourist homes, subject to the same conditions.
- (d) *Prohibited uses.* Prohibited uses in the R-5 Two-Family Residential District include single-family dwellings, multifamily dwellings and all commercial and industrial uses unless otherwise stipulated in subsection (c) of this section.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-5 Two-Family Residential District include the following:

Area and Dimensional Regulations	
Minimum lot area	7,500 square feet
Minimum lot width	60 feet
Maximum building height	35 feet



Minimum building setbacks:	
Front	35 feet
Rear	35 feet
Side	10 feet
Minimum livable floor area per dwelling unit:	
One-story dwelling	1,200 square feet
More than one-story dwelling:	
First floor	700 square feet
Total dwelling	1,600 square feet

- (f) *Buffer regulations.* Buffer regulations in the R-5 Two-Family Residential District are the same as the E Single-Family Estate Residential District.
- (g) *Additional regulations.* Additional regulations in the R-5 Two-Family Residential District include the following:
- (1) Sidewalk regulations are as set forth in section 111-114.
  - (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (4) Sign regulations are as set forth in article VII of this chapter.
  - (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (6) All utilities shall be installed underground.

(Code 2005, § 122-97; Ord. No. 99-010, art. III, § 7.0, 9-21-1999)

#### Sec. 111-73. - R-6 Multifamily District.

- (a) *Intent.* The intent of the R-6 Multifamily District is to provide areas for multifamily residential uses which are free from uses which are not compatible with low density multifamily residential uses.
- (b) *Permitted uses.* Permitted uses in the R-6 Multifamily District include the following:
- (1) Assisted living facilities.
  - (2) Multifamily dwellings, including apartments and condominiums.
- (c) *Special exception uses.* Special exception uses in the R-6 Multifamily District include the same special exception uses as in the E Single-Family Estate Residential District, plus:
- (1) Inns.
  - (2) Utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
- (d) *Prohibited uses.* Prohibited uses in the R-6 Multifamily District include the following:
- (1) All industrial uses and all commercial uses which are not a special exception use.
  - (2) All permitted uses in the I Institution District.
  - (3) Single-family dwellings.

(e) *Area and dimensional regulations.* Area and dimensional regulations in the R-6 Multifamily District include the fo

Area and Dimensional Regulations	
Maximum density	4,356 square feet per unit (10 units per acre)
Maximum building height	35 feet
Minimum building setbacks:	
Front	35 feet
Rear	30 feet
Side	25 feet (15 feet if adjoining property is zoned multifamily residential or commercial).
Minimum building separation	20 feet, unless more restrictive separation is required to comply with the International Building Code, as amended, and the International Fire Code.
Minimum livable floor area	800 square feet per unit

(f) *Buffer regulations.* When any permitted or special exceptional use in a R-6 Multifamily District is located wholly or partially adjacent to a single-family or two-family residential district or an agricultural district, said use shall provide a buffer which is at least 20 feet wide on all rear and side property lines which abut said districts.

(g) *Additional regulations.* Additional regulations in the R-6 Multifamily District include the following:

- (1) Sidewalks, meeting the regulations set forth in section 111-114, shall be provided throughout the development for interconnectivity of buildings, parking areas and common areas.
- (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
- (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (4) Sign regulations are as set forth in article VII of this chapter.
- (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter. Each building group shall provide interior landscaping in the form of a ten-foot strip separating buildings from parking areas. Sidewalks may be located within the landscape strip.

- (6) All utilities shall be installed underground.
- (7) For developments containing more than 20 units, a minimum of 15 percent of the total area shall be dedicated to common space providing either passive or recreation uses.
- (8) Appearance:
  - a. Buildings shall have masonry exteriors. Acceptable exteriors include brick and stone. CMU and stucco may be used as accent materials (less than ten percent of the exterior wall).
  - b. Buildings shall be articulated, using such architectural features as columns, cornices, and wall recesses to provide depth and interest.
- (9) Placement of buildings fronting public streets is prohibited. All buildings shall be accessed from an interior street. Parking shall be located to the side and/or rear of the building.
- (10) Dumpsters shall not be located where visible from a public right-of-way and shall be screened with an opaque material compatible with the exterior of the main buildings.
- (11) Mechanical equipment shall be located at sides or rear of buildings and screened appropriately. Satellite dishes must be located at the rear of the building.
- (12) Stormwater management facilities shall be designed as required by the City of Alabaster Subdivision and Development Regulations. Low impact design methods such as bio-retention/rain gardens and swales are encouraged. Stormwater retention area can be applied to the open space requirement, if incorporated as a community amenity, for instance, by installing a fountain or landscaping/trails along the perimeter.

( Ord. No. 190506-082, § 1, 5-6-2019 )

**Editor's note—** Ord. No. 190506-082, § 1, adopted May 6, 2019, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 2005, § 122-98; Ord. No. 99-010, art. III, § 8.0, 9-21-1999.

**State Law reference—** Group homes, Code of Ala. 1975, § 11-52-75.1.

#### Sec. 111-74. - R-7 Townhouse District.

- (a) *Intent.* The intent of the R-7 Townhouse District is to provide townhouse residential areas which are free from uses which are not compatible with townhouse residential uses.
- (b) *Permitted uses.* Permitted uses in the R-7 Townhouse District include townhouse dwellings complying with subpart g.
- (c) *Special exception uses.* Because of the unique nature of townhouse developments and small lot sizes, no use other than townhouse dwellings is permitted in the R-7 Townhouse District.
- (d) *Prohibited uses.* Prohibited uses in the R-7 Townhouse District include any use other than townhouse dwellings and accessory structures.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-7 Townhouse District include the following:

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Area and Dimensional Regulations	
Maximum density	8 dwellings per gross acre
Maximum lot coverage	35%
Maximum Impervious Surface	50%
Minimum lot width	24 feet
Minimum building separation	20 feet
Maximum building height	35 feet
Minimum building setbacks	25 feet from a dedicated street right-of-way and R-7 district boundary. All dwellings shall be located to comply with the International Building Code, as amended, and the International Fire Code
Minimum livable floor area:	
One story dwelling	1,000 square feet
More than one story dwelling:	
Total dwelling	1200 square feet

- (f) *Buffer regulations.* A townhouse development in the R-7 Townhouse District shall provide a buffer which is at least 25 feet wide along all rear and side property lines which abut a single-family or two-family residential district or agricultural district.
- (g) Townhouse developments shall comply with the following:
- (1) There shall be no more than 8 attached units within one group of homes.
  - (2) The units within each group shall vary in height, depth and architectural elements.
  - (3) All sides shall be a masonry exterior to include brick, stone, stucco or fiber cement siding, or combination. Other materials may be used, in a decorative, accent manner, however no vinyl, aluminum or metallic siding may be used.
  - (4) Long, unbroken lines of row housing will not be allowed. Each group shall be staggered, singularly or in pairs, not less than three feet or more than 12 feet.
  - (5) All townhouses shall have rear-access two-car garages. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. This shall be noted on the subdivision plat and development plan.

- (6) For developments containing more than 20 units, a minimum of 15 percent of the total area shall be dedicated to common space providing either passive or recreation uses.
- (6) The development shall be constructed and governed in conformity with the requirements of the Alabama Condominium Act. A declaration of condominium shall be submitted in compliance with this act.
- (7) All developments containing eight or more units shall form a homeowner's association to ensure upkeep and maintenance of front yards and common areas including fencing, landscaping, amenities and buffers, and shall include architectural oversight for the development.
- (8) The development shall be constructed in accordance with the City of Alabaster Subdivision and Development Regulations.
- (h) *Additional regulations.* Additional regulations in the R-7 Townhouse District include the following:
  - (1) Sidewalk regulations are as set forth in section 111-114.
  - (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (4) Sign regulations are as set forth in article VII of this chapter.
  - (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (6) Each townhouse shall be located on a separate lot and designed and constructed to enable the sale of each as a separate housing unit.
  - (7) All utilities shall be installed underground.

(Code 2005, § 122-99; Ord. No. 99-010, art. III, § 9.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 190506-082, § 2, 5-6-2019.)

Sec. 111-75. - R-8 Manufactured and Mobile Home Residential District.

- (a) *Intent.* The intent of the R-8 Manufactured and Mobile Home Residential District is to establish areas for manufactured or mobile homes and single-family dwellings free from uses which are not compatible with medium density residential uses.
- (b) *Permitted uses.* Permitted uses in the R-8 Manufactured and Mobile Home Residential District include the following:
  - (1) Single-family dwellings.
  - (2) Day care homes.
  - (3) Manufactured homes.
  - (4) Mobile homes.
  - (5) Home occupations.
  - (6) Municipal police, fire and emergency medical stations.
- (c) *Special exception uses.* Special exception uses in the R-8 Manufactured and Mobile Home Residential District include the same special exception uses as in E Single-Family Estate Residential District, except bed and

breakfasts and tourist homes, subject to the same conditions.

- (d) *Prohibited uses.* Prohibited uses in the R-8 Manufactured and Mobile Home Residential District include the same prohibited uses as in the E Single-Family Estate Residential District, except manufactured homes and mobile homes, subject to the same conditions.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the R-8 Manufactured and Mobile Home Residential District include the following:

Area and Dimensional Regulations	
Minimum lot area	10,000 square feet
Minimum lot width	80 feet
Maximum building height	35 feet
Minimum building setbacks:	
Front	30 feet
Rear	30 feet
Side	10 feet
Minimum livable floor area	1,200 square feet

- (f) *Buffer regulations.* Buffer regulations in the R-8 Manufactured and Mobile Home Residential District are the same as the E Single-Family Estate Residential District.
- (g) *Supplemental requirements.* Supplemental requirements for single-family dwellings and manufactured and mobile homes include the following:
- (1) All manufactured and mobile homes shall have underpinning which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling. The underpinning shall be material designed specifically for that use.
  - (2) Each manufactured or mobile home shall be blocked and anchored in compliance with applicable law, rule or regulations.
  - (3) Axles, trailer tongues, wheels, tires and tail lights shall be removed or hidden from view.
  - (4) All dwellings shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.
  - (5) The applicant shall submit proof that there are no restrictive covenants preventing the placement of a manufactured or mobile home on the subject property.
  - (6) Manufactured or mobile homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.
- (h) *Additional regulations.* Additional regulations in the R-8 Manufactured and Mobile Home Residential District include the following:
- (1) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (2) Sidewalk regulations are as set forth in section 111-114.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.

(4) Sign regulations are as set forth in article VII of this chapter.

(5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-100; Ord. No. 99-010, art. III, § 10.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-76. - I Institution District.

(a) *Intent.* The intent of the I Institution District is to establish areas for institution uses which are neither residential nor commercial in nature.

(b) *Permitted uses.* Permitted uses in the I Institution District include the following:

(1) Business colleges or vocational schools.

(2) Cemeteries.

(3) Churches or other places of worship.

(4) Colleges or universities.

(5) Hospitals.

(6) Lodges and fraternal orders wherein alcoholic beverages are not consumed or sold.

(7) Nursing homes.

(8) Post offices.

(9) Public and private schools.

(10) Public buildings and facilities, except those which are listed as a permitted use in the M-1 and M-2 districts.

(11) Public park and recreation facilities.

(12) Ambulance services.

(c) *Special exception uses.* There are no specified special exception uses in the I Institution District.

(d) *Prohibited uses.* Prohibited uses in the I Institution District include any use which is not a permitted use.

(e) *Area and dimensional regulations.* Area and dimensional regulations in the I Institution District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	40 feet
Maximum building height	60 feet (30 feet when any portion of the property adjoins a single-family or two-family residential district)
Minimum building setbacks:	
Front	25 feet

Rear	20 feet (15 feet if adjoining property is zoned business)
Side	15 feet (10 feet if adjoining property is zoned business)

- (f) *Buffer regulations.* All uses in the I Institution District shall provide a buffer which is at least 12 feet wide on all rear and side property lines which abut a residential or agricultural district. Uses which feature outdoor activity, such as parks and playgrounds, shall provide a 20-foot-wide buffer along all side and rear property lines which abut said districts.
- (g) *Additional regulations.* Additional regulations in the I Institution District include the following:
- (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (4) Sign regulations are as set forth in article VII of this chapter.
  - (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (6) Because of the unique nature of institution uses and their need to be located in proximity to residential areas, the use of each lot or parcel in the I Institution District shall be limited to those uses and configurations shown on the site development plan approved as part of the rezoning process. Amendments to the approved site development plan must be approved by the city according to the procedures set forth in section 111-13(a).
  - (7) Because of the unique nature of institution uses, rezoning applications for the I Institution District shall include the submittal of a site development plan which includes all of the information required in section 111-13(a), plus the location and dimensions of the following:
    - a. Buffers and fences.
    - b. Buildings and structures.
    - c. Exterior lighting and signs.
    - d. Outside storage areas.
    - e. Parking and loading areas.
  - (8) The following regulations are applicable when an I Institution District is adjacent to a residential district:
    - a. Each principal building shall have a service yard adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the principal building and be enclosed on four sides with a permanent wall or fence at least six feet tall and adequate to conceal the service yard from visibility off the premises.
    - b. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any



other purposes, except signs, shall extend more than 12 feet in height, measured from the ground. All exterior lighting fixtures shall be constructed to direct the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

(Code 2005, § 122-101; Ord. No. 99-010, art. III, § 11.0, 9-21-1999; Ord. No. 160411-021, § 3, 4-11-2016)

Sec. 111-77. - B-1 Office District.

- (a) *Intent.* The intent of the B-1 Office District is to establish areas for office buildings which are compatible with nearby residential areas.
- (b) *Permitted uses.* Permitted uses in the B-1 Office District include the following:
  - (1) Any use prohibited in the I Institution District.
  - (2) Assisted living facilities.
  - (3) Business offices, professional offices, government offices and offices of public or private nonprofit organizations.
  - (4) Medical clinics.
  - (5) Office uses which are similar to the above-stated uses and comply with the intent of this district.
- (c) *Special exception uses.* Special exception uses in the B-1 Office District include the following:
  - (1) Research and testing laboratories.
  - (2) Utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
- (d) *Prohibited uses.* Prohibited uses in the B-1 Office District include the following:
  - (1) All prohibited uses in the I Institution District.
  - (2) Any use, or any use which is similar to a use, which is a permitted use in the B-2, B-3, B-4, M-1 and M-2 districts.
  - (3) Except as permitted in subsections (b) and (c) of this section, any office, business or establishment wherein retail or wholesale trade is conducted or wherein any commodity, merchandise or product is manufactured or stored.
  - (4) Residential dwellings.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the B-1 Office District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	40 feet
Maximum building height	60 feet (30 feet when any portion of the property adjoins a single-family or two-family

	residential district)
Minimum building setbacks:	
Front	25 feet
Rear	20 feet (15 feet if adjoining property is zoned business)
Side	15 feet (10 feet if adjoining property is zoned business)
Rear	15 feet if adjoining property is zoned business, unzoned or right-of-way exceeding 40 feet

- (f) *Buffer regulations.* All uses in the B-1 Office District shall provide a buffer which is at least 12 feet wide along all rear and side property lines which abut a residential or agricultural district.
- (g) *Additional regulations.* Additional regulations in the B-1 Office District include the following:
- (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (4) Sign regulations are as set forth in article VII of this chapter.
  - (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (6) The following regulations are applicable when a B-1 district is adjacent to a residential district:
    - a. Each principal building shall have a service yard adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the principal building and be enclosed on four sides with a permanent wall or fence at least six feet tall and adequate to conceal the service yard from visibility off the premises.
    - b. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than 12 feet in height, measured from the ground. All exterior lighting fixtures shall be constructed to direct the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

(Code 2005, § 122-102; Ord. No. 99-010, art. III, § 12.0, 9-21-1999; Ord. No. 06-Z07, § 1, 5-1-2006)

#### Sec. 111-78. - B-2 Neighborhood Business District.

- (a) *Intent.* The intent of the B-2 Neighborhood Business District is to establish and preserve areas for neighborhood retail and service uses which serve and are compatible with surrounding residential areas.

- (b) *Permitted uses.* Establishments in the B-2 Neighborhood Business District may display merchandise outdoors, but not have any outside storage of materials, merchandise, equipment or supplies. Permitted uses in the B-2 Neighborhood Business District shall include the following:
- (1) Any use permitted in the B-1 district.
  - (2) Banks or lending institutions.
  - (3) Barbershops, beauty shops and similar personal service shops.
  - (4) Child or adult care centers.
  - (5) Coin-operated laundries.
  - (6) Convenience stores, provided that gasoline pumps shall be located at least 200 feet from a residential district boundary.
  - (7) Dance, gymnastics, martial arts and music schools.
  - (8) Day care centers.
  - (9) Drugstores.
  - (10) Dry cleaning and laundry outlets.
  - (11) Hardware stores.
  - (12) Inns.
  - (13) Mail and packaging services.
  - (14) Off-premises sales of beer and wine.
  - (15) Photocopy centers.
  - (16) Photograph developing and processing shops.
  - (17) Restaurants.
  - (18) Retail and service uses which are similar to the uses stated in this subsection and comply with the intent of this district.
  - (19) Shopping centers.
  - (20) Specialty shops, including, but not limited to, antiques, art and school supplies, art galleries and studios, books, cosmetics, stationary, cameras, glassware, clothing, coins, stamps, florists, gifts, novelties, hobbies, arts and crafts, jewelry, leather, magazines, photography studios, picture framing, shoes, sporting goods, tailoring, toys, upholstery shops and variety stores.
  - (21) Videotape rentals.
- (c) *Special exception uses.* Special exception uses in the B-2 Neighborhood Business District include utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
- (d) *Temporary uses.* A church/place of worship may apply for a temporary use in the B-2 Neighborhood Business District, as long as the planning staff feels this is compatible with the zone under certain conditions.
- (e) *Prohibited uses.* Prohibited uses in the B-2 Neighborhood Business District include the following:
- (1) All permitted uses in the I Institution District.

- (2) Any retail establishment which requires outside storage of equipment, commodities or other materials.
  - (3) Any use, or any use which is similar to a use, which is a permitted use in the B-3, B-4, M-1 and M-2 districts.
  - (4) Live entertainment.
  - (5) Off-premises sales of liquors.
  - (6) On-premises sales of alcoholic beverages.
  - (7) Residential dwellings.
  - (8) Wholesale establishments.
- (f) *Area and dimensional regulations.* Area and dimensional regulations in the B-2 Neighborhood Business District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	None
Maximum gross floor area per establishment	2,500 square feet
Maximum building height	60 feet (30 feet when any portion of the property adjoins a single-family or two-family residential district)
Minimum building setbacks:	
Front	40 feet
Rear	30 feet (15 feet if adjoining property is zoned business, unzoned or right-of-way exceeds 40 feet)
Side	20 feet (10 feet if adjoining property is zoned business)
Rear	30 feet (15 feet if adjoining property zoned business, unzoned or right-of-way exceeds 40 feet)

- (g) *Buffer regulations.* All uses in the B-2 Neighborhood Business District shall provide a buffer which is at least

20 feet wide along all rear and side property lines which abut a residential or agricultural district.

(h) *Additional regulations.* Additional regulations in the B-2 Neighborhood Business District include the following:

- (1) High-traffic corridor regulations are as set forth in section 111-117.
- (2) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
- (3) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (4) Sign regulations are as set forth in article VII of this chapter.
- (5) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
- (6) The following regulations are applicable when a B-2 district is adjacent to a residential district:
  - a. Each principal building shall have a service yard adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the structure and be enclosed on four sides with a permanent wall or fence at least six feet tall and adequate to conceal the service yard from visibility off the premises.
  - b. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than 12 feet in height, measured from the ground. All exterior lighting fixtures shall be constructed to direct the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

(Code 2005, § 122-103; Ord. No. 99-010, art. III, § 13.0, 9-21-1999; Ord. No. 06-Z02, 1-3-2006; Ord. No. 06-Z07, § 2, 5-1-2006)

#### Sec. 111-79. - B-3 Community Business District.

- (a) *Intent.* The intent of the B-3 Community Business District is to provide areas for retail and service businesses which serve a communitywide market and are generally not compatible in proximity to, nor within, residential areas.
- (b) *Permitted uses.* Permitted uses in the B-3 Community Business District include the following:
  - (1) Any use permitted in the B-2 district.
  - (2) Automobile dealerships and used car lots.
  - (3) Bakeries.
  - (4) Bowling alleys.
  - (5) Brewpubs.
  - (6) Business services such as blueprinting, duplicating and computer and copier sales and service.
  - (7) Carwashes.
  - (8) Catering shops.
  - (9) Discount and department stores.
  - (10) Equipment and vehicle rental businesses, provided that all service work is done within an enclosed building and all outdoor storage is screened from view from all public rights-of-way and residential

districts.

- (11) Fraternal orders and lodges wherein alcoholic beverages are sold or consumed.
- (12) Funeral homes.
- (13) Gasoline service stations.
- (14) Grocery stores.
- (15) Home furnishing establishments, including carpet, furniture and appliances.
- (16) Home improvement centers and retail lumber yards.
- (17) Hotels and motels.
- (18) Indoor flea markets.
- (19) Manufactured home sales and service.
- (20) Minor automobile repairs, provided that all service work is done within an enclosed building, all vehicles are stored within an enclosed building or a yard which is paved with a concrete or asphalt surface and screened from view from off the premises, and no vehicle shall be stored on the premises for more than 30 days.
- (21) On-premises and off-premises sales of alcoholic beverages.
- (22) Outdoor, commercial recreation uses such as miniature golf, par three golf, golf driving ranges, batting cages, go-cart tracks, paintball courses and similar uses.
- (23) Paint, wallpaper and home decorating stores.
- (24) Pawnshops.
- (25) Plant nurseries and greenhouses.
- (26) Power equipment sales and service centers, provided that all service work is done within an enclosed building and all storage is screened from view from all public rights-of-way and residential districts.
- (27) Radio or television broadcasting studios.
- (28) Repair service for such items as appliances, electronics, shoes, watches or jewelry.
- (29) Research and testing laboratories.
- (30) Restaurants, drive-up.
- (31) Retail and service uses which are similar to the uses stated in this subsection and comply with the intent of this district.
- (32) Self-service storage facilities.
- (33) Shopping centers.
- (34) Skating rinks.
- (35) Taxidermies.
- (36) Theaters and drive-in theaters.
- (37) Vehicle towing services, with no vehicle storage on-premises.

(38) Veterinarians, with no outdoor kennels.

(39) Video arcades.

(40) Vision centers.

(c) *Special exception uses.* Special exception uses in the B-3 Community Business District include the following:

(1) Live entertainment.

(2) Self-service storage facilities.

(3) Utility uses such as electric substations, water storage tanks and above-ground pumping stations.

(d) *Temporary use.* A church/place of worship may apply for a temporary use in the B-2 Neighborhood Business District, as long as the planning staff feels this is compatible with the zone under certain conditions.

(e) *Prohibited uses.* Prohibited uses in the B-3 Community Business District include the following:

(1) All permitted uses in the I Institution District.

(2) Any industrial, manufacturing, storage or other use not in accordance with the intent of this district, including any use, or any use which is similar to a use, which is a permitted use in the B-4, M-1 and M-2 districts.

(3) Any residential dwelling.

(4) Any wholesale establishment.

(f) *Area and dimensional regulations.* Area and dimensional regulations in the B-3 Community Business District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	50 feet
Maximum building height	60 feet (30 feet when any portion of the property adjoins a single-family or two-family residential district)
Minimum building setbacks:	
Front	50 feet
Rear	60 feet (15 feet if adjoining property is zoned business, unzoned or right-of-way exceeds 40 feet)
Side	40 feet (5 feet if adjoining property is zoned business)
Rear	60 feet (15 feet if

adjoining property zoned business, unzoned or right-of- way exceeds 40 feet)
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- (g) *Buffer regulations.* All uses shall provide a buffer which is at least 20 feet wide along all rear and side property lines which abut a single-family or two-family residential district or agricultural district.
- (h) *Additional regulations.* Additional regulations in the B-3 Community Business District include the following:
- (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Gasoline service stations regulations are as set forth in section 111-118.
  - (3) Self-service storage regulations are as set forth in section 111-122.
  - (4) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (5) Sign regulations are as set forth in article VII of this chapter.
  - (6) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (7) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (8) No materials, supplies or equipment shall be stored in any area on a site, except within an enclosed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets. Said visual barrier shall be either a planting screen of evergreen shrubs or a wall or fence constructed of material similar to and compatible with that of the principal building.

(Code 2005, § 122-104; Ord. No. 99-010, art. VI, § 14.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z02, 1-3-2006; Ord. No. 06-Z07, § 3, 5-1-2006; Ord. No. 161024-032, § 4, 10-24-2016)

Sec. 111-80. - B-4 General Business District.

- (a) *Intent.* The intent of the B-4 General Business District is to establish areas for wholesale trade, warehousing and service and repair businesses which are not appropriate in a retail environment and where all business activity and storage is conducted within an enclosed building or a yard which is screened from view from off the premises.
- (b) *Permitted uses.* Permitted uses in the B-4 General Business District include the following:
- (1) Service and repair businesses including heating and cooling, plumbing, electrical, glass, flooring, painting and pest control.
  - (2) Major automobile repair.
  - (3) Self-service storage facilities.
  - (4) Warehouse.
  - (5) Office-warehouse.
  - (6) Recycling collection point for household items.



- (7) Theater and drive-in theater.
  - (8) Wholesale business and factory representatives.
  - (9) Similar service and storage uses which comply with the intent of this district.
- (c) *Special exception uses.* Special exception uses in the B-4 General Business District include the following:
- (1) Utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
  - (2) Veterinarian clinics and pet boarding establishments with outside kennels.
  - (3) Ambulance services.
- (d) *Prohibited uses.* Prohibited uses in the B-4 General Business District include the following:
- (1) All permitted uses in the I Institution District.
  - (2) Any residential dwelling.
  - (3) Retail sales, except in conjunction with a permitted use, any industrial, manufacturing, storage or other use not in accordance with the intent of this district, including any use, or any use which is similar to a use, which is a permitted use in the M-1 and M-2 districts.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the B-4 General Business District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	None
Maximum building height	60 feet (30 feet when any portion of the property adjoins a residential district)
Minimum building setbacks:	
Front	50 feet
Rear	60 feet (15 feet if adjoining property is zoned B-4, M-1 or M-2, unzoned or right-of-way exceeds 40 feet)
Side	40 feet (5 feet if adjoining property is zoned B-4, M-1 or M-2)
Rear	60 feet (15 feet if adjoining property is zoned B-4, M-1 or M-2, unzoned or right-of-way

	exceeds 40 feet)
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- (f) *Buffer regulations.* All uses in the B-4 General Business District shall provide a buffer which is at least 30 feet wide along all rear and side property lines which abut a single-family or two-family residential district or agricultural district. All uses shall provide a buffer which is at least 12 feet wide along all rear and side property lines which abut an R-6, I or B-1 district.
- (g) *Additional regulations.* Additional regulations in the B-4 General Business District include the following:
- (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Self-service storage regulations are as set forth in section 111-122.
  - (3) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
  - (4) Off-street parking and loading regulations are as set forth in article VI of this chapter.
  - (5) Sign regulations are as set forth in article VII of this chapter.
  - (6) Landscaping and buffer regulations are as set forth in article VIII of this chapter.
  - (7) All business activity and storage of equipment and materials shall be within an enclosed building or a yard which is screened from view from off the premises.

(Code 2005, § 122-105; Ord. No. 99-010, art. VI, § 15.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z07, § 4, 5-1-2006; Ord. No. 160411-021, § 4, 4-11-2016)

Sec. 111-81. - B-5 Central Business District.

- (a) *Intent.* The intent of the B-5 Central Business District is to protect the core of the central business district from uses which are detrimental to the retail shopping environment.
- (b) *Permitted uses.* Permitted uses in the B-5 Central Business District include the following:
- (1) Art and school supply stores.
  - (2) Art galleries and studios.
  - (3) Bakeries.
  - (4) Banks or lending institutions.
  - (5) Barbershops and beauty shops.
  - (6) Business service shops such as blueprinting, accounting, duplicating or employment agency.
  - (7) Business, music or dancing schools.
  - (8) Catering shops.
  - (9) Department stores.
  - (10) Drug stores.
  - (11) Eyeglass and vision centers.
  - (12) Food stores.

- (13) Fraternal orders and lodges wherein alcoholic beverages are sold or consumed.
  - (14) Furniture stores.
  - (15) Hardware stores.
  - (16) Mail and packaging services.
  - (17) On-premises sale of alcoholic beverages.
  - (18) Offices.
  - (19) Paint, wallpaper and home decorating stores.
  - (20) Pawn shops.
  - (21) Photocopy centers.
  - (22) Photograph developing and processing shops.
  - (23) Photographer or artist's studios.
  - (24) Fraternal organizations.
  - (25) Repair service for such items as electronics, shoes, watches or jewelry.
  - (26) Restaurants, except drive-in restaurants.
  - (27) Secondhand stores.
  - (28) Specialty shops, including, but not limited to: antiques, books, cosmetics, stationery, camera, glassware, clothing, coins, stamps, florist, gifts, novelties, hobbies, arts and crafts, jewelry, leather, magazines, picture framing, shoes, sporting goods, tailoring, toys and variety stores.
  - (29) Video arcades.
  - (30) Videotape rental.
  - (31) Vision centers.
  - (32) Other retail and service uses which comply with the intent of the B-5 district.
- (c) *Special exception uses.* Special exception uses in the B-5 Central Business District include utility uses such as electric substations, water storage tanks, above-ground pumping stations, and ambulance services.
- (d) *Prohibited uses.* Any use that is not a permitted use is prohibited in the B-5 district.
- (e) *Area and dimensional regulations.* Area and dimensional regulations in the B-5 Central Business District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	None
Maximum building height	30 feet
Minimum building setbacks:	
Front	None
Rear	None
Side	None

- (f) *Off-street parking and loading regulations.* There shall be no off-street parking and loading requirements in the I Central Business District.
- (g) *Buffer regulations.* There shall be no buffer regulations in the B-5 Central Business District.
- (h) *Additional regulations.* Additional regulations in the B-5 Central Business District include the following:
  - (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Sign regulations are as set forth in article VII of this chapter.

(Code 2005, § 122-106; Ord. No. 99-010, art. VI, § 16.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 160411-021, § 5, 4-11-2016)

Sec. 111-82. - M-1 Light Industrial District.

- (a) *Intent.* The intent of the M-1 Light Industrial District is to provide areas for light manufacturing and storage uses which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.
- (b) *Permitted uses.* Permitted uses in the M-1 Light Industrial District include the following:
  - (1) More than one building per lot is allowed, provided that all buildings have interrelated, integral purposes and the total amount of impervious surface, on the lot, is less than or equal to 80 percent of the total lot area.
  - (2) Above-ground storage of liquid motor fuels, provided that loading platforms shall be set back from the closest property line a minimum of 150 feet. All above-ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to ensure containment of the storage tank contents when completely full in the event of rupture or leak. Such reservoirs shall be set back from the closest property line at least 200 feet.
  - (3) Airports.
  - (4) Any use permitted in the B-4 General Business District.
  - (5) Brewery.
  - (6) Contractor or construction yards.
  - (7) Crematoriums.
  - (8) Governmental public works facilities.
  - (9) Heavy equipment sales and service.
  - (10) Major and minor automobile and truck repairs.
  - (11) Manufacturing, fabricating, processing or assembling uses.
  - (12) Truck terminals.
  - (13) Utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
  - (14) Vehicle towing services, with vehicle storage which is screened from view from off the premises.
  - (15) Veterinarian clinics and pet boarding establishments with outside kennels.

- (16) Similar light industrial uses which comply with the intent of this district.
- (17) Ambulance services.
- (c) *Special exception uses.* There are no specified special exception uses in the M-1 Light Industrial District.
- (d) *Temporary uses.* A church/place of worship or theatre/fine arts group may apply for a temporary use in the M-1 Light Industrial District, as long as the planning staff feels this is compatible with the zone under certain conditions.
- (e) *Prohibited uses.* Prohibited uses in the M-1 Light Industrial District include the following:
- (1) Any residential dwelling.
  - (2) All permitted uses in the I, B-1, B-2 and B-3 districts.
  - (3) Retail sales except in conjunction with a permitted use, any use which is permitted, or any use which is similar to a use which is permitted in the M-2 district, and other uses which are detrimental to property or to the health and safety beyond the district by reason of the emission of odor, dust gas, fumes, smoke, noise, vibration or waste material.
- (f) *Area and dimensional regulations.* Area and dimensional regulations in the M-1 Light Industrial District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	None
Maximum building height	60 feet (30 feet when any portion of the property adjoins a residential district)
Minimum building setbacks:	
Front	50 feet
Rear	25 feet *
Side	15 feet *

\*30 feet when a side or rear property line abuts a residential or agricultural district.

- (g) *Buffer regulations.* All uses in the M-1 Light Industrial District shall provide a buffer which is at least 30 feet wide along all rear and side property lines which abut a residential or agricultural district. All uses shall provide a buffer which is at least 20 feet wide along all rear and side property lines which abut a business district. All uses shall provide a buffer which is at least 12 feet wide along all rear and side property lines which abut an I Institution or B-1 Office District.
- (h) *Additional regulations.* Additional regulations in the M-1 Light Industrial District include the following:
- (1) High-traffic corridor regulations are as set forth in section 111-117.
  - (2) Self-service storage regulations are as set forth in section 111-122.
  - (3) Industrial park regulations are as set forth in section 111-123.

- (4) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
- (5) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (6) Sign regulations are as set forth in article VII of this chapter.
- (7) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-107; Ord. No. 99-010, art. VI, § 17.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z02, 1-3-2006; Ord. No. 160411-021; § 6, 4-11-2016; Ord. No. 161024-032, § 5, 10-24-2016)

Sec. 111-83. - M-2 Heavy Industrial District.

- (a) *Intent*. The intent of the M-2 Heavy Industrial District is to establish and preserve areas for heavy industrial uses.
- (b) *Permitted uses*. Permitted uses in the M-2 Heavy Industrial District include the following:
  - (1) More than one building per lot is allowed, provided that all buildings have interrelated, integral purposes and the total amount of impervious surface, on the lot, is less than or equal to 80 percent of the total lot area.
  - (2) Above-ground storage of flammable or combustible liquids, provided that loading platforms shall be set back at least 150 feet from all property lines. All above-ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to ensure containment of the storage tank contents when completely full in the event of rupture or leak. Such reservoirs shall be set back at least 200 feet from all property lines and 1,000 feet from any residential district boundary.
  - (3) Any use permitted in the M-1 Light Industrial District.
  - (4) Automobile salvage and dismantling.
  - (5) Cement plants.
  - (6) Central mixing plants for cement, mortar, plaster or paving materials.
  - (7) Fixed plants for processing stone, chert, gravel and clay.
  - (8) Foundries.
  - (9) Manufacture of brick, tile and concrete blocks.
  - (10) Railroad yards.
  - (11) Salvage yards and processing of recycled materials.
  - (12) Sawmills.
  - (13) Vehicle towing services with vehicle storage.
  - (14) Wastewater treatment plants.
  - (15) Similar heavy industrial manufacturing uses which comply with the intent of this district.
- (c) *Special exception uses*. Special exception uses within the M-2 Heavy Industrial District include, except as otherwise permitted in subsection (b) of this section, any use or process which involves volatile materials or which emits obnoxious odors, including, but not limited to, sanitary landfills and solid waste transfer stations.

(d) *Prohibited uses.* Prohibited uses in the M-2 Heavy Industrial District include the following:

- (1) Any residential dwelling.
- (2) Permitted uses in the I, B-1, B-2 and B-3 districts.
- (3) Retail sales except in conjunction with a permitted use.
- (4) Uses which are detrimental to property or to the health and safety beyond the district by reason of the emission of odor, dust gas, fumes, smoke, noise, vibration or waste material.

(e) *Area and dimensional regulations.* Area and dimensional regulations in the M-2 Heavy Industrial District include the following:

Area and Dimensional Regulations	
Minimum lot area	None
Minimum lot width	None
Maximum building height	60 feet (30 feet when any portion of the property adjoins a residential district)
Minimum building setbacks:	
Front	50 feet
Rear	25 feet
Side	15 feet

(f) *Buffer regulations.* Buffer regulations in the M-2 Heavy Industrial District are the same as the M-1 district.

(g) *Additional regulations.* Additional regulations in the M-2 Heavy Industrial District include the following:

- (1) Self-service storage regulations are as set forth in section 111-122.
- (2) Industrial park regulations are as set forth in section 111-123.
- (3) Wireless telecommunications facilities regulations are as set forth in article V of this chapter.
- (4) Off-street parking and loading regulations are as set forth in article VI of this chapter.
- (5) Sign regulations are as set forth in article VII of this chapter.
- (6) Landscaping and buffer regulations are as set forth in article VIII of this chapter.

(Code 2005, § 122-108; Ord. No. 99-010, art. VI, § 18.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 06-Z02, 1-3-2006)

#### Sec. 111-84. - PDD Planned Development District.

(a) *Intent.* Planned development is a method of development which permits more than one use to be developed on a tract of land according to an approved master development plan, the intent of which is to:

- (1) Create a community which features a variety of residential densities and land uses in a manner which connects those neighborhoods and uses by a coordinated system of commonly owned open space, pedestrian ways and public streets.

- (2) Permit flexibility and consequently more creative and imaginative design to accommodate planned associations developed as integral land use units.
  - (3) Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, pedestrian and vehicular circulation systems and utilities.
  - (4) Combine and coordinate uses, building forms, building relationships, architectural styles and circulation systems within the Planned Development District.
  - (5) Preserve and enhance the significant natural features of the site.
- (b) *Standards.* Standards within a Planned Development District include the following:
- (1) Except when an existing approved Planned Development District is amended to include additional area, any tract of land to be zoned Planned Development District shall have a minimum of 50 acres.
  - (2) Twenty percent of the gross tract acreage of a Planned Development District shall be devoted to commonly owned open space. At least one-half of that amount shall be comprised of tree save and natural areas. All commonly owned open space shall be incorporated throughout the Planned Development District to form a continuous network of open space which enhances scenic quality and pedestrian circulation within the Planned Development District.
  - (3) The Planned Development District shall have an architecturally unified design theme which runs throughout the community. The design theme shall be accomplished by unified design of entrance features, landscaping, lighting, color, architecture, right-of-way treatments, signs and similar elements that are common throughout the community.
  - (4) The average maximum residential density of a Planned Development District shall be three dwelling units per gross tract acre of property zoned for residential use. Although some areas may exceed this density, the average density of property zoned for residential use in the Planned Development District shall be three dwelling units per acre.
  - (5) Each lot and parcel of land in the Planned Development District, which is devoted to uses other than detached single-family residential uses, shall not exceed 80 percent impervious surfaces. Impervious surfaces include, but are not limited to, buildings, parking areas, paved drainage structures, walkways and other surfaces which are impervious to water.
  - (6) Every Planned Development District shall feature a variety of land uses. If it is not appropriate to have commercial or industrial land uses in a Planned Development District, land use variety shall be accomplished by providing a variety of residential densities. Every Planned Development District shall feature a variety of residential densities.
  - (7) All of the property within the Planned Development District shall be allocated to one or more of the following zoning districts:
    - a. PRD-1 Planned Single-Family Residential District.
    - b. PRD-2 Planned Attached Residential District.
    - c. POD Planned Office and Institution District.



- d. PCD-1 Planned Neighborhood Commercial District.
  - e. PCD-2 Planned Commercial District.
  - f. PID Planned Industrial District.
- (8) Each Planned Development District shall establish an entity which owns and is responsible for the perpetual maintenance of all commonly owned property and improvements.
- (9) Every lot or parcel in a Planned Development District shall front a public street and all public improvements shall comply with the city's subdivision regulations (see appendix A).
- (10) All structures shall be located so as to conform to the International Building Code, the National Fire Code and International Fire Code.
- (11) The following standards shall apply to all property in the Planned Development District, except PRD-1 districts:
- a. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from public property and shall be visually screened from view from public property. Trash receptacles shall be located within a four-sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves.
  - b. The intensity, location and design of exterior lighting shall be such that light is not cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cutoff devices shall be used to minimize glare off the premises. Exterior lights shall not exceed 24 feet in height and the fixtures and poles shall be compatible with the architecture of the buildings on the premises.
  - c. Article VII of this chapter, pertaining to sign regulations, shall apply to all Planned Development Districts, except that freestanding signs shall not exceed 12 feet in height or the maximum height permitted in article VII of this chapter for the subject sign, whichever height is less.
- (c) *Application requirements.* Planned Development District zoning applications shall be reviewed in compliance with the procedures set forth in section 111-13(a). Planned Development District zoning applications shall also include the following information:
- (1) A development plan, drawn to a scale of not more than one inch equals 100 feet, which shows the following:
- a. Boundary of the Planned Development District in relation to surrounding property, and public streets and highways.
  - b. Boundary of each Planned Development District zoning district.
  - c. Conceptual public street plan and pedestrian circulation plan for the Planned Development District and the manner in which the proposed streets will connect to the existing street system of the surrounding area.
  - d. Proposed lot layout for the Planned Development District.

- e. The location of all existing and proposed bodies of water, easements and rights-of-way, rivers, streams, r  
save areas, commonly owned open space, proposed public use sites, pedestrian ways, buffers intended t  
Planned Development District from surrounding land uses, and similar features and improvements.
- (2) A topography map of the Planned Development District in not less than ten-foot contour intervals.
  - (3) Development criteria, including a written text which addresses the following planning issues:
    - a. A legal description of the total site proposed for the Planned Development District and a legal  
description of each Planned Development District zoning district.
    - b. A general description of the surrounding area, including current zoning and/or land uses.
    - c. A statement of planning objectives to be achieved by the Planned Development District, and a  
description of the character of the proposed development.
    - d. A development schedule indicating the estimated date when construction of the Planned  
Development District or stages of the Planned Development District can be expected to begin.
    - e. Provisions and/or plans for providing necessary utilities to and within the Planned Development  
District.
    - f. Protective and/or restrictive covenants which shall encumber the property and establish standards  
pursuant to subsection (b)(3) of this section.
    - g. A comprehensive traffic study, prepared by a registered professional engineer, which estimates the  
projected traffic to be generated by each component of the Planned Development District, and the  
effect of the projected traffic attributed to the Planned Development District upon the city.
    - h. Total acreage of the Planned Development District and for each Planned Development District zoning  
district.
    - i. Average density of development, expressed in units per acre for residential property, and gross floor  
area per acre for other land uses.
    - j. The amount of commonly owned open space and the percent distribution of open space within each  
Planned Development District zoning district.

(d) *PRD-1 Planned Single-Family Residential District.*

- (1) *Intent.* The intent of the PRD-1 Planned Single-Family Residential District is to provide areas for detached  
single-family residential dwellings which are connected to all other parts of the planned community by a  
network of commonly owned open space, pedestrian ways and public streets.
- (2) *Permitted uses.* Permitted uses in the PRD-1 Planned Single-Family Residential District include the same  
permitted uses as in the E Single-Family Estate Residential District, subject to the same conditions.
- (3) *Special exception uses.* Special exception uses in the PRD-1 Planned Single-Family Residential District  
include the same special exception uses as in the E Single-Family Estate Residential District, subject to the  
same conditions.
- (4) *Prohibited uses.* Prohibited uses in the PRD-1 Planned Single-Family Residential District include the same  
prohibited uses as in the E Single-Family Estate Residential District, subject to the same conditions.

- (5) *Area and dimensional regulations.* Area and dimensional regulations in the PRD-1 Planned Single-Family Residential District include the following:

Area and Dimensional Regulations	
Maximum density	The average density of all residential districts in the Planned Development District shall not exceed 3 dwelling units per acre.
Minimum lot area	None
Minimum lot width	None
Maximum building height	35 feet
Minimum building setbacks	All dwellings shall be located so as to conform to the Southern Standard Building Code, as amended, and the Standard Fire Prevention Code
Minimum livable floor area:	
One story dwelling	1,400 square feet, except that 20 percent of the dwellings in a PRD-1 may be 1,200 square feet
More than one story dwelling:	
First floor	1,000 square feet
Total dwelling	1,800 square feet

- (6) *Buffer regulations.* Buffer regulations in the PRD-1 Planned Single-Family Residential District are the same as in the E Single-Family Estate Residential District.

- (7) *Additional regulations.* Additional regulations in the PRD-1 Planned Single-Family Residential District are the same as in the E Single-Family Estate Residential District.

(e) *PRD-2 Planned Attached Residential District.*

- (1) *Intent.* The intent of the PRD-2 Planned Attached Residential District is to provide areas for attached dwellings which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

- (2) *Permitted uses.* Permitted uses in the PRD-2 Planned Attached Residential District include the same permitted uses as in the R-5, R-6 and R-7 districts, subject to the same conditions.
- (3) *Special exception uses.* Special exception uses in the PRD-2 Planned Attached Residential District include the same special exception uses as in the R-5, R-6 and R-7 districts, subject to the same conditions.
- (4) *Prohibited uses.* Prohibited uses in the PRD-2 Planned Attached Residential District include the same prohibited uses as in the R-5, R-6 and R-7 districts, subject to the same conditions.
- (5) *Area and dimensional regulations.* Area and dimensional regulations in the PRD-2 Planned Attached Residential District include the following:

Area and Dimensional Regulations	
Maximum density	A maximum of 80 percent impervious surfaces. The average density of all residential districts in the Planned Development District shall not exceed 3 dwelling units per acre.
Minimum lot area	None
Minimum lot width	None
Maximum building height	35 feet
Minimum building setbacks	All buildings shall be located at least 25 feet from a public street right-of-way and the PRD-2 boundary. All dwellings shall be located so as to conform to the International Building Code, as amended, and the International Fire Code
Minimum livable floor area:	
Two-family dwellings	Same as the R-5 district
Townhouse dwellings	Same as the R-7 district

Multiple dwellings	Same as the R-6 district
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- (6) *Buffer regulations.* Buffer regulations in the PRD-2 Planned Attached Residential District include the following:
- a. Two-family dwellings: Same as in the R-5 district.
  - b. Townhouse dwellings: Same as in the R-7 district.
  - c. Multiple dwellings: Same as in the R-6 district.
- (7) *Additional regulations.* Additional regulations in the PRD-2 Planned Attached Residential District are the same as the R-6 district.

(f) *POD Planned Office and Institution District.*

- (1) *Intent.* The intent of the POD Planned Office and Institution District is to provide areas for office and institution uses which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- (2) *Permitted uses.* Permitted uses in the POD Planned Office and Institution District include the same permitted uses as in the I Institution District and the B-1 district, subject to the same conditions.
- (3) *Special exception uses.* Special exception uses in the POD Planned Office and Institution District include the same special exception uses as in the I Institution District and B-1 district, subject to the same conditions.
- (4) *Prohibited uses.* Prohibited uses in the POD Planned Office and Institution District include the same prohibited uses as in the I Institution District and B-1 district, subject to the same conditions.
- (5) *Area and dimensional regulations.* Area and dimensional regulations in the POD Planned Office and Institution District include the following:

Area and Dimensional Regulations	
Maximum density	A maximum of 80 percent impervious surfaces
Minimum lot area	None
Minimum lot width	None
Maximum building height	Four stories
Minimum building setbacks	All buildings shall be located at least 25 feet from a public street right-of-way and the POD boundary

- (6) *Buffer regulations.* Buffer regulations in the POD Planned Office and Institution District are the same as in the district.
- (7) *Additional regulations.* Additional regulations in the POD Planned Office and Institution District are the same as in the B-1 district.

(g) *PCD-1 Planned Neighborhood Commercial District.*

- (1) *Intent.* The intent of the PCD-1 Planned Neighborhood Commercial District is to establish and preserve areas for neighborhood commercial facilities which serve and are compatible with surrounding residential areas and are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- (2) *Permitted uses.* Permitted uses in the PCD-1 Planned Neighborhood Commercial District are the same permitted uses as in the B-2 district, subject to the same conditions.
- (3) *Special exception uses.* Special exception uses in the PCD-1 Planned Neighborhood Commercial District are the same special exception uses as in the B-2 district, subject to the same conditions.
- (4) *Prohibited uses.* Prohibited uses in the PCD-1 Planned Neighborhood Commercial District are the same prohibited uses as in the B-2 district, subject to the same conditions.
- (5) *Area and dimensional regulations.* Area and dimensional regulations in the PCD-1 Planned Neighborhood Commercial District include the following:

Area and Dimensional Regulations	
Maximum density	Maximum of 80 percent impervious surfaces
Maximum gross floor area of each establishment	2,500 square feet
Minimum lot area	None
Minimum lot width	None
Maximum building height	35 feet
Minimum building setbacks	All buildings shall be located at least 25 feet from the PCD-1 boundary which adjoins a residential district

- (6) *Buffer regulations.* Buffer regulations in the PCD-1 Planned Neighborhood Commercial District are the same as in the B-2 district.
- (7) *Additional regulations.* Additional regulations in the PCD-1 Planned Neighborhood Commercial District are the same as in the B-2 district.

(h) *PCD-2 Planned Commercial District.*

- (1) *Intent.* The intent of the PCD-2 Planned Commercial District is to provide areas for retail and service businesses that serve a communitywide market and are generally not compatible within residential neighborhoods, but are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- (2) *Permitted uses.* Permitted uses in the PCD-2 Planned Commercial District include the same permitted uses as in the B-3 district, subject to the same conditions.
- (3) *Special exception uses.* Special exception uses in the PCD-2 Planned Commercial District include the same special exception uses as in the B-3 district, subject to the same conditions.
- (4) *Prohibited uses.* Prohibited uses in the PCD-2 Planned Commercial District are the same prohibited uses as in the B-3 district, subject to the same conditions.
- (5) *Area and dimensional regulations.* Area and dimensional regulations in the PCD-2 Planned Commercial District include the following:

Area and Dimensional Regulations	
Maximum density	Maximum of 80 percent impervious surfaces
Minimum lot area	None
Minimum lot width	None
Maximum building height	35 feet
Minimum building setbacks	All buildings shall be located at least 25 feet from the PCD-2 boundary which adjoins a residential district

- (6) *Buffer regulations.* Buffer regulations in the PCD-2 Planned Commercial District are the same as in the B-3 district.
  - (7) *Additional regulations.* Additional regulations in the PCD-2 Planned Commercial District are the same as in the B-3 district.
- (i) *PID Planned Industrial District.*
- (1) *Intent.* The intent of the PID Planned Industrial District is to provide areas for manufacturing and storage which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, and which may be connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
  - (2) *Permitted uses.* Permitted uses in the PID Planned Industrial District include the following:
    - a. Any use permitted in the B-4 General Business District.

- b. Manufacturing, fabricating, processing or assembling uses.
  - c. Utility uses such as electric substations, water storage tanks, and above-ground pumping stations.
  - d. Vehicle towing services, with vehicle storage which is screened from view from off the premises.
  - e. Veterinarian clinics and pet boarding establishments with outside kennels.
  - f. Similar light industrial uses which comply with the intent of this district.
- (3) *Special exception uses.* There are no specified special exception uses in the PID Planned Industrial District.
- (4) *Prohibited uses.* Prohibited uses in the PID Planned Industrial District include the following:
- a. All permitted uses in the I Institution District.
  - b. Any residential dwelling.
  - c. Any use which is permitted, or any use which is similar to a use which is permitted, in the M-2 district.
  - d. Retail sales, except those associated with a permitted or special exception use.
  - e. Other uses which are detrimental to property or to the health and safety beyond the district by reason of the emission of odors, dust gases, fumes, smoke, noise, vibrations, or waste materials.
- (5) *Area and dimensional regulations.* Area and dimensional regulations in the PID Planned Industrial District include the following:

Area and Dimensional Regulations	
Maximum density	Maximum of 80 percent impervious surfaces
Minimum lot area	None
Minimum lot width	None
Maximum building height	35 feet
Minimum building setbacks	All buildings shall be located at least 25 feet from a PID boundary

- (6) *Buffer regulations.* Buffer regulations in the PID Planned Industrial District are the same as in the M-1 district.
- (7) *Additional regulations.* Additional regulations in the PID Planned Industrial District are the same as in the M-1 district.
- (j) *Mixed uses.* In the PCD-1 and PCD-2 districts, residential uses may be located on building floors above commercial uses. Such mixed uses shall be designated on the approved Planned Development District development plan and described in the planning criteria. All such dwellings shall count toward the maximum permitted residential density of three dwelling units per acre.
- (k) *Amendments.*
- (1) The following changes to the development criteria or approved development plan shall require approval



by the planning commission and city council pursuant to the procedures set forth in section 111-13(a):

- a. Any change in PDD zoning district boundaries.
  - b. Any change to the conceptual street plan which would:
    - 1. Change a cul-de-sac street to a through street.
    - 2. Change a through street to a cul-de-sac or dead-end street.
    - 3. Change the intent or function of the pedestrian circulation system or commonly owned open space network.
  - c. Any change in the development criteria approved as part of the Planned Development District.
- (2) Any variance to zoning ordinance provisions which apply to a Planned Development District and are not part of this section must be approved by the board of zoning adjustment.

(Code 2005, § 122-109; Ord. No. 99-010, art. VI, § 19.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-85. - MHD Manufactured and Mobile Home Park and Subdivision District.

- (a) *Intent.* The intent of the MHD Manufactured and Mobile Home Park and Subdivision District is to provide areas for mobile home parks and subdivisions which are free from incompatible land uses and meet the minimum requirements set forth herein. All manufactured or mobile home parks and subdivisions created or established after the effective date of the ordinance from which this chapter is derived shall conform to the specifications and requirements as set forth herein. Any additions or alterations to existing manufactured home parks or subdivisions hereinafter established shall be in conformity with the provisions of this chapter and in compliance with chapter 109.
- (b) *Permitted uses.* Permitted uses in the MHD Manufactured and Mobile Home Park and Subdivision District include the following:
  - (1) Manufactured homes.
  - (2) Mobile homes.
  - (3) Uses which are accessory to each dwelling and uses which are accessory to the manufactured or mobile home community, such as recreation facilities for the common use of residents and owners, laundromats, business offices, resident manager dwellings and similar accessory uses.
- (c) *Special exception uses.* There are no specified special exception uses in the MHD Manufactured and Mobile Home Park and Subdivision District.
- (d) *Prohibited uses.* Prohibited uses in the MHD Manufactured and Mobile Home Park and Subdivision District include any use which is not a permitted use.
- (e) *Subdivision regulations.* Subdivision regulations in the MHD Manufactured and Mobile Home Park and Subdivision District include the following:
  - (1) Minimum land area of six acres shall be required in order to establish a manufactured or mobile home subdivision.
  - (2) All manufactured or mobile homes shall be located on a separate lot and each lot shall front and have

direct vehicular access to a public street.

(3) The subdivision shall comply with the city's subdivision regulations.

(4) Area and dimensional regulations are as follows:

Area and Dimensional Regulations	
Minimum lot area	7,500 square feet
Minimum lot width	50 feet
Maximum building height	20 feet
Minimum building setbacks:	
Front	25 feet
Rear	25 feet
Side	10 feet
Minimum livable floor area	None

(f) *Park regulations.* Park regulations in the MHD Manufactured and Mobile Home Park and Subdivision District include the following:

- (1) Minimum land area of ten acres shall be required to establish a manufactured or mobile home park.
- (2) The boundary of each manufactured or mobile home space shall be clearly delineated on the ground by the use of corner posts.
- (3) Each space shall front and have direct vehicular access to the manufactured or mobile home park access drive.
- (4) The location, width and configuration of the access drive shall be approved by the city and the fire chief as part of the zoning approval process in order to ensure public safety access to each space.
- (5) The access drive shall be paved with either concrete or bituminous pavement at least 28 feet wide, in order to accommodate on-drive parking for visitors.
- (6) Each space shall have two parking spaces which meet the minimum standards of this chapter. Such spaces shall be configured such that vehicular parking does not interfere with vehicular traffic on the access drive.
- (7) A resident manager shall be on duty at all times to keep the manufactured or mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
- (8) Area and dimensional regulations in the MHD Manufactured and Mobile Home Park and Subdivision District are as follows:

Area and Dimensional Regulations	
Minimum lot area	7,500 square feet
Minimum lot width	50 feet
Maximum building height	20 feet
Minimum building setbacks:	
Front	25 feet
Rear	25 feet

Side	10 feet
Minimum livable floor area	None

(g) *Park and subdivision regulations.* Park and subdivision regulations in the MHD Manufactured and Mobile Home Park and Subdivision District include the following:

- (1) The city engineer must approve all stormwater drainage plans for the facility, including any stormwater retention or detention ponds.
- (2) Maximum height of any structure shall be 20 feet.
- (3) Each manufactured or mobile home shall have permanent stairs or porches which are constructed in compliance with the building code, and each lot or space shall have an accessory storage building.
- (4) Each manufactured or mobile home shall be installed upon a pad which contains a minimum of four inches of compacted gravel, or other suitable pavement material.
- (5) All manufactured or mobile homes shall have permanent underpinning which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, and the underpinning material shall be the same color as the exterior walls of the manufactured or mobile home.
- (6) Manufactured or mobile homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code, Ala. Admin. Code r 535-x-10-.01 et seq.
- (7) Manufactured or mobile homes shall be blocked and anchored in compliance with applicable laws, rules or regulations.
- (8) A 35-foot-wide buffer shall be installed along the MHD boundary which abuts a single-family residential district, and a ten-foot-wide buffer shall be installed along all other MHD boundaries.
- (9) Each manufactured or mobile home shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the health department.
- (10) An adequate, safe and potable supply of water approved by the health officer shall be provided to each manufactured or mobile home.
- (11) Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the health department.
- (12) Recreation areas that equal or exceed an area having a minimum of 150 square feet for each manufactured or mobile home lot or space shall be provided. Such areas shall be consolidated into usable areas convenient to all residents of the park or subdivision.
- (13) Only factory prefabricated portable attachments or awnings may be attached to or become a part of any manufactured or mobile home. No permanent addition of any kind shall be built onto nor become a part of any manufactured or mobile home.

(h) *Zoning application requirements.* An MHD zoning application shall consist of the information required in section 111-13(a), and the following:

- (1) Proposed use of buildings shown on the site.

- (2) The location and dimensions of all manufactured or mobile home lots and spaces.
- (3) An internal traffic circulation plan and the location of all points of ingress and egress to surrounding public streets.
- (4) The location of all required buffers.
- (5) The location of all exterior light poles and fixtures.
- (6) The location, dimensions and materials of all walls and fences.
- (7) The location of all off-street parking spaces and vehicle maneuvering areas.
- (8) A time schedule for development, which shall demonstrate the applicant's readiness and ability to implement the proposed plan.
- (9) Storm drainage plan.
- (10) Other information that may be necessary to determine compliance with this section.

(Code 2005, § 122-110; Ord. No. 99-010, art. VI, § 20.0, 9-21-1999)

Sec. 111-86. - MR Municipal Reserve District.

- (a) *Intent.* The intent of the MR Municipal Reserve District is to maintain the current use of property annexed into the city prior to the passage of this division.
- (b) *Permitted uses.* Any use that existed on the premises at the time of annexation is a permitted use in the MR Municipal Reserve District and may lawfully continue.
- (c) *Special exception uses.* There are no special exception uses in the MR Municipal Reserve District.
- (d) *Prohibited uses.* Any use other than the use that existed at the time of annexation is a prohibited use in the MR Municipal Reserve District.
- (e) *Additional regulations.* New construction shall not be permitted in the MR Municipal Reserve District. Prior to issuance of a building permit for property designated as MR, the owner shall file a petition to rezone the property in accordance with section 111-13.

(Ord. No. 05-Z07, art. VI, § 21.0, 6-6-2005; Ord. No. 190122-81, § 3, 1-22-2019)

Sec. 111-87. - MXD Mixed Use District.

- (a) *Intent.* The MXD Mixed Use District is intended to combine commercial, institution, public and residential uses within a unified development concept that is diverse, compact and pedestrian oriented; with attributes sufficient to justify the application of a land use and development plan that may not comply in certain respects with other requirements of this chapter.
- (b) *Permitted uses.* Any use permitted in the B-2 district is permitted in the MXD Mixed Use District, except the sale of gasoline, plus the following uses:
  - (1) Bakeries.
  - (2) Catering shops.

- (3) Discount and department stores.
  - (4) Dwellings, except that no dwelling may be located in the basement or the first floor of a building.
  - (5) Fraternal orders and lodges wherein alcoholic beverages are sold or consumed.
  - (6) Grocery stores.
  - (7) Home furnishing establishments including carpet, furniture and appliances.
  - (8) Hotels and motels.
  - (9) On- and off-premises sale of alcoholic beverages.
  - (10) Paint, wallpaper and home decorating stores.
  - (11) Repair service for such items as appliances, electronics, shoes, watches or jewelry.
  - (12) Theaters.
  - (13) Video arcades.
  - (14) Vision centers.
  - (15) Retail and service uses which are similar to the above-stated uses and comply with the intent of this district.
  - (16) Accessory uses, buildings and structures customarily incidental to the uses specifically permitted in this section.
- (c) *Special exception uses.* Utility uses such as electric substations, water storage tanks and above-ground pumping stations are special exception uses in the MXD Mixed Use District.
- (d) *Prohibited uses.* Any use that is not a permitted use is prohibited in the MXC Mixed Use District.
- (e) *Area and dimensional regulations.* Because of the unique nature of mixed use development, area and dimensional regulations shall be established for each mixed use development as part of the development plan review process as required in subsection 22.8.
- (f) *Buffer regulations.* Because of the unique nature of mixed use development, area and dimensional regulations shall be established for each mixed use development as part of the development plan review process as required in subsection 22.8(h) of this section.
- (g) *Additional regulations.*
- (1) Wireless telecommunication regulations are as set forth in article VIII of this chapter.
  - (2) Because of the unique nature of mixed use development, article IX of this chapter, pertaining to off street parking and loading requirements, article X of this chapter, pertaining to sign regulations, and article XI of this chapter, pertaining to landscaping and buffers shall not apply to a MXD Mixed Use District. Requirements for parking and loading, signs and landscaping and buffers shall be established for each mixed use development as part of the development plan review process as required in subsection 22.8(h) of this section.
  - (3) Refuse and garbage service yards. Each service yard shall be located so as to be conveniently accessible by vehicles collecting such refuse and to occupants of the building served by such yard. Each service yard

shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction at least six feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material, which gate must be at least six feet but not more than eight feet in height.

- (4) Exterior lighting. Exterior lighting shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any adjacent streets. No light fixtures used for any parking area shall be elevated more than 14 feet above the ground. Each light fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.
  - (5) At least 20 percent of the gross land area of the MXD Mixed Use District shall be devoted to functional open space which may include landscaping, sidewalks, courtyards, plazas and other congregation areas; and open space that is part of the pedestrian network.
- (h) *Zoning application.* A development plan containing the following information and the following additional items and information shall be filed with each application for a MXD Mixed Use District. The following requirements are in addition to, and not in lieu of, the requirements of section 111-13:
- (1) *Development plan.* The following information shall be shown on the development plan, except that where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material:
    - a. Size, area, boundary lines, dimensions and street frontage of the subject property;
    - b. Location of proposed land uses;
    - c. Location of parking areas and means of vehicular ingress and egress;
    - d. The location, size and dimensions of functional open space and buffers;
    - e. Location and dimensions of service yards;
    - f. Location, height, other dimensions and floor area of buildings;
    - g. Pedestrian circulation network;
    - h. Exterior lighting, fire hydrants and stormwater retention and detention facilities;
    - i. Outside appearance and exterior finishes of buildings;
    - j. The distance between each building and the front, rear and side building setbacks;
    - k. The percentage of the parcel devoted to each proposed use, including functional open space;
    - l. Building height and number of floors in each building;
    - m. The number of parking spaces and dimensions of all parking areas; and
    - n. Parking, driveway and sidewalk paving materials.
  - (2) *Additional items and information.*
    - a. A current survey and legal description of the subject property.
    - b. The proposed density of land use for the subject property with tabulations by acreage and the

percentage of the property to be occupied by each use, including functional open space.

- c. A copy of any covenants or restrictions to which the property is subject.
  - d. A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon.
  - e. A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases.
  - f. A landscaping and buffer plan that shows the location and dimensions of all buffers and landscaping areas, as well as the type and size of plant material proposed for those areas.
  - g. Proposed sign regulations and a signage plan that shows the type, size and location of all building wall and freestanding signs proposed for the mixed use development.
  - h. When required by the city, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.
  - i. A fire protection plan, showing the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures.
  - j. Text and drawings that describe the unified development concept for the MXD Mixed Use District, including the design and appearance of the streetscape, buildings, outdoor lighting, outdoor seating and congregation areas, pedestrian oriented open space and signs.
  - k. Designation of the architectural review committee and review process that shall govern the construction of all improvements in the MXD Mixed Use District.
- (i) *Zoning approval procedures.* For the purposes of this subsection, the term "development plan" shall include the development plan and all accompanying information that comprises the MXD Mixed Use District zoning application. The city council may:
- (1) Approve the development plan;
  - (2) Disapprove the development plan;
  - (3) Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council; or
  - (4) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the building official.
- (j) *Application approval.* Property which is the subject of an approved MXD Mixed Use District zoning application shall be developed in compliance with the development plan and additional items and information approved by the city as part of the MXD Mixed Use District zoning process.
- (k) *Approved development plan amendment.* An approved development plan may be amended by the city, provided the procedure specified in subsection (i)(3) of this section for MXD Mixed Use District zoning is followed.
- (l) *Minor changes procedures.* Minor changes in the location, siting, elevation or character of buildings and

structures shown on the final development plan may be authorized by the zoning administrator. No change authorized by the building official under this section may increase the size of any building or structure by more than ten percent, nor change the location of any building or structure by more than ten feet in any direction; provided that, notwithstanding anything in the foregoing, the building official may not permit changes beyond the minimum or maximum requirements set forth in the MXD Mixed Use District zoning approval.

- (m) *Plans for improvements submittal.* Prior to the issuance of a building permit for improvements and/or structures in the MXD Mixed Use District, the plans and specifications for the improvements and/or structures shall be submitted to and approved by the architectural review committee identified for the MXD Mixed Use District in the zoning application.

(Ord. No. 05-Z07, art. VI, § 22.0, 6-6-2005)

Sec. 111-88. - PCO Peavine Creek Overlay District.

- (a) *District definition.* The PCO Peavine Creek Overlay District shall be defined as all properties in the corporate limits of the city immediately east and north of the city's Weatherly Subdivision and bordered on the west by I-65, and the east by the corporate limit line adjoining the City of Pelham's corporate line. Additionally, the north limit line goes east along the railroad track from I-65 along the north corporate limit line, to County Road 11, hence north along said County Road 11 to the city corporate limit line going east to the railroad track.
- (b) *Intent.* The intent of the PCO Peavine Creek Overlay District is to establish uses for this unique area that are compatible with the existing residential and industrial/commercial businesses there. This area has a very busy traffic pattern complicated by a congested railroad track crossing, a two-lane county road and an odd topography of the land.
- (c) *General requirements.* The following requirements shall apply to all areas located within the PCO Peavine Creek Overlay District, unless otherwise specifically exempted by these regulations:
  - (1) Modifications to the setbacks required by this chapter may be approved by the city approving authority when it is clearly demonstrated that the modification is in the best interest of the city, enhances the functionality and aesthetics of the project and shall not cause an adverse impact on adjacent properties.
  - (2) All buildings and parking facilities located upon the site shall be designed to ensure the free and safe flow of pedestrian and bicycle traffic both within and around the site. To this end, pedestrian and/or bicycle interconnections between building sites shall be provided as an integral element of the overall development plan as well as pedestrian friendly amenities such as benches, pedestrian landings, drinking fountains, bicycle racks, pedestrian lighting, open space, etc.
  - (3) Off-site pedestrian/bicycle improvements within the rights-of-way adjacent to the subject site shall be connected with those improvements made on the site to create an overall pedestrian circulation plan.
  - (4) Right-of-way landscaping for County Road 11 shall be provided as part of the overall development plan.
  - (5) Existing trees and vegetation located within unopened rights-of-way or existing easements shall be



preserved to the extent practicable as determined by the city.

- (6) Due to the mixed use nature of the PCO Peavine Creek Overlay District, all proposed development shall incorporate appropriate buffering and screening techniques to minimize the potential for incompatibility between adjacent uses.
  - (7) Development within this district shall occur within planned areas having a minimum land area of three acres. All applications shall be accompanied by a narrative provided by the developer or owner fully describing the character and intended uses of the land areas proposed for development and how the proposed development plan is consistent with the intent of this district.
- (d) *Subarea*. The PCO Peavine Creek Overlay District is divided into subareas for the purpose of regulating land use and is designed as part of a comprehensive district development strategy. In general, this subarea system concentrates the highest density and highest intensity uses towards the railroad area of the district, thus lessening the impact of development on properties located on the adjacent residential developments processing westward and southward. Subareas identify geographic areas of like zoning within the overall district.
- (1) *Subarea 1*. All properties located within subarea 1 (includes all properties within the district west of County Road 11) shall conform to the regulations of the M-1 district, with the exception of the following uses:
    - a. Airports where any use that requires an air effluent or water quality permit from ADEM.
    - b. Truck terminals.
  - (2) *Subarea 2*. All properties within subarea 2 (this area will run parallel and east of County Road 11 and for 500 feet all the way to the railroad track and hence includes all the property in the district north of the railroad track) shall conform to the use regulations of the B-4 district.
    - a. *Additional regulations*. Any entrance way on County Road 11 to any residential area that is in this subarea shall be separated by curbs and gutters from the commercial development area. Entrances from such road will be allowed into the commercial area.
    - b. *Exceptions*. With the exception of the following uses:
      1. Any use with nighttime outdoor activities;
      2. Automobile dealerships;
      3. Major automobile repair;
      4. Manufactured home sales and service;
      5. Recycling collection point.
  - (3) *Subarea 3*. All properties located within subarea 3 (this area includes the property south of the railroad track to Peavine Creek) shall conform to the use regulations of the R-6 district. Additional regulations include the following:
    - a. Extensive buffering is to be provided along the railroad track edge of the development with solid minimum eight-foot fencing and landscaping.

- b. Apartments/condominiums located within this area shall have at least one amenity such as swimming pools, shuffleboard courts, gardens, etc., in order to ensure a higher quality project.
  - c. There shall be at least 20 percent preservation of existing trees to the extent possible to provide an appropriate buffering of at least 30 feet from adjacent properties along the south and east edge of the project.
  - d. Apartment/condominium buildings in the area shall not exceed five stories in height.
  - e. Connecting walkways/parking areas shall be installed so as to provide continuity to all the buildings throughout the project.
- (4) *Subarea 4.* All properties located in the subarea 4 (this area includes the property south of Peavine Creek and bordered on the west and south of the Weatherly Subdivision and on the east by the joint corporate limit line of the city and the City of Pelham) shall conform to the use regulations of the R-3 district. Additional regulations include preservation of the existing lake area.

(Ord. No. 06-Z01, art. VI, § 23.0, 1-3-2006)

#### Sec. 111-89. - MOD Mountain Overlay District.

##### (a) *Intent.*

- (1) The MOD Mountain Overlay District is intended to protect those resources characteristic of or dependent on the mountainous regions of the city, and includes protecting water quality and public drinking reservoir capacity, promoting soil conservation and the conservation of forest resources, plant habitat, animal habitat and scenic values associated with the mountains of the city, protecting and promoting the economic impact of these resources and tourism, and promoting public safety by, among other things, controlling land disturbing activities in mountain areas that can contribute to or be impacted by debris flows. For the purposes of this ordinance, the Mountain Overlay District shall include the ridge area, defined as all elevations above 600 feet above sea level, and areas of critical slope.
- (2) In establishing the MOD Mountain Overlay District, the city council finds that mountain areas are unique and distinct from the lower elevations of the city that also may contain critical slopes because mountains, by their nature, are a system of slopes that extend far greater distances than critical slopes at lower elevations and which may be considerably steeper.

##### (b) *Definitions.*

- (1) *Ridge:* The chain of mountains or hills forming a continuous elevated crest, including areas 100 vertical feet below the elevation of the crest.
- (2) *Ridgeline:* The lines along the crest formed by the highest points, with the terrain dropping on either sides.
- (3) *Critical slope:* Those areas where the slope is greater than 25 percent.

- (c) *Establishment of district boundaries.* The boundaries of the MOD Mountain Overlay District, the ridge areas, and the ridgelines are identified on, and established by, the official zoning map approved by the city council and administered by the planning and zoning administrator.

- (d) *Permitted uses.* The following uses are permitted in the MOD Mountain Overlay District:
- (1) *By right.* The uses identified as being permitted by right in the underlying zoning district shall be allowed in the MOD Mountain Overlay District by right.
  - (2) *By special use permit.* The uses identified as being allowed by a special exception in the underlying zoning district shall be allowed in the MOD Mountain Overlay District by right.
- (e) *Location of lots and building sites.*
- (1) Development within the Mountain Overlay District is subject to article IX, Architectural Review.
  - (2) Each lot created within the MOD Mountain Overlay District shall comply with the following:
    - a. No lot shall be entirely within a ridge area.
    - b. The building site shall be located outside the ridge area.
    - c. The building site shall be located outside of the MOD Mountain Overlay District of a building site existing thereto.
  - (3) Each existing lot which is within, in whole or in part, the MOD Mountain Overlay District shall comply with the following:
    - a. The building site shall be located outside the ridge area unless:
      1. The lot is entirely within the ridge area, or the lot is both within and without the ridge area, but the only building site is within the ridge area; and
      2. The building site is for the first single-family dwelling on the lot.
    - b. The building site shall be located outside of the mountain overlay district unless:
      1. The lot is entirely within the MOD Mountain Overlay District; or
      2. The lot is both within and without the MOD Mountain Overlay District, but the only building site is within the MOD Mountain Overlay District.
  - (4) Subsection (d)(2) of this section notwithstanding, the building site on a lot may be permitted by special exception to be within the ridge area or MOD Mountain Overlay District upon demonstration by the applicant that the building site would better meet the intent of this section by being located within, rather than outside, of the ridge area or the MOD Mountain Overlay District and the building site satisfies the criteria of subsection (a) of this section.
- (f) *Exempt structures.* The following structures within the MOD Mountain Overlay District shall be exempt from any requirements of subsection (d) of this section:
- (1) An accessory building of less than 400 square feet of interior floor area not including porches;
  - (2) A structure, which is not a building, less than 20 feet in height;
  - (3) A tower or pole used for the sole purpose of supporting one or more antenna and associated necessary equipment, for radio, television, microwave or wireless telecommunications, subject to article V, Wireless Telecommunications Facilities, when appropriate concealment methods are used.
- (g) *Relief from district requirements.* A lot, or any part thereof, shown on the map approved by the city council

pursuant to subsection (b) of this section to be within the MOD Mountain Overlay District or the ridge area shall not be subject to the requirements of this subsection (d) of this section, if the lot owner demonstrates to the satisfaction of the city engineer that it is below the applicable minimum elevation or outside the ridge area, as provided herein.

- (1) In order to make such a demonstration, the owner shall submit to the city a certificate from a licensed land surveyor that the lot, or part thereof, is below the applicable minimum elevation of the MOD Mountain Overlay District, or outside the ridge area.
  - (2) The certification shall be based upon datum which coincides with the United States Geological Survey 1927 North American datum, with a benchmark acceptable to the city engineer.
- (h) *Building permit procedure.* For individual pre-existing lots, the zoning administrator shall review each application for a building permit to ensure that the proposed structure complies with the requirements of this chapter.
- (1) Each applicant shall submit the following information for review prior to issuance of a building permit:
    - a. If no part of the lot to be built upon is within the MOD Mountain Overlay District, a copy of the most recent plat of record of the lot, unless no such plat exists, in which case the applicant shall provide a copy of the most recent deed description of the lot.
    - b. If the lot is located within, in whole or in part, the MOD Mountain Overlay District:
      1. Evidence which establishes that the location of the building structure on the lot complies with subsections (c) and (d) of this section. Evidence demonstrating compliance shall be either:
        - (i) A final plat approval pursuant to the subdivision regulations (see appendix A); or
        - (ii) If the lot was created prior to the date of adoption of the subdivision regulations, then a depiction on a boundary survey prepared by a professional engineer or land surveyor which shows the location of the building site on the lot; the boundary survey shall be accompanied by written verification signed by a professional engineer or land surveyor stating that the building site upon which the structure will be constructed complies with all of the building site requirements of this chapter.
      2. Approval of an erosion and sediment control plan or an agreement in lieu of a plan has been approved, or documentation to support that neither is required.
    - c. Any other information which the building official or zoning administrator may deem necessary for consideration of the application.
  - (2) No permit to construct, reconstruct, enlarge, extend, expand or structurally alter a structure shall be issued:
    - a. For any construction for which a site plan is required to be approved in accordance with this subsection (h), unless and until the site plan is approved. Thereafter, any item shown on the plan as approved shall be deemed prima facie to be in compliance with the requirements of this chapter; or
    - b. For any construction on a lot which is within, in whole or in part, the MOD Mountain Overlay District,

unless and until the applicant demonstrates compliance with this chapter, and in particular subsection (c) and (d) of this section and any tree protection ordinance. In determining compliance, the building official shall consult with the city engineer, city planner and public works department who will advise as to whether the requirements of this chapter have been satisfied. The public works department shall also advise the building official as to whether the requirements of the tree protection ordinance have been satisfied, if applicable.

- (3) If the proposed structure and use is in conformity with the provisions of this chapter, a permit shall be issued by the building official to the applicant. One copy of the drawings shall be returned to the applicant with the permit.

(Ord. No. 06-Z13, art. VI, § 24.0, 8-21-2006; Ord. No. 19-91, § 1, 8-5-2019)

#### Sec. 111-90. - Medical Mile Overlay District.

- (a) *District definition.* The Medical Mile Overlay District shall be defined as all properties in the corporate limits of the city located within the following described boundaries:

The area shall be 1,000 feet from the centerline of the following roads, streets and alleys:

- (1) Highway 31, from Hillwood Lane to Simmsville Road.
- (2) 5th Ave Northeast.
- (3) 2nd Street North East.
- (4) 7th Ave Northeast from Highway 31 to 3rd Street Northeast.
- (5) Industrial Road from Short Street to Highway 31.

Notwithstanding the foregoing, said district shall not extend any further west of Highway 31 than the western most right-of-way of the CSX rail line, nor further north than Hillwood Lane, nor further south than Simmsville Road.

- (b) *Intent.* The intent of the Medical Mile Overlay District is to establish uses for this unique area that are compatible and complementary with the medical businesses located there, to promote redevelopment of existing non-conforming structures/premises, and to improve the aesthetics of the corridor.
- (c) *Permitted Uses.* In addition to the requirements set forth by the zoning district of the individual parcel, within the Medical Mile Overlay District, no business license shall be issued, nor shall any building, structure, or land be used or structure shall hereafter be erected, structurally altered, or enlarged except for one or more of the permitted uses herein cited and subject to the conditions stated herein:
  - (1) Federal, state, county, or city owned or operated buildings and uses.
  - (2) General and private hospitals.
  - (3) Hospital and surgical facilities.
  - (4) Medical or dental clinics.
  - (5) Physical therapy, rehabilitation, and therapy clinics.

- (6) Nursing homes, rest homes, and convalescent homes.
  - (7) Medical educational institutions, including dormitories.
  - (8) Medical research, experimental and testing laboratories.
  - (9) General office uses and office buildings.
  - (10) Professional services (such as attorneys, accountants, engineers, architects).
  - (11) Personal care services (such as barbershops, dry cleaners, hair salons, alteration shops).
  - (12) Medical, surgical and dental supply houses.
  - (13) Apothecaries, drugstores.
  - (14) Ambulance services.
  - (15) Doctors' and nurses' quarters.
  - (16) Retail sales and consumer service establishments accessory to any permitted use, provided that such commercial use shall not occupy more than 15 percent of the total floor area of the building in which such use is located.
  - (17) Accessory structures and uses to those permitted herein.
  - (18) Artificial limb and brace, therapeutic establishments.
  - (19) Florist shops.
  - (20) Optical firms.
  - (21) Book shops.
  - (22) Gift shops, specialty shops.
  - (23) Restaurants, sandwich shops, coffee shops.
  - (24) Hotels.
  - (25) Gasoline sales/convenience stores.
  - (26) Houses of worship.
  - (27) Banks and credit unions.
- (d) *Uses allowed by special exception.*
- (1) Pop-up retail for any use listed in subsection c.
  - (2) Business office/services compliant with section 111-90(f).
- (e) *Uses not permitted.*
- (1) Temporary vendors (excluding mobile food trucks, pop-up retail).
  - (2) Any use not specifically enumerated in subsection (c) of this section.
  - (3) Tobacco/Vape Products/CBD Oil sales exceeding ten percent of gross sales as defined by the City of Alabaster's revenue code, and as defined by the State Code of Alabama regulation of tobacco products.
- (f) *Development guidelines.* The Medical Mile Overlay District is established to serve as an overlay to the established base zoning district. Base districts within the Medical Mile Overlay District include, but not limited

to, B-1, B-2, B-3, B-4, B-5 and Institution. Except as modified by the MMOD, the provisions of the base district shall apply to all development within the boundary MMOD. In the event the regulations conflict, the applicable MMOD shall prevail.

- (1) Applicability of MMOD design guidelines. New construction and reconstruction of property within the overlay shall be in conformance with design standards as set out in the Medical Mile Overlay District Guidelines, as approved the City of Alabaster Planning Commission.
  - (2) Required yards and landscaped areas. The required front yard of all developed parcels shall be landscaped and maintained in a manner as to be neat in appearance when viewed from any street and consistent with all MMOD requirements and landscape ordinances of the City of Alabaster.
  - (3) As part of the board of zoning adjustment review of an exterior storage special exception, the board shall require such exterior storage of materials to be contained by fencing in such a manner as to be neat in appearance when viewed from any street. No exterior storage or display of materials, whether for sale or not, is permitted in the required front yard.
  - (4) Underground wiring requirement. All power, communication, and other wiring hereafter installed to service structures in Medical Mile District shall be placed underground.
- (g) *Medical Mile District Plan.* Prior to the issuance of any business license, building permit, or any subdivision or resurvey of existing property, each person, business, applicant, or property owner desiring to locate a business, build or alter a structure, or subdivide or develop land within the Medical Mile District must submit to the building official for approval a development and/or business plan for each parcel or tract of land proposed to be developed or utilized. Such development plan shall conform to the MMOD Design Guidelines and have shown thereon the following information:
- (1) The specific location or the tract of property within the Medical Mile.
  - (2) Names and addresses of all landowners whose property adjoins said parcel or tract, as shown in the Tax Assessor's Records of Shelby County, Alabama.
  - (3) The location of all buildings proposed to be constructed within the tract, or the existing structures intended to be utilized.
  - (4) Existing and proposed access ways and roads, public and private.
  - (5) A generalized drainage plan showing existing and proposed drainage.
  - (6) Location of all existing and proposed public utilities as the same relates to the development of the property.
  - (7) Location of all off-street parking spaces and loading facilities.
  - (8) Location of proposed screen planting, walls, and garbage storage facilities.
  - (9) Location of all existing and proposed easements.
  - (10) Location of all sidewalks.

The building official, after certifying the applicant's compliance with this district together with all Zoning Regulations and Building Codes of the City of Alabaster, shall approve said application or development plan for a specified Medical Mile District improvement or business license, upon finding that the same complies with these regulations.

(h) *Nonconforming Uses.* All non-conforming existing developments and businesses in the Medical Mile District on the effective date of the ordinance from which this section is derived shall be continued and approved without resubmission, provided that:

- (1) No change shall be permitted to allow any other non-conforming business type, building, or new business of a different non-conforming use; and
- (2) A non-conforming use that has been abandoned for a continuous period of more than 180 days shall thereafter be required to comply with this section.

( Ord. No. 160411-021, § 8, 4-11-2016; Ord. No. 19-91, § 3, 8-5-2019)

Sec. 111-91. - State Route 119 Overlay District.

(a) *Name and description.* There is henceforth a special district in the City of Alabaster to be known as "The SR119." The area shall be 500 feet from the centerline of the State Route 119 from Highway 31 to Mission Hills Road (County Road 80), but shall exclude any portion of a recorded residential subdivision listed below:

- (1) Siluria.
- (2) Buck Creek Landing.
- (3) Scottsdale.
- (4) Mountain Lakes.
- (5) Green Valley.
- (6) Willow Glen.
- (7) Meadowview.

(b) *Permitted uses.* No business license shall be issued, nor shall any building, structure, or land be used, or structure shall be erected, structurally altered, or enlarged except for one or more of the permitted uses herein cited and subject to the conditions stated herein:

- (1) Art gallery.
- (2) Art studio.
- (3) Art/hobby supply.
- (4) Bakery/confections/candy.
- (5) Barber/beauty shop.
- (6) Book shop.
- (7) Business office.
- (8) Places of Worship
- (9) Child care/adult care center.



- (10) Coffee shop/tea room.
- (11) Dance/gymnastics/martial arts/music academy.
- (12) Toy shop.
- (13) Discount/department store.
- (14) Drugstore/pharmacy.
- (15) Dry cleaning pickup.
- (16) Dwellings when part of a mixed-use development.
- (17) Furnishings (flooring/furniture).
- (18) Gift shop.
- (19) Government office.
- (20) Grocery store (< 10,000 sq. ft.).
- (21) Hardware store.
- (22) Home decorating shop.
- (23) Hotel/motel.
- (24) Indoor recreation.
- (25) Jeweler (fine retail, not pawn/resale).
- (26) Mail and packaging service.
- (27) Medical/dental clinic.
- (28) Mixed uses (residential uses may be located on building floors above retail, commercial or office uses).
- (29) Off-premises alcoholic beverage sales.
- (30) Photography shop/supply.
- (31) Professional office.
- (32) Public/private non-profit.
- (33) Research/laboratory/testing.
- (34) Restaurant, drive-thru.
- (35) Restaurant, seated in.
- (36) Restaurant, takeout.
- (37) Retail.
- (38) Shoe shop/repair.
- (39) Shopping center.
- (40) Sporting goods.
- (41) Stationary, stamps.
- (42) Tailor/seamstress.

(c) *Special exception uses.* Special exception uses in the State Route 119 Overlay District include the following:

- (1) Assisted living establishments.
- (2) Banking/finance (excluding cash advance/title loans).
- (3) Bed and breakfast.
- (4) Convenience store/gas station.
- (5) Dwellings (multifamily).
- (6) Funeral home.
- (7) On-premise alcoholic beverage sales (bars/lounges).
- (8) Utilities (electric/gas, etc.).
- (9) Retail with outdoor storage.
- (10) Radio/TV broadcast studio.
- (11) Outdoor recreation.
- (12) Grocery stores/department stores >10,000 sq.ft.
- (13) Catering.
- (14) Use not listed that otherwise could meet the intent of the overlay.

(d) *Prohibited uses.* Prohibited uses in the State Route 119 Overlay District include the following:

- (1) Auto repair (minor).
- (2) Automobile dealerships and used car lots (new/used).
- (3) Carwash.
- (4) Dwellings (single-family, two-family, townhouse, multifamily).
- (5) Flea markets.
- (6) Newsstand/magazines.
- (7) Temporary vendors (does not include mobile food vendors).
- (8) Any use that is not a permitted use or special exception use.
- (9) Any use not specifically enumerated in subsection (b).
- (10) Coin-operated laundry.
- (11) Radio/TV Antennae.
- (12) Tobacco/Vape products/CBD Oil product sales exceeding 10 percent gross sales.

(e) *Permitting and approvals.*

- (1) Prior to the issuance of any new business license, building permit, or any subdivision or resurvey of existing property, each person, business, applicant, or property owner desiring to locate a business, build or alter a structure, or subdivide or develop land within the SR119 district must submit to the building official for approval a development and/or business plan for each parcel or tract of land proposed to be developed or utilized. Such development plan shall have shown thereon the following information:

- a. The specific location or the tract of property within the SR119.
  - b. Names and addresses of all landowners whose property adjoins said parcel or tract, as shown in the tax assessor's records of Shelby County, Alabama.
  - c. The location of all buildings proposed to be constructed within the tract, or the existing structures intended to be utilized.
  - d. Conformity with design standards as set out in the Regional Planning Commission of Greater Birmingham recommended design standards for the SR119 Overlay.
  - e. Existing and proposed access ways and roads, public and private.
  - f. A generalized drainage plan showing existing and proposed drainage.
  - g. Location of all existing and proposed public utilities as the same relates to the development of the property.
  - h. Location of all off-street parking spaces and loading facilities.
  - i. Location of proposed screen planting, walls, and garbage storage facilities.
  - j. Location of all existing and proposed easements.
  - k. Location of all sidewalks.
- (2) The building official, after certifying the applicant's compliance with these regulations together with all Zoning Regulations and Building Codes of the City of Alabaster, shall approve said application or development plan for a specified SR119 district improvement or business license, upon finding that the same complies with these regulations.
- (3) All non-conforming existing developments and businesses in the SR119 district on the effective date of this ordinance [from which this section is derived] shall be continued and approved without resubmission, shall be permitted to renew existing licenses without restriction, and continue ongoing construction and development provided that 1) no change shall be permitted to allow any other non-conforming business type, building, or new business of a different non-conforming use; 2) no change to existing construction or renovation plans shall be permitted that materially differ from the plans approved prior to the effective date of this [ordinance]; 3) any non-conforming use that has been abandoned for a continuous period of more than 90 days, or whose business license has expired and was not timely renewed, shall thereafter be required to comply with this ordinance. Applicants shall reference the SR 119 Overlay District requirements regarding more specific guidance on non-conforming developments.
- (f) *Development guidelines.* The SR 119 Overlay District is established to serve as an overlay to the established base zoning district. Base districts within the SR 119 Overlay District include, single family and multifamily residential; institution; neighborhood, community and general business, light industrial and agriculture. Except as modified by the SR 119 Overlay District, the provisions of the base district shall apply to all development within the boundary. In the event the regulations conflict, the applicable SR 119 Overlay District requirements, adopted by reference, shall prevail.

( Ord. No. 170327-040, 3-27-2017; Ord. No. 19-91, § 4, 8-5-2019)

Sec. 111-92. - Conditional Overlay District regulations.

- (a) *Purpose.* The purpose of the "CO" (conditional overlay) district is to provide for additional regulation of commercial, industrial, or residential uses of land and structures in order that uses and development of said land, buildings and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development. The conditional overlay district is also designed to protect the public welfare and the property value of surrounding property by securing an appropriate development that is in harmony with the objectives of the City of Alabaster Comprehensive Plan as adopted by the Alabaster Planning and Zoning Commission.

In order to achieve the above stated purposes, provision is hereby made that in consideration of a change of zoning classification, the subject property shall be limited in such manner that it may not be utilized for all uses and standards ordinarily permitted in a particular zoning classification, may be limited in architectural type, materials, size, and design, and development of said subject property shall conform to specific conditions as determined by the planning commission and the city council. In such cases, the ordinance changing the zoning classification of the property in question shall place it in a "CO" (conditional overlay) zoning district. The "CO" (conditional overlay) classification shall be indicated in the rezoning ordinance passed by the city council (example: a B-2, general business classification with a conditional overlay would be listed as B-2/CO) and designated on the official zoning map.

- (b) *Zoning districts that may be combined with a "CO"—conditional overlay classification.* Property proposed to be classified as a conditional overlay district must be combined with an existing zoning classification and may be used in combination with all zones as defined in the Zoning Ordinance of the City of Alabaster.
- (c) *Uses permitted in a conditional overlay district.* The uses, designs, and structures and materials permitted under a conditional overlay classification shall be limited to those determined by the planning commission and city council during the zoning review process outlined in these regulations.
- (d) *Application process.* The application process for the creation of a conditional overlay district shall be the same as a standard zoning application to be reviewed by the planning commission and city council as outlined in these regulations.
- (e) *Review standards for a conditional overlay district.* In addition to permitted uses as determined by the planning commission and city council, the conditional overlay ordinance recommended by the planning commission and passed by the city council may impose standards on the subject property with respect to setbacks, build-to lines, buffers (may include required solid fencing, brick or decorative masonry walls), ingress and egress, architectural controls, architectural designs, materials, structure size, site development plan, signage, parking and maneuvering, common areas, landscaping, drainage, and environmental plans as well as other considerations that are determined to be necessary to make the proposed development compatible with surrounding land use and existing zoning. All applicable limitations and/or standards within the conditional overlay classification shall be considered to apply permanently to the site and specific uses permitted.
- (f) *Recording of a development plan for a conditional overlay district.* A site development plan as proposed under conditional overlay criteria, and approved by the planning commission and city council with all conditions and

permitted uses as set forth during the review process, shall be in a form for recording, (24 inches by 36 inches) with standard plat signature certificates. The site plan/plat shall also include a signature line for the city council which will reference the ordinance number for the creation of the conditional overlay designation.

The site development plan designated with permitted land use shall be recorded in the office of the Probate Judge of Shelby County. The official zoning map of the City of Alabaster shall designate the conditional overlay and the planning department shall file a copy of the record plat.

If the proposal for a conditional overlay classification includes the request for subdivision approval, there will be two plats required; the conditional overlay plat dealing with land use and site planning, etc.; and a plat as required by the subdivision regulations of the City of Alabaster. Required plats shall be recorded within three months of final approval.

The development of the site shall be in strict accordance with all aspects of the approved plans and permitted land uses.

- (g) *Expiration of development plan (time limit on development).* In the event that construction in accordance with a development plan has not begun within two years from the date of approval by the city council of the conditional overlay, said development plan shall become null and void. The planning commission and city council may, upon application, consider extending the time frame for development. An application for extension may require additional conditions for the development if there is a change in circumstances in surrounding properties or a change in regulations.

If no construction has begun, or there is no application is submitted for an extension of the time limit for development, the planning commission may consider recommending an amendment to the city council for the reclassification of the property to its original zone.

- (h) *Amendments to an approved conditional overlay district.* In the event that a change in the site development plan or more permitted uses than those set forth in the conditional overlay rezoning ordinance as recommended by the planning commission and passed by the city council are desired for the subject property, the proposed plan/uses must be re-submitted to the planning commission. The planning commission will consider the application in accordance with normal policy and procedures for rezoning and recommend the additional uses or change in site plan to the city council who shall, after proper notification, hold a public hearing on the matter to determine the validity of the application. Upon a denial of the application by the planning commission for a change in the plan or additional uses, the applicant has the option to proceed to the city council to request a hearing to approve or deny the proposal.

Proposed amendments pertaining only to minor aspects of the plan such as building orientation, parking layout, and so forth that will not impact adjoining properties, may be approved internally by departmental reviews. All changes shall be designated on a revised site plan and/or subdivision plat, as appropriate, and recorded in the office of the probate judge of Shelby County.

- (i) *Application and recording fees.* Standard zoning and/or subdivision fees shall be required at the time the application is submitted to the planning commission.

The applicant shall be responsible for all fees related to the advertising and recording of the final plan and ordinance in the office of the probate judge of Shelby County.

(Ord. No. 1602716-029, § 2, 6-27-2016)

**Editor's note—** Ord. No. 1602716-029, § 2, adopted June 27, 2016, set out provisions intended for use as 111-90. Because § 111-90 already exists in the Code and at the editor's discretion, these provisions have been included as 111-92.

Secs. 111-93—111-106. - Reserved.

#### ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 111-107. - Fences and walls.

- (a) Except as permitted in subsection (c) of this section, only the following walls and fences are permitted in the front yard of a residential district:
  - (1) Retaining walls.
  - (2) Split rail type fences, which feature vertical wood posts connected with horizontal wooden rails or boards which are spaced at least eight inches apart. Said fences shall not exceed four feet in height. Vinyl or plastic fencing components which are designed to appear as wood may also be used.
  - (3) Picket fences which do not exceed 48 inches in height.
  - (4) On corner lots a privacy wall or fence may extend from the front most corner of the primary structure running parallel to the public right-of-way to the lot or parcel line.
- (b) In the institution, office, business and manufacturing districts, all privacy walls and fences located within the front yard and parallel, or approximately parallel to a public right-of-way shall be separated from said right-of-way by a landscaped strip at least ten feet wide that meets the requirements of section 111-265(c).
- (c) Privacy walls and fences shall not be located between the front of a dwelling and any public street. However, as a special use exception as allowed by the board of zoning adjustment, privacy walls and fences may be located within that portion of a front yard that is located between the rear or side of a dwelling and a public street, subject to the following restrictions:
  - (1) All such privacy walls shall be constructed of masonry, with a masonry or brick surface.
  - (2) All such privacy fences shall have a finished surface facing the public street and shall have a landscaped strip at least four feet wide, located between the fence and public street right-of-way. The landscaped strip shall not be located within right-of-way and shall be planted with a combination of shrubs and shade trees. All plant material shall be drought resistant or irrigated, and shall be maintained in perpetuity by the owners.
- (d) No fence, structure or planting shall obstruct visibility of persons driving vehicles in the public right-of-way.

(Code 2005, § 122-141; Ord. No. 99-010, art. VII, § 1.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005 ; Ord. No. 160411-021, § 7, 4-11-2016)

Sec. 111-108. - Construction debris and trash.

- (a) Building materials, temporary structures or construction debris or trash shall not be placed or stored on any lot or parcel before appropriate building permits have been approved and issued for the premises by the building official.
- (b) All construction debris and/or waste materials shall be removed from the premises prior to issuance of a certificate of occupancy. Said debris and/or waste materials shall be handled in accordance with all federal, state and local laws and ordinances. No garbage, paint cans or similar debris shall be buried on the property. Burning of appropriate materials is allowed in accordance with all applicable laws.
- (c) All waste associated with construction of a building or structure shall be contained. Burning of waste or burying of waste in other than a landfill which is permitted by the state department of environmental management is prohibited. Portable toilets, licensed by the county health department, shall be provided for all workers involved in the clearing or grading of land or the construction or demolition of a building or structure.
- (d) All public streets and storm drainage structures shall be kept free from dirt, mud, trash and other debris associated with clearing, grading and the construction of any building or structure.

(Code 2005, § 122-142; Ord. No. 99-010, art. VII, § 2.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-109. - Outdoor storage and parking of airplanes, truck tractors, truck trailers, buses, etc.

The outdoor storage or parking of any airplanes, truck tractors or truck trailers, buses and similar large vehicles shall be prohibited for a period greater than 72 hours in all residential districts, except where expressly permitted by other provisions of this chapter, unless the following minimum conditions are met:

- (1) All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front building line, or lines in the case of a corner lot or through lot, but no closer than ten feet to any property line.
- (2) Storage or parking shall be limited to a lot or parcel of land which is improved with an inhabited dwelling and the vehicle or equipment is owned by the occupant.
- (3) In the case of multifamily structures, all such vehicles shall be stored at one location designated for such use and shall be screened from view by a fence or vegetation adequate to conceal the vehicles from view from off the premises.
- (4) Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be used as a dwelling.

(Code 2005, § 122-143; Ord. No. 99-010, art. VII, § 3.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-110. - Storage of inoperable motor vehicles.

It shall be unlawful for any person to park, leave or store upon any lot, place or premises within the city any inoperable motor vehicle for a period greater than 30 days, unless such vehicle is in an enclosed building or screened from view by a visually impervious barrier such as a privacy fence or landscaping. Such privacy fencing shall comply with the provisions of section 111-107. For the purpose of this article, a vehicle shall be deemed inoperable if it cannot be started or driven under its own power and/or does not have a current and valid state vehicle registration. Provided, however, that this section shall not apply to a properly zoned and licensed business if such parking, leaving or storing of such motor vehicles is a reasonably necessary incident in the operation of said business.

(Code 2005, § 122-144; Ord. No. 99-010, art. VII, § 4.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-111. - Keeping of animals.

- (a) No horse, mule, donkey, pony, cow, goat, sheep, swine, fowl or other farm animal or livestock shall be kept in any residential district, except as specifically provided in article III of this chapter.
- (b) No animal listed in subsection (a) of this section shall be kept within 100 feet of any dwelling other than that occupied by the owner of the animal, or within 100 feet of any hotel, motel, restaurant, retail food store, school, church or hospital.
- (c) No animal listed in subsection (a) of this section which is permitted in a residential district may be kept unless a special permit therefor is issued by the building official after an inspection of the premises and a finding that no nuisance will be created and that all ordinances and regulations have been complied with. A permit shall be for a term of one year, and no renewal shall be issued without reinspection.

(Code 2005, § 122-145; Ord. No. 99-010, art. VII, § 5.0, 9-21-1999)

Sec. 111-112. - Swimming pools.

- (a) All swimming pools, except those with inflatable sides, shall only be permitted in the rear yard when located in a single-family or two-family residential district and shall be located at least five feet from any property line.
- (b) All permanent swimming pools shall be located within a fenced in yard or enclosed by a fence with a childproof gate. The fence and gate shall be at least four feet in height and constructed in compliance with the requirements of section 111-107. The owner of any existing pool shall be allowed a period of 45 days from the effective date of the ordinance from which this chapter is derived in which to provide a fence for such pool as herein required.
- (c) All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property. Maximum height of the fixtures shall be ten feet.
- (d) Swimming pools shall not be located within a regulated flood hazard area as depicted on the city's flood hazard boundary map.

(Code 2005, § 122-146; Ord. No. 99-010, art. VII, § 6.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)



Sec. 111-113. - Private tennis courts.

- (a) Tennis courts constructed in a single-family or two-family residential district shall be located in the rear yard.
- (b) Tennis courts shall be located at least 25 feet from any property line and residential structure.
- (c) All fences must meet the requirements of section 111-107.
- (d) All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property.

(Code 2005, § 122-147; Ord. No. 99-010, art. VII, § 7.0, 9-21-1999)

Sec. 111-114. - Sidewalks.

- (a) In order to provide a safe pedestrian environment, sidewalks shall be provided in all subdivisions located in the R-3, R-4, R-5, R-7 and R-8 residential districts and in all residential communities in the R-6 district. The city may also require sidewalks in other districts where the location and type of development warrants pedestrian circulation. Sidewalks in subdivisions shall be located in the public street right-of-way and constructed to city standards. Sidewalks and pedestrian ways on private property shall be at least four feet wide.
- (b) All sidewalks in the public right-of-way shall be a minimum of 48 inches wide, four inches thick, and shall have a one-fourth to one-half inch per foot crossfall. Additional sidewalk requirements may be addressed in the subdivision regulations (see appendix A).

(Code 2005, § 122-148; Ord. No. 99-010, art. VII, § 8.0, 9-21-1999)

Sec. 111-115. - Storage and dispensing of combustible and flammable liquids, other than for sale.

- (a) *Above-ground storage.*
  - (1) The above-ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the city, except that protected above-ground storage tanks at commercial, industrial, governmental or manufacturing facilities, intended for fueling vehicles used in connection with those facilities, may be allowed when approved by the building official.
  - (2) Temporary use of movable tanks in conjunction with the dispensing of such liquids into the fuel tanks of motorized equipment on premises not normally accessible to the public is permitted only after written approval for such use has been obtained from the building official.
- (b) *Below-ground storage.* The below-ground storage and/or dispensing of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited in residential zones, except at governmental facilities when approved by the building official. Such storage of hazardous liquids, other than for sale, is permitted in nonresidential zones, upon written approval of the building official.

(Code 2005, § 122-149; Ord. No. 99-010, art. VII, § 9.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-116. - Main buildings of businesses required to be permanent.

Except as otherwise permitted in this chapter, the main building of a permanent or temporary business shall be a permanent building, which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the main building area. The permanent building and premises shall conform in all respects to the applicable land and building development codes and ordinances of the city. The main building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of this section.

(Code 2005, § 122-150; Ord. No. 99-010, art. VII, § 10.0, 9-21-1999)

#### Sec. 111-117. - High-traffic corridors.

For the purposes of this section, the term "high-traffic corridor" means land adjoining a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day. Any commercial building abutting or visible from a thoroughfare defined as a high-traffic corridor must meet the following requirements, in addition to other provisions of this chapter:

- (1) Buildings shall be constructed so that all exterior building walls that are visible from a public right-of-way are surfaced with a masonry material. Acceptable materials include brick, stone, drivit or decorative block.
- (2) Parking lots must include curbing and/or gutters and be landscaped in accordance with article VIII of this chapter.

(Code 2005, § 122-151; Ord. No. 99-010, art. VII, § 11.0, 9-21-199; Ord. No. 05-Z07, 6-6-2005)

#### Sec. 111-118. - Gasoline service stations.

- (a) *Location.* No gasoline service station shall be located within a radius of 300 feet from a place of public assembly.
- (b) *Permanent storage of material, merchandise and equipment.* All permanent storage of material, merchandise and equipment shall be within the principal building or within the setback lines, with the exception of garbage and trash, which shall be located in an area enclosed on four sides by an opaque fence at least six feet high and located within the setback lines.
- (c) *Setbacks.*
  - (1) The principal building and three islands of triple pumps shall require a minimum lot area of 12,000 square feet with 120 feet of continuous public road frontage.
  - (2) All driveways shall be set back at least 20 feet from the property corners, shall not exceed 35 feet in width and shall be 30 feet apart.
  - (3) A minimum of 1,600 square feet of lot area is required for each additional triple pump island.
  - (4) A minimum of 1,200 square feet of lot area shall be provided for each service bay or carwash.
  - (5) No pump shall be located within 50 feet of a residential district boundary.
- (d) *Gasoline pump and facility standards.* The following minimum standards shall apply to the gasoline

dispensing area, including pump islands and approach drives:

- (1) One triple pump island shall require 2,700 square feet of lot area.
  - (2) One pay station and one triple pump island shall require 5,200 square feet of lot area.
  - (3) A minimum of 1,600 square feet of lot area shall be provided for each additional triple pump island and a minimum of 1,200 square feet of lot area shall be provided for each service bay and carwash.
- (e) *Prohibited uses.* The following are prohibited uses in gasoline service stations located in any district other than M-1 and M-2 districts:
- (1) Storage of vehicles on the premises for purposes other than periodic maintenance or repair.
  - (2) Major automobile repairs.
  - (3) Sales of new or used motor vehicles.
  - (4) Any use performed inside the building which is offensive or dangerous, or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust, odors, vibration, noise or unsightliness.

(Code 2005, § 122-152; Ord. No. 99-010, art. VII, § 12.0, 9-21-1999)

#### Sec. 111-119. - Lighting.

The regulations of this section apply to all premises, except detached single-family dwellings. All outdoor lighting on private or public property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. All outdoor light fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated.

- (1) All outdoor fixtures that light the area under outdoor canopies shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated.
- (2) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring dwellings, adjacent uses, skyward or onto a public roadway or pedestrian way.
- (3) Security and night operation lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices to permit extinguishing the outdoor lighting fixtures between 11:00 p.m. and sunrise.
- (4) Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least 50 percent from then until dawn, unless supporting a specific purpose and approved by the building official.
- (5) All illumination for advertising signs, building and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is open for

business and until one hour after closing.

- (6) In no case shall the illumination cast by a source onto an adjacent residential property exceed 0.1 vertical footcandle measured line-of-site, from any point on the adjacent residential property.
- (7) Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. All such fixtures shall be designed or fitted to concentrate the light output onto and not beyond the sign. All such lighting shall be extinguished between the hours of 11:00 p.m. and dawn, except as specifically permitted by the building official.
- (8) Except for athletic facilities, light fixtures shall not be mounted in excess of 20 feet above grade.

(Code 2005, § 122-153; Ord. No. 99-010, art. VII, § 13.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-120. - Garbage and trash containers.

Except for single-family residential dwellings, all garbage and trash containers shall be located within a three-sided enclosure, which completely conceals the containers.

(Code 2005, § 122-154; Ord. No. 99-010, art. VII, § 14.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-121. - Mobile buildings and modular homes.

- (a) A mobile building may be used for sales offices for manufactured homes and camping trailers. Mobile buildings may be used for storage and office purposes, for a period not to exceed six months, on the premises of a construction site for which all required permits have been issued.
- (b) The building official shall enforce the following standards for the placement of a manufactured, mobile or modular home in a residential district, except in R-8 and MHD districts:
  - (1) The dwelling shall be constructed with the same or similar materials which are used in the construction of the majority of the other homes within the immediate area.
  - (2) All foundations, and electrical, plumbing and heating systems shall be substantially the same as other homes in the area.
  - (3) The dimensions, roof pitch and general appearance shall be essentially the same as other homes in the area.

(Code 2005, § 122-155; Ord. No. 99-010, art. VII, § 15.0, 9-21-1999)

Sec. 111-122. - Self-service storage facilities.

- (a) *Requirements.* Self-service storage facility requirements include the following:
  - (1) Submission of a site development plan.
  - (2) Self-service storage facilities shall be limited to the rental of storage units and the pickup and deposit of goods or property in dead storage.
  - (3) Vehicle and trailer rental may be permitted on the premises as an accessory use, subject to review and

approval as a special exception use. Rental vehicles shall not be parked in required parking spaces, drives or parking lanes.

- (4) Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repairs; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- (5) Individual storage units shall not have electrical outlets, except ceiling light fixtures and necessary switches.
- (6) The maximum gross floor area of an individual storage unit shall be 340 square feet.
- (7) Individual storage units or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain a business license or other governmental permit or license to do business, nor as a legal address for residential purposes.
- (8) The following materials shall not be stored in any self-service storage unit, and each lessee shall be required to sign a written statement certifying that none such materials will be stored in the unit leased by that individual or corporation:
  - a. Hazardous materials.
  - b. Flammable and combustible liquids.
  - c. Explosives.
  - d. Black powder and smokeless powder.
- (9) Except as provided herein, all property stored on the premises shall be entirely within an enclosed building. Open storage of recreational vehicles and boats is permitted, subject to the following:
  - a. Storage shall occur only in a designated area which is clearly delineated for open storage.
  - b. Such areas shall not exceed ten percent of the lot or parcel area.
  - c. Such area shall be screened from view from property zoned for detached single-family residential use and public property, including the public right-of-way.
  - d. Storage shall not occur in required parking spaces, drives, parking lanes, nor within required building setback areas.
  - e. No vehicle maintenance, washing or repair shall be permitted.
- (10) Exterior light fixtures shall be designed and installed so that the light is focused down upon the premises and so that a minimum amount of light shines on adjacent property or the public right-of-way. If a facility abuts a residential district, exterior light fixtures shall not exceed 16 feet in height.
- (11) A caretaker or security guard dwelling is permitted on the premises.
- (12) Required parking spaces shall be located adjacent to the building or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one space per 200 square feet of gross floor area.
- (13) Self-service storage facilities which feature both multiaccess and limited access storage facilities shall comply with all of the requirements pertaining to both types of storage units.

(b) *Multiaccess facility supplemental regulations.* The following supplemental regulations pertain only to

multiaccess facilities:

- (1) Minimum lot area shall be three acres.
  - (2) All drives which provide direct access to storage units shall have an adjacent parking lane which extends the full length of the access drive, and is located between the access drive and the storage units. Access drives with direct access to storage units on only one side of the drive shall be at least 20 feet wide, plus have one parking lane at least ten feet wide, for a total width of 30 feet. Access drives with direct access to storage units on both sides of the drive shall be at least 20 feet wide, plus have one parking lane at least eight feet wide on each side of the drive, for a total width of 36 feet.
  - (3) Storage unit doors shall be screened from view from property zoned for detached single-family residential use. The building, including storage unit doors, shall be a color which blends with the surrounding built and natural environment and shall not be a color which attracts attention to the premises.
  - (4) The facility shall feature appropriate access and circulation by vehicles and emergency equipment.
- (c) *Limited access facility supplemental regulations.* The following supplemental regulations pertain only to limited access facilities:
- (1) Multistory facilities located in the B-3 or B-4 zoning district shall feature building materials and architectural designs which reduce the scale and mass of the structures, so that the buildings appear to be office buildings, not storage facilities.
  - (2) Each entry point to the building used to access hallways leading to the storage units shall accommodate a minimum of two loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

(Code 2005, § 122-156; Ord. No. 99-010, art. VII, § 16.0, 9-21-1999)

#### Sec. 111-123. - Industrial parks.

The following requirements pertain to industrial parks:

- (1) Access shall be by way of a major thoroughfare adequate and suitable for the accommodation of truck traffic.
- (2) All streets or roadways within an industrial park shall have a minimum right-of-way width of 70 feet, a maximum gradient of five percent and shall conform to the city standards for commercial streets.
- (3) Cul-de-sac streets shall be permitted in industrial parks when they are less than 500 feet long, as measured from the terminal point of the cul-de-sac street to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum radius of 70 feet.
- (4) Sight distances at all points of ingress and egress to public thoroughfares or highways shall not be less than 500 feet, except where a traffic signal light is installed.

(Code 2005, § 122-157; Ord. No. 99-010, art. VII, § 17.0, 9-21-1999)

#### Sec. 111-124. - Home occupations.

Home occupations are a permitted use in certain districts. In order to qualify as a home occupation, a business or activity must comply with the following standards:

- (1) The business must be conducted entirely within an owner-occupied dwelling and, except for group day care homes, employs only the inhabitants thereof.
- (2) The business shall not occupy more than 25 percent of the gross floor area of the dwelling.
- (3) The business shall not involve wholesale or retail sales wherein merchandise is delivered or distributed from the premises, except for art-work, crafts and similar items which are made on the premises.
- (4) The business shall not involve outdoor storage of merchandise, equipment or supplies, nor large truck deliveries, other than routine parcel deliveries.
- (5) The residential appearance of the premises shall be maintained and all off-street parking, other than those spaces located on the residential driveway, shall be located in the rear or side yard of the premises.
- (6) The business shall not create any noise which is audible from off the premises and shall not emit any smoke, vibration, fume or dust which affects nearby properties.

(Code 2005, § 122-158; Ord. No. 99-010, art. VII, § 18.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-125. - Architectural standards for commercial structures.

- (a) *Purpose.* The purpose of this section is to establish minimum standards for exterior architecture on new commercial construction to ensure a high-quality development, redevelopment and compatibility and to promote visual aesthetics, economic viability and a strong community image. Furthermore, these standards are intended to protect property values of adjacent neighborhoods by ensuring that new development enhances the character of these areas.
- (b) *Applicability.* This section is applicable to all construction, including additions, on any lot located within the Institution, B-1, B-2, B-3, B-4, B-5 and Planned Commercial Districts located on a principal or minor arterial, or a major or minor collector street as defined by the functional classification of streets provided within the Comprehensive Plan. Where a commercially zoned property has frontage on a high traffic corridor, that property shall be subject to section 111-117. All exterior walls within the public view shall comply with this section.
- (c) *Appropriate materials.* Materials allowed on exterior walls shall be high quality finishes, and may include masonry (brick, stone, split-faced CMU, dryvit), wood, and the use of other materials, including, but not limited to, hardy-board and metal finishes (architectural grade) or other high-quality material deemed appropriate by the zoning administrator. Vinyl and aluminum siding, standing seam metal and faux "sprayed stucco" are prohibited finishes.

(Ord. No. 20-96, § 1, 3-16-2020)

Secs. 111-126—111-146. - Reserved.

## ARTICLE V. - WIRELESS TELECOMMUNICATIONS FACILITIES

### Sec. 111-147. - Intent.

The intent of this article is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to:

- (1) Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for the city;
- (2) Encourage and maximize the use of existing towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- (3) Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and
- (4) Discourage the proliferation of towers throughout the city.

(Code 2005, § 122-191; Ord. No. 99-010, art. VIII, § 1.0, 9-21-1999)

### Sec. 111-148. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure compound* means a fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, parking areas and other accessory devices and auxiliary structures are located.

*Alternative support structure* means any structure, other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles and similar structures.

*Antenna* means an electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes whips, cornucopia horns, panels and parabolic dishes.

*Antenna support structure* means any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy wires, wooden, steel or concrete monopoles, self-supporting steel towers and other alternative support structures.

*Collocation* means the placement of more than one wireless communications antenna on a single existing or new antenna support structure.

*Concealment technique* means a wireless telecommunications facility, including any antennas thereon, designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a wireless telecommunications facility.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.



*Height*, when referring to a tower or other structure, means the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

*Temporary telecommunications facility* means a mobile wireless telecommunications facility, mounted on a trailer or other vehicle, used or designed to be used on a temporary basis.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and similar structures. See *Antenna support structure*.

*Wireless telecommunications facility* means a facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers and similar structures supporting said equipment; and equipment buildings, access roads, parking areas and other accessory structures.

(Code 2005, § 122-192; Ord. No. 99-010, art. VIII, § 2.0, 9-21-1999)

Sec. 111-149. - Compliance; permit required.

All wireless telecommunications facilities are subject to the requirements of this article and shall require issuance of a building permit prior to erection or construction.

(Code 2005, § 122-193; Ord. No. 99-010, art. VIII, § 3.0, 9-21-1999)

Sec. 111-150. - Zoning use requirements.

(a) The following table sets forth the zoning use requirements for wireless telecommunication facilities:

	Zoning Districts						
Type of Wireless Communication Facility	A	E, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, PRD-1, PRD-2	I, B-1, B-2, B-3, B-5, POD, PCD-1, PCD-2	B-4 M-1, M-2, PID	MHD	MR	MXD
Alternative support structure	P	P	P	P	X	X	SE

Collocation antenna	P	P	P	P	X	X	SE
Concealment technique, any height	P	SE	P	P	X	X	SE
Antenna support structure 59 feet or less in height	P	SE	P	P	X	X	SE
Antenna support structure 60 to 200 feet in height	SE	SE	P	P	X	X	SE
Antenna support structure more than 200 feet in height	SE	X	SE	P	X	X	SE

Note to table: P=Permitted, SE=Special Exception Use, X=Prohibited

- (b) The height limitations applicable to buildings and structures in each zoning district shall not apply to wireless telecommunications facilities.
- (c) Towers and/or antennas utilizing alternative support structures shall not extend more than 15 feet above the existing structure on which they are placed.
- (d) Whips, panels, cornucopia horns and parabolic dishes placed on alternative support structures shall not exceed 100 square feet in area.
- (e) Placement of temporary telecommunications facilities must be approved by the planning commission and in no case may the temporary facility be permitted for longer than one year. Temporary facilities may only be approved by the board, for sites that have been approved for a permanent tower structure. Application for a temporary facility may be made simultaneously with an application for a permanent tower. All portions of the temporary facility shall fall within the compound boundaries that are approved specifically for the permanent wireless telecommunications facility. A temporary facility shall not exceed the height of the permanent facility approved for the site. These regulations shall not apply to portable mobile emergency or test tower facilities.

## (f) Area and dimensional regulations are as follows:

## (1) Minimum lot size.

- a. Lot size must conform to the minimum lot size required for the underlying zoning district.
- b. The minimum lot size for any new wireless telecommunications facility shall be large enough to accommodate the antenna support structure and any ground-mounted accessory structures of the applicant and the ground-mounted accessory structures of at least one additional collocating service provider.
- c. If only a portion of a parcel is being leased for a wireless telecommunications facility, the leased parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

## (2) Setbacks.

- a. Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.
- b. Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

Tower Setbacks	
When property on which the tower is located is zoned:	The minimum setback from the property line shall be:
A	50 feet for towers of any height, except as stipulated in subsection (f)(2)c. of this section
E, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, PRD-1, PRD-2, MHD	A distance equal to the height of the tower
I, B-1, B-2, B-3, B-5, POD, PCD-1, PCD-2, MXD	50 feet for towers of any height, except as stipulated in subsection (f)(2)c. of this section
B-4, M-1, M-2, PID	30 feet for towers of any height, except as stipulated in subsection (f)(2)c. of this section

- c. Towers shall be no closer than a distance equal to the height of the wireless telecommunications

facility from any residential structure on adjacent property.

(Code 2005, § 122-194; Ord. No. 99-010, art. VIII, § 4.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-151. - Collocation.

- (a) New antenna support structures shall only be permitted when the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.
- (b) Documentation that all efforts have been made to achieve collocation shall be submitted along with all applications for a new antenna support structure. Such applications shall include an affidavit from the applicant verifying that no existing sites are available for collocation. If the owner of an approved antenna support structure refuses to allow a collocation, an affidavit shall be required that states the reason for the refusal.
- (c) Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least one additional antenna, unless the collocation would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height shall have the ability to accommodate at least two additional antennas.

(Code 2005, § 122-195; Ord. No. 99-010, art. VIII, § 5.0, 9-21-1999)

Sec. 111-152. - Appearance.

- (a) The design of the tower shall be of a type that has the least visual impact on the surrounding area.
- (b) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, except as may be required by FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be the same color as the supporting structure.
- (c) Signs, symbols or advertisements shall not be attached to any wireless telecommunications facility.

(Code 2005, § 122-196; Ord. No. 99-010, art. VIII, § 6.0, 9-21-1999)

Sec. 111-153. - Environment compatibility.

- (a) The design of a wireless telecommunications facility shall, to the extent possible, blend with the surrounding natural setting and built environment.
- (b) In or adjacent to developed properties, accessory structures must be architecturally compatible with the surrounding built environment.

(Code 2005, § 122-197; Ord. No. 99-010, art. VIII, § 7.0, 9-21-1999)

Sec. 111-154. - Nonvegetative screening.

- (a) Nonvegetative screening shall be required when it is necessary to reduce the visual impact of a wireless telecommunications compound upon adjacent public rights-of-way, properties or private properties. Within or

adjacent to developed properties, nonvegetative screening shall be provided in a manner which is compatible with the surrounding development, buildings, natural vegetation, and landscaping. Such screening shall consist of one or more of the following: brick or masonry walls, solid wood fencing and berms. All nonvegetative screening shall be properly maintained in perpetuity by the property owner or lessor.

- (b) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the nonvegetative screening requirement may be reduced or waived.
- (c) Wireless telecommunications facilities utilizing underground vaults rather than above-ground equipment buildings may be exempted from any buffer and screening requirements.

(Code 2005, § 122-198; Ord. No. 99-010, art. VIII, § 8.0, 9-21-1999)

#### Sec. 111-155. - Buffers.

- (a) Landscaping shall be required along the perimeter of all wireless telecommunications facilities, unless the facilities are surrounded by natural vegetation which completely screens the compounds from view from off the premises.
- (b) The perimeter of a compound shall be landscaped with a buffer of plant materials that screens the view of the compound from adjacent property and public rights-of-way. The buffer shall consist of a landscaped strip of at least four feet in width outside the perimeter of the compound.
- (c) A double staggered row of evergreen trees at least eight feet tall, planted on ten-foot centers, shall be installed around the perimeter of the compound fence.
- (d) Plant material shall be drought tolerant. All plant material required herein shall be maintained in perpetuity by the property owner or lessor.

(Code 2005, § 122-199; Ord. No. 99-010, art. VIII, § 9.0, 9-21-1999)

#### Sec. 111-156. - Lighting.

- (a) Towers shall not be artificially lighted, unless required by the FAA or other authority for safety purposes. If lighting is required, dual lighting (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward, to the greatest extent possible, so as to minimize the amount of light that falls onto nearby properties.
- (b) Security lighting in the compound may be permitted, but shall not include light fixtures which are more than 20 feet in height. Lighting shall be focused within the compound and shall be directed away from any adjacent property.

(Code 2005, § 122-200; Ord. No. 99-010, art. VIII, § 10.0, 9-21-1999)

#### Sec. 111-157. - Access.

Access to each wireless telecommunications facility shall be approved by the city and the fire chief to ensure adequate public safety access.

(Code 2005, § 122-201; Ord. No. 99-010, art. VIII, § 11.0, 9-21-1999)

Sec. 111-158. - Environmental impact.

All wireless telecommunications facilities shall comply with the National Environmental Policy Act, 42 USC 4321—4345. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, shall be submitted at the time of application.

(Code 2005, § 122-202; Ord. No. 99-010, art. VIII, § 12.0, 9-21-1999)

Sec. 111-159. - Safety.

- (a) The applicant shall submit documentation that the proposed wireless telecommunications facility complies with FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
- (b) A professional engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the International Building Code and the applicable technical codes established by the Electronic Industries Association (EWTIA 222-E, Structural Standards for Steel Antenna towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
- (c) Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Anticlimbing measures shall be incorporated into each facility, to reduce the potential for trespass and injury. A sign, not to exceed one square foot in area, shall be placed at the entrance of the compound fence, which indicates the name and telephone number of the person responsible for the safety and maintenance of the facility.

(Code 2005, § 122-203; Ord. No. 99-010, art. VIII, § 13.0, 9-21-1999)

Sec. 111-160. - Abandonment.

In the event the use of any wireless telecommunications facility has been discontinued for a period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the building official, who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications

facility, or dismantle and remove the wireless telecommunications facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the city.

(Code 2005, § 122-204; Ord. No. 99-010, art. VIII, § 14.0, 9-21-1999)

#### Sec. 111-161. - Definitions.

The terms below have the following meanings for purposes of this chapter.

*Abandonment* or *abandon(s)* means that, following the placement of small cell technologies facilities (and associated accessory equipment) or support structures in the city pursuant to a permit issued to a provider or an applicant, any of the following has occurred:

- (1) For any reason the facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of 90 days;
- (2) The city revokes the permit for placement and use of those facilities due to nonpayment of applicable fees, the failure of the provider or applicant to comply with conditions in the permit or in this chapter concerning them, or other valid reason; or
- (3) The provider or applicant fails to perform any of its responsibilities, obligations and requirements in this chapter or in a permit that relate to the installation, construction, maintenance, use or operation of the facilities, accessory equipment or support structures, and that breach remains uncured for a period of 60 days after the city provides written notice of the breach to the provider or applicant.

*Accessory equipment* means any equipment other than an antenna that is used in conjunction with small cell technology facility arrangements. This equipment may be attached to or detached from a small cell technology wireless support structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on or in the immediate vicinity of a support structure.

*Antenna* means communications equipment that transmits and receives electromagnetic radio signals, is attached to a small cell technology wireless support structure and is used to communicate wireless service.

*Applicant*, whether singular or plural, means a personal wireless service provider, an entity that is authorized by a personal wireless service provider to apply for or receive a permit to install, construct, modify or maintain a small cell technology facility and related accessory equipment or support structure in the city, or an entity certificated by the state public service commission to provide telecommunication service.

*Application* means a formal request submitted to the city for a permit to install, construct, modify or maintain a small cell technology facility and related accessory equipment or support structure.

*City* means the City of Alabaster, Alabama.

*City council* means the city council of the city of Alabaster, Alabama.

*City manager* means the person appointed by the city council as the city manager of the city. The city manager includes any employee of the city or other person designated by that manager to perform the responsibilities in this chapter.

*Collocation* means the placement or installation of a new small cell wireless technology facility or related accessory equipment on an existing pole or other support structure that is owned, controlled or leased by a utility, the city, or other person or entity.

*Personal wireless service provider* or *provider* means an entity that provides personal wireless communication services to the public or citizens of the city on a commercial basis and is authorized by the FCC to provide those services.

*Private property* means real property located in the city that does not lie within the right-of-way.

*Right-of-way*, whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements and public service easements within those places, as the same now or may hereafter exist, that are within the city's corporate boundaries and under the jurisdiction of the city. This term shall not include county, state or federal rights of way or any property owned by any person or entity other than the city.

*Small cell technology facility(ies)* or *facilities*, whether singular or plural, means and includes the following types of structures:

- (1) Antenna; and
- (2) Associated accessory equipment.

Photographs and illustrations of the types, relative dimensions and scale of these facilities that are currently contemplated by this chapter are attached as attachment A to the permanent record of the ordinance from which this chapter is derived that is maintained by the city clerk.

*Small cell technology wireless support structure* or *support structure*, whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, small cell technology facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole. These terms do not include the city's decorative and architecturally significant street light poles as those decorative lights are inappropriate for use as a support structure.

*Stealth technology* means a method(s) of concealing or minimizing the visual impact of a small cell technology facility (and associated accessory equipment) and support structure by incorporating features or design elements which either totally or partially conceal such facilities or equipment. The use of these design elements is intended to produce the result of having said facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the facilities are an architectural component of the support structure. Photographs and illustrations of examples of the types of stealth technology that may be used when buildings are utilized as support structures and other applications of stealth technology that are currently contemplated are attached as attachment B to the permanent record of the ordinance from which this chapter is derived that is maintained by the city clerk.



( Ord. No. 180122-054, § 1, 1-22-2018)

Sec. 111-162. - Permit required to place small cell technology facilities in right-of-way.

- (a) A provider or applicant must obtain a permit from the city before placing, installing, or constructing any small cell technology facility (and associated accessory equipment) on any support structure that is located on the right-of-way, or substantially modifying the position or characteristics of any such existing facility thereon.
- (b) The city manager will review and administratively process any request for a permit to determine whether, in the exercise of the city manager's reasonable discretion, it should be issued for the location and in the manner requested by the applicant. In this process, the burden is on the provider or applicant to demonstrate that the placement of the proposed small cell technology facility and associated accessory equipment or support structure on the right-of-way is the minimal physical installation which will achieve the goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section, this permitting process will be administrative and not require the approval of any city board or city official other than the city manager.

The factors, requirements and guidelines that the city manager may consider and will apply when determining whether to issue a permit for placement of small cell technology facilities and associated structures on the right-of-way include, but are not limited to, the following:

- (1) The demonstrated need for placing the structures at the requested location and geographic area in order to deliver or enhance personal wireless service;
- (2) The visual impact of placing the support structures or facilities in the subject area;
- (3) The character of the area in which the structures are requested, including surrounding buildings, properties and uses;
- (4) Whether the appearance and placement of the requested structures is aesthetically consistent with the immediate area;
- (5) Whether the structures are consistent with the historic nature and characteristics of the requested location;
- (6) The applicant's or provider's network coverage objective and whether the applicant or provider should use available or previously unconsidered alternative locations to place the support structures or facilities;
- (7) Colocation. To the extent practical, all facilities and associated accessory equipment that are placed in the city shall be attached to a pre-existing support structure that is owned, controlled or leased by a utility, franchisee, the city or other entity. If the applicant demonstrates that no colocation opportunities exist in the area where a technologically documented need for a facility exists, the applicant may request that a new pole or other support structure be installed in that area for purposes of constructing the facilities. Before any new support structure is permitted, each of the following must occur:
  - a. The applicant must have provided the city written evidence that no practical colocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written

information that demonstrates that the applicant has taken all commercially reasonable actions to achieve colocation in the requested location or area, that the applicant has pursued but been denied access to all potential colocation sites in the subject area (and the reasons [for] any such denial(s)), and otherwise show that the applicant is unable to co-locate on an existing support structure;

- b. The city manager must recommend the placement of a new support structure in the right-of-way; and
- c. The city council must approve the recommendation of the city manager to issue a permit that includes the placement of a new support structure in the right-of-way. The city council will consider whether to approve any such new structure at a regular council meeting that will be conducted as soon as practical after the city manager's recommendation is made.

(8) If a facility is attached to a utility pole or other support structure in the right-of-way, no antenna or other part of the facility shall extend more than five feet above the height of that structure; provided that, in the event that the applicant demonstrates that National Electric Safety Code regulations or other factors create an undue hardship in complying with this height requirement, the city manager may permit a facility to extend up to ten feet above the height of such support structure;

(9) The accessory equipment shall, if reasonably possible, be placed at least ten feet above the ground;

(10) The color of antenna and accessory equipment shall be compatible with that of the support structure;

(11) The facility (including the accessory equipment) shall not be illuminated;

(12) Whether the proposed installation could cause harm to the public or pose any undue risk to public safety;

(13) Whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the right-of-way by the public; and

(14) If the proposed installation will disturb conditions on the right-of-way, whether the applicant can demonstrate its ability and financial resources to restore the subject area to its pre-existing condition following installation.

(c) Application process.

(1) *At a minimum, each application for a permit shall contain all of the following:*

- a. Engineering drawings depicting the type of facilities, support structure, and means and points at which such facilities and associated accessory equipment will be attached to a support structure;
- b. Map(s) designating with specificity the location(s) of the requested facilities;
- c. The geographic coordinates of all antenna and other proposed facilities;
- d. If the facilities will be located on a support structure on the right-of-way that is owned by any entity other than the city or the applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that support structure authorizes the facilities to be attached thereto or agrees in principle to authorize that attachment; provided that, if a representation is made to the city that the attachment has been authorized in principle by the owner of the support structure but the applicant subsequently fails to furnish the city documentation that finalizes any such agreement, the

city may refuse to issue the requested permit until that documentation is provided, or, if the city issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the right-of-way be rescinded.

- e. If the applicant requests permission to place facilities on a new support structure, the substantiation therefor required by section 111-162(b)(7) in this chapter.

An application shall not be deemed complete until the applicant has submitted all documents, information, forms and fees specifically enumerated in this chapter that pertain to the location, construction, or configuration of the facilities or support structures at the requested location(s). Within 30 calendar days after an application for permit is submitted, the city shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. If the city does not notify the applicant in writing that the application is incomplete within 30 days following its receipt, the application is deemed complete.

(2) *Time for processing application.*

Unless another date is specified in a written agreement between the city and the applicant, the city, will have the following time periods to make its final decision to approve or disapprove an application for a permit contemplated in this chapter and advise the applicant in writing of that determination:

- a. Sixty calendar days from the date an application for a permit is filed with respect to a request to co-locate facilities on an existing support structure; and
- b. Ninety calendar days from the date an application for a permit is filed with respect to a request to attach facilities to a new support structure.

To the extent additional information is required to complete the application after it is filed, the applicable calendar day review period set forth in this subsection shall be tolled and not continue to run until the applicant has provided any missing or requested supplemental information; provided that tolling shall not occur if the city does not advise the applicant in writing of the incompleteness of a submitted application within 30 days after that submission.

- (3) *Reconsideration/appeal.* Any applicant that desires reconsideration of an administrative decision by the city manager to deny a request for a permit to place a facility or support structure on the right-of-way may seek review, modification or reversal of that decision by the city council by submitting a request for reconsideration with the city clerk within 21 calendar days following the city manager's decision. That request for reconsideration will be considered by the city council at a regular council meeting that will be conducted as soon as practical after the request for reconsideration is made. If no request for reconsideration is submitted, the decision of the city manager will be final.

Additionally, the applicant, within 30 days following a decision by the city council to deny either:

- a. A request for reconsideration; or
- b. A decision by the city council to not approve the placement of a new support structure on the right-of-way;

may appeal either of those decisions by the city council to the county court. If no appeal of those decisions of the city council is made, those will be deemed final.

- (d) Additional requirements. Any provider or applicant to whom a permit is issued and that places facilities and associated support structures on the right-of-way also shall comply with the following requirements as long as those facilities and support structures are on or under the right-of-way:
- (1) Prior to installing the facilities or support structures, the applicant shall provide the city a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the right-of-way:
    - a. General liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of facility or support structure placed on or along the right-of-way by the applicant (or any of their contractors) with minimum limits of \$1,000,000.00 per occurrence; and
    - b. Workers compensation insurance as required by statute. The general liability coverage shall list the city as an additional insured, and may be provided through a combination of a primary and umbrella policies. All insurance policies shall be furnished by insurers who are reasonable, acceptable to the city and authorized to transact business in the state. On an annual basis following initial installation, the applicant also shall furnish the city a certificate indicating that the above-noted coverage remains and will remain in effect.
  - (2) All facilities and associated support structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.
  - (3) Following the installation of any facilities and associated support structures, the provider or applicant, upon reasonable request and for good cause, shall furnish the city manager a written certification from a licensed professional engineer in the state stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the facilities and associated support structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those support structures should fail at any time to comply with applicable laws and regulations, the provider or applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within 15 days of the date of any written notice to them from the city manager of non-compliance, or cease all personal wireless service operations related to those structures until the applicant or provider comes into full compliance with said laws and regulations.
  - (4) The facilities and associated support structures must at all times be maintained in good and safe condition. On no more frequent than a triennial basis, the city manager may request that the provider or applicant, at either of their expense, furnish certification from a professional engineer who is licensed in

the state that the facilities and support structures are in sound condition. Should that engineer deem those structures unsound, the provider or applicant shall furnish to the city manager a plan to remedy any unsafe conditions or structural defect(s) and take that remedial action at the provider or applicant's expense.

- (5) Each applicant or provider that applies for a permit to place facilities (including the accessory equipment) and support structures on the right-of-way and installs and utilizes those structures shall defend, indemnify and hold the city and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the city (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:
- a. The installation, construction, maintenance, use or operation of the permitted facilities, accessory equipment or any support structure on or about the right-of-way; and
  - b. The failure of the provider or applicant to perform any of their respective responsibilities, obligations and permit requirements in this chapter. Notwithstanding the foregoing, the provider or applicant shall not be obligated to indemnify the city for city claims resulting from the sole negligence or willful acts of the city (or its representatives).
- (e) Permit and license fees. The applicant for a permit to place facilities and associated support structures on the right-of-way shall pay the following types of fees that are enumerated in chapter 14 of the Code, as amended:
- (1) A permit application and review fee to be paid when an application is submitted;
  - (2) A permit issuance fee per each support structure on the right-of-way contemplated for attachment; and
  - (3) An annual license fee per each support structure on the right-of-way pertaining to the ongoing use of public property.
- (f) Franchise agreements for other uses of right-of-way. This section 111-162 regulates the placement of small cell technology facilities (and associated accessory equipment) on or in the immediate vicinity of support structures that are located or proposed to be located on the right-of-way. No provision in this section 111-162 or elsewhere in this chapter is intended to permit, regulate or authorize the placement by a provider or applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between support structures or between any other points on the right-of-way. In the event any such provider or applicant desires to place telecommunications equipment or facilities along the right-of-way at points not regulated by this chapter, the city may enter into franchise or similar agreement that authorize, govern and apply to such use of other locations on or along the right-of-way.

( Ord. No. 180122-054, § 1, 1-22-2018)

Sec. 111-163. - Placement of small cell technology facilities on private property.

- (a) A provider or applicant must obtain a permit from the city before placing, installing, or constructing any small cell technology facility (and associated accessory equipment) on any support structure that is located on

private property, or substantially modifying the position or characteristics of any such existing facility thereon.

- (b) The city manager will review and administratively process any request for a permit to determine whether, in the exercise of the city manager's reasonable discretion, it should be issued for the location and in the manner requested. In this process, the burden is on the applicant to demonstrate that the placement of the proposed small cell technology facility and associated accessory equipment or support structure on private property is the minimal physical installation which will achieve the technological goal of enhancing the provision of personal wireless services. Except as set forth in this section, this permitting process will not require the approval of any city board or city official other than the city manager.

The factors, guidelines and requirements that the city manager may consider and will apply when determining whether to issue a permit for placement of facilities and any associated accessory equipment or support structure on private property include, but are not limited to, the following:

- (1) The factors and requirements set forth in section 111-162(b)(1)-(11);
- (2) Colocation. The guidelines in section 111-162(b)(7) to utilize existing poles and support structures for the placement of facilities and accessory equipment are also applicable when considering whether to permit the installation of those facilities and support structures on private property, provided that city council approval is not required before a permit is issued to place a new pole or other support structure on private property if that action is appropriate.
- (3) The provider or applicant shall use stealth technology when installing the facilities and associated accessory equipment on any building or accessory to that building that is located on private property. Further, stealth technology should be used when placing facilities on other types of support structures on private property unless the applicant can reasonably demonstrate that, given the nature of the requested application, the use of such technology is
  - a. Unnecessary; or
  - b. Impractical.
- (4) If facilities are placed on an existing or new building or accessory to that building, the following dimensional regulations shall apply:
  - a. Façade-mounted antennas shall not extend above the face of any wall or exterior surface of the building.
  - b. Roof-mounted antennas and accessory equipment may be permitted on buildings in a accordance with the following table:

Height of Building	Maximum Height of Facility above Highest Point of Roof	Required Setback from Edge of Roof of Building
Up to 15 feet	8 feet, including antenna	1 foot for every foot of height of equipment

15-35 feet	10 feet, including antenna	1 foot for every foot of height of equipment
More than 35 feet	12 feet, including antenna	1 foot for every foot of height of equipment

- c. The antenna component of the facilities shall be limited to a maximum height of three feet and a maximum width of two feet; provided that authorization to install antenna up to six feet in height may be permitted if a showing of the technological need for such equipment is made and other requirements of this section are met.
  - d. Accessory equipment must be located in an equipment cabinet, equipment room in an existing building or in an unmanned equipment building. If the equipment building is freestanding, it shall conform to section of the Code with respect to building setbacks, that building shall not exceed 400 square feet, and its overall height shall be limited to 15 feet (if located on the ground) measured from the finished grade. Further, if an equipment building or cabinet is located in a residential zone, or the nearest adjoining property is in a residential zone, that building, or cabinet shall be surrounded by landscaping to provide a screen of the same height as the building or cabinet.
- (5) Application process. Except as provided in subsections a. and b., immediately below, the same application process that is set forth in section 111-162(c) will be utilized when processing any request for a permit to place facilities or support structures on private property, except that:
- a. City council approval to install a new support structure on private property is not a condition for a permit to place facilities thereon; and
  - b. If the facilities are located on private property that is not owned or exclusively used by the applicant, instead of providing the documentation contemplated in section 111-161-2(c)(1)d., the applicant shall present a license, lease, agreement or other documentation indicating that owner of said property authorizes the applicant the rights to place the facilities thereon and access thereto, or that such owner agrees in principle to grant the applicant those rights; provided that, if a representation is made to the city that the owner of private property has agreed in principle to grant those rights but the applicant subsequently fails to furnish the city documentation that finalizes any such agreement, the city may refuse to issue the requested permit until that documentation is provided, or, if the city issues the requested permit before receiving such final documentation, the subject permit and license may be revoked.
- (6) Additional requirements. Any provider or applicant to whom a permit is issued and that places facilities and associated support structures on private property also shall comply with the following requirements as long as those facilities and support structures are located thereon:

- a. All facilities and support structures shall be installed, erected, and maintained in compliance with applicable state laws and regulations, including, but not limited to, regulations of the FCC.
  - b. At least triennially following the installation of the facilities or associated support structures, upon reasonable request and for good cause, the applicant shall furnish the city manager a written certification from a professional engineer licensed in the state indicating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the facilities and associated support structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those structures fail at any time to comply with said laws and regulations, the provider or applicant shall cause those structures to be brought into compliance with said laws and regulations within 15 days of the date of any written notice to either of them of such non-compliance, or cease all personal wireless communications operations related to those structures until the provider or applicant comes into full compliance with applicable laws and regulations.
  - c. The facilities and associated support structures on private property must at all times be maintained in good and safe condition.
- (c) Permit and license fees. The provider or applicant for a permit to place facilities and associated support structures on private property shall pay the following types of fees that are enumerated in chapter 14 of the Code, as amended:
- (1) A permit application and review fee of \$300.00 to be paid when an application is submitted; and,
  - (2) A permit issuance fee of \$100.00 per each support structure on private property contemplated for attachment; and
  - (3) An annual license fee of \$500.00 per support structure. Structures erected after July 1 of each year shall pay one half the annual license fee for that year.

( Ord. No. 180122-054, § 1, 1-22-2018)

#### Sec. 111-164. - Abandonment of facilities on right-of-way.

If a provider or applicant abandons any facility (including the accessory equipment) or an associated support structure (collectively "facilities" for purposes of this section) that is located on the right-of-way, the following rights and obligations shall exist. The city may require the provider or applicant, at their expense, to remove and reclaim the abandoned facilities within 60 days from the date of written notice of abandonment given by the city to them and to reasonably restore the condition of the property at which the facilities are located to that existing before they were installed. If the provider or applicant fails to remove and reclaim its abandoned facilities within such 60-day period and the facilities are located on the right-of-way, the city shall have the rights to:

- (1) Remove them and charge its expense of any such removal operation to the account of the provider or applicant,



- (2) Purchase all abandoned facilities at the subject location from the provider or applicant in consideration for \$1.00,
- (3) At the city's discretion, either resell the abandoned facilities to a third party or dispose and salvage them; provided that the proceeds of any resale of abandoned facilities by the city to a third party shall be credited to the account of the applicant or provider that used those facilities before the abandonment, and
- (4) Charge any expense incurred by the city to restore the right-of-way to the account of the provider or applicant.

( Ord. No. 180122-054, § 1, 1-22-2018)

#### Sec. 111-165. - Co-location.

To promote the public interest that is served by co-locating facilities and associated accessory equipment on existing support structures and thereby mitigating the installation of additional support structures throughout the city, no person or entity (including any provider, applicant, utility, or franchisee) that utilizes an existing support structure that is located on right-of-way or on private property in the city and has space available thereon may deny a provider or applicant the right to use or access an existing support structure for purposes of attaching facilities permitted by this chapter without sound operational, technological or other good reason.

( Ord. No. 180122-054, § 1, 1-22-2018)

#### Sec. 111-166. - Non-applicability.

The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this chapter:

- (1) amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and
- (2) facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this chapter are supplemental to, and not intended to alter, affect or modify the other provisions in article V pertaining to the placement or use of macro telecommunications towers.

( Ord. No. 180122-054, § 1, 1-22-2018)

#### Secs. 111-167—111-188. - Reserved.

### ARTICLE VI. - OFF-STREET PARKING AND LOADING REQUIREMENTS

#### Sec. 111-189. - Parking requirements for specific uses.

- (a) *Residential and accessory uses.* Parking requirements for residential and accessory uses are as follows:

- (1) Single-family dwellings, two spaces.
  - (2) Manufactured and mobile homes, two spaces.
  - (3) Two-family dwellings, 1.5 spaces per dwelling unit.
  - (4) Multifamily and townhouse dwellings, 1.5 spaces per dwelling unit.
  - (5) Tourist homes and bed and breakfasts, five spaces, plus one space per bedroom.
  - (6) Independent living facilities, one space per dwelling unit.
  - (7) Inns, five spaces, plus one space per bedroom.
  - (8) Group homes, two spaces.
  - (9) Assisted living facilities, 0.65 space per dwelling unit.
  - (10) Private swim and tennis clubs, one space per 75 square feet of swimming pool water surface area and two spaces per tennis court.
- (b) *Public and institutional uses.* Parking requirements for public and institutional uses are as follows:
- (1) Auditoriums, arenas, stadiums, theaters, churches, concert halls and other spectator facilities, 0.35 times the seating capacity.
  - (2) Colleges, universities and vocational schools, one space per 50 square feet of classroom floor area.
  - (3) Hospitals, one space per three beds, plus one space per two employees.
  - (4) Libraries, one space per 800 square feet of floor area, plus one space per two employees.
  - (5) Post offices, one space per 300 square feet of floor area.
  - (6) Public and private schools:
    - a. Elementary and junior high schools, one space per eight auditorium seats or two spaces per classroom, whichever is greater.
    - b. High schools, one space per six students and one space per three employees.
- (c) *Commercial and industrial facilities.* Parking requirements for commercial and industrial facilities are as follows:
- (1) Automobile dealerships, one space per 1,000 square feet of floor area.
  - (2) Automobile repair and service, two spaces per repair bay.
  - (3) Automobile parts sales, one space per 150 square feet of retail sales floor area.
  - (4) Banks, one space per 150 square feet of floor area.
  - (5) Barbershops and beauty shops, 2.5 spaces per chair.
  - (6) Bowling alleys, four spaces per alley.
  - (7) Manual carwashes, one space per 200 square feet of floor area.
  - (8) Convenience stores, one space per 155 square feet of floor area.
  - (9) Dance or music studios, one space per 100 square feet of floor area.
  - (10) Day cares or nurseries, one space designed for the safe and convenient loading and unloading of children

per ten children enrolled, based upon the maximum licensed capacity of the center, with a minimum of four spaces, plus one space for each employee on the maximum working shift.

- (11) Doctor/dentist offices, one space per 250 square feet of floor area.
- (12) Funeral homes, one space per 50 square feet of floor area.
- (13) Gasoline service stations, one space per pump and two spaces per repair bay.
- (14) Golf courses, seven spaces per golf hole.
- (15) Golf, carpet, one space per golf hole.
- (16) Laundromats, 0.5 space per machine.
- (17) Industries, one space per three employees on the maximum working shift.
- (18) Lumberyards and home improvement centers, one space per 200 square feet of floor area and one space per 1,000 square feet of outdoor storage area.
- (19) Motels or hotels, one space per unit, plus one space per 200 square feet of office floor area.
- (20) Nursing homes, one space per four beds.
- (21) Office/warehouse, one space per 250 square feet of floor area and one space per 1,000 square feet of warehouse floor area.
- (22) Restaurants, lounges, bars, and nightclubs, one space per 100 square feet of floor area.
- (23) Restaurants, drive-up, one space per 100 square feet of floor area.
- (24) Retail establishments which require an unusually large showroom such as furniture, carpet and large appliances, one space per 800 square feet of floor area.
- (25) Self-storage facilities, limited access, one space per 30 storage units, plus five spaces for the storage unit rental office, plus one space per 200 square feet of gross floor area devoted to sales or rental of other services or materials.
- (26) Self-storage facilities, multiaccess, parking lanes as required in section 111-122(b)(2), plus five spaces for the storage unit rental office, plus one space per 200 square feet of gross floor area devoted to sales or rental of other services or materials.
- (27) Wholesale establishments, 1.5 spaces per two employees.
- (28) Veterinarians, one space per 1,000 square feet of floor and kennel area.
- (29) Retail and service establishments within a mall with shared parking with an excess of 250,000 square feet of combined floor area, one parking space per 250 square feet of floor area.
- (30) All other retail and service establishments, one space per 200 square feet of floor area and one space per 500 square feet of permanent outdoor sales.

(Code 2005, § 122-231; Ord. No. 99-010, art. IX, § 1.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 05-Z15, 12-5-2005)

Sec. 111-190. - Application of off-street parking standards.

- (a) *Rules.* In applying the standards of section 111-189, the following rules shall apply:

- (1) A parking space shall be at least nine feet wide and 20 feet long, except for the following situations:
  - a. A parking space in a parking structure which does not serve a retail or service use may be a minimum of 8½ feet wide and 18 feet long.
  - b. A maximum of ten percent of all parking spaces in a parking structure which serve a retail or service use may be a minimum of 8½ feet wide and 18 feet long.
- (2) The parking space requirement for a use not specifically mentioned in section 111-189 shall be the same as required for a use of a similar nature.
- (3) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (4) These standards shall apply fully to all uses and buildings established after the effective date of the ordinance from which this chapter is derived.
- (5) These standards shall apply to all additions, expansions, enlargements or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.
- (6) Off-street parking areas and spaces servicing publicly owned recreation facilities may have a surface other than bituminous pavement or concrete, subject to the approval of the city engineer.
- (7) Parallel parking spaces shall contain a minimum rectangular area of nine feet wide by 22 feet long.
- (8) Because of the unique nature of mixed use development, this article shall not apply to a MXD Mixed Use District. Requirements for parking and loading shall be established for each mixed use development as part of the development plan review process.

(b) *Location and design.*

- (1) In districts A, E, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8, required off-street parking shall be provided on the same lot as the use to which the parking pertains. In other districts, such parking may be provided either on the same lot or an adjacent lot, not in one of the above districts, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two or more buildings or establishments.
- (2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit, and shall be in full force and effect until released by a resolution of the city council.
- (3) All parking areas shall be provided with safe entrance to and exit from public thoroughfares.
- (4) No off-street parking space, except for detached single-family residential uses, shall be entered or exited directly from a public street or alley.
- (5) The use of any required parking space for the storage of any motor vehicle for sale, rent or repair or any other purpose, other than the temporary parking of motor vehicles by patrons, is prohibited.

(Code 2005, § 122-232; Ord. No. 99-010, art. IX, § 2.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005)

Sec. 111-191. - Loading areas.

- (a) *Required space.* On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid interference with public use of streets or alleys, maintain necessary fire access lanes, maintain vehicular circulation through the parking lot and ensure access to all required off-street parking spaces.
- (b) *Site arrangement.* All loading areas shall be provided with safe entrance to and exit from public thoroughfares. The entire loading area shall be paved and graded to properly drain.
- (c) *Applicability.*
  - (1) These requirements shall apply fully to all buildings erected after the effective date of the ordinance from which this chapter is derived, and all enlargements, expansions or reconstruction thereof.
  - (2) No building or part thereof in the B districts, heretofore erected, shall hereafter be enlarged or expanded to the extent of 50 percent or more in floor area or ground area used, unless off-street loading space is provided in accordance with the requirements of this section.
  - (3) No building or part thereof in the M districts, heretofore erected, shall hereafter be enlarged or extended to provide an additional floor area of 25,000 square feet or more, or to provide a total gross floor area of 40,000 square feet or more, unless off-street loading space is provided in accordance with the requirements of this section.

(Code 2005, § 122-233; Ord. No. 99-010, art. IX, § 3.0, 9-21-1999)

Secs. 111-192—111-220. - Reserved.

ARTICLE VII. - SIGN REGULATIONS

Sec. 111-221. - Permits, fees and inspections.

- (a) *Permit and license required.* Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the city, or cause the same to be done, without first obtaining a building permit for each sign from the building official as required by this section, including any temporary signs and banners set out in section 111-233(c)(3)–(6). As set out in section 111-233, permits are not required for routine sign maintenance. Any business, firm or corporation engaged in the business of altering or erecting signs governed by the provisions of this article shall first obtain a business license from the city.
- (b) *Permit application.* The construction or replacement of a sign, sign head, addition of an electronic message center, or conversion to a multi-prism or electronic display screen on any existing sign shall be classified as a major alteration or modification requires a sign permit as herein specified.

An application for a sign permit shall be submitted to the building services department, on forms furnished by said department, and approved prior to the erection, relocation, alteration or modification of any sign located in the city.

Sign permits shall become null and void six months from the original date of issuance if the work authorized under the permit has not been commenced by that time, and shall become null and void 18 months from the original date of issuance if the work authorized has not been completed by that time, or six months after the last request for inspection of new work on the sign, whichever is shorter.

The application for a sign permit shall contain, at a minimum, the following information:

- (1) Name, address and telephone number of applicant.
  - (2) Location of building, structure or lot to which or upon which the sign is to be located.
  - (3) Affidavit from property owner, if different from sign owner, indicating approval for sign location.
  - (4) Name of person, firm, corporation or association that will be erecting the sign. A licensed contractor is required for the erection of all signs.
  - (5) Evidence of liability insurance policy or bond responsibility for sign erection.
  - (6) Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
  - (7) Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified in this zoning article.
  - (8) Engineered drawings for any sign exceeding 20 feet in height or 150 square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the building official.
  - (9) Evidence of receipt of electrical inspection permit for any sign requiring electrical power (issued by Alabaster Planning and Safety Division) and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).
- (c) *Permit denial.* When a permit is denied by the building official, notice shall be given to the applicant of the denial, with a written statement of the reason for the denial. Said statement shall be attached to the permit application.
- (d) *Appeals of permit denials.* Appeals may be taken to the board of zoning adjustment upon denial of a building permit by the building official.
- (e) *Permit fees.* A sign permit fee shall be submitted to the city with the application for the sign permit. The permit fee shall be based on the square footage of the sign face area, per sign face as follows:
- (1) Less than 100 square feet of sign face area .....\$0.25 per square foot with a minimum fee of \$15.00
  - (2) One hundred to 199 square feet of sign face area .....0.50 per square foot
  - (3) Two hundred to 299 square feet of sign face area .....1.00 per square foot
  - (4) Three hundred or more square feet of sign face area .....2.00 per square foot
  - (5) In addition to the above fees, any sign containing an electronic message center shall pay an additional \$50.00 permit fee. ....

For applications involving multiple signs, the permit fee shall be calculated separately for each sign.

- (f) *Inspections.* The person erecting, altering, relocating, enlarging or converting any sign shall notify the building official upon completion of the work for which permits are required and issued. All freestanding signs shall be subject to footing inspection and all signs shall be subject to an electrical inspection by the building official.
- (g) *Maintenance.* Every sign in the city shall be maintained in a sound structural condition. The building official may inspect any sign and shall have the authority to order the painting, repair, alteration or removal of any sign which does not comply with the building code, is abandoned for a period of 30 days or more, or advertises a business, place or event which has moved from the premises or no longer exists. Sign removal shall be at the sign owner's expense.

(Code 2005, § 122-261; Ord. No. 99-010, art. X, § 1.0, 9-21-1999; Ord. No. 161024-032, § 6, 10-24-2016)

Sec. 111-222. - Signs permitted in residential districts.

- (a) A maximum of one indirectly illuminated sign on each side of a public street entrance to a single-family residential subdivision or one sign in a landscaped median of the public street entrance is permitted in the A, E, R-1, R-2, R-3, R-4, R-5, R-7 and R-8 districts. Each sign shall not exceed 32 square feet of sign face area, nor six feet in height, and shall be located so as not to cause a safety hazard. Signs located in a landscaped median of a public street shall only be permitted when shown on a subdivision plat or street plan approved by the planning commission as part of the subdivision or street approval process.
- (b) Permitted and special exception uses in the R-6 district and the MHD district may have one freestanding, indirectly illuminated sign, which does not exceed 32 square feet of sign face area, nor eight feet in height, per public street entrance. Said signs may be erected in the landscaped median of a public street when shown on a subdivision plat or street plan approved by the planning commission as part of the subdivision or street approval process.
- (c) Special exception uses in the districts stated in subsection (a) of this section are permitted one freestanding sign or one building wall sign, which does not exceed 24 square feet of sign face area. Freestanding signs shall not exceed four feet in height.
- (d) Garage and yard sales may have one nonilluminated, temporary sign on the premises, which does not exceed four square feet of sign face area the day before and the day of the event. All such signs shall state the date of the event being referenced.

( Ord. No. 161024-032, § 6, 10-24-2016)

**Editor's note—** Ord. No. 161024-032, § 6, adopted Oct. 24, 2016, amended § 111-222 in its entirety to read as herein set out. Former § 111-222 pertained to signs permitted in A, E, R-1, R-2, R-3, R-4, R-5, R-7 and R-8 districts and derived from Code 2005, § 122-262; and Ord. No. 99-010, art. X, § 2.0, adopted Sept. 21, 1999.

Sec. 111-223. - Signs permitted in R-6 and MHD districts.

Permitted and special exception uses in the R-6 district and the MHD district may have one freestanding, indirectly illuminated sign, which does not exceed 32 square feet of sign face area, nor eight feet in height, per public street entrance. Said signs may be erected in the landscaped median of a public street when shown on a subdivision plat or street plan approved by the planning commission as part of the subdivision or street approval process.

(Code 2005, § 122-263; Ord. No. 99-010, art. X, § 3.0, 9-21-1999)

Sec. 111-224. - Signs permitted in Institution and B-I Office Districts.

(a) *Individual buildings.* Signs are permitted for individual buildings in I and B-I districts as follows:

- (1) Buildings with less than 20,000 square feet of floor area are permitted an illuminated freestanding sign not to exceed four feet in height, nor 32 square feet of sign face area, and one building wall sign or one canopy sign not to exceed a maximum of 20 square feet per each visible street front.
- (2) Buildings with more than 20,000, but less than 100,000, square feet of floor area are permitted an illuminated freestanding sign not to exceed four feet in height, nor 32 square feet of sign face area, and one building wall sign or one canopy sign not to exceed a maximum of 30 square feet of sign face area per each visible street front.
- (3) Buildings with more than 100,000 square feet of floor area are permitted an illuminated, freestanding sign not to exceed four feet in height, nor 48 square feet of sign face area, and one building wall sign or one canopy sign not to exceed a maximum of 40 square feet of sign face area per each visible street front.
- (4) A building with a retail tenant may incorporate signs for the retail tenant into a sign face area permitted for the building.

(b) *Multiple buildings.*

- (1) Each office park or institution campus which contains more than five buildings, other than accessory buildings, may have one freestanding sign per public street entrance, which identifies the name of the park or campus and buildings located at that entrance.
- (2) The maximum height of the sign shall be four feet.
- (3) The maximum sign face area of an internally illuminated sign shall be 32 square feet, or 48 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.
- (4) The maximum sign face area of a nonilluminated or indirectly illuminated sign shall be 48 square feet, or 72 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.
- (5) To qualify for a freestanding sign, a lot or parcel must have 150 feet of continuous street frontage.

( Ord. No. 161024-032, § 6, 10-24-2016)

**Editor's note—** Ord. No. 161024-032, § 6, adopted Oct. 24, 2016, amended § 111-224, in its entirety to read as herein set out. Former § 111-224 pertained to signs permitted in I, B-1, B-4, M-1 and M-2 districts and derived from Code 2005, § 122-264; Ord. No. 99-010, art. X, § 4.0, adopted Sept. 21, 1999; and Ord. No. 06-Z02, adopted Jan. 3, 2006.



Sec. 111-225. - Signs permitted in the B-2, B-3 and B-4 business districts.

(a) *In the B-2 and B-4 district:*

- (1) To qualify for a freestanding sign, a lot or parcel must have 150 feet of continuous street frontage.
- (2) *Option 1:* Individual buildings may have one freestanding sign which does not exceed 12 feet in height nor 32 square feet of sign face area; and one building wall sign or one canopy sign per facing street not to exceed 20 percent of the building wall.  
*Option 2:* Individual buildings may have one monument style sign, not to exceed ten feet in height, but an allowance of 48 square feet, plus one building wall sign or canopy sign per facing street not to exceed 30 percent of the building wall.
- (3) Each establishment located in a shopping center may have one building wall sign not to exceed 20 percent of its storefront. Where an establishment is on the corner, a sign per facing street is allowed.
- (4) Each shopping center may have one freestanding shopping center identification sign, which does not exceed 20 feet in height nor 120 square feet of sign face area. Where a shopping center is located on a corner, an additional identification sign, not to exceed ten feet in height, nor 48 square feet, is allowed which will be a monument style sign.

(b) *In the B-3 district:*

- (1) To qualify for a freestanding sign, a lot or parcel must have 150 feet of continuous street frontage.
- (2) *Option 1:* Individual buildings may have one freestanding sign which does not exceed 20 feet in height nor 48 square feet of sign face area; and one building wall sign or one canopy sign per facing street not to exceed 30 percent of the building wall.  
*Option 2:* Individual buildings may have one monument style sign, not to exceed ten feet in height, but an allowance of 60 square feet, plus one building wall sign or canopy signage per facing street not to exceed 40 percent of the building wall. The total signage shall not exceed 200 square feet.
- (3) Each establishment located in a shopping center may have wall signage not to exceed 30 percent of its storefront. Where an establishment is on the corner, an additional sign is allowed for the second wall.
- (4) Each shopping center may have one freestanding shopping center identification sign, which does not exceed 30 feet in height nor 120 square feet of sign face area for each 500 feet of road frontage where a shopping center is located on a corner, an additional identification sign, not to exceed ten feet in height, nor 48 square feet, is allowed which will be a monument style sign identifying the name of the shopping center only. For each shopping center facing Interstate Highway 65 one freestanding sign not to exceed 240 square feet with a maximum height of 70 feet shall be allowed in place of one freestanding sign otherwise permitted.
- (5) Gasoline service stations, in addition to other permitted signs, are permitted:
  - a. Canopy signage is limited to two sides of the canopy and shall not exceed 25 percent of the canopy face. All such copy shall be limited to the brand name and logo of the oil company. The signs shall be

constructed as an integral part of the canopy and shall not extend above the roofline of the canopy.

- b. A total of 12 square feet of sign face area on the spandrels for each pump island.
  - c. Each car wash may have one building wall sign not to exceed 24 square feet of sign face area, which identifies the car wash.
- (6) Because of the number of automobile dealerships located in the city and their unique sign requirements, sign regulations for automobile dealerships with one franchise on the premises are as follows:

Signs Permitted for Automobile Dealerships in the B-3 District				
	Auto Dealership with Less than 30,000 Square Feet of Floor Area		Auto Dealership with More than 30,000 Square Feet of Floor Area	
Type of sign permitted	Building wall or canopy sign	Freestanding sign	Building wall or canopy sign	Freestanding sign
Sign face area (square feet)	100	220 *	100	380 *
Maximum height	Top of building wall	40 feet	Top of building wall	45 feet
Maximum number	N/A	3	N/A	3

\* Permitted freestanding sign face area may be applied to permitted building wall sign or canopy sign face area. The maximum sign face area of a freestanding sign shall be 260 square feet.

Automobile dealerships with more than one automobile franchise may increase the permitted sign face area for building wall and freestanding signs by 33 percent and the maximum number of freestanding signs by two, for each additional automobile franchise on the premises; except that no automobile dealership with floor area less than 30,000 square feet may have more than 540 square feet of total sign face area and no dealership with floor area greater than 30,000 square feet may have more than 800 square feet of total sign face area.

( Ord. No. 161024-032, § 6, 10-24-2016)

**Editor's note—** Ord. No. 161024-032, § 6, adopted Oct. 24, 2016, amended § 111-225 in its entirety to read as herein set out. Former § 111-225 pertained to signs permitted in the B-2 district, and derived from Code 2005, § 122-265; Ord. No. 99-010, art. X, § 5.0, adopted Sept. 21, 1999; and Ord. No. 05-Z07, adopted June 6, 2005.

Sec. 111-226. - Signs permitted in the B-5 district.

- (a) Each business or other use in the B-5 district may have one building wall sign, one canopy sign or one projecting sign per facing street. Maximum sign face area for a canopy sign or projecting sign shall be 32 square feet. Maximum sign area of each building wall sign shall be ten percent of the front building wall area or portion thereof which encloses the business or other use.
- (b) A movie theater may have any of the signs specified in subsection (a) of this section or one marquee sign. Maximum sign face area of the marquee sign shall be 20 percent of the front building wall area or portion thereof which encloses the theater.

( Ord. No. 161024-032, § 6, 10-24-2016)

**Editor's note—** Ord. No. 161024-032, § 6, adopted Oct. 24, 2016, amended § 111-226 in its entirety to read as herein set out. Former § 111-226 pertained to signs permitted in the B-3 district, and derived from Code 2005, § 122-266; Ord. No. 99-010, art. X, § 6.0, adopted Sept. 21, 1999; and Ord. No. 05-Z07, adopted Sept. 6, 2005.

Sec. 111-227. - Signs permitted in industrial districts (M1, M2).

*Individual buildings.* Signs are permitted for individual buildings in M-1 and M-2 districts as follows:

- (1) Buildings with less than 20,000 square feet of floor area are permitted one freestanding sign not to exceed four feet in height, nor 32 square feet of sign face area and building wall signage not to exceed a total of 150 square feet.
- (2) Buildings with more than 20,000, but less than 100,000, square feet of floor area are permitted one freestanding sign not to exceed six feet in height, nor 48 square feet of sign face area, and building wall signage not to exceed 30 percent of the building wall or 200 square feet total.
- (3) Buildings with more than 100,000 square feet of floor area are permitted one freestanding sign not to exceed six feet in height, nor 60 square feet of sign face area, and one building wall sign or one canopy sign not to exceed 40 percent of the building wall or 300 square feet total.
- (4) Individual buildings located on at least five acres of land abutting Interstate Highway 65 may have a freestanding sign not to exceed 240 square feet with a maximum height of 35 feet. The sign must be at least 100 feet off the right-of-way.
- (5) Industrial parks abutting Interstate Highway 65 may have a freestanding sign not to exceed 400 square feet with a maximum height of 50 feet.

( Ord. No. 161024-032, § 6, 10-24-2016)

**Editor's note—** Ord. No. 161024-032, § 6, adopted Oct. 24, 2016, amended § 111-227 in its entirety to read as herein set out. Former § 111-227 pertained to signs permitted in the B-5 district, and derived from Code 2005, § 122-267; and Ord. No. 99-010, art. X, § 7.0, adopted Sept. 21, 1999.

Sec. 111-228. - Signs permitted in the PDD Planned Development District.

Minimum standards for signs in each Planned Development District shall be set forth in the development criteria of the Planned Development District, as approved by the city during the review and approval process. The standards shall not be less restrictive than the applicable regulations of this article. Billboards are prohibited in a Planned Development District.

(Code 2005, § 122-268; Ord. No. 99-010, art. X, § 8.0, 9-21-1999; Ord. No. 161024-032, § 6, 10-24-2016)

Sec. 111-229. - Freestanding signs generally.

- (a) No freestanding sign shall cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads. Except for the supporting structure, no freestanding sign may extend between four feet and ten feet above the ground, measured from the base of the sign.
- (b) The height of a freestanding sign shall be measured from the average elevation of the ground at the base of the sign to the highest point of the sign structure. Berms or fill material which raise the base of the sign above the average elevation of the surrounding ground shall not be used to increase the height of a freestanding sign.
- (c) All freestanding signs shall consist of or be covered entirely in masonry, stone or other decorative cladding to completely conceal supporting pole(s), post(s) or beam(s). If the freestanding sign is supported by one member, the cladding shall be at least 50 percent of the width of the sign face.

(Code 2005, § 122-269; Ord. No. 99-010, art. X, § 9.0, 9-21-1999; Ord. No. 161024-032, § 6, 10-24-2016)

Sec. 111-230. - Off-premises signs and billboards.

- (a) Off-premises signs, except billboards as provided herein, are prohibited. However, churches and other non-profit groups may have off-premises directional signs no larger than four square feet as permitted by the property owners.
- (b) Billboards are only permitted in the B-3, B-4, M-1 and M-2 districts on parcels which abut the Interstate Highway 65 right-of-way, and oriented so as to be viewed from the main traveling lanes of Interstate Highway 65.
- (c) No billboard shall be erected closer than 500 feet from a residential district boundary, measured from the nearest edge of the sign.
- (d) Any illumination shall be focused upon the sign face and shall not be directed toward a residential district.
- (e) No portion of a billboard shall encroach or project over any public property or right-of-way.
- (f) There shall be at least 1,500 feet between billboard structures on the same side of the highway.
- (g) Maximum sign face area shall be 800 square feet. The maximum height of the sign shall be 30 feet for signs located on an elevated grade and 40 feet in all other locations.
- (h) All billboards shall be set back at least 30 feet from any public right-of-way and property line.

(Code 2005, § 122-270; Ord. No. 99-010, art. X, § 10.0, 9-21-1999; Ord. No. 161024-032, § 6, 10-24-2016; Ord. No. 170227-039, § 1, 2-27-2017)

Sec. 111-231. - Signs permitted in the MXD Mixed Use District.

Because of the unique nature of mixed use development, this article shall not apply to a MXD Mixed Use District. Requirements for signs shall be established for each mixed use development as part of the development plan review process as required in section 111-87(h).

(Ord. No. 05-Z07, art. X, § 10.0, 6-6-2005; Ord. No. 161024-032, § 6, 10-24-2016)

Sec. 111-232. - Prohibited signs.

The following signs are prohibited, unless otherwise exempted or permitted by this article:

- (1) Signs which do not comply with the adopted building, electrical or fire codes.
- (2) Any sign which constitutes a safety hazard, including signs which obstruct visibility at intersections.
- (3) Portable signs and any other signs which are not permanently attached to the ground or a building, except for those expressly permitted as "temporary signs" under section 111-233(c).
- (4) Signs located in the public right-of-way, except those signs permitted in accordance with section 111-230.
- (5) Signs attached to trees, utility poles or other structures located in the public right-of-way, except for instructional signs posted by the owner of a pole or other structure.
- (6) Except as permitted under section 111-235, animated signs, including signs which move, revolve, rotate or appear to be animated by mechanical, electronic or other means.
- (7) Except as permitted under section 111-235, signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs.
- (8) Strings of light bulbs, inflatable signs and signs which emit noise, odor or visible matter such as smoke or steam.
- (9) Banners, except as permitted in section 111-233(c) of this article.
- (10) Wind-driven signs including pennants, ribbons, spinners, streamers, captive balloons and similar devices; this restriction does not apply to flags permitted in accordance with section 111-233(b)(l).
- (11) Roof signs.
- (12) Off-premises signs, except as permitted in section 111-230.

(Code 2005, § 122-271; Ord. No. 99-010, art. X, § 11.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 161024-032, § 6, 10-24-2016; Ord. No. 170227-039, § 2, 2-27-2017)

Sec. 111-233. - Permit exceptions; exempt and temporary signs.

(a) *Permit exceptions.* The following is permitted, and exempt from the permit requirements of this article:

- (1) Changing of the advertising copy of a message on an existing approved sign or marquee which is specifically for the use of replaceable copy.
- (2) Painting, cleaning or other normal maintenance and repair of a sign not involving structural, electronic, or electrical changes.

(b) *Exempt signs.* The following are exempt signs:

- (1) Construction signs, instructional signs, the American flag, governmental signs, holiday decorations, interior signs, plaques, public notices, symbols or insignias, for sale or lease signs located on the premises, warning signs and signs awarded by the city beautification board.
- (2) Directional signs which do not exceed four square feet of sign face area, nor three feet in height which are placed and removed within 24 hours of the event. Directional signs are not permitted in the right-of-way. Directional signs must contain the phone number of the owner of the sign and the date of the event.
- (3) Signs which are incorporated into vending machines by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine.
- (4) Political campaign signs, subject to the following:
  - a. Political signs shall only be located in a residential zoning district on property which is improved with a dwelling or in commercial zoning districts, subject to the conditions of this chapter.
  - b. Such signs shall not be affixed to utility poles or trees and shall not exceed four feet in height, nor three square feet in sign face area.
  - c. Such signs shall not be illuminated.
  - d. Owners of residential property may grant permission for the placement of such signs in their yard, provided that no such sign shall be placed in a public right-of-way. Any such signs determined by the city to be a hazard to vehicular traffic are prohibited.
  - e. Portable, trailer or mobile signs are prohibited, except signs placed in windows or on the sides of motor vehicles.
  - f. Political signs shall be removed within three days following the election; otherwise, the city shall remove the signs at the candidate's expense.

- (5) Temporary signs as set out in [section] 111-233(c)(7), (8).

(c) *Temporary signs and banners.*

- (1) Banners shall not be greater than 32 square feet.
- (2) Temporary signs and banners shall not be located in the public right-of-way.
- (3) Nonprofit organizations may have a maximum of four banners which announce special events or meetings of the organizations.
- (4) Each new business may have one temporary sign, not to exceed 32 square feet of sign face area. The sign is permitted for a period not to exceed 60 days, or until a permanent sign is erected, whichever time period is shorter. Once quarterly, each business may have not more than two banners run concurrently

advertising promotional events at the business. The banners are permitted for a period not to exceed seven days per calendar quarter.

- (5) Commercial property may have one nonilluminated, freestanding, temporary identification sign per facing street, while the property is being developed, which shall not exceed 48 square feet of sign face area, nor ten feet in height. For a single-tenant project, the sign shall be removed when the project is complete, or the permanent sign has been erected, whichever occurs first. For multitenant projects, the sign shall be removed when 75 percent of the tenant spaces have been leased, or the permanent sign has been erected, whichever occurs first.
- (6) Residential subdivisions with five or more lots may have one temporary identification sign while the subdivision is being developed, which shall not exceed 32 square feet, nor ten feet in height. The sign shall not be illuminated and shall be removed when 75 percent of the homes in the subdivision have been constructed or the permanent subdivision identification sign is erected, whichever occurs first.
- (7) The following applies to real estate signs:
  - a. Each residential lot may have one for sale or for rent sign for residential property, provided such sign is located on the lot and does not exceed four square feet of sign face area. The sign shall be removed when the property is sold or rented.
  - b. Each residential lot may have not more than three off-premises signs advertising the sale or rental of such property, each of which shall not exceed two square feet of sign face area. The signs may be displayed between the hours of 5:00 p.m. Friday to 8:00 p.m. Sunday. Any signs displayed outside of the permitted times may be removed by the city.
  - c. Each commercial lot, building or tenant space may have one real estate for sale or for rent sign, provided such sign is located on the subject lot or premises and does not exceed 32 square feet of sign face area. The sign shall be removed when the property or premises is sold or rented.
  - d. Each commercial lot or building may have one off-premises sign advertising the sale or rental of such property, which shall not exceed two square feet of sign face area. The sign shall be removed when the property is sold or rented.
- (8) In addition to the temporary political signs allowed in the residential districts as contemplated by subsection (b)(4)a of this section, each commercial lot, building or tenant space may have one temporary political sign, provided such sign is located on the subject lot or premises and does not exceed 32 square feet of sign face area, and that such display is the only temporary sign allowed thereon. The sign shall be removed in accordance with the policy set forth in subsection (b)(4) of this section.

(Code 2005, § 122-272; Ord. No. 99-010, art. X, § 12.0, 9-21-1999; Ord. No. 05-Z07, 6-6-2005; Ord. No. 161024-032, § 6, 10-24-2016; Ord. No. 170227-039, § 3, 2-27-2017)

#### Sec. 111-234. - Nonconforming signs.

- (a) *Intent.* All signs constructed after the effective date of the ordinance from which this chapter is derived shall conform in all respects to the requirements and provisions contained herein. Within the districts established

by this chapter, or amendments that may later be adopted, there exist signs which were lawful before the ordinance from which this chapter is derived was passed or amended, but which would be prohibited, regulated or restricted under the terms of the ordinance from which this chapter is derived or future amendment. It is the intent of this section to permit these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival.

(b) *On-premises signs.*

- (1) Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this article.
- (2) Nonconforming signs shall be maintained. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this article.
- (3) The sign face area of an internally illuminated, nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided the sign message is not changed.
- (4) Maintenance of the sign face area on a nonconforming sign in which the sign face area is an integral and permanent part of the sign structure shall require the sign to conform in all respects to the provisions of this article.

(c) *Off-premises signs.* Structural alteration of a nonconforming off-premises sign shall require its removal. The message of a nonconforming off-premises sign may change without jeopardizing the legal nonconforming status of the sign.

(d) *Restoration after damage.* A nonconforming sign which is damaged by fire, wind or other cause, to the extent that repair of the sign requires structural alteration, or the extent of the damage is more than ten percent of the appraised value of the sign immediately prior to said damage, shall, upon completion of the alteration, conform in all respects to the provisions of this article.

(e) *Abandonment.* Any on-premises sign which no longer advertises a bona fide business, institution, person, event, location, product or service for a continuous period of 30 days or more shall be altered or removed to conform in all respects to the provisions of this article within 30 days following notification of abandonment.

(Code 2005, § 122-273; Ord. No. 99-010, art. X, § 13.0, 9-21-1999; Ord. No. 161024-032, § 6, 10-24-2016)

Sec. 111-235. - Electronic message center signs.

- (a) All electronic message center signs located within the city shall adhere to the following requirements:
- (1) All EMC signs shall have a minimum hold of 12 seconds, with an additional one second per line of copy.
  - (2) An EMC sign shall be freestanding and incorporated and embedded into the original design of the total allowable sign face area and blend with the material used for the sign structure, as permitted within the zoning district. The maximum area of an EMC sign shall not exceed 50 percent of the total sign face area. As an EMC sign is a form of readerboard, the EMC sign square footage may not be coupled with any other form of readerboard.



- (3) Minimum separation between EMC signs is 70 feet, unless otherwise approved by the board of zoning adjust special exception based on visibility needs.
- (4) EMC signs shall not be permitted within 150 feet of a residential zoning, unless approved by the board of zoning adjustment as a special exception.
- (5) Every EMC sign shall be equipped with an automatic dimmer device that adjusts the brightness of the sign to the ambient light at all times of day and night, that must be functional and used at all times the sign is illuminated. Electronic message centers shall not increase their luminance by greater than three-tenths footcandle above ambient levels of lighting measured at a distance of 100 feet from the sign face at a height of five feet above grade.
- (6) Message display.
  - a. Each screen displayed on an electronic sign must be static or depicted for a minimum of 12 seconds and the screen must completely fade out before a new screen is displayed.
  - b. Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on a bright background.
  - c. Electronic signs may not contain animation, or any flashing, scrolling, or moving lights, text or graphics, or any type of video, nor "spell on" display mode.
- (7) All EMC signs shall comply with the appropriate city sign and other regulations, including any and all electrical codes adopted by the city.
- (8) All EMC signs shall be antiglare.
- (9) Any malfunctioning EMC sign must be turned off or display a blank screen until repaired.
- (10) All electrical equipment shall be UL listed.
- (11) All power to an EMC sign shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the city electrical requirements.
- (12) All EMC signs shall be kept in good operating condition and maintained with good external appearance.
- (13) Content. The display of electronic signs may only be used to advertise goods and services sold on the premises, time and temperature, and public service announcements. The owner of the sign must register with Amber Alert, and shall be required to display all Amber Alert messages.
- (14) The addition of any electronic sign to any nonconforming sign is prohibited.
- (15) No more than one electronic sign is permitted per lot, regardless of number of signs permitted or the number of uses.
- (16) All construction of and repairs to and EMC require a building permit issued by the building official.
  - (b) All repairs to a non-conforming EMC sign shall require a building permit issued by the building official. If any non-conforming existing EMC sign is damaged so that repairs would cost as much as 50 percent or more of the insured value of the non-conforming sign, or \$500.00, whichever is greater, the sign may be repaired only if it is brought into conformance with this section.
  - (c) Each EMC must be re-permitted annually at the time of the renewal of the business license of the entity

owning the sign, or in the case of non-profit organizations by January 31 of each year, and the cost of each annual permit shall be \$50.00 regardless of the size of the sign. The city shall annually inspect each EMC sign for conformity with these regulations and cite owners for any violations herewith. In the event that a permitted EMC sign is found to be in violation of these regulations, and such violations remain uncorrected for a period of 15 calendar days, the building official shall have authority to revoke the permit and order the sign disabled until all violations are corrected. Any business so ordered may appeal the decision to the city council by filing with the city clerk a notice of appeal within 15 days of the notice to disable. During the pendency of any such appeal the sign shall be disabled.

( Ord. No. 161024-032, § 7, 10-24-2016)

Secs. 111-236—111-261. - Reserved.

#### ARTICLE VIII. - LANDSCAPING AND BUFFERS

##### *Footnotes:*

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**Editor's note—** Ord. No. 1602716-029, § 3, adopted June 27, 2016, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, §§ 111-262—111-269, pertained to similar subject matter and derived from Code 2005, §§ 122-301—122-308; Ord. No. 99-010, art. XI, §§ 1.0—8.0, adopted Sept. 21, 1999; and Ord. No. 05-Z07, adopted June 6, 2005.

Sec. 111-262. - Intent.

The intent of this article is to require a minimum number of trees in residential areas, to establish standards for buffers required between differing land uses or zoning districts, and to provide for landscaping surrounding and within vehicular areas in high-traffic corridors. Because of the unique nature of mixed use development, this article shall not apply to a MXD Mixed Use District. Requirements for landscaping and buffers shall be established for each mixed use development as part of the development plan review process as required in section 111-87(h).

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-263. - General landscaping standards.

In addition any other requirements herein, the following general landscaping standards shall apply to all new construction and reconstruction in the city:

- (1) Prior to issuance of a certificate of occupancy on a lot that is 70 feet or less in width, the owner shall plant at least two shade trees in the front or side yards, and at least one shade tree in the rear yard if feasible.
- (2) Prior to issuance of a certificate of occupancy on a lot that is more than 70 feet in width, the owner shall plant at least one shade tree for each 30 feet in width, and at least two shade trees in the rear yard if feasible.

- (3) Only shade trees listed in section 111-267 may be planted to comply with the requirements of this section.
- (4) Existing trees which are at least six inches in diameter may be used toward meeting the requirements of subsections (1) and (2) of this section, if the area within the dripline of the trees has been left in its natural condition and no filling, grading, excavation, or parking of vehicles or equipment, or other activity which could damage or kill the tree, has occurred within the dripline of said existing trees.
- (5) For any commercial structure containing more than 25 parking spaces there must be a landscape island every ten linear parking spaces with a shade tree listed in section 111-267.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-264. - Buffers.

- (a) *Applicability.* Buffer regulations are set forth in each of the zoning district sections of article III of this chapter. A landscaping plan shall be required as part of every zoning application, special exception use application, and building permit application for construction which is required by this chapter to have a buffer.
- (b) *Standards.* In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by this chapter, whether the buffer is comprised of planted or natural vegetation, or a combination of planted and natural vegetation:
  - (1) Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five feet above grade throughout the entire length of the buffer. Within one year after installation, the buffer shall be at least six feet above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.
  - (2) In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this section. Only evergreen plant materials may be planted within a required buffer.
  - (3) Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved landscaping plan. The city may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.
  - (4) The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials. All plant material shall be maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

Exception: Where there are constraints that cannot feasibly be overcome with respect to buffers for any non-conforming lot, the zoning official may allow substitution with a six-foot-tall wooden privacy fence, or a continuous, opaque vegetative screen with a minimum height of six feet at time of installation.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-265. - Landscaping requirements for vehicular areas in high-traffic corridors.

- (a) *Applicability.*

- (1) The regulations of this section apply to all areas which are located within or visible from a high-traffic corridor for drives; off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels (hereinafter referred to as "vehicular areas").
- (2) A landscaping plan shall be required as part of every zoning application, special exception use application, variance application and building permit application for new construction which includes vehicular areas as herein described. This section shall apply to new vehicular areas for all uses, except single-family dwellings, two-family dwellings and manufactured or mobile homes, or for any change of use. For the purposes of this section, a change in use includes any non-conforming use or building that has remained vacant for six months, and any existing use that changes to any other permitted use.
- (3) *Exception—existing off-street parking areas.* An off street parking area which is in existence and does not conform to the provisions of this section may continue until such time as it is altered by more than 50 percent of its existing parking capacity, at which time a landscaping plan meeting the requirements of this section for the existing and new vehicular areas must be submitted for approval.

(b) *Interior vehicular areas.*

- (1) Each vehicular area shall have interior landscaping covering not less than five percent of the total vehicular area, and shall include a landscape island separating every ten parking spaces. Such landscaping shall be in addition to all plantings within six feet of a building.
- (2) The primary landscaping materials used in vehicular areas shall be shade trees which comply with the standards of section 111-267. Shrubs and other planting materials may be used to complement the shade tree planting, but shall not be the sole component of the landscaping.
- (3) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

(c) *Perimeter areas adjacent to public rights-of-way.*

- (1) Only shade trees as referenced in section 111-267 may be used to comply with the requirements of this subsection (c).
- (2) A landscaped strip at least ten feet wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line.
- (3) The entire ten-foot-wide strip shall be planted at least one shade tree for every 30 feet of frontage, and supplemented with a double staggered row of shrubs at an equivalent planting of one shrub every 36 inches on center. The shrubs shall be evergreen and a minimum of 30 inches high at the time of installation.
- (4) Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.

(d) *Peripheral areas adjacent to private property.*

- (1) Only shade trees listed in section 111-267 may be used to comply with the requirements of this subsection (d).

- (2) A landscaped strip at least five feet wide shall be located along all property lines which separate vehicular drives from adjoining property, except where driveways cross the property line.
- (3) At least one shade tree for every 30 linear feet of required landscape strip, or portion thereof, shall be planted in the landscaped strip.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-266. - Maintenance and irrigation.

Commercial owners shall be responsible for the maintenance, repair and replacement of all landscaping materials required by sections 111-264 and 111-265. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-267. - Required shade trees.

Only the species of shade trees that are provided on a list maintained by the zoning official may be used to satisfy the requirements of sections 111-263, 111-264 and 111-265, which shall be published by the zoning official on the city's website. Such plantings shall be at least two inches in diameter, measured five feet above the root ball of the tree and shall be of such species as are common to the area and disease and drought resistant.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-268. - Landscaping plan.

A landscaping plan shall be required as part of every zoning application, special exception use application, and building permit application for new construction or reconstruction in the city. The landscaping plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information:

- (1) The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- (2) All dimensions and distances, property lines, easements, rights-of-way and buffers.
- (3) Existing and proposed buildings and structures, including signs, trash and garbage containers and utility and drainage structures.
- (4) Bodies of water, including water detention and retention areas.
- (5) Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
- (6) Sufficient information and details to demonstrate compliance with the requirements of this article.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Sec. 111-269. - Enforcement.

- (a) A required landscape plan shall be submitted to and approved by the city prior to the issuance of a building permit for any property subject to sections 111-263, 111-264 and 111-265. The city may accept a financial guarantee in an amount determined by the city to be not less than 150 percent of the cost of implementing the landscaping plan if all landscaping requirements are not met at final inspection. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the city. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy, the city shall determine that the landscaping plan has been implemented.
- (b) Prior to issuance of a certificate of occupancy the owner shall comply with the plan submitted and approved by the city.

(Ord. No. 1602716-029, § 3, 6-27-2016)

Secs. 111-270—111-286. - Reserved.

#### ARTICLE IX. - LEGAL STATUS PROVISIONS

Sec. 111-287. - Interpretation and purpose.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

(Code 2005, § 122-341; Ord. No. 99-010, art. XII, § 1.0, 9-21-1999)

Sec. 111-288. - Severability clause.

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

(Code 2005, § 122-342; Ord. No. 99-010, art. XII, § 2.0, 9-21-1999)