



PUBLIC NOTICE

Priceville Planning Commission Meeting

Notice is hereby given to all citizens, press and any interested parties that the Priceville Planning Commission will hold a regular meeting at the following place and time to consider adopting a resolution of amendment to the:

Priceville Zoning Ordinance

Monday, April 21, 2025

at Priceville City Hall

242 Marco Drive, Priceville, Alabama

Meeting begins at 7 p.m.

Following Commission resolution action, the City Council will hold a public hearing at a later date to consider adopting an ordinance to amend the Zoning Ordinance.

Date of Notice: March 18, 2025

Matt Spicer, Secretary

Notice posted at the following five locations within the City of Priceville:

Priceville Municipal Building, 242 Marco Drive

Priceville Public Library, 1612 S Bethel Rd

Priceville Foodland Grocery Store

Sprint Mart

www.cityofpriceville.com/news

blank page

CITY PLANNING COMMISSION OF THE CITY OF PRICEVILLE, ALABAMA

RESOLUTION NO. 2025-__

**A RESOLUTION TO RECOMMEND ADOPTION OF A REVISED
ZONING ORDINANCE BY THE CITY COUNCIL OF
THE CITY OF PRICEVILLE**

WHEREAS, Section 11-52-77 of the Code of Alabama (1975), as amended, sets out the procedure for adoption and amendment of municipal zoning codes; and

WHEREAS, the Commission has undertaken consideration of a revision of the Zoning Ordinance of the City of Priceville, and is prepared to recommend a revised zoning ordinance to the City Council of the City of Priceville;

WHEREAS, the Commission has provided public notice as required by law, and has conducted a public hearing on April 21, 2025, regarding its proposal to recommend a revision of the Zoning Ordinance of the City of Priceville;

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of Priceville, Alabama, that the Commission recommends the zoning ordinance attached to this resolution as Addendum A, to the City Council of the City of Priceville for adoption in replacement of the current zoning ordinance of the City.

READ, PASSED, AND ADOPTED on this the ____ day of _____, 2025.

Kelly Butler, Chairwoman
City Planning Commission of the
City of Priceville, Alabama

ATTEST: _____
Matt Spicer
Planning Commission Secretary

ADDENDUM A

CITY OF PRICEVILLE
ZONING ORDINANCE

AS
RECOMMENDED BY
THE PLANNING COMMISSION OF
THE CITY OF PRICEVILLE
APRIL 21, 2025

CERTIFICATION

I, Kelly Butler, Chairwoman of the City Planning Commission of the City of Priceville, Alabama, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the City Planning Commission of the City of Priceville at its public meeting held Monday, April 21, 2025, and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND this _____ day of _____, 2025.

Kelly Butler, Chairwoman
City Planning Commission of the
City of Priceville, Alabama

ATTEST: _____
Matt Spicer, Secretary

blank page

PENDING PUBLIC HEARING

**PLANNING COMMISSION
PUBLIC HEARING SET FOR
APRIL 21, 2025 @ 7:00 PM**

CHANGES IN RED TEXT



**City of Priceville, Alabama
ZONING ORDINANCE**

Adopted by the City Council

~~June 24, 2024~~

PENDING PUBLIC HEARING

ZONING ORDINANCE

for the City of Priceville, Alabama

~~2024~~ 2025 Municipal Officials

Mayor

The Honorable Sam Heflin

City Council

Tommy Perry, Mayor Pro Tem

Charles Black

Patrick Dean

Ashley England

Melvin Duran III

Planning Commission

Kelly Butler, Chairwoman

Doc Wilder

Stacy Davis

Bruce Payne

Patrick Dean, Council Liaison

Sam Heflin, Mayor

Mary Ratliff

Alex White, Vice-Chairman

Paul "Chip" Spicer, Building Official

Shannon Weissend, City Clerk

Matt Spicer, Planning Commission Secretary

XRAM, Inc., City Engineering Firm

Zoning Board of Adjustment

Ricky Phillips

Keith Livingston

Linda Chapman

David Sharp

Bill Voss

Anthony Thomas, Supernumerary

Barbara Milligan, Supernumerary

Zoning Ordinance initially adopted by Ordinance #1986-06, adopted on the 20th day of November, 1986, and has been amended as provided for in Section 11-52-77 of the 1975 Code of Alabama, and amendments thereto, as follows:

Ordinance 1990-05, March 8, 1990	Ordinance 2003-10, October 23, 2003
Ordinance 1990-06, August 23, 1990	Ordinance 2004-07, February 26, 2004
Ordinance 1991-01, May 9, 1991	Ordinance 2004-10, June 24, 2004
Ordinance 1995-07, October 30, 1995	Ordinance 2004-11, June 24, 2004
Ordinance 1996-08, April 11, 1996	Ordinance 2005-06, October 27, 2005
Ordinance 1997-11, September 11, 1997	Ordinance 2007-05, June 14, 2007
Ordinance 1997-12, September 11, 1997	Ordinance 2016-03, January 25, 2016
Ordinance 2001-05, December 20, 2001	Ordinance 2021-03, February 8, 2021
Ordinance 2002-11, September 26, 2002	Ordinance 2021-11, July 12, 2021 ~ entirety
Ordinance 2003-02, June 26, 2003	Ordinance 2021-17, November 8, 2021
Ordinance 2003-03, June 26, 2003	Ordinance 2022-02, May 9, 2022
Ordinance 2003-04, July 10, 2003	Ordinance 2024-05, June 24, 2024
Ordinance 2003-07-August 14, 2003	Ordinance 2025- , **** , 2025

Table of Contents

ARTICLE 1	GENERAL PROVISIONS	1-1
§1.01	Legal Status Provisions	1-1
§1.02	Application of Ordinance.....	1-1
§1.03	Establishment of Zoning Districts.....	1-1
§1.04	Zoning Map	1-2
§1.05	Transitional Rules.....	1-2
§1.06	Annexed Property.....	1-2
ARTICLE 2	DEFINITIONS	2-1
§2.01	Interpretation of commonly Used Terms and Words	2-1
§2.02	Definitions	2-1
§2.03	Abbreviations used in this Ordinance.....	2-13
ARTICLE 3	GENERAL REGULATIONS	3-1
§3.01	Uses	3-1
§3.02	Lots, Yards and Open Spaces	3-2
§3.03	Sight Distance	3-3
§3.04	Buildings and Structures.....	3-3
§3.05	Fences, Walls and Hedges.....	3-5
§3.06	Parking, Loading and Access	3-6
§3.07	Buffers, Screening and Landscaping	3-6
§3.08	Common Open Spaces and Facilities	3-6
§3.09	Lighting.....	3-7
§3.10	Outdoor Storage.....	3-7
§3.11	Small Wireless Facilities.....	3-7
ARTICLE 4	RESIDENTIAL DISTRICTS.....	4-1
§4.01	General Regulations.....	4-1
§4.02	R-1 Low Density Residential.....	4-1
§4.03	R-2 Low Density Residential.....	4-1
§4.04	R-3 Medium Density Residential.....	4-1
§4.05	R-3-D Medium Density Residential – Duplex	4-1
§4.06	R-4 Multifamily Residential	4-2
§4.07	R-5 Attached Residential.....	4-2
§4.08	R-6 High Density Residential.....	4-2
§4.09	R-MHP Manufactured Home Park	4-4
ARTICLE 5	NONRESIDENTIAL DISTRICTS	5-1
§5.01	General Regulations.....	5-1
§5.02	C-1 Neighborhood Commercial District.....	5-1
§5.03	C-2 Central and Highway Commercial District	5-1
§5.04	C-3 Interchange Commercial District	5-1
§5.05	INST Institutional District	5-1
§5.06	T-1 Research and Technology District.....	5-1
ARTICLE 6	SPECIAL DISTRICTS	6-1
§6.01	A-1 Agricultural District.....	6-1
§6.02	A-1-R Agricultural Residential.....	6-2
§6.03	PD Planned Development District.....	6-3
§6.04	Highway 67-Marco Drive Overlay District.....	6-13
ARTICLE 7	USE-SPECIFIC REGULATIONS	7-1

§7.01	Accessory Dwellings.....	7-1
§7.02	Adult Entertainment.....	7-2
§7.03	Alternative Financial Services.....	7-2
§7.04	Amateur Radio Towers.....	7-2
§7.05	Attached Dwellings.....	7-2
§7.06	Bed and Breakfast.....	7-3
§7.07	Boarding Houses.....	7-4
§7.08	Conservation Subdivisions.....	7-4
§7.09	Cottage Developments.....	7-6
§7.10	Home Occupations.....	7-7
§7.11	Keeping of Chickens and Honeybees.....	7-8
§7.12	Manufactured Home Parks.....	7-9
§7.13	Mini-Storage Facilities.....	7-11
§7.14	Multifamily Developments.....	7-11
§7.15	Patio Homes.....	7-18
§7.16	Recreational Vehicle Parks and Campgrounds.....	7-19
§7.17	Short-Term Rentals.....	7-20
§7.18	Tattoo Parlors.....	7-22
§7.19	Temporary Commercial Uses.....	7-22
§7.20	MODULAR HOMES.....	7-24
ARTICLE 8	PARKING AND LOADING STANDARDS.....	8-1
§8.01	Definitions.....	8-1
§8.02	Required Off-street Parking Spaces.....	8-1
§8.03	Off-street Loading.....	8-6
ARTICLE 9	SIGN REGULATIONS.....	9-1
§9.01	Purpose and Intent.....	9-1
§9.02	Application, Enforcement and Violations.....	9-1
§9.03	Definitions.....	9-1
§9.04	Procedure.....	9-3
§9.05	Sign Permit.....	9-3
§9.06	General Sign Regulations.....	9-4
§9.07	Residential and Agricultural Districts.....	9-8
§9.08	C-1, C-2, INST and T-1 Districts.....	9-9
§9.09	C-3 District.....	9-11
ARTICLE 10	LANDSCAPING STANDARDS.....	10-1
§10.01	Buffers.....	10-1
§10.02	Screening.....	10-1
§10.03	Landscaping for Vehicular Areas.....	10-4
§10.04	Design Standards for Fences.....	10-4
§10.05	Landscaping Plan.....	10-4
§10.06	Modifications.....	10-5
§10.07	Maintenance and Irrigation.....	10-5
ARTICLE 11	NONCONFORMITIES.....	11-1
§11.01	General Provisions.....	11-1
§11.02	Nonconforming Lots.....	11-1
§11.03	Nonconforming Uses.....	11-1
§11.04	Reconstruction of Damaged Buildings or Structures.....	11-2
§11.05	Nonconforming Structures Deemed Unsafe.....	11-2
ARTICLE 12	SITE PLAN APPROVAL.....	12-1

§12.01	Applicability	12-1
§12.02	Procedure.....	12-1
§12.03	Standards for Site Plan Review	12-1
§12.04	Submittal Requirements	12-1
§12.05	Expiration	12-3
§12.06	Amending of Site Plan Certificate	12-3
ARTICLE 13	ADMINISTRATION	13-1
§13.01	General Procedure	13-1
§13.02	Building Official.....	13-1
§13.03	Permits	13-1
§13.04	Amendments	13-2
§13.05	Conditional Use Review.....	13-3
§13.06	Statutory Review by Commission	13-4
§13.07	Remedies and Penalties.....	13-5
ARTICLE 14	BOARD OF ADJUSTMENT	14-1
§14.01	Establishment of Board of Adjustment.....	14-1
§14.02	Meetings, Proceedings and Records	14-1
§14.03	Duties and Powers	14-1
§14.04	Administrative Appeals	14-1
§14.05	Special Exceptions	14-2
§14.06	Variances	14-2
§14.07	Abatement of Hazard or Nuisance.....	14-3
§14.08	Rehearings	14-3
§14.09	Appeals from Decisions of Board.....	14-4

ARTICLE 1 GENERAL PROVISIONS

§1.01 LEGAL STATUS PROVISIONS

- §1.01.01 Short Title. This Ordinance shall be known and cited as the "Priceville Zoning Ordinance".
- §1.01.02 Authority. This Ordinance has been prepared, subject to public review, recommended by the Priceville Planning Commission, and adopted by the Priceville City Council under the authority of Title 11, Chapter 52 of the Code of Alabama, 1975 Compilation, as amended.
- §1.01.03 Purpose of the Ordinance. This Ordinance is hereby adopted in accordance with a comprehensive plan and is designed to lessen congestion in the roads and highways; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- §1.01.04 Interpretation. The provisions of this Ordinance are held to be the minimum requirements for the promotion of the health and general welfare of the citizens of the City of Priceville. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance control.
- §1.01.05 Separability. All portions of this Ordinance are severable. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision may not affect the validity of any other clause, portion, section or article of this Ordinance.
- §1.01.06 Conflicting Ordinances. The existing Zoning Ordinance of the City and all subsequent amendments thereto, are hereby repealed upon the effective date of this Ordinance.
- §1.01.07 Effective Date. This Ordinance shall take effect immediately after its approval and publication as required by law.

§1.02 APPLICATION OF ORDINANCE

No building, structure, or land may be used or occupied and no building or part thereof may be erected, moved, enlarged, or structurally altered except in conformance with the regulations of this Ordinance.

§1.03 ESTABLISHMENT OF ZONING DISTRICTS

§1.03.01 Names of Zoning Districts. The City of Priceville is divided into the following districts:

1. A-1 Agricultural
2. A-1-R Agricultural Residential
3. R-1 Low Density Residential
4. R-2 Low Density Residential
5. R-3 Medium Density Residential
6. R-3-D Medium Density Residential – Duplex
7. R-4 Multifamily Residential
8. R-5 Attached Residential (Townhomes)
9. R-6 High Density Residential (Patio Homes)
10. R-MHP Manufactured Home Park
11. PD Planned Development
12. C-1 Neighborhood Commercial
13. C-2 Central and Highway Commercial

- 14. C-3 Interchange Commercial
- 15. INST Institutional
- 16. T-1 Research and Technology
- 17. Highway 67-Marco Drive Overlay

§1.04 ZONING MAP

- §1.04.01 The location and boundaries of these districts are established as shown on the Zoning Map of Priceville, initially dated December 1, 1986, as subsequently amended. The Zoning Map is hereby made a part of this Ordinance, together with all future notations, references, and amendments.
- §1.04.02 Interpretation of Boundaries. The Zoning Board of Adjustment (ZBA) determines the location of zoning district boundaries where any uncertainty exists, in accordance with the following rules:
1. When boundaries are shown following the corporate limits, lot lines or the centerline of streets or alleys, or such lines extended, railroads or waterways, such lines are construed to be the district boundaries.
 2. Where zoning boundaries are adjacent to a street or alley and the zoning of the street or alley is not indicated, the boundaries are construed as being along the centerline.
 3. In the case of a street closure, the zoning boundary, if following the street centerline, remains in place. However, when ownership of the vacated street is not divided along the centerline, the boundary moves with the subject lot lines.
 4. Boundaries indicated as following physical features other than those mentioned above are construed as following such physical features, except where variation of actual location from mapped location would change the zoning of a lot or parcel. In this case, the boundary is interpreted to avoid changing the zoning of any lot or parcel.
 5. Boundaries shown as parallel to any of the above features are construed as parallel to the feature at the distance indicated on the Zoning Map. If not indicated on the Zoning Map, distances are determined by the scale of the map.

§1.05 TRANSITIONAL RULES

These Regulations apply to applications submitted and accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application submitted and accepted for review, but for which no final action has been taken by the appropriate decision-making body, prior to this effective date. Such applications are subject to the zoning regulations in effect at the time of their acceptance for consideration, except as follows.

When a development plan has been started or approved under a previous version of this Ordinance, it may be completed only as follows:

- §1.05.01 If development, for which a subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, then the approval expires; and any future development is subject to these Regulations.
- §1.05.02 Unless complying with these Regulations, any violation of the previous ordinance is a violation under this Ordinance and is subject to the penalties set out in [§13.07 Remedies and Penalties](#).

§1.06 ANNEXED PROPERTY

Following the adoption of this Ordinance, any property annexed into the City will be assigned a zoning classification by the City Council, after a recommendation from the Commission, compatible with the intent of the Comprehensive Plan taking into consideration the existing use and zoning of adjoining land. Until such zoning classification is assigned, the annexed property will be considered subject to the regulations of the A-1 District. Any subsequent rezoning must follow the procedures in [§13.04 Amendments](#).

ARTICLE 2 DEFINITIONS

For the purpose of interpreting this Ordinance, certain words and phrases have the meaning ascribed to them in this Article. In the event a word or phrase is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term applies.

§2.01 INTERPRETATION OF COMMONLY USED TERMS AND WORDS

The Building Official is authorized to make a final determination of the meaning of any word or phrase used in this Ordinance.

In the interpretation of this Zoning Ordinance, the provisions of this Section are applied unless the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural; and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine.

- §2.01.01 The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
- §2.01.02 The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.
- §2.01.03 The word "structure" includes the word "building".
- §2.01.04 The word "lot" includes the words "plot", "parcel", or "tract".
- §2.01.05 The word "must" is mandatory and not merely directory.
- §2.01.06 The word "may" is permissive. When used in the negative, it is prohibitive.
- §2.01.07 The word "map" or "zoning map" means the "Official Zoning Map, City of Priceville, as last amended".

§2.02 DEFINITIONS

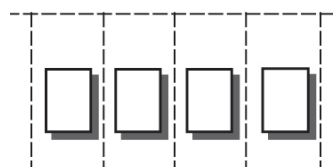
- §2.02.01 **ACCESSORY STRUCTURE.** A detached subordinate structure located on the same lot or parcel with the principal structure, the use of which is incidental to that of the principal structure. This definition shall not include small portable, pre-built storage structures, provided, however such structures shall be required to meet setback requirements applicable to Accessory Structures.
- §2.02.02 **ACCESSORY USE.** A use customarily incidental to the principal use of the land or building on the same lot.
- §2.02.03 **ADJACENT.** Either adjoining or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by a railroad are not considered ADJACENT.
- §2.02.04 **ADJOINING.** Having property or district lines in common. Properties separated by a right-of-way are ADJACENT, but not ADJOINING.
- §2.02.05 **ADULT ENTERTAINMENT.** A business that meets any of the following criteria, measured on a daily, weekly, monthly or annual basis: 1) has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in SEXUALLY-ORIENTED MATERIALS, 2) devotes more than 25% of its floor area (not including storage areas, bathrooms, basements, or any portion of the business not open to the public) to SEXUALLY-ORIENTED MATERIALS, or 3) derives more than 25% of its gross revenue from SEXUALLY-ORIENTED MATERIALS. ADULT ENTERTAINMENT includes any business that engages for any length of time in a sexually oriented use or any other use that emphasizes SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS, including but not limited to adult arcades and movie theaters, adult cabarets, and adult bookstores and novelty businesses.
 - 1. **SEXUALLY-ORIENTED MATERIALS.** Materials of any media format and any objects or devices that contain, depict, stimulate or describe SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or are designed for sexual stimulation.
 - 2. **SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below a point immediately above the top of the areola; and human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.

3. SPECIFIED SEXUAL ACTIVITIES. Activities including actual or simulated sexual intercourse; clearly depicted human genitals in the state of arousal; touching of SPECIFIED ANATOMICAL AREAS; inflicting pain or physical restraint of a person for the purposes of sexual stimulation; or sexually oriented contact with an animal by a human being.
- §2.02.06 AGRICULTURE or AGRICULTURAL USE. The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
- §2.02.07 ALTERATION. Any change or modification of members, or parts, of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, doors or windows; or any enlargement or reduction of a structure, whether horizontally or vertically; or moving the structure from one location to another.
- §2.02.08 ALTERNATIVE FINANCIAL SERVICE. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business, pawn shop or similar business engaged in non-traditional short-term lending.
- §2.02.09 AMATEUR RADIO TOWER. A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
- §2.02.10 ANIMAL. Any domesticated creature of the canine, feline, equine, bovine, sheep, goat, or swine species or type.
- §2.02.11 ANIMAL SHELTER. A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.
- §2.02.12 APPLICABLE DISTRICT. That zoning district in which the subject site, lot or structure is located.
- §2.02.13 APPLICANT. A person submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance.
- §2.02.14 ARCHITECT or REGISTERED ARCHITECT. A person licensed in the State of Alabama to practice in the field of architecture.
- §2.02.15 ASSISTED LIVING FACILITY. Residences for the frail that provide rooms, meals, personal care, and supervision of self-administered medication; excluding GROUP CARE HOMES.
- §2.02.16 ATTACHED. Attached by any means of structural integrity to another structure.
- §2.02.17 AUTOMOBILE REPAIR
1. MINOR AUTOMOBILE REPAIR. Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
 2. MAJOR AUTOMOBILE REPAIR. The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts, and similar activities. Also includes wrecker services.
- §2.02.18 BAKERY, MAJOR. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
- §2.02.19 BAKERY, MINOR. An establishment that bakes goods for on-premises retail sales or catering.
- §2.02.20 BAR or NIGHTCLUB. An establishment serving liquor, beer, wine and other alcoholic beverages for on-premises consumption and that is not otherwise classified as a restaurant.
- §2.02.21 BASEMENT. A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.
- §2.02.22 BED AND BREAKFAST. A dwelling or portion thereof using no more than six rooms to provide short-term lodging accommodations and meals for the traveling public for a fee.

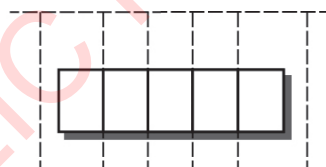
- §2.02.23 BEDROOM. A room marketed, designed or otherwise intended to function primarily for sleeping.
- §2.02.24 BOARD OF ADJUSTMENT OR BOARD. The Zoning Board of Adjustment for the City of Priceville.
- §2.02.25 BOARDING HOUSE. A dwelling or part thereof, other than a BED AND BREAKFAST or GROUP CARE HOME, where lodging and meals are provided for at least three but no more than persons for a fee.
- §2.02.26 BUFFER. A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare.
- §2.02.27 BUILDING. Any structure having a roof supported by columns or walls, used for the shelter, housing, or enclosure of persons, animals, or property.
- §2.02.28 BUILDING CODE. The most recent building, construction and fire-related codes adopted by the City of Priceville.
- §2.02.29 BUILDING COVERAGE, MAXIMUM. The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot, including covered porches, carports, breezeways, by the total area of the lot upon which the buildings are located.
- §2.02.30 BUILDING HEIGHT. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
- §2.02.31 BUILDING LINE. A line extending across the width of the lot coincident with the plane of the building, as constructed, nearest the corresponding lot line.
- §2.02.32 BUILDING OFFICIAL. The person designated by the Mayor to enforce all provisions of the Zoning Ordinance.
- §2.02.33 BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.
- §2.02.34 BUILDING SEPARATION. The horizontal distance measured between the nearest portions of any structures on the same lot.
- §2.02.35 BUSINESS OR PROFESSIONAL OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment. Includes call centers and broadcast studios but not medical clinics.
- §2.02.36 BUSINESS SUPPORT SERVICE. A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
- §2.02.37 CAMPGROUND. Land on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes for no more than 120 days.
- §2.02.38 CERTIFICATE OF OCCUPANCY. Official certification that a premise conforms to the provisions of the Zoning Ordinance (and building code) and may be used or occupied.
- §2.02.39 CITY COUNCIL OR COUNCIL. The City Council of the City of Priceville, Alabama.
- §2.02.40 CLUB, PRIVATE. A place of assembly operated by an association of persons united by some common interest such as social, educational or recreational purposes and usually characterized by certain membership qualifications, payment of fees or dues, and holding of regular meetings. Refer to INSTITUTIONAL USES.
- §2.02.41 COMMERCIAL KITCHEN. A facility where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.
- §2.02.42 COMMERCIAL PARKING. Parking lots or structures providing parking for uses not located on the premises.
- §2.02.43 COMMERCIAL RECREATION. A commercial establishment providing recreational or sports activities to participants, including bowling alleys, video game centers, ice- and roller-skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.

- §2.02.44 COMMERCIAL SCHOOL. A private, gainful business providing instruction in arts, business, crafts, trades or professions.
- §2.02.45 COMMON OPEN SPACE, COMMON FACILITY. Land, structures or both within a development that are held in common ownership and maintained by a property owner's association for all of the owners for recreation, natural conservation, amenities or buffers; freely accessible to all owners of the development; and protected by the provisions of this Ordinance to ensure that it remains in such uses.
- §2.02.46 COMMUNICATION ANTENNA. A device used to transmit or receive communications in the form of radio frequency transmissions as authorized by the Federal Communications Commission to include antennas utilized by public radio services, private radio services, and common carriers, but not including receive-only antennas, radio dispatch systems, transportable telecommunication devices, and similar operations.
- §2.02.47 COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Priceville, Alabama, including any legally adopted part of the Comprehensive Plan. This may include, but is not limited to: Zoning Ordinance, Subdivision Regulations and Major Street Plan.
- §2.02.48 CONDITIONAL USES. Uses allowed in a district only upon approval of and subject to conditions set by the Planning Commission.
- §2.02.49 CONSERVATION SUBDIVISION. A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas. See [§7.08 Conservation Subdivisions](#).
- §2.02.50 CONSTRUCTION SERVICE, MAJOR. A place of business engaged in construction and related trade activities with outdoor storage such as a building contractor, electrician, plumber or similar trade and that may involve wholesaling of building materials. Includes wholesale building supply business.
- §2.02.51 CONSTRUCTION SERVICE, MINOR. A place of business engaged in construction-related trade activities with incidental storage such as a building contractor, electrician, plumber or similar trade excluding any retail or wholesale sales.
- §2.02.52 COUNTRY CLUB. Land or buildings containing recreational facilities and clubhouse for private club members and their guests.
- §2.02.53 DAY CARE FACILITY
1. ADULT DAY CARE CENTER. Any building or related premises used to provide care and daily activities to five or more adults for part of the day.
 2. ADULT DAY CARE HOME. A dwelling used to provide care and daily activities to four or less adults for part of the day.
 3. CHILD DAY CARE CENTER. Any building and related premises used for the care of thirteen or more children for part of the day.
 4. CHILD DAY CARE HOME. A dwelling used for the care of six or less children for part of the day.
 5. GROUP CHILD DAY CARE HOME. A dwelling used for the care of seven to twelve children for part of the day.
- §2.02.54 DENSITY. The ratio of lot area per dwelling unit or the number of dwelling units per acre of site area.
- §2.02.55 DEVELOPMENT. The subdivision or re-subdivision of land, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of land.
- §2.02.56 DWELLING OR DWELLING UNIT. One or more rooms in the same structure, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking. The term DWELLING does not include rooming house, tourist home, hotel, hospital/nursing home, dormitory, fraternity or sorority house.

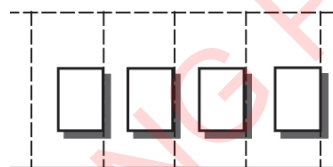
1. ACCESSORY DWELLING. A subordinate, independent dwelling unit located on the same lot as a detached single-family dwelling. See [§7.01 Accessory Dwellings](#).
2. CARETAKER DWELLING. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
3. DUPLEX DWELLING. Two adjoining dwelling units located on one lot but separated by one or more unpierced walls from ground to roof.
4. MULTIFAMILY DWELLING. A building containing more than three dwelling units.
5. SINGLE-FAMILY ATTACHED DWELLING. A dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by vertical common, fire-resistant walls.
6. SINGLE-FAMILY DETACHED DWELLING. A building containing one dwelling unit that is not attached to any other dwelling and is surrounded by open space or yards.
7. SINGLE-FAMILY SEMI-DETACHED DWELLING. A single-family dwelling attached to one other single-family dwelling by a common, vertical wall, with each dwelling located on its own lot.
8. UPPER-STORY DWELLING. A dwelling unit located on a floor above another use in the same building.
9. ZERO LOT LINE DWELLING. A single-family detached dwelling located on its own lot so that one of the dwelling's sides rests on a lot line.



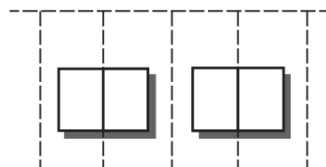
street

Single-family Detached Dwelling

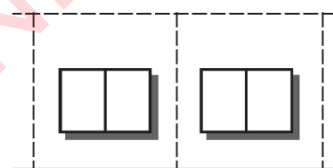
street

Single-family Attached Dwelling

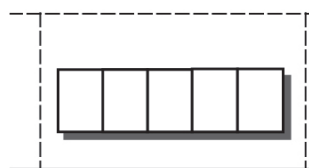
street

Single-family Zero Lot Line Dwelling

street

Single-family Semi-detached Dwelling

street

Duplex Dwelling

street

Multifamily Dwelling

§2.02.57 ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.

§2.02.58 ENTERTAINMENT USES

1. ADULT ENTERTAINMENT. See ADULT ENTERTAINMENT.

2. INDOOR ENTERTAINMENT. An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses, live music venues but excluding ADULT ENTERTAINMENT.
3. OUTDOOR ENTERTAINMENT. An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks, drive-in theaters and amusement parks but excluding ADULT ENTERTAINMENT.

§2.02.59 ESSENTIAL SERVICES. Public utility facilities that generally do not require enclosure in a building, including the construction or maintenance of gas, electrical, steam, telephone, water distribution, or sewer collection systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, hydrants, and other similar equipment which conform to the height regulations of the zoning district in which they are proposed. However, water and sewer pump station facilities, whether or not enclosed in a building, and small accessory structures housing telecommunication equipment, are included within this definition.

§2.02.60 FAMILY. Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons, excluding servants, living together in a dwelling as a single-housekeeping unit.

§2.02.61 FARM. Land upon which the predominant activity is agriculture, which may also include a single-family dwelling and any accessory structures incidental to the dwelling or agricultural use.

§2.02.62 FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and services, including but not limited to, the sale of feed, grains, fertilizers, pesticides and similar farm support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.

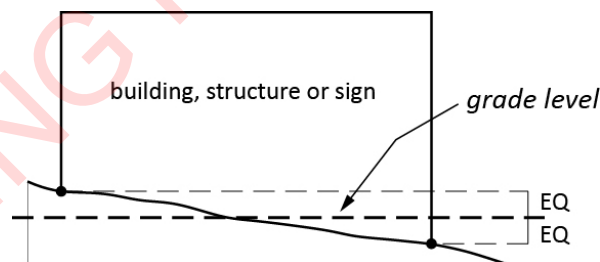
§2.02.63 FENCE. An artificially constructed barrier of any kind erected to enclose or screen.

§2.02.64 FLOOR AREA, GROSS. The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.

§2.02.65 FOWL. Chickens, turkeys, ducks, geese, quail, guineas and similar birds raised, kept or bred for agricultural or commercial purposes or for egg or food production.

§2.02.66 GAS STATION. An establishment involving the retail dispensing of automotive fuels.

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



§2.02.68 GROUP CARE HOME. A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Residents are supervised by a sponsoring entity or its staff, which furnishes rehabilitative services to the residents. A GROUP CARE HOME is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or legal guardians. GROUP CARE HOMES are further categorized as follows:

1. EMERGENCY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, some of whom are unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, the purpose of which is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
2. FAMILY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, some of whom are unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers,

the purpose of which is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1

Regulations as to housing of mentally retarded or mentally ill persons in multifamily zones, Code of Alabama, 1975 as amended.

3. TRANSITIONAL CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, some of whom are unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, the purpose of which is to assist persons, especially those leaving institutions, to re-enter society and learn to adapt to independent living.
- §2.02.69 HARDSHIP. Any condition not in control of the owner or applicant such as, but not limited to, topography, lot shape or size, location of public utilities or similar conditions deemed a hardship by the ZBA.
- §2.02.70 HOBBY FARM. The keeping, raising and breeding of a limited number of livestock, fowl and other animals for agricultural purposes, but not for gain, on a property for which the principal use is a detached single-family dwelling.
- §2.02.71 HOME OCCUPATION. Limited business activity conducted in conjunction with and accessory to a dwelling, that is inherently unobtrusive and unlikely to alter the character of the neighborhood nor adversely impact surrounding land uses.
- §2.02.72 HOSPITAL. An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
- §2.02.73 HOTEL. An establishment providing sleeping accommodations for the traveling public, in which guest rooms are accessed from the interior of the building. HOTELS may also include dining facilities, fitness centers and similar incidental services for guests.
- §2.02.74 IMPROVEMENT. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- §2.02.75 INDEPENDENT LIVING FACILITY. A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.
- §2.02.76 INDUSTRY, HEAVY. Meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
- §2.02.77 INSTITUTIONAL USES. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities which involve on-premises garages, repair or storage yards, or warehouses. Institutional uses are categorized as follows:
1. LOW INTENSITY. Government and nonprofit cultural facilities up to 4,000 sf; places of assembly up to 199 seats.
 2. MEDIUM INTENSITY. Government and nonprofit cultural facilities with more than 4,000 and up to 12,500 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly of 200 to 500 seats; other institutions up to 35,000 sf.
 3. HIGH INTENSITY. Government and cultural facilities greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 500 seats; high schools, universities, colleges, junior colleges; stadiums and arenas; other institutions greater than 35,000 sf.
- §2.02.78 JUNK. Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc, and all other metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- §2.02.79 JUNKYARD. A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or

vehicles not in running condition or for the sale of parts thereof. Does not include RECYCLING CENTER or RECYCLING PLANT.

§2.02.80 KENNEL. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation, whether the animals are kept within a structure or not.

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

§2.02.82 LAUNDRY SERVICES. Laundromat, laundry and dry-cleaning pick-up stations and clothing storage, excluding LAUNDERING PLANTS.

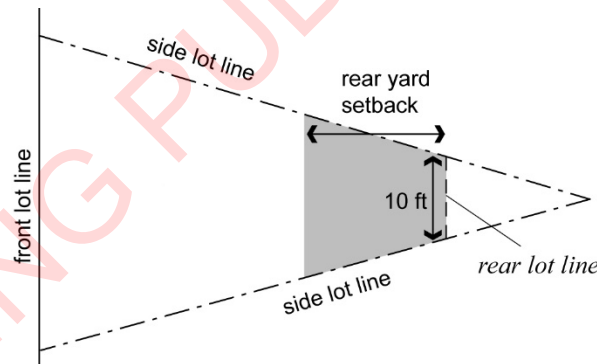
§2.02.83 LOT. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development, and that has frontage on a public street.

§2.02.84 LOT DEPTH. The mean horizontal distance between the front and the rear lot lines.

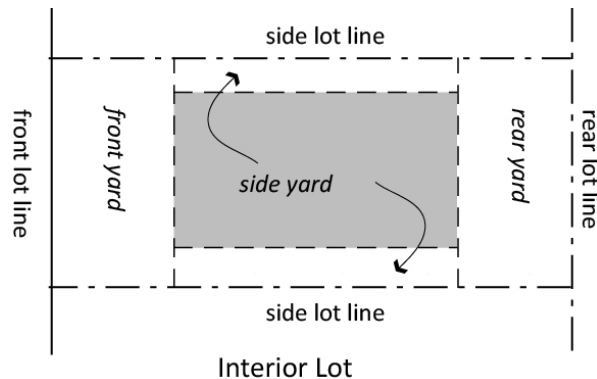
§2.02.85 LOT FRONTAGE. Lot width measured at the front lot line.

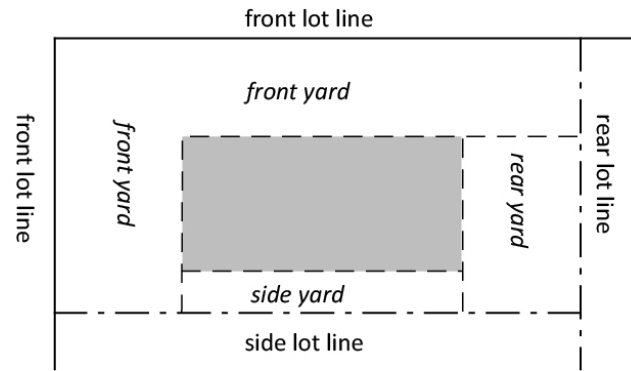
§2.02.86 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.

1. FRONT LOT LINE. The lot line separating a lot from a street right-of-way. In the case of SINGLE-FRONTAGE CORNER LOTS, there is a primary and secondary front line. The shorter of the two is the primary front lot line. All other corner lots are considered DUAL-FRONTAGE CORNER LOTS, in which case, both lot lines along streets are considered front lot lines.
2. REAR LOT LINE. That lot line that is generally parallel to and most distant from the FRONT LOT LINE. In the case of a triangular or irregularly shaped lot, a line ten feet in length, entirely within the lot, parallel to and at the maximum distance from the FRONT LOT LINE.

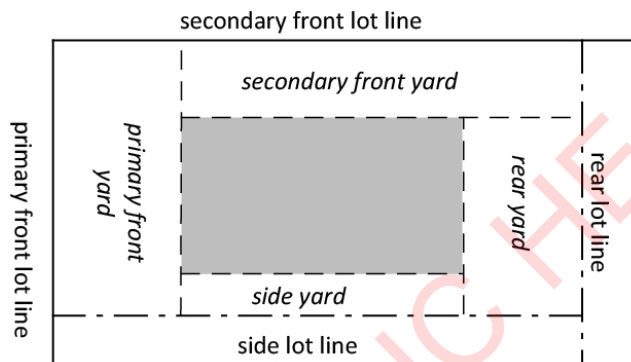


3. SIDE LOT LINE. Any lot line other than a FRONT LOT LINE or a REAR LOT LINE.





Dual-frontage Corner Lot

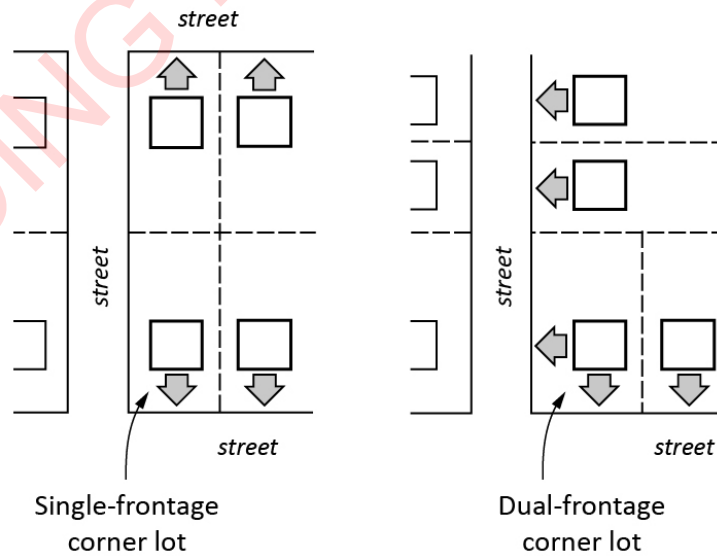


Single-frontage Corner Lot

§2.02.87 LOT TYPES

1. CORNER LOTS

- a. DUAL FRONTAGE CORNER LOT. A residential CORNER LOT that abuts an interior lot on each side.
- b. SINGLE-FRONTAGE CORNER LOT. A residential CORNER LOT that abuts an interior lot on one side and a corner lot on the other side.



2. DOUBLE FRONTAGE LOT. An interior lot having frontages on two streets.
3. INTERIOR LOT. A lot other than a CORNER LOT.

- §2.02.88 LOT WIDTH. The distance between SIDE LOT LINES measured at the FRONT BUILDING LINE. For corner lots, lot width is measured between the side lot line and the opposite lot line.
- §2.02.89 LOT AREA. The computed area contained within the lot lines.
- §2.02.90 MANUFACTURED HOME. A structure constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight feet wide or at least 40 ft long or, when erected on site, at least 320 sf; includes the plumbing, heating, air conditioning, and electrical systems of the home. Removal of wheels or chassis and placing such a structure on the ground, or other foundation does not remove such a unit from this definition.
- §2.02.91 MANUFACTURED HOME PARK. Land used or designed as a manufactured home community containing multiple spaces for rent or lease.
- §2.02.92 MANUFACTURED HOME SPACE. A space designed for the placement of a manufactured home within a MANUFACTURED HOME PARK.
- §2.02.93 MANUFACTURED HOME SUBDIVISION. A division of a tract of land into three or more lots intended for the siting of manufactured homes for dwelling purposes.
- §2.02.94 MANUFACTURING, GENERAL. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.
- §2.02.95 MANUFACTURING, LIGHT. The manufacture, predominately from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products.
- §2.02.96 MEDICAL CLINIC. A building in which a group of physicians, dentists, and associated professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory, surgery suites but excludes any in-patient care.
- §2.02.97 MINI-WAREHOUSE. A building or group of buildings containing separate, individual and private storage spaces for rent or lease.
- §2.02.98 MOBILE OR PORTABLE OFFICE. Any structure constructed on a chassis and so designed that it may be used with or without a foundation. Removal of wheels or chassis and placing such a structure on the ground, piers, or other foundation does not remove such a unit from this definition.
- §2.02.99 MODULAR STRUCTURE. A structure manufactured off-site in accordance with the City Building Code, transported to and assembled on the building site on a permanent foundation.
- §2.02.100 MOTEL. An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. MOTELS may also include dining facilities, fitness centers and other incidental services for guests.
- §2.02.101 NONCONFORMING BUILDING or STRUCTURE. A building or structure that does not conform to the area or dimensional requirements of the applicable district.
- §2.02.102 NONCONFORMING LOT. A lot that does not conform to the area and dimensional requirements of the applicable district.
- §2.02.103 NONCONFORMING USE. A use that does not conform to the regulations of the applicable district.
- §2.02.104 NONRESIDENTIAL USE. Uses including agricultural, institutional, commercial, lodging and industrial activities.
- §2.02.105 OFFICE. See BUSINESS OR PROFESSIONAL OFFICE.
- §2.02.106 OPEN SPACE. A yard area not used for a building, structure, driveway, parking, loading or storage.
- §2.02.107 OUTDOOR STORAGE. The keeping in an unenclosed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours, but not including retail sales displays.

- §2.02.108 OWNER. The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.
- §2.02.109 PERSONAL SERVICE. An establishment providing services involving the care of a person or their personal goods or apparel, including hair, nail and tanning salons, licensed massage therapists and repair of watches, phones, tablets, computers and other personal electronics.
- §2.02.110 PET GROOMING AND BOARDING. An establishment providing grooming services and overnight boarding to household pets within a fully enclosed structure, which may include outside runs for keeping of animals for part of the day but not overnight.
- §2.02.111 PLACE OF ASSEMBLY. A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- §2.02.112 PLANNED DEVELOPMENT. A tract of land under individual corporate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.
- §2.02.113 PLANNING COMMISSION OR COMMISSION. The Planning Commission of the City of Priceville.
- §2.02.114 PRINTING SERVICE. Blue printing, copying, printing, engraving or other reproduction services.
- §2.02.115 PUBLIC FACILITY. Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
- §2.02.116 PUBLIC UTILITY FACILITY, MAJOR. Public utility facilities more intensive than ESSENTIAL SERVICES, including but not limited to, electric or gas generating plants, sewage treatment plants and water treatment facilities.
- §2.02.117 RECREATIONAL VEHICLE. Any motorized and non-motorized vehicle that combines transportation and temporary living quarters for travel, recreation or camping, including but not limited to campers, travel trailers and motor homes.
- §2.02.118 RECYCLING CENTER. Land, with or without buildings, where used materials are collected and may be separated before being transported to a RECYCLING PLANT or other location for processing and eventual reuse.
- §2.02.119 RECYCLING PLANT. A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.
- §2.02.120 REPAIR SERVICE. An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances.
- §2.02.121 RESEARCH LABORATORY. Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- §2.02.122 RESOURCE EXTRACTION. The breaking of the surface soil to facilitate the extraction of ores or mineral solids for sale or processing or consumption in the regular operation of a business; removal of rock or soil lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state.
- §2.02.123 RESTAURANT
1. FAST FOOD RESTAURANT. An establishment where food and drink are offered for on-premises consumption and may be ordered from and delivered to an automobile, including through a pick-up window.
 2. PICK-UP AND DELIVERY ONLY RESTAURANT. An establishment where food and drink are prepared and sold for consumption off-premises only.
 3. STANDARD RESTAURANT. An establishment where food and drink are prepared, served and consumed, mostly within the principal building.

- §2.02.124 RETAIL, GENERAL. Retail sales of goods and services including, but not limited to; clothing and shoe stores, home furnishings, appliance stores, automobile parts and supply stores, gift shops, florist shops, drugstores, medical supplies, hardware stores, jewelry stores, sporting goods stores and antique shops.
- §2.02.125 RETAIL, UNENCLOSED. Retail sales of goods and services conducted partially or fully outside of a building, including but not limited to flea markets, monument sales, lumber yards and similar activities. Other types of outdoor retail sales are separately categorized as HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICE; VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE; and VEHICLE SALES OR RENTAL.
- §2.02.126 SIGNS. See [Article 9](#) for all sign definitions.
- §2.02.127 SMALL WIRELESS FACILITIES. Micro Wireless and Small Wireless Facilities as defined by state law (Ala. Act #2021-5) and subject to Ordinance 2021-06 as it may be amended. Does not include TELECOMMUNICATION TOWER.
- §2.02.128 SPECIAL EXCEPTION. A use or characteristic of development that would not generally be appropriate in a zoning district without restriction, but which if controlled as to number, area, location or relation to the area, would not be detrimental to the public health, safety and general welfare. Special exceptions require approval by the ZBA per [§14.05 Special Exceptions](#).
- §2.02.129 STORY. That portion of a building, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
1. HALF STORY. Space under a sloping roof, the area of which, that has at least six feet vertical clearance, does not exceed 50% of the area of the story immediately below it. In reference to multifamily dwellings, a half-story is a building story containing no more than half the number of dwelling units of half of the gross floor area of the story immediately below.
- §2.02.130 STREET LINE. The dividing line between a right-of-way and the contiguous property, including planned rights-of-way.
- §2.02.131 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including stationary and portable carports.
- §2.02.132 STUDIO. A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- §2.02.133 SUBDIVISION REGULATIONS. The Subdivision Regulations of the City of Priceville, Alabama.
- §2.02.134 TELECOMMUNICATION TOWER. Refer to City Ordinance 2015-04.
- §2.02.135 TEMPORARY CONSTRUCTION OFFICE. A temporary office building directly related to on-site construction of one or more related permanent buildings.
- §2.02.136 USE. The purpose for which land, buildings or structures are designed, arranged or intended, or for which they may be occupied or maintained.
- §2.02.137 VARIANCE. A relaxation from zoning regulations requiring approval of the ZBA, where such relaxation will not be contrary to the public interest. See [§14.06 Variances](#).
- §2.02.138 VEHICLE SALES, RENTAL AND SERVICE
1. HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of trucks over one ton and construction vehicles and equipment, tractors and other farm implements, boats, recreational vehicles, manufactured homes, including the storage, maintenance and servicing of the same.
2. VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of automobiles, light trucks, motorcycles, riding lawn mowers and other garden and similar household equipment, including the storage, maintenance and servicing of the same.
- §2.02.139 VETERINARY HOSPITAL. A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

- §2.02.140 WHOLESALE ESTABLISHMENT. An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesaling establishments include those with accessory retail sales provided that retail sales do not exceed 10% of inventory or sales.
- §2.02.141 YARD. An open area of a lot, not occupied by any use or structure, measured from a property line to the nearest point of a structure. A required yard means a yard the depth of which is specified in the "Area and Dimensional Regulations" for the applicable district. Refer also to LOT LINE and accompanying diagrams.
1. ESTABLISHED YARD. In contrast to a "required yard," the area between the BUILDING LINE and the corresponding lot line.
 2. FRONT YARD. That area extending across the front of a lot between the side lot lines. Refer to CORNER LOT for front yard locations.
 - a. PRIMARY FRONT YARD. The yard of a SINGLE-FRONTAGE CORNER LOT that corresponds with the FRONT YARD of the adjoining INTERIOR LOT.
 - b. SECONDARY FRONT YARD. A yard of a SINGLE-FRONTAGE CORNER LOT along a FRONT LOT LINE other than the PRIMARY FRONT YARD.
 3. REAR YARD. A yard extending across the rear of a lot between SIDE LOT LINES or between the SIDE LOT LINE and opposing FRONT LOT LINE. On all lots the REAR YARD is opposite the FRONT YARD or PRIMARY FRONT YARD.
 4. SIDE YARD. A yard between the principal building and the SIDE LOT LINE and extending from the required FRONT YARD to the required REAR YARD.
- §2.02.142 ZONING DISTRICT OR DISTRICT. A portion of the territory of the City of Priceville throughout which zoning regulations and requirements are uniform.
- §2.02.143 BUILDING OFFICIAL. The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

§2.03 ABBREVIATIONS USED IN THIS ORDINANCE

- §2.03.01 ac - acre
- §2.03.02 ADA – Americans with Disabilities Act
- §2.03.03 ADEM – Alabama Department of Environmental Management
- §2.03.04 amp – ampere (unit of electric current)
- §2.03.05 BMP – Best Management Practices
- §2.03.06 BR - bedroom
- §2.03.07 dBA – A-weighted decibel
- §2.03.08 du – dwelling unit
- §2.03.09 FEMA – Federal Emergency Management Agency
- §2.03.10 FIRM- Flood Insurance Rate Map
- §2.03.11 ft - feet
- §2.03.12 GLA – gross leasable area
- §2.03.13 max. - maximum
- §2.03.14 MDP – Master Development Plan
- §2.03.15 min. - minimum
- §2.03.16 MUTCD – Manual on Uniform Traffic Control Devices

- §2.03.17 n/a – not applicable
- §2.03.18 NFPA – National Fire Protection Association
- §2.03.19 PD – Planned Development
- §2.03.20 ROW – right-of-way
- §2.03.21 RV – recreational vehicle
- §2.03.22 sf – square feet
- §2.03.23 STR – Short Term Rental
- §2.03.24 ZBA – Zoning Board of Adjustment

PENDING PUBLIC HEARING

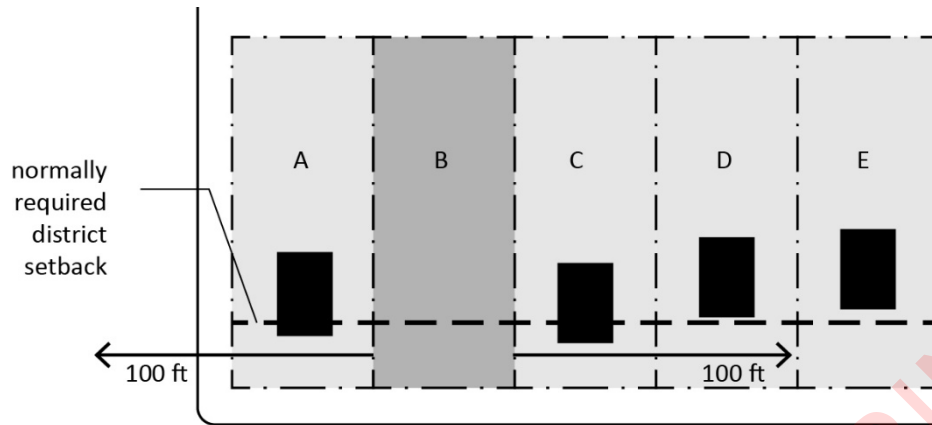
ARTICLE 3 GENERAL REGULATIONS

§3.01 USES

- §3.01.01 No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered except for a use permitted by right, approved by the Planning Commission as a Conditional Use ([§13.05](#)) or approved by the Zoning Board of Adjustment (ZBA) as a Special Exception ([§14.05](#)). Uses are permitted within each district as specified in [Articles 4, 5](#) and [6](#).
1. All nonresidential and multifamily developments are subject to site plan review and approval.
 2. Certain uses identified in Articles 4, 5 and 6 are subject to "Use-Specific Regulations" in [Article 7](#).
- §3.01.02 The status of any use not specifically listed in this Ordinance may be determined by the Building Official by reference to the most clearly analogous use in the district use regulations. Once the status of an unlisted use has been determined, that determination applies subsequently to all uses of the same type. If a proposed use is not directly analogous to a use in the Table of Permitted Uses, the Building Official makes a ruling with reference to the most reasonably analogous use in the Table of Permitted Uses.
- §3.01.03 Uses are not permitted in any district if they are to be operated in a manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosion, radioactivity, or other hazard; noise or vibration; smoke, dust, dirt, or other form of air pollution; electrical, glare, or other disturbance that will adversely affect the surrounding area or premises.
- §3.01.04 Prohibited Uses. The following uses are not permitted in any zoning district.
1. Excavation for the removal of topsoil, gravel or mineral deposits of any kind.
 2. Airports (except for heliports in any T-1 District).
 3. Asphalt mixing plants.
 4. Concrete plants.
 5. Extractive activities of any form, including removal of topsoil and gravel for sales purposes.
 6. Junkyards.
 7. Sawmills.
 8. Temporary commercial uses not conducted in a completely enclosed building, unless such use is permitted in subsequent sections of this ordinance (see §7.19); however, this does not apply to non-profit fundraising activity conducted in conjunction with other permitted uses.
 9. Noxious or offensive uses as determined by the City Council based upon prevailing State of Alabama Standards
- §3.01.05 When any use or zoning district encroaches on an existing, permitted use that is required to be separated from the encroaching use or zoning district, the existing, permitted use does not become nonconforming due to the encroachment of the other use or zoning district.
- §3.01.06 Temporary, protective shelters approved by the Alabama Emergency Management Agency may be used as temporary, emergency living quarters in any district.
- §3.01.07 Only dwellings constructed in accordance with the City Building Code and manufactured homes constructed in accordance with the HUD code may be occupied for residential use. Recreational vehicles and similar portable structures may not be occupied for residential use, except where otherwise permitted by this Ordinance on a temporary basis.
- §3.01.08 Accessory uses and structures may not be established on a premises before the principal use or structure is established. However, agricultural structures not intended for human occupancy are exempt in A-1 and A-1-R districts, provided such structures are not used for commercial purposes.

§3.02 LOTS, YARDS AND OPEN SPACES

- §3.02.01 All yards, lots and open spaces created after the effective date of the Ordinance must meet the minimum requirements of this Ordinance.
- §3.02.02 No part of a yard or other open space required about any structure or use may be included as a part of a yard or other open space required for another structure or use.
- §3.02.03 No lot, even though it may consist of one or more adjacent lots of record in single ownership, may be reduced so that the lot area, lot width, yards or open spaces are less than the minimum required by this Ordinance.
- §3.02.04 No lot, yard, parking area or other space may be reduced in area or dimension with the result that it contains less than the minimum square footage required by this Ordinance unless expressly provided for otherwise in this Ordinance. However, this does not prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes. But if already less, said area or dimension may be continued but not further reduced, except as follows:
1. Existing Nonconforming Lots. A detached single-family dwelling may be constructed on any residentially zoned, nonconforming lot if the following conditions are satisfied:
 - a. At the time of the passage of this Ordinance said lot is in existence as a separate entity.
 - b. The proposed dwelling will be in at least 60% compliance with each of the following requirements as specified in the applicable district: lot area, lot width and front, rear and side yard setbacks. Separation from structures on adjoining lots must comply with the City Fire Code.
 - c. The lot does not adjoin another lot under the same ownership with which it could be combined to create one or more conforming lots.
- §3.02.05 On any lot which, on the effective date of this Ordinance, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "major street plan," the required yards, lot area, lot width, and maximum building area are measured by considering the future street line as the lot line.
- §3.02.06 Through Lots. Residential through lots are considered to front on the street of lesser classification. In all other cases, the Planning Commission decides along which street any through lot fronts.
- §3.02.07 Yards
1. Projections into Yards. Projections into required yards are permitted as follows, except that in no case may a structure or projection be located closer than 15 feet to any side or rear lot line nor closer than 20 feet to any front lot line.
 - a. Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, eaves, or other architectural features not required for structural support may project into a side, front, or rear yard not more than a total of three feet.
 - b. Unenclosed porches may project into front yards up to ten feet.
 - c. Patios may be located in side and rear yards not closer than ten feet to any adjacent property line, and may project into front yards up to ten feet.
 2. Front Yard Setbacks
 - a. The front yard setback is measured from the ROW line.
 - b. The minimum front yard setback applies to both frontages of doublefrontage lots.
 - c. No building is required to be set back more than the average of the setbacks of the existing buildings within 100 feet each side thereof or the average setback of all existing buildings within 500 ft each side thereof, whichever is less restrictive.

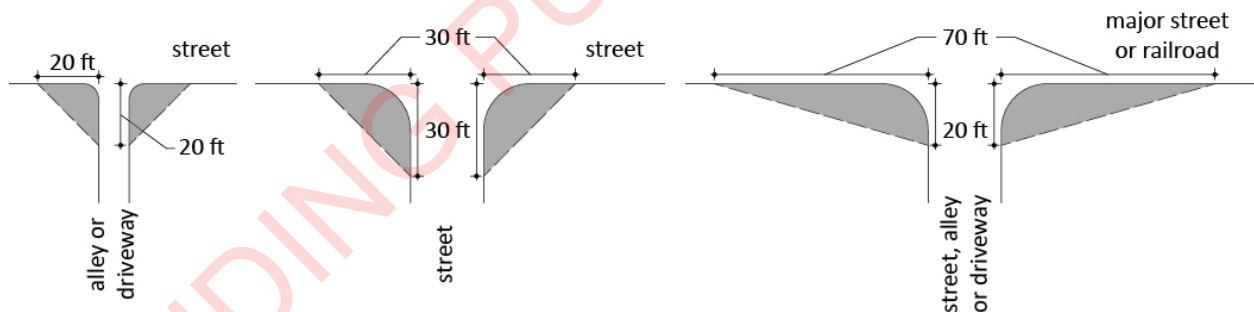


The minimum front yard setback for Lot B is equal to the average of the existing setbacks of the buildings on Lots A, C and D.

§3.03 SIGHT DISTANCE

§3.03.01 Other than traffic control signs, no fence, wall, landscaping, sign or other visual obstruction is permitted, between the heights of 2.5 feet and eight feet above street level, that will obstruct a motorist's line of sight at intersections of streets, driveways or alleys, in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition, whichever is more restrictive. Requirements are determined as follows:

1. At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement.
2. At the intersection of a street and a driveway or alley: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway or alley pavement.
3. At the intersection of a street and a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way, as applicable.



§3.04 BUILDINGS AND STRUCTURES

§3.04.01 Other than multifamily developments, only one principal building is permitted on any lot used for residential purposes.

§3.04.02 Street Frontage and Access. Every building must be on a lot adjoining a public street or with access to an approved private street. All structures must be located on lots to provide safe and convenient access for fire protection and required off-street parking. No dwelling may be erected on a lot that does not have at least 20 ft of frontage along a public or approved private street.

§3.04.03 Height Limits. In each district, each structure hereafter erected, altered or moved may not exceed the maximum height of the applicable district. Height limits do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors, or other appurtenances usually required

to be placed above the roof level and not intended for human occupancy. Although exempted from the height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

§3.04.04 Accessory Structures. All accessory structures must conform to the minimum yard setbacks established in [Articles 4, 5 and 6](#), except as permitted herein below:

1. Accessory structures may not include living quarters, except for approved Accessory Dwellings. Storm shelters or similar shelters used for temporary emergency protection, and swimming pool buildings that contain no indoor sleeping or cooking facilities are not considered living quarters.
2. Accessory structures to dwellings must also comply with the following:
 - a. Accessory structures to dwellings must be installed on a permanent foundation and when placed in residential districts must be consistent in color and construction materials with the principal dwelling structure, except that matching exterior materials shall not be required for accessory structures in R-1, R-2, A-1 and A-1-R Districts if the accessory structure, in the judgement of the Administrative Official, is not detrimental to the surrounding established neighborhood and either (i) is placed on a lot outside of a platted development, (ii) is placed on a lot or tract not less than two acres in size, or (iii) is reasonably consistent with the exterior materials of existing accessory structures in the neighborhood.
 - b. No accessory structure may extend forward of the front building line except shelters for temporary emergency protection.
 - c. Accessory structures may not exceed the height of the principal dwelling. **In Agricultural districts, agricultural structures not intended for human occupancy are exempt from this requirement.**
 - d. Accessory structures must be set back at least seven feet from side and rear lot lines and from the principal building. Accessory structures taller than 15 feet must be set back from rear and side lot lines one additional foot for each foot in height above 15 feet.
3. Accessory structures used for nurseries or greenhouses are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes.
4. A single private outdoor swimming pool per dwelling is permitted as an accessory use to a dwelling provided that it is for the private use of the residents of the dwelling and their guests. Pools may not be located closer than ten feet to any property line **or structure**, may not occupy more than ten percent of the lot area and must be separated from adjoining properties by a fence at least five-foot high.

§3.04.05 Temporary and Portable Buildings

1. In cases of extreme and immediate hardship, such as damage by fire or by severe weather or other natural causes, the Building Official may permit a manufactured home for residential use for up to two months in all zones to allow alternative solutions to be evaluated. The owner may request a time extension from the ZBA.
2. Temporary buildings used during construction.
 - a. During construction of a permanent structure, portable buildings may be used for retail sales, only where retail sales are permitted, upon authorization by the Building Official and not for more than 90 days. An extension may only be authorized by the ZBA.
 - b. Portable buildings and other temporary structures incidental to construction are permitted provided they are removed upon completion or abandonment of construction. They may not be placed on site until the associated Building Permit has been issued and must be removed within five days after the Certificate of Occupancy has been issued.
3. The ZBA may permit, for up to one year and subject to conditions it deems necessary, a portable structure to be used as a sales office incidental to a residential development.
4. Except as otherwise provided for in 1) though 3) above, the Commission may approve, as a Conditional Use, the establishment of a principal use in a portable building in the C-1, C-2, C-3, T-1 and A-1 Districts but excluding the Highway 67-Marco Drive Overlay District. In making such a determination, the Commission will consider,

among other factors, compatibility with adjoining development and the potential impact on property values. The Commission may attach conditions to the approval, including a time period within which the portable building must be replaced by a permanent building, installation on a permanent foundation, landscaping around the building perimeter and/or other conditions as may be appropriate to the particular request.

§3.04.06 **Manufactured Homes.** Manufactured homes installed after the effective date of this Ordinance, including those used to replace an existing home, must comply with the applicable regulations of the US Department of Housing and Urban Development as of 1994 and must be inspected and approved before issuance of a Certificate of Occupancy. The Building Official will inspect each proposed home for evidence of the following or similar conditions or defects. If present, the Official may not issue a Certificate of Occupancy until the conditions have been remedied to the satisfaction of the Building Official:

1. Exterior water leaks, presence of mold, softness present in interior walls, inadequate vapor retarders, inadequately sealed ducts.
2. Missing shingles, uneven roof, holes in roof.
3. Broken windows.
4. Holes in floor, buckled or uneven floor, deteriorated subfloor.
5. Lack of GFCI protection, exposed wiring, inadequate electrical grounding, improper repair of wiring.
6. No smoke detectors.
7. No heating and cooling installed.
8. Damaged sheathing.

§3.04.07 **Property Address Identification**

1. **Residential Structures.** Each separately addressed building must have its street number displayed in four-inch or taller numbers above or adjacent to the building entrance or other conspicuous location on the front façade. The location must be no lower than six feet in height and must be unrestricted from street view. Street numbers on mailboxes must be at least two inches tall.
2. **Nonresidential and Multifamily Structures.** Each separately addressed building must have its street number displayed in accordance with the following:
 - a. **Street and/or parking area view:** six-inch or taller numbers above or adjacent to the building entrance or other conspicuous location, lighted and between six-feet and twenty-feet in height, and unrestricted from view.
 - b. **Sides and/or structure ends:** six-inch or taller numbers, located between six-feet and twenty-feet in height, and unrestricted from view.
 - c. **Individual units (suites, apartments, rooms, etc.):** four-inch or taller numbers at each access point.
 - d. **For structures with rear alley style access:** four-inch or taller numbers at each access point, along with the suite's business name (if applicable).
 - e. Upon a recommendation by the building official and/or emergency response authorities, additional identification markers may be required, and/or criteria found in a-d above be altered, if such a need is deemed necessary to protect the health, safety, and welfare of residents and customers.

§3.05 FENCES, WALLS AND HEDGES

§3.05.01 Notwithstanding other provisions of this Ordinance, fences, walls, and hedges are permitted in any side, rear of front yard, subject to [§3.03 Sight Distance](#).

§3.05.02 Hedges are permitted in required front yards, provided they do not extend into the street right-of-way.

- §3.05.03 Fences, walls, and hedges located on easements may be subject to removal under the stipulations of the easement instrument which is separate from this Ordinance. The property owner is responsible for all costs of removal, if required, and the fence, wall or hedge may not be re-established except in accordance with the easement stipulations.
- §3.05.04 On any lot within or abutting a residential district:
- Fences behind the front building line may not be taller than eight feet.
 - Fences forward of the primary front building line may not be taller than three feet.
 - Fences forward of a secondary front building line (such as a corner lot) may be taller than three feet, but not taller than eight feet, so long as site distance requirements are met in accordance with [§3.03 Sight Distance](#).
- §3.05.05 In nonresidential districts, these height limits only apply to the side or rear of the property adjoining a residential district.
- §3.05.06 The finished side of a fence must face outward, toward the street or adjoining properties.

§3.06 PARKING, LOADING AND ACCESS

§3.06.01 Parking and Loading

- All uses must provide off-street parking and loading areas in accordance with [Article 8 Parking and Loading Standards](#).
- Accessory off-street parking areas and garages are permitted in accordance with [Article 8 Parking and Loading Standards](#).
- In residential districts, the keeping of vehicles and portable structures is subject to the requirements of the City Nuisance Ordinance 2015-05, as it may be amended, and the following:
 - Trailers, commercial trucks, boats and boat trailers, recreational vehicles, and similar portable structures must be kept in an enclosed structure or in the established rear yard. They may also be kept in a side yard but, if within 100 feet of and visible from the front lot line, they must be screened from street view to a height of at least four feet.
 - No such vehicles or equipment may be used for living, sleeping, or housekeeping purposes for more than seven days in any three-month period without a written permit from the Building Official, who is not obligated to issue any permit unless the public health, safety, and public welfare is protected.
 - Tractor truck trailers may not be parked or stored in a residential district.

§3.06.02 Access Management

The addition or alteration of vehicular access to property from public or private streets is subject to the applicable standards of the Subdivision Regulations.

§3.07 BUFFERS, SCREENING AND LANDSCAPING

- §3.07.01 Any use that will abut an existing use of lesser intensity must provide a buffer between it and the existing use in accordance with [§10.01 Buffers](#).
- §3.07.02 Outdoor storage, work yards, commercial trash receptacles and similar site elements must be screened from public view in accordance with [§10.02 Screening](#).
- §3.07.03 Parking lots and other areas provided for vehicular use must be landscaped in accordance with [§10.03 Landscaping for Vehicular Areas](#).

§3.08 COMMON OPEN SPACES AND FACILITIES

For all proposals involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, that are to be owned and maintained by the developer or a property owner association, the following apply:

- §3.08.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.
- §3.08.02 Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:
1. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements;
 2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which funding will be secured;
 3. provides that any changes to the plan must be approved by the Commission; and
 4. provides for enforcement of the plan.
- §3.08.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

§3.09 LIGHTING

Exterior lighting serving multifamily and nonresidential uses must be shielded or directed away from adjoining or adjacent residential properties.

§3.10 OUTDOOR STORAGE

- §3.10.01 Outdoor storage on residential premises is limited to the storage of equipment, materials and other items customarily associated with the residential use.
- §3.10.02 In all uses, other than detached single-family and duplex dwellings, outdoor storage must be screened from public view and from view of adjoining properties in accordance with [§10.02 Screening](#).
- §3.10.03 No outdoor storage area is permitted forward of the front building line.

§3.11 SMALL WIRELESS FACILITIES

Small Wireless Facilities located within rights-of-way are regulated in accordance with state law (Ala. Act# 2021-5) and City of Priceville Ordinance ~~2016-06~~ 2015-04, as it may be amended. Small Wireless Facilities installed on principal structures are permitted by right provided they extend no more than ten feet above the roofline. Such facilities must be placed and screened, as approved by the Building Official, to minimize public views. All other small wireless facilities require Special Exception approval by the ZBA, who may require screening or other conditions as necessary to minimize public views.

This page intentionally left blank.

PENDING PUBLIC HEARING

ARTICLE 4 RESIDENTIAL DISTRICTS

§4.01 GENERAL REGULATIONS

§4.01.01 Uses

1. Refer to Table 4-1 for uses permissible in residential districts.
2. Accessory uses and structures customary and incidental to dwellings are permitted in all residential districts.
3. Child Day Care Homes and Child Day Care Group Homes must comply with all applicable state laws and regulations and are limited to operating hours 5am-8pm.

§4.01.02 Area and Dimensional Requirements

1. All permitted uses must comply with the minimum yard setbacks in Table 4-2, except that permitted nonresidential uses are subject to a maximum height of 50 feet and 2-1/2 stories.
2. Structures of nonresidential uses must be set back from side and rear lot lines in accordance with the buffer requirements in [§10.01 Buffers](#).
3. A porch or structure or part thereof that is attached to the principal building is considered part of the principal building and is subject to the yard requirements of the applicable district.
4. Accessory structures may not exceed the following:
 - a. R-1, R-2 Districts: 50% of the floor area of the dwelling unit, unless, in the judgement of the Administrative Official the accessory building is not detrimental to the surrounding established neighborhood and, either (a) the lot, tract, or parcel is a minimum of 2 acres in size, (b) the property is located outside of a platted subdivision, or (c) the size is reasonably consistent with the size of accessory structures in the neighborhood.
 - b. R-3, R-5 and R-6 Districts: 25% of the floor area of the dwelling unit

§4.02 R-1 LOW DENSITY RESIDENTIAL

This district is intended for low-density single-family living, and other uses customarily incidental to low-density residential neighborhoods, without excessive congestion, traffic or demands upon services.

§4.03 R-2 LOW DENSITY RESIDENTIAL

This district is intended for low-density single-family living, and other uses customarily incidental to low-density residential neighborhoods, without excessive congestion, traffic or demands upon services.

§4.04 R-3 MEDIUM DENSITY RESIDENTIAL

This district is intended for medium-density single-family living, and other uses customarily incidental to residential neighborhoods, primarily located between lower density single-family residential areas and high density residential or nonresidential uses.

§4.05 R-3-D MEDIUM DENSITY RESIDENTIAL – DUPLEX

This district is intended for medium-density single-family living, with the inclusion of duplex dwellings, and other uses customarily incidental to residential neighborhoods, primarily located between lower density single-family residential areas and high density residential or nonresidential uses.

§4.06 R-4 MULTIFAMILY RESIDENTIAL

This district is intended for multifamily residential and uses customarily incidental and compatible with residential neighborhoods, primarily located between low and/or medium density residential areas and nonresidential uses and in areas with substantial transportation and utility infrastructure.

§4.06.01 Individual developments are limited to ten acres. No R-4 District may be larger than 15 contiguous acres.

§4.06.02 Multifamily developments are subject to [§7.14 Multifamily Developments](#) and must be approved as a conditional use by the Commission. The applicant must demonstrate to the satisfaction of the Commission that:

1. multifamily residential in the proposed location is consistent with the Comprehensive Plan
2. the adjoining street network, utilities and infrastructure are adequate for the proposed use
3. though multifamily developments may not involve subdivision, the development is designed so as to be consistent with the design standards of the City Subdivision Regulations
4. public facilities and services, including but not limited to fire and police protection, parks and recreation and schools, are adequate to support the proposed development in addition to existing residents of the area.

§4.07 R-5 ATTACHED RESIDENTIAL

This district is intended for development of attached dwellings to promote affordable homeownership, primarily located between lower density residential areas and multifamily or nonresidential areas, and in areas with substantial transportation and utility infrastructure.

§4.07.01 Individual developments are limited to ten acres. No R-5 District may be larger than 15 contiguous acres.

§4.07.02 All R-5 Districts must abut an R-2, R-3, R-4, R-6 or nonresidential district. However, the Council, upon a recommendation by the Commission, may waive this requirement if it finds that the proposed rezoning otherwise complies with the Comprehensive Plan.

§4.07.03 When a tract rezoned to R-5 adjoins an R-1 District, the subject tract must incorporate an R-2 or R-3 District or detached single-family development of equivalent density as a buffer zone between it and the R-1 District. Such detached single-family dwellings must be constructed at least along the side of the street abutting the R-1 District in the buffer zone.

§4.07.04 Refer to [§7.05 Attached Dwellings](#) for requirements in addition to those in Table 4-2.

§4.08 R-6 HIGH DENSITY RESIDENTIAL

This district is intended to allow detached single-family residences at a higher density than other single-family residential districts, primarily located between lower density residential areas and multifamily or nonresidential areas and in areas with substantial transportation and utility infrastructure.

§4.08.01 Individual developments are limited to ten acres. No R-6 District may be larger than 15 contiguous acres.

§4.08.02 All R-6 Districts must abut an R-2, R-3, R-4, R-5 or nonresidential district. However, the Council, upon a recommendation by the Commission, may waive this requirement if it finds that the proposed rezoning otherwise complies with the Comprehensive Plan.

§4.08.03 When a tract rezoned to R-6 adjoins an R-1 District, the subject tract must incorporate an R-2 or R-3 District or detached single-family development of equivalent density as a buffer zone between it and the R-1 District. The R-2, R-3 or equivalent density dwellings must be constructed at least along the side of the street abutting the R-1 District in the buffer zone. Adjoining property includes properties across any street within the City other than I-65 and Highway 67.

§4.08.04 Refer to [§7.15 Patio Homes](#) for requirements in addition to those in Table 4-2.

TABLE 4-1: USES PERMITTED IN RESIDENTIAL DISTRICTS							
	R-1	R-2	R-3	R-3-D	R-4	R-5	R-6
Residential Uses							
Accessory Dwellings, subject to §7.01	C	C					
Accessory Uses, Residential	P	P	P	P	P	P	P
Caretaker Dwelling, for Institutional Use					P		
Duplex				P			
Multifamily Dwellings (3+ units per building), subject to §7.14					C		
Single-family, attached, subject to §7.05						P	
Single-family, conservation subdivision, subject to §7.08	P	P	P	P			P
Single-family, cottage development, subject to §7.09							P
Single-family, detached	P	P	P	P			P
Modular Homes, subject to §7.20	SE	SE	SE				
Day Care Facilities							
Child or Adult Day Care Center					C	C	C
Child Day Care Home, subject to §4.01.01	P	P	P				SE
Group Child Day Care Home, subject to §4.01.01		SE	SE				
Residential Care Facilities							
Assisted Living Facility					P		
Emergency Care Homes					P		
Family Care Home		SE	SE		P		
Independent Living Facility					P		
Nursing Care Facility					P		
Other Nonresidential Uses							
Amateur Radio Tower, as an accessory use, subject to §7.04	P	P	P		SE		
Bed and Breakfast, subject to §7.06	SE	SE	SE		P		
Boarding House, subject to §7.07					P		
Cemetery	C	C	C		C	C	C
Country Club	C	C	C		C		
Essential Services	P	P	P		P	P	P
Golf Course	C	C	C		C		
Home occupation, subject to §7.10	P	P	P	SE	SE	SE	P
Institutional Use, Low intensity	P	P	P	P	P	P	P
Institutional Use, Medium intensity	C	C	C	C	C	C	C
Parks, Playgrounds and Nature Preserves	P	P	P	P	P	P	P
Public Buildings	C	C	C	C	C	C	C
Public Utility Facility	C	C	C	C	C	C	C
Recreation Facility, Public	C	C	C	C	C	C	C
Short-term rental, subject to §7.17	P	P	P				
P – The use is permitted by right SE – Special Exception Use, requires approval by the ZBA per §14.05 C – Conditional use, requires approval by the Planning Commission per §13.05 A blank cell indicates the use is prohibited.							

TABLE 4-2: AREA AND DIMENSIONAL REQUIREMENTS, RESIDENTIAL DISTRICTS

	Minimum Yards (ft) ⁸				Min. Lot Area	Min. Lot Width (ft)	Max. Height		Maximum Building Coverage
	Front		Rear	Side			Stories	Feet	
	Primary	Secondary							
R-1 ¹	50	40	40	20	25,000 sf	100	2-1/2	35	30%
R-2 ¹	40	30 ⁴	40	10 ²	14,000 sf	90	2-1/2	35	35%
R-3 ¹	30 ⁴	20 ⁴	40	10	11,000 sf	70	2-1/2	35	35%
R-3-D ¹									
Single-family detached	30 ⁴	20 ⁴	40	10	11,000 sf	70	2-1/2	35	35%
Duplex	30 ⁴	20 ⁴	40	10	12,500 sf	80	2-1/2	35	35%
R-4	25	20	25	15	4 acres	n/a	2-1/2	35	35%
R-5 ¹	20	20	30	0/10 ³	2,200 sf	20	2-1/2	35	n/a
R-6 ¹	25 ⁴	20 ⁴	25	8	6,600 sf	50 ⁶	2-1/2	35	n/a
R-MHP	25	25	25	15	See §4.09	100 ⁷	2-1/2	35	35%

1. If permitted, nonresidential uses must have a minimum lot width of 50 ft and a minimum lot area of 10,000 sf, unless the district requires a greater lot width and lot area. In all R districts, nonresidential uses must observe the normally required front and rear setbacks and must provide a minimum side yard of 10 ft unless the district requires a greater side yard setback.

2. One side yard must be at least ten feet. Both side yards when combined must be at least 25 feet.

3. A side yard of ten feet is required on the unattached end of a building group of attached dwellings.

4. Where parking is to be located on a driveway located between the front lot line and the dwelling, the dwelling or portion thereof must be set back 40 ft or more from the front lot line to accommodate two tandem parking spaces. Side-by-side parking on a driveway or parking apron is permitted only in the secondary front yard of corner lots.

5. omit

6. When a driveway will be located between the dwelling and the side lot line, the minimum lot width is 60 ft.

7. Applies to manufactured home park, not home stands.

8. When a setback and PUD easement conflict, increase of the setback may be required to ensure sufficient separation between structures and the PUD easement, as determined by the building official.

§4.09 R-MHP MANUFACTURED HOME PARK

This district is intended to allow development of manufactured home parks to provide affordable housing options while protecting community appearance and assuring compatibility of uses, adequate service by community facilities and adequate vehicular access and circulation.

§4.09.01 General Regulations.

1. Permitted Uses: Manufactured home parks and accessory uses and structures customary to manufactured home parks. Retail sale of manufactured homes from a manufactured home park is prohibited.
2. Each manufactured home park must be at least eight acres in area. No R-MHP District may be larger than 12 contiguous acres.
3. Refer to [§7.12 Manufactured Home Parks](#) for development standards.

§4.09.02 Nonconformities

1. Any lawfully nonconforming manufactured home park may continue to operate as such, provided it meets all applicable state and county public health requirements. However, no additional spaces may be created and no additional homes may be placed within the park, not including replacement of existing homes, until the park is brought into compliance with these regulations.
2. Permits or licenses for individual units issued prior to the effective date of these regulations become void upon expiration, upon the moving of the home from its site or upon violation of any applicable regulations.

ARTICLE 5 NONRESIDENTIAL DISTRICTS

§5.01 GENERAL REGULATIONS

§5.01.01 Where permitted, outdoor sales displays must be set back at least 25 ft from the nearest edge of pavement or curb line, as applicable, or 15 ft from the right-of-way line, whichever is greater.

§5.02 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The purpose of this district is to allow for convenience goods and services near existing and imminently developing living areas to promote walkability and lessen the need for longer vehicular trips by residents for such goods and services.

§5.02.01 Development Standards

1. Retail, services, offices and other permitted businesses are limited to 11,000 sf gross floor area per establishment, except that restaurants are limited to a seating capacity of 60. Additional seating capacity may be considered by Special Exception (see [§14.05](#)).
2. All goods produced on the premises must be sold at retail on the premises.
3. All business must be conducted within an enclosed building, except that outdoor dining accessory to a restaurant and outdoor sales accessory to an enclosed retail use may be permitted by Special Exception.

§5.03 C-2 CENTRAL AND HIGHWAY COMMERCIAL DISTRICT

Such a district allows for the typical retail and office development which serves to provide jobs and to concentrate such uses along arteries and away from living areas.

§5.03.01 Development Standards

1. Any goods produced on the premises must be sold at retail on the premises.

§5.04 C-3 INTERCHANGE COMMERCIAL DISTRICT

This district is designed for more intense development around the interchange of Interstate 65 and Alabama Highway 67 only.

§5.05 INST INSTITUTIONAL DISTRICT

This district is intended for a range of intensive institutional uses subject to standards to assure compatibility with adjoining uses often within other zoning classifications.

§5.06 T-1 RESEARCH AND TECHNOLOGY DISTRICT

This district allows for research- and technology-oriented uses including limited light manufacturing, in keeping with the environmental objectives of the Comprehensive Plan.

§5.06.01 Development Standards

1. No use may emit glare, dust, noise, smoke, vibration or noxious odor or fumes detectable beyond the lot line.

TABLE 5-1: AREA AND DIMENSIONAL REQUIREMENTS, NONRESIDENTIAL DISTRICTS								
	Minimum Yards (ft)			Min. Lot Area (sf)	Min. Lot Width (ft)	Max. Height		Maximum Building Coverage
	Front	Rear	Side			Stories	Feet	
C-1	25	10	10	6,600	50	2	25	35%
C-2	25	10	n/a	n/a	n/a	3	40	50%
C-3	60	10	n/a	n/a	n/a	3	65	50%
INST	25	25	10	n/a	50	3	45	50%
T-1	25	10	10	n/a	100	2	30	40%

TABLE 5-2: USES PERMITTED IN NONRESIDENTIAL DISTRICTS					
	C-1	C-2	C-3	INST	T-1
Commercial Uses					
Ambulance Service		P	P	SE	P
Alternative Financial Services, subject to §7.03		P	P		
Automobile Repair, Minor	SE	P	P		
Automobile Repair, Major		SE	P		
Business or Professional Office	P	P	P		P
Broadcast Studio		P	P		P
Business Support Service	C	P	P		P
Commercial Kitchen	C	P	P		P
Construction Service, Major		C	C		P
Construction Service, Minor	SE	SE			P
Car Wash	SE	P	SE		
Farm Support Business		C	C		P
Temporary Farmers Market / Produce Stand, subject to §7.19	SE	P	P	P	P
Funeral Home	C	SE	SE	C	
Gas Station		P	P		
Heavy Vehicle and Equipment Sales, Rental and Service		C	C		P
Medical Clinic	C	P	P		
Mini-storage Facility, subject to §7.13		C	C		C
Outdoor Storage		C	C		C
Parking, Commercial	C	C	C		C
Repair Service	SE	P	P		
Research Laboratory					P
School, Commercial		P	P	C	P
Studio	P	P	P		
Vehicle and Equipment Sales, Rental and Service		P	P		
Wholesaling Establishment		P	P		P
Day Care Facilities					
Child or Adult Day Care Center	P	P	P	P	
Adult Day Care Home (in a permitted dwelling)	P				
Child Day Care Group Home (in a permitted dwelling)	P				
Child Day Care Home (in a permitted dwelling)	P				
Dwellings					
Accessory Dwelling, subject to §7.01	C				
Caretaker Dwelling	P	P	P	P	P
Single-family detached	P				
Upper-story dwellings	C	C			
Institutional and Assembly Uses					
Low intensity	P	P	P	P	
Medium Intensity	P	P	P	P	
High Intensity		P	P	P	
Airport				C	C
Animal Shelter				C	C
Cemetery	C	C	C	P	
Club, Private	P	P	P	P	

TABLE 5-2: USES PERMITTED IN NONRESIDENTIAL DISTRICTS

	C-1	C-2	C-3	INST	T-1
Hospital		C		C	C
Lodging Uses					
Bed and Breakfast, subject to §7.06	P				
Hotel		P	P		
Motel			P		
Short-Term Rental, subject to §7.17	P				
Manufacturing and Industrial Uses					
Heavy Industry					C
Laundering Plant					P
Manufacturing, General		SE	SE		C
Manufacturing, Light		C	C		P
Recycling Center		C			P
Recycling Plant					C
Warehousing and distribution					P
Personal services					
Personal services (general)	P	P	P		
Pet Grooming and Boarding, Veterinary Hospital, with no outside runs	P	P			
Pet Grooming and Boarding, Veterinary Hospital, with outside runs	SE	SE			
Laundry services	P	P	P		
Tattoo parlor, subject to §7.18		P			
Recreation and Entertainment					
Bars and Nightclubs, excluding Adult Entertainment		P	C		
Country Club	C	C			
Entertainment, Adult, subject to §7.02		P			
Entertainment, Indoor		P	P		
Entertainment, Outdoor		C	C		
Golf Course	C	C			
Parks, Playgrounds and Nature Preserves	P	P		P	P
Recreation, Commercial		P	P		
Recreation Facility, Public	C	C	C	C	C
Recreational Vehicle Park or Campground, subject to §7.16		C			
Residential Care Facilities					
Assisted Living Facility		C		P	
Emergency Care Home	SE				
Family Care Home	SE				
Independent Living Facility		C		P	
Nursing Care Facility		C		P	
Transitional Care Home	SE				
Restaurant					
Fast Food Restaurant	SE	P	P		
Pick-Up and Delivery Only Restaurant	P	P	P		
Standard Restaurant	P	P	P		
Standard Restaurant with accessory liquor sales		P	P		
Mobile Food Vendor, subject to §7.19	P	P	P	P	P

TABLE 5-2: USES PERMITTED IN NONRESIDENTIAL DISTRICTS					
	C-1	C-2	C-3	INST	T-1
Retail					
General Retail	P	P	P		
Alcohol and liquor sales for off-premises consumption		P	P		
Garden centers, nurseries and greenhouses	C	P	P		
Pawn shop, with no outdoor sales or storage		P	C		
Pawn shop, with outdoor sales or storage		SE	C		
Unenclosed Retail		C	C		
Temporary Firework Stand, subject to §7.19	SE	P	P		
Telecommunications, Transportation and Utilities					
Amateur Radio Tower, as an accessory use, subject to §7.04	P				
Helipad		C		C	C
Essential Services	P	P	P	P	P
Public Utility Facility	C	P	P	P	P
Telecommunication Tower, subject to City Ordinance 2015-04	C	P	P	C	P
Truck or bus terminal			C		C
P – The use is permitted by right SE – Special Exception Use, requires approval by the ZBA per §14.05 C – Conditional use, requires approval by the Planning Commission per §13.05 A blank cell indicates the use is not permitted.					

ARTICLE 6 SPECIAL DISTRICTS

§6.01 A-1 AGRICULTURAL DISTRICT

This district is established to protect existing agricultural uses and rural living from haphazard urban developments which will have the effects of threatening the existence of agricultural and rural areas and placing a premature demand upon City services.

§6.01.01 Permitted Uses. Refer to Table 6-1.

§6.01.02 Development Standards. Refer to Table 6-2 for area and dimensional requirements. Agricultural structures not intended for human occupancy are exempt from the height requirement in Table 6-2.

TABLE 6-1: USES PERMITTED IN A-1 AND A-1-R DISTRICTS		
	A-1	A-1-R
Accessory Dwellings, subject to §7.01	P	
Accessory Uses, Residential	P	P
Amateur Radio Tower, as an accessory use, subject to §7.04	P	P
Bed and Breakfast, subject to §7.06	P	
Cemetery	C	
Child or Adult Day Care Center	C	
Child Day Care Group Home	P	P
Child Day Care Home	P	P
Country Club	C	
Dwelling, Single-family Detached	P	P
Dwelling, Manufactured Home, on its own lot		C
Modular Homes, subject to §7.20	P	P
Essential Services	P	
Farm Support Business	C	
Temporary Farmers Market / Produce Stand, subject to §7.19	P	
Garden center, nurseries, greenhouses	P	
Golf Course	C	
Home occupation, subject to §7.10	P	P
Institutional Use, Low intensity	C	
Institutional Use, Medium intensity	C	
Keeping and raising of livestock for agricultural use	P	P
Kennel	P	
Mobile Food Vendor, subject to §7.19	P	
Outdoor recreation	C	
Parks, Playgrounds and Nature Preserves	P	
Public Buildings, Public Recreation Facilities	C	
Public Utility Facility	C	
Recreational Vehicle Park or Campground, subject to §7.16	C	
Short-term rental, subject to §7.17	P	
Telecommunication Tower, subject to City Ordinance 2015-04	C	
Temporary Firework Stand, subject to §7.19	P	
Timber Production	P	
P – The use is permitted by right SE – Special Exception Use, requires approval by the ZBA per §14.05 C – Conditional use, requires approval by the Planning Commission per §13.05 A blank cell indicates the use is not permitted.		

§6.02 A-1-R AGRICULTURAL RESIDENTIAL

This district is established to protect existing agricultural and rural residential uses from haphazard urban development, providing for limited residential uses in close proximity to agricultural uses.

§6.02.01 Permitted Uses: Refer to Table 6-1.

1. Requirements for conditional uses:

- a. No existing tract that includes an approved conditional use, nor an existing tract that contains a use that would be subject to current conditional use requirements, may be reduced to less than 150,000 square feet.
- b. All tracts must front on a public street with a dedicated right-of-way of at least 50 feet.
- c. A property line boundary survey must be submitted as part of the conditional use permit application, showing the exact location of the proposed use and the exact right-of-way of the adjoining public street. Drawings must be prepared at a scale of not less than 1" = 100'.
- d. The quality and character of all proposed conditional uses must be compatible with all other residential structures within 500 feet of the subject property. Photographs of all structures within 500 feet of the subject property must be provided with the conditional use application.

§6.02.02 Development Standards. Refer to Table 6-2.

TABLE 6-2: AREA AND DIMENSIONAL REQUIREMENTS, A-1 AND A-1-R DISTRICTS								
	Minimum Yards (ft)			Min. Lot Area (sf)	Min. Lot Width (ft)	Max. Height		Maximum Building Coverage
	Front	Rear	Side			Stories	Feet	
A-1	60	60	20	150,000	200	2.5	35	20%
A-1-R	150	100	30	65,000 ¹	150	2.5	35	10%
1. 150,000 sf for conditional uses								

§6.03 PD PLANNED DEVELOPMENT DISTRICT

§6.03.01 General Provisions

1. Purpose. This district is intended to allow flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan (MDP), the purpose of which is:
 - a. To enable creative and harmonious designs to accommodate planned associations of land uses;
 - b. To permit higher densities of land in conjunction with provisions for usable open space, amenities and community services;
 - c. To promote economy in the arrangement of uses, buildings, circulation systems and utilities;
 - d. To coordinate uses, building forms and relationships and architectural styles;
 - e. To promote the preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion.
2. Planned Development, Defined. For the purposes of these regulations, a planned development is:
 - a. Land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all access, lands and buildings;
 - b. Developed according to a Master Development Plan for the entire site that includes plans for utilities, drainage, streets, lots, building sites and typical building plans typical floor plans; and
 - c. A program for operation, and maintenance of common open spaces and facilities and any improvements not intended to be maintained by the City.
3. Applicability
 - a. All properties in an approved PD District are bound by the standards in the applicable MDP, even if subsequently sold, unless and until the MDP is voided by the City on request of the owner. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the final MDP. However, to maintain continuity of the MDP, in no case will any portion of a PD District become nonconforming solely as a result of a portion of the tract being rezoned.
 - b. The Zoning Board of Adjustment may not grant variances that would have the effect of amending an approved MDP.
 - c. No amendment of this Ordinance affects a PD District approved prior to such amendment. The approved MDP may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the MDP approval expire or be voided, any newly submitted MDP must conform to the regulations in effect at the time of the new submittal.
4. Relationship to Other Regulations
 - a. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section or within the approved MDP.
 - b. Where there are conflicts between the PD regulations and other zoning, subdivision or other regulations or requirements, these regulations govern unless the City Council finds, in the particular case, that the provisions herein do not serve public purposes to a degree at least equivalent to the other regulations or requirements.
 - c. Where an action, design or solution proposed by the applicant is not in accord with applicable PD requirements or other applicable regulations, the City Council, may nonetheless modify such regulation in the particular case, but only if it finds that the modification satisfies public purposes to an equivalent or greater degree.

§6.03.02 Minimum Requirements for Establishing a PD District

1. PD Districts are established by amendment to the official Zoning Map. The tract must be a minimum of 40 contiguous acres and not encompass any land that is not part of the proposed PD District. Unless otherwise recommended by the Commission and approved by the Council, sites for any PD proposal must contain at least 40 acres. A smaller site may be considered provided evidence that:
 - a. the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
 - b. the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;
 - c. the design concept fully integrates the development into the surrounding neighborhood or business area;
 - d. the arrangement of uses, buildings, streets, parking, open spaces, and amenities could not be reproduced on the site subject to the regulations of other available zoning districts.

Additions proposed to an existing PD district are not subject to this area requirement provided the proposed development plan is compatible with the existing PD District. Additions may be of the same or another classification as the existing PD District.

2. PD districts must be located in proximity of adequate existing or planned sanitary sewers, water lines, storm and surface drainage systems and other utilities.

§6.03.03 Procedure

1. Pre-Application Conference. Before submitting an application, the applicant ~~may~~ **must** confer with the Technical Review Committee (TRC) of the Planning Commission to obtain guidance before entering into commitments or incurring substantial expense in the preparation of the preliminary Master Development Plan. **The applicant must provide a written request for a pre-application conference no later than 21-days prior to the TRC meeting at which the request is to be considered, along with any design concepts (if available).** The TRC may request attendance of such officials or agency representatives as may be appropriate. No statement made or information given during a pre-application conference is binding on the City ~~or the applicant, but a record will be kept of recommendations made, and a copy of such record provided to the applicant.~~

In the event the applicant and/or applicant's agent changes at any point prior to Council approval of a PD district and/or MDP, any applications, considerations, recommendations or approvals granted prior to such point are void, and a new pre-application conference and process is required.

2. Application
 - a. After the pre-application conference, the applicant ~~may~~ **must** file a **PD District** zoning application with the preliminary MDP. If the property is already zoned PD District, the applicant must submit the preliminary **MDP for review by the Commission. The preliminary MDP includes a written document, which may include supporting graphic materials, and a plan set illustrating the intents of the development, all subject to the submittal requirements in §6.03.08. The applicant must submit five copies of the written document, five copies of the plan set, and an electronic version of the document and plan set in a format approved by the Building Official.** The applicant must submit five copies of an organized and bound document including all application requirements, plans, supporting graphic materials, reports, studies, etc., along with an electronic version of the written document in a format approved by the Building Official at least 21 days prior to the TRC meeting at which it is to be considered. Such materials are subject to all standard zoning application requirements found in §13.04, along with PD District submittal requirements outlined in §6.03.08.
 - b. ~~An application fee, as set from time to time by the Council, must be submitted at the time of application to cover administrative and public notice costs.~~ At the time of application, the applicant must provide a written statement listing any requested modifications, variances or omissions of any submittal requirements, PD District regulations, other applicable zoning ordinance regulations or subdivision regulations, along with detailed reasons for such requests. If none of the above circumstances apply, the applicant must submit a written statement certifying that no omissions exist from any submittal requirements, and no modifications or variances from submittal requirements are needed or requested.

- c. The Building Official will review the application with the TRC and other appropriate officials and agencies, ~~along with any omissions from submittal requirements or requested modifications or variances from those requirements, as outlined in §6.03.03(2)(b) above. The Building Official TRC~~ will inform the applicant of the need for any special studies or reports. The cost of required studies or reports are the responsibility of the applicant. Required studies or reports may be made by the City, agencies cooperating with the City, or experts acceptable to the City, as appropriate in the particular case.
 - d. As appropriate, the applicant may be requested to participate in such reviews. Any recommendations will be recorded in writing and will become part of the record in the case. Applicants must indicate, in writing, their agreement or disagreement to such recommendations and reasons therefor; and the applicant's response will also be included in the record.
3. Upon completion of its review, the TRC will submit its findings to the Commission and Council regarding:
- a. Appropriateness of the proposed development to the site and surrounding areas;
 - b. Compatibility of the proposed development with the Comprehensive Plan;
 - c. Provision of open space and/or other public benefits or amenities commensurate with the flexibility inherent in the PD designation
 - d. Traffic access and circulation, stormwater management, utilities and other facilities and services;
 - e. Adequacy of evidence on unified control and suitability of any ~~proposed~~ agreements, deed restrictions, sureties, dedications, or other instruments, or the need for such instruments, or for changes in instruments proposed (with findings as to such matters based on opinions of the City Attorney);
 - f. The suitability of plans as proposed, or recommended changes with reasons therefor; and
 - g. The appropriateness of any requested modifications of applicable regulations
4. Review and Approval by Commission and Council
- a. Upon receipt of the TRC report, the Commission will schedule a public hearing on the PD rezoning application.
 - b. After holding a public hearing on the application for rezoning and/or approval of the preliminary MDP, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.
 - c. If the PD District application involves a subdivision of land, the Commission may hold a public hearing on the subdivision ~~before~~ submitting its recommendation on the PD rezoning application to the Council.
 - d. Once the Commission has rendered its decision, the preliminary MDP and all related materials, including any changes made thereto, are forwarded to the Council. If the proposal is deemed by the Commission to be unacceptable, the reasons for such determination will be set forth in its recommendation to the Council.
 - e. The Council will approve, approve with changes, or disapprove the rezoning following a public hearing on the matter. Any changes approved by the Council will be binding on consideration of the final MDP. If changes are required, the Council will state its reasons therefor in the record.
5. Commission Action on Final MDP
- a. Not more than ~~90~~ 180 days after the Council approves the PD rezoning, the final MDP for the entire development or for its first phase must be submitted to the Commission. The Commission must approve the phasing of development and the following provisions must be complied with:
 - 1) The gross area initially approved or amended may not be exceeded at any phase of development.
 - 2) Each phase must be planned and related to existing surroundings and available facilities and services so that failure to proceed to the subsequent phases will not have an adverse impact on the PD District or adjoining development.

- 3) The commencement of actual construction of any phase must occur within the time limits stated in [§6.03.04](#) below.

If the Commission does not receive the final plan within this ~~90~~ 180-day period, it may take action as described in [§6.03.04](#).

- b. After a PD district has been established, no building permit may be issued therein, and no grading, clearing, excavations or filling may take place, until the Commission has approved the final MDP, ~~and site construction permit, where applicable~~. Such approval will be based on substantial compliance with the preliminary MDP including any modifications required by the Council in its amending action, and on compliance with regulations applying at the time of rezoning, including any modification in application established by the Council. Where applicable regulations are amended following the rezoning action, applicants or their successors in interest may elect to conform to such amended regulations in the same way.
- c. Commission consideration of a final MDP ~~does not require a public hearing~~; requires a public hearing if any of the following apply:
 - 1) A public hearing was not held for the subdivision of land as outlined in §6.03.03(4-c)
 - 2) A public hearing is required to satisfy any other regulatory or legal requirement
 - 3) The TRC and/or Commission determines that a hearing is necessary for any reason to ensure the safety, health and/or welfare of the public.
 - 4) A public hearing is required for any reason as outlined in §6.03.05 Amendments
- d. Upon approval of the final MDP, building or other required permits will be issued in the same manner as applies generally, provided that any requirements or limitations of the approved PD District and MDP are observed.
- e. Except as provided in [§6.03.05 Amendments](#), the approved final MDP is binding on the applicant and any successors in title so long as PD zoning applies to the land.

§6.03.04 Expiration of Time Limits; Failure to Meet Other Requirements

1. Where time limits are set for beginning or completion or other phases of development, or where other requirements are established in connection with a PD amendment, and where such time limits or other requirements are not met, the Building Official or other public official, will call the matter to the attention of the Commission, with a full written account of the circumstances, and the findings and recommendations of the relevant reporting public official. The Commission will then review the case and make one or more of the following recommendations to the Council:
 - a. That PD zoning for the entire district be continued with revised time limits.
 - b. That PD zoning be continued for part of the district, with or without revised time limits, that appropriate steps be taken to correct any deficiencies in area or open space requirements in designated portions of the district which have not been developed, and that remaining portions of the district be rezoned to an appropriate category.
 - c. That the entire district be rezoned from PD to an appropriate category.
 - d. That such other steps be taken as seem equitable in the circumstances of the case and will appropriately protect the public interest.
2. Such recommendations will include proposals for appropriate action concerning any legal instruments in the case.

§6.03.05 Amendments. ~~Any deviation from the MDP, which is not approved as provided herein, constitutes a violation of this Ordinance.~~

1. To facilitate minor adjustments to the approved MDP as may be necessary, the Building Official, ~~upon a positive recommendation by the TRC~~, may approve changes that are incidental or minor in scope.

2. The following changes must be referred to the Commission and may be considered without additional public hearings: ~~Changes greater in scope require approval by the Commission and Council, including public hearings as required for original approval:~~
 - a. A change in land use boundaries, provided the effect on the number of dwelling units or amount of open space, commercial or multifamily areas does not exceed the limits in items 2) or 3) below.
 - b. An increase ~~of not more than 10%~~ in the overall number of dwelling units or land devoted to multifamily development ~~greater than five percent but less than 10%.~~, as originally approved.
 - c. A reduction ~~of not more than 10%~~ in the amount of open space or land designated for commercial use ~~by more than five percent but less than 10%.~~, as originally approved.
 - d. Rearrangement of streets, or reduction in the extent of pedestrian or bicycle facilities.
 - e. A reduction of ~~not more than 5% of off-street parking or loading space~~ ~~greater than five percent.~~, as originally approved.
 - f. Changes to the Development Schedule.
3. Changes greater in scope, ~~or any omissions from, or requests for modifications or variances to various regulations or requirements not included in or addressed by the Council's original PD District zoning approval and/or MDP,~~ require additional approval by the Commission and Council, including public hearings as required for original approval.

~~Any deviation from the MDP, which is not approved as provided herein, constitutes a violation of this Ordinance.~~

§6.03.06 Approval Criteria

1. The applicant must demonstrate that the proposed development will achieve the following prerequisites:
 - a. The development will be consistent with the general development pattern and policies of the Comprehensive Plan, including the arrangement of uses, intensities and open spaces and the layout of streets.
 - b. The development is planned and designed to be compatible with adjoining development with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination will be provided for the protection of adjoining properties.
 - c. The development will feature an overall harmonious design, while incorporating a variety of building types and styles. The floorplans and front elevations of dwellings along residential blocks will be varied.
 - d. The development will provide facilities appropriate to the needs of the City in the particular location.
 - e. The placement of buildings—in relation to other buildings, streets and pedestrian facilities—will enable safe, convenient access and mobility for pedestrians within the development and to nearby community destinations.
 - f. The development will be phased so that public or private facilities will be available at the time the development reaches the stage where they will be needed.
 - g. The site is suitable for development in the manner proposed, without hazards to persons or property, on or off the tract, from probability of flooding, erosion, slipping of the soil, or other dangers or nuisances. The uses, intensity and layout of the proposed development must be suitable to soil, ground water level, drainage, and topographic conditions. Scenic assets and natural features must be protected and preserved to the extent possible.
2. In addition, the applicant must demonstrate that, in exchange for the flexibility conferred by the PD Designation, the proposed development will feature ~~one or more~~ all of the following benefits:
 - a. Proposed buildings will feature quality, durable materials.
 - b. Driveways, garages and parking areas will not dominate public views along streets. Residential garages along residential blocks will be varied, set back behind the front building line and/or oriented away from street view.

- c. Residential ~~Developments will~~ **Elements must** feature a range of housing types and sizes appropriate to different stages in life.
- d. Usable open spaces will be provided in accessible locations within the development. A greater amount of common open space will be provided in more intensively developed portions of the development.
- e. Bicycle or shared uses paths will be provided to enable the safe movement of residents, on foot or bike, throughout the development. The frontages of existing streets within or at the perimeter of the site will be improved with similar facilities to enable connection to adjoining neighborhoods or community destinations.

§6.03.07 Development Standards

1. Density, building height, building spacing and setbacks must meet or exceed the standards in Table 6-3. Requirements in excess of those in Table 6-3 must be specified in the MDP as well as any additional proposed standards.
2. Uses. A PD District must:
 - a. Include both residential and mixed-use/commercial land uses which are consistent with standards and uses set out in Table 6-3 and Table 6-4.
 - b. Include one or more Permitted Residential Uses found in the Residential section of Table 6-4.
 - c. Include one or more Permitted Nonresidential Uses found in the Mixed-Use/Commercial section of Table 6-4. At least one use must consist of a commercial and/or retail element, as approved by the Commission.

Final approval of uses is contingent on approval of the MDP. Any use listed as a "Conditional Use" in Table 6-4 that is not specifically approved as part of the final MDP must be individually approved by the Commission subject to [§13.05 Conditional Use Review](#).

TABLE 6-3 PD DISTRICT DEVELOPMENT STANDARDS		
Min. Setback from PDD Boundary	15 ft	
	Residential	Mixed-Use/Commercial
Max. Residential Density	9 du per gross acre	12 du per gross acre
Min. Common Open Space	10%	15%
Min. Land Area Designated for Commercial Uses	n/a	50%
Max. Building Height	3 stories	6 ⁴ stories
Min. front yard setback ^{1, 2, 3}	25 ft	25 ft
Minimum Building Separation for Attached and Multifamily Dwellings		
Front to front; Front to back; back to back	40 ft	
Front to end, Back to end	20 ft if end wall is unpierced 30 ft if end wall is pierced	
End to end	15 ft if end wall is unpierced 25 ft if end wall is pierced	
Any other situation	15 ft	

¹ Buildings must be set back as necessary and easements provided for utility location, if not within the street right-of-way.

² Where parking is to be located on a driveway located between the front lot line and a dwelling, the dwelling or portion thereof must be set back 40 ft or more from the front lot line to accommodate two tandem parking spaces.

³ The City Council, upon a recommendation by the Commission, may decrease the minimum front setback for nonresidential uses in a Mixed-Use/Commercial district, provided that such modification is not detrimental to public health, safety, and general welfare (i.e. located on a major street, high traffic areas, sufficient pedestrian facilities, sufficient off-street parking areas, etc.)

⁴ Buildings with 4 or more stories must include a commercial, retail, or hospitality element, as approved by the Commission.

TABLE 6-4 PDD LAND USE DISTRICT PERMITTED USES

TABLE 6-4 PDD LAND USE DISTRICT PERMITTED USES	
Residential	
Permitted Residential Uses	residential accessory structures, detached single-family dwellings, duplex dwellings, child day care home, child day care group home, attached single-family dwellings.
Permitted Nonresidential Uses	common open space, public building, public facilities and services
Conditional Uses	accessory dwellings, bed and breakfast, boarding home, country club, day care center, golf course, outdoor recreation, place of assembly, public or private school
Mixed-Use/Commercial	
Permitted Residential Uses	residential accessory uses and structures, detached and attached single-family dwellings, duplex, triplex, quadplex and multifamily dwellings, accessory dwellings
Permitted Nonresidential Uses	accessory structures, bakery (minor), bank, business or professional office, medical clinic, clubs, commercial parking, commercial school, common open space, entertainment (indoor), garden center or nursery, general retail (enclosed), group home, personal services, alcohol sales for off-premises consumption, nursing care facility, place of assembly, printing service, public building, public facilities and services, recreation (indoor and outdoor), recording studio, repair services, restaurant (standard), studio, vehicle repair (minor), hotels (interior room access)
Conditional Uses	veterinary hospital, car wash, entertainment (outdoor), gas station, alcohol sales for on-premises consumption, fast food restaurants, mini-warehouse, outdoor dining when accessory to an approved restaurant, vehicle sales and rental, hotels (exterior access)

3. Circulation Standards

- a. A traffic study is required with all PD District applications. ~~The cost of the study is the responsibility of the applicant. Subject to the authorization of the Mayor, the study may be made by the City, agencies cooperating with the City, or experts acceptable to the City that have been approved prior to commencement of the study. (see Appendix for traffic study requirements)~~
 - b. Vehicular access must be from streets capable of supporting existing traffic and traffic to be generated by the development. Along major streets, driveways must be separated from one another and from intersections, in accordance with the access management standards of the Subdivision Regulations.
 - c. Sidewalks or other pedestrian facilities must be arranged to provide safe, convenient routes to, from and within a PD District. Pedestrian access must be provided between residential areas and any recreational facilities, schools, libraries and similar community destinations within or adjacent to the development.
4. Open Space Standards. Common Open Space must be provided in each land use district in the amounts shown in Table 6-3. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through an amendment to the MDP.
- a. The following are excluded from calculation of common open space:
 - 1) open spaces, for which the only access is from individual residential lots;
 - 2) land encumbered by any substantial structure, enclosure or parking facility;

- 3) land within eight feet of any building;
 - 4) land within a roadway, except a median that is at least 50 ft wide at its narrowest point and is designed for use as a recreational space;
 - 5) remnant strips of land less than 40 ft wide at their narrowest
 - 6) land to be used as or be in any required drainage area or easement, unless such area is designed and maintained for use as open space.
- b. Maintenance provisions must be included in the MDP, consistent with [§3.08 Common Open Spaces and Facilities](#), for all common open spaces not left in a natural state. Open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the development.
 - c. The area of common open spaces in each development phase must meet the requirements in Table 6-3 unless otherwise expressly approved as part of the final MDP.
5. Signage. A Signage Plan must be submitted as part of the MDP and must generally conform to [Article 9 Sign Regulations](#) and this Subsection. The Commission uses the most compatible sign height, size and location requirements in Article 9 as a guide in reviewing proposed Signage Plans. All permitting and building code requirements apply to signs in a PD District.
 - a. Off-premises signs are prohibited.
 - b. Street signs must be uniform in design throughout a PD development. If a standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.
 6. Landscaping. The standards of [Article 10 Landscaping Standards](#) apply unless alternate standards are approved with the MDP to address buffering, screening, and landscaping for vehicular areas.
 7. Exterior Materials. Standards for exterior building materials must be specified in the MDP consistent with the following standards. Unless an alternative set of materials standards is specifically approved by the City, the standards in this subsection and in Table 6-5 will apply. Materials standards approved as part of the MDP must be included within covenants for all applicable property within the planned development. An Architectural Review Committee representing the interests of property owners within a PD development is recommended.
 - a. Area of window and door openings are not included in calculation of exterior building requirements in Table 6-5.
 - b. Cement block may only be used on residential building exteriors at the foundation up to a height of three ft. Cement block foundations along front facades must be screened with shrubs or other landscaping. Cement block may only be used on nonresidential building exteriors along rear and side elevations.
 - c. Vinyl and metal siding are discouraged as primary exterior materials for buildings but may be used in combination with other materials upon express approval of the Commission.
 8. Fire Protection.
 - a. Residential. Requirements must adhere, at minimum, to those found in the Subdivision Regulations.
 - b. Nonresidential and Multifamily. Requirements must adhere, at minimum, to those found in Article 12 Site Plan Approval.
 - c. In any case, additional requirements may be required upon a recommendation by the fire authority based upon use, adjoining structures and uses, densities, and/or any other issue to protect the health, safety, and welfare of residents and customers.

TABLE 6-5 MATERIALS STANDARDS

	All exterior walls	Front Facade
Detached Single-family dwellings	Min. 30% masonry	Min. 40% masonry
Attached Single-family and Multifamily Dwellings	Min. 50% masonry	Min. 60% masonry
Nonresidential Buildings	Min. 30% masonry	Min. 40% masonry
For the purposes of these standards, masonry includes brick, stone, terra cotta, split face concrete block, concrete tilt wall or a combination of these. Stucco and plaster are only considered a masonry material when applied using a three-step process over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications. Synthetic products (e.g., EIFS—exterior insulation and finish systems, fiber cement lap siding, or other materials of similar characteristics) are not considered a masonry material.		

§6.03.08 PD Zoning and/or Preliminary MDP Submittal Requirements

Applications must be submitted in both paper and electronic PDF format, **and are also subject to standard zoning amendment requirements found in §13.04.02**, and as required for other subdivision and zoning requests, except as provided herein. Materials required with the application, or on subsequent requests, must include all plans, maps, studies or reports reasonably necessary to the City for the purpose of determining compliance with the requirements of the PD District and all other applicable regulations. At the time of application all of the following must be included

- a. A location map at a scale of 1" = 800'
- b. A boundary and topographic survey of 1" = 200' with 5-ft contour intervals and extending 500 ft beyond the district boundaries. Existing features or conditions to be shown are public and private roads, pedestrian ways, utilities, easements.
- c. A description of physical features establishing limits on location or kind of development or access, including but not limited to:
 - 1) Slopes.
 - 2) Soils (erosion characteristics, construction limitations).
 - 3) Flood hazards (flood plains, major flash flood channels).
 - 4) Sinkholes, springholes, caves.
 - 5) Areas subject to slippage, sedimentation or rockfalls from above.
 - 6) Areas requiring special treatment to avoid hazards to property below from slippage, sedimentation, runoff, rockfalls.
 - 7) Existing streams, creeks, lakes and natural drainage features.
- d. A description of natural or cultural features to be considered in relation to preservation which may establish further limits on location or kind of development or access, including but not limited to:
 - 1) Significant tree stands, understory vegetation or other ground cover.
 - 2) Buildings or sites of historic or cultural significance.
 - 3) Major trails and other established pedestrian ways.
 - 4) Cemeteries.

- e. A report identifying all property owners within the area of the proposed PD district, ~~as shown in current deeds of record. and giving evidence of unified control of its entire area.~~ The report must state agreement of all present property owners and/or their prospective successors in title:
- 1) To proceed with the proposed development according to the regulations in effect when the map amendment creating the district is passed, with such modifications as are set by the City Council in the course of such action; and
 - 2) To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the City Council for completion of such development according to approved plans; and for continuing operation and maintenance of such areas, facilities, and services; and
 - 3) To bind successors in title to any commitments made under 1) and 2) above.
- f. A preliminary ~~master~~ development plan including the following:
- 1) Identification of the proposed planned development, the developers and the persons or firm preparing the plan
 - 2) Scale, north arrow, date.
 - 3) Delineation and area of land use districts, if more than one is proposed.
 - 4) Relation to adjoining land uses and zoning districts, including, where view protection is an objective, location of principal public viewpoints within, into, or through the development.
 - 5) Use, location, orientation, height, and floor area of existing and proposed structures.
 - 6) Proposed street plan, including points of access to existing street, bicycle and pedestrian networks, layout of streets and bicycle and pedestrian facilities within the development, identification of collector and minor streets and typical cross sections of streets and off-street bicycle or pedestrian facilities.
 - 7) Location of water, sewer and stormwater facilities; lines and easements of other utilities, within the development and as connected outside the development.
 - 8) Lot and block layout, both existing and proposed.
 - 9) Proposed modifications of any provisions within the Subdivision Regulations with reasons therefor.
 - 10) Location, area, dimensions and manner of improvement of proposed common open spaces and facilities, including proposed ownership and maintenance plans.
 - 11) Location, character and scale of off-street parking and loading facilities.
 - 12) Signage ~~master~~ plan, including any proposed height, design, size and other standards and any proposed modifications from the provisions of [Article 9 Sign Regulations](#).
 - 13) Landscaping plan, including proposed methods of buffering, screening and landscaping and any proposed modifications from the provisions of [Article 10 Landscaping Standards](#).
 - 14) Pattern book or similar set of typical lot dimensions, floorplans, front elevations and exterior materials standards for proposed dwelling types.
 - 15) The extent and timing of any proposed phases of development.
 - 16) A traffic study.

§6.04 HIGHWAY 67-MARCO DRIVE OVERLAY DISTRICT

§6.04.01 Purpose. The Highway 67-Marco Drive Overlay District establishes standards to promote quality development, encourage reinvestment in existing development in accordance with city standards, to promote the highest and best use and property values along the City of Priceville's primary business arteries.

The Highway 67-Marco Drive Overlay District applies to areas of Highway 67 and Marco Drive, and such areas specified along other streets, as specified on the Priceville Zoning Map.

§6.04.02 Applicability

1. Overlay District requirements supplement underlying district regulations and all other applicable zoning requirements. Where overlay district requirements conflict with other zoning requirements, the more restrictive requirement apply.
2. Overlay district requirements do not apply to single-family residential and agricultural uses but apply to nonresidential and multifamily development as follows:
 - a. new development and redevelopment of existing uses and structures.
 - b. an increase in the area of land or structures used for nonresidential activities.
 - c. a change in use of land or structures that result in higher parking or buffer requirements under the terms of this ordinance.
 - d. moving of any existing structures or signs,
 - e. changes to the arrangement of existing parking areas, circulation and access drives beyond re-stripping.
 - f. changes to the exterior of existing structures visible from street view that require a building permit.
 - g. Installation of new signs and changes to existing signs requiring a building permit.

§6.04.03 Procedure. Any development activity involving new or enlarged structures, any change to a more intensive use or changes to the layout of an already developed site must be submitted to the Planning Commission for site plan review before the Building Official may issue a building permit. Applicants may appeal the decision of the Commission to the Council but must do so within 30 days of receipt of the Commission's decision. All other development activities are reviewed and approved by the Building Official unless other approvals are required elsewhere in this Ordinance or by other laws or regulations.

§6.04.04 Submittal Requirements

1. For development activities requiring Planning Commission approval, a site plan must be submitted. The site plan must be drawn to a scale no smaller than one-inch equals 50 ft and must show the following information:
 - a. All existing ground elevations drawn to a scale sufficient to show the elevations with clarity and prepared by a surveyor, whose seal must be affixed to the drawing.
 - b. Legal description and all boundary lines of the subject property, showing the slopes and lengths of such boundary lines and prepared by a surveyor, whose seal must be affixed to the drawing.
 - c. North arrow and scale.
 - d. Vicinity map showing the location of the proposed project in relation to the surrounding community.
 - e. Access to the property including location and dimensions of all curb cuts and driveways along existing or proposed streets and alleys and proposed traffic flow and control measures.
 - f. Location, dimensions and design of all streets, alleys and other vehicular ways.
 - g. Location, dimension and design of all pedestrian facilities.
 - h. Off-street parking, showing typical size of parking spaces, total number of parking spaces, and all loading and unloading areas.
 - i. Existing and proposed utilities and utility access ways.

- j. Location, use, and dimensions of each proposed structure.
 - k. Finished grade elevations of buildings, sidewalks, parking and loading areas and driveways with special attention given to stormwater drainage. All site plans must include detention or retention areas (if required), a statement of pre- and post-construction runoff, including effects on adjacent properties. All site plans must conform to applicable standards of the Alabama Department of Environmental Management.
 - l. Required buffers, screening and landscaping including type, location and dimensions of plantings and other materials, including location, dimensions and type of enclosure of all outdoor storage facilities and refuse containers.
 - m. Any signs and exterior lighting, including method of preventing glare on adjoining streets, pedestrian ways, and private properties,
 - n. Location, dimensions, condition, and arrangement of all open spaces and yards.
 - o. Any noise, smoke, odors and other impacts that will be produced by the proposed development that may affect adjacent properties and associated mitigation measures.
2. For development activities requiring Building Official approval only, drawings must be submitted that are sufficient in scale and detail to adequately describe the proposal and to allow the Building Official to determine compliance with all applicable zoning, overlay district and other requirements.

§6.04.05 Use Limitations

1. Where permitted in the underlying zoning district, the following uses require Conditional Use approval by the Commission:
- a. businesses for which all or the majority of items sold or rented on the premises are kept and displayed outside of a structure, including but not limited to monument sales, building materials, vehicles and heavy equipment.
 - b. major and minor vehicle repair.
 - c. mini-storage facility, provided that all structures are set back at least 250 ft from the right-of-way of Highway 67 or Marco Drive, as applicable and that frontage on such street is limited to vehicular access only.
2. The following uses are prohibited regardless of whether they are permitted in the underlying district:
- a. Adult entertainment and retail.
 - b. Alternative financial services and pawn shops.
 - c. Recycling plant.

§6.04.06 Building Design Standards.

1. The following standards apply to principal structures and any accessory structures visible from any adjoining streets:
- a. To prolong the life of buildings, reduce the need for periodic maintenance and maintain a character commensurate with the public interest, the following materials must be used as primary exterior building wall finishes on portions of the building which are visible from adjoining streets: brick, stone, glass, wood, stucco, imitation stucco, precast concrete, poured concrete, and split-face and textured concrete block.
 - b. At least 30% of each exterior wall, including front, rear and side elevations, must be composed of brick and/or decorative stone.
 - c. Corrugated metal and vinyl siding may only be used as accent or trim material on building elevations facing adjoining streets. However, in the T-1 District, corrugated metal may be used as a cladding material on portions of the building visible from adjoining streets but may not exceed 30% of each such elevation.
2. For building permits involving changes to an existing building, exterior materials must be brought into conformance with the requirements of this §6.04.06, if applicable. Existing materials must be repaired of any

defect or damage identified by the Building Official or replaced, as necessary, before a Certificate of Occupancy is issued. These requirements apply only to those portions of the building included in the building permit request. However, the City may not require changes or repairs in excess of 20% of the estimated cost of the work included in the building permit application.

§6.04.07 Review Standards. The following standards are used by the approving authority in evaluating proposed development:

1. Grading and Drainage. Sites must be graded and designed so that stormwater drainage is in accordance with all applicable state and local regulations.
 - a. The rate of post development runoff may not exceed the rate of pre-development runoff as calculated for a 25-year storm event.
 - b. Any detention or retention facilities are incorporated into the landscape design of the site. Fencing around a detention or retention facility must be enhanced with vegetation.
2. Landscaping. For existing development that does not conform to applicable requirements of [Article 10 Landscaping Standards](#), buffers, screening and parking lot landscaping must be improved to conform to the degree practicable, as determined by the approving authority. However, the City may not require landscaping improvements in excess of 20% of the estimated cost of the work included in the building permit application.
3. Parking and Access.
 - a. Sufficient off-street parking and loading is provided as required in [Article 8](#). Existing parking areas that do not conform to requirements of Article 8 must be made to conform in terms of required off-street parking space quantity, dimensions, and surface material when additional buildings are constructed, when there is a change in use or when other circumstances occur requiring parking in addition to that existing.
 - b. Loading areas are located and arranged to reduce their visibility from street view and screened from view of residential properties.
 - c. The site, including the location and arrangement of structures, parking and loading areas, drive-through facilities and circulation and access ways, includes or enables future joint access and cross access among adjoining properties. The number and location of access points along the street are in accordance with the access management standards of the Subdivision Regulations. For existing development that does not conform to access management standards, access will be made to conform to the degree practicable, as determined by the approving authority.
4. Signage. Freestanding signs are located and of a size and height to be legible from the street without obstructing views of signs and structures on neighboring premises and do not interfere with sight distance at access drives and street intersections in accordance with [§3.03 Sight Distance](#).
5. Lighting.
 - a. Lighting must have underground electric service, except where the lights, service poles and wires are not visible from public property.
 - b. The intensity, location and design of lighting must be such that not more than one-foot candle of light is cast beyond the property line. Light fixtures must be designed to cast light downward. Where necessary, cut off devices must be used to minimize glare off-premises.
 - c. Exterior, freestanding lights may not exceed 20 feet in height.
 - d. Wooden poles may not be used as supports for exterior, freestanding lighting on private property.

ARTICLE 7 USE-SPECIFIC REGULATIONS

The following regulations apply regardless of district.

§7.01 ACCESSORY DWELLINGS

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

- §7.01.01 Permit Required. An Accessory Dwelling Permit is required for all accessory dwellings and must be renewed annually. Permits expire on December 31 of the year issued regardless of the date of issuance. Any accessory dwelling permit automatically expires whenever:
1. The accessory dwelling is altered to the extent it no longer conforms to the plans approved by the City.
 2. Required off-street parking is no longer provided on the premises.
 3. The permittee ceases to own or reside on the premises (applies to A-1, R-1 and R-2 Districts only)
- §7.01.02 Limitation in A-1, R-1 and R-2 District. Because the A-1, R-1 and R-2 Districts are intended for single-family detached dwellings, an accessory dwelling may only be permitted when the owner of the principal dwelling resides on the premises. This is required to ensure that the accessory dwelling remains subordinate to the principal dwelling.
- §7.01.03 Area and Dimensional Requirements. Accessory dwellings are permitted only on lots of at least 10,000 sf, or the minimum lot size of the district if greater. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each of the dwellings.
1. Accessory dwellings are subject to the requirements in [§3.04.04 Accessory Structures](#) and [§4.01.02 Area and Dimensional Requirements \(Residential Districts\)](#). If detached from the principal dwelling, the accessory dwelling must be set back at least ten feet from the principal dwelling.
 2. The habitable floor area of an accessory dwelling must be at least 200 sf but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive, subject, however to the exception set out in §4.01.02(4).
 3. Detached accessory dwellings may not be located closer to any front lot line than the principal dwelling.
- §7.01.04 Review and Approval
1. Except where permitted in the A-1 District, all accessory dwelling structures must be reviewed and approved by the Commission prior to approval of an accessory dwelling permit or any associated building permit.
 2. Submittal requirements:
 - a. A scaled site drawing showing all existing structures and proposed structure, if any.
 - b. An elevation drawing showing the proposed height of the structure.
 - c. A rendering showing exterior materials and colors and/or samples of the same.
 - d. A scaled foundation and interior floor plan.
- §7.01.05 Additional Requirements
1. No more than one accessory dwelling is permitted on the lot of a single-family detached dwelling, regardless of the lot size.
 2. Accessory dwellings may have a separate 911 address for emergency purposes. If a separate mailbox is used for the accessory dwelling, it must be co-located with the mailbox for the principal dwelling, in accordance with US Postal Service regulations.
 3. One parking space, in addition to that required for the principal dwelling, must be provided.

4. Accessory dwellings must comply with the City Building Code, be installed on a permanent foundation and must maintain the appearance of the principal dwelling, including colors, materials and architectural style.
5. Accessory dwellings may not have separate vehicular access from the street. If the lot abuts an alley, access to the accessory dwelling may be from the alley regardless of whether the principal dwelling has access from the alley.
6. An accessory dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.
7. If an existing residential garage is converted to an accessory dwelling, off-street parking requirements for the principal dwelling and accessory dwelling must be met concurrently with the conversion.
8. An accessory dwelling may only be used as a Short-Term Rental, provided the principal dwelling is not used as a Short-Term Rental.

§7.02 ADULT ENTERTAINMENT

- §7.02.01 Because of their very nature, Adult Entertainment businesses are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, no more than two such uses are hereafter permitted within 1,000 ft of each other or a tattoo parlor, as measured between the nearest property lines. Nor may an adult entertainment use be located closer than 750 ft to the nearest boundary of any residential district or the nearest property lines of the following protected uses: child day care center or learning center; church or other place of assembly; businesses in which more than 50% of annual revenue is derived from the sales of goods and/or offering of services, recreation or entertainment to minors; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted adult entertainment use to become nonconforming.
- §7.02.02 Alcohol sales for on- or off-premises consumption is prohibited on or within 500 ft of the premises of an adult entertainment business as measured between nearest property lines.

§7.03 ALTERNATIVE FINANCIAL SERVICES

Because of their very nature, Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan/pawn businesses, pawn shops and check cashing establishments, are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, no more than two such uses are hereafter permitted within 1,000 ft of each other, as measured between the nearest property lines. Nor may any such use be located closer than 500 ft to the nearest boundary of any residential district, as measured from the nearest property line of the proposed Alternative Financial Service.

§7.04 AMATEUR RADIO TOWERS

Amateur radio towers may not exceed 65 ft in height, may be placed in the established rear yard only and must be set back a distance equal to the height of the tower from all property lines. Additional height may be approved by the ZBA through Special Exception approval, see [§14.05 Special Exceptions](#).

§7.05 ATTACHED DWELLINGS

§7.05.01 Development Standards

1. Each dwelling must be constructed on its own lot unless developed in a condominium arrangement.
2. Not less than three nor more than eight dwellings may be attached.
3. No two contiguous single-family attached dwellings may be built with the same front line. The required difference in front building lines is at least four feet.

4. Attached dwellings must be set back at least 20 feet from any other attached dwelling building group and from any structures adjoining the attached dwelling development.
5. Where attached dwelling lots adjoin a collector or higher classification street, the required setback of the yard along that street must be increased by 20 feet. No attached dwellings lot may have direct vehicular access to an existing or planned collector or higher classification street, as defined by any applicable plans and regulations of the City.
6. Each lot must have at least 800 sf of open space exclusive of driveways and parking. If the required open space is divided, each space must be at least 300 sf in area. At least 300 sf of the required open space must be located away from street view, may not be forward of the front building line and must be screened from adjoining property.
7. Private access ways, common parking areas and open space must be maintained by a property owners association in accordance with [§3.08 Common Open Spaces and Facilities](#).
8. Dwellings must be separated by a wall having a minimum nominal solid wall thickness six inches, and that is constructed of non-combustible material and extends at least six inches above the roof line.
9. Maintenance easements must be provided along shared lot lines of attached dwellings. Other access easements may also be required based on the site arrangement.

§7.05.02 Open Space

1. Attached dwellings may front on a common open space rather than a street. In such case, the open space must be at least 40 ft wide in its least dimension; and the front yard setback applies only on lots with street frontage. Vehicular access and parking areas may not be within the common open space.
2. Any development of 20 or more attached dwellings must provide common open space, exclusive of parking and driveways, comprising at least 10% of the gross tract area or that part of the development proposed for attached dwellings. The common open space must be sodded or otherwise planted and maintained with vegetative ground cover.

§7.05.03 Parking. Off-street parking must be provided as required in [Article 8 Parking and Loading Standards](#) and as follows:

1. Parking and access drives must be located to the side or rear of lots and away from the street frontage.
2. Resident and visitor parking may be provided on individual lots or in common parking areas. Visitor parking may also be provided on-street subject to Preliminary Plat approval by the Commission.
3. If off-street parking is located to the side and adjoins a detached single-family lot, in addition to the required buffer (see [Article 10](#)), no more than six parking spaces may be contiguous.

§7.06 BED AND BREAKFAST

The following standards apply to Bed and Breakfast establishments in residential districts only:

- §7.06.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.
- §7.06.02 For each approved guest room, one parking space must be provided, in addition to the spaces required for the dwelling. Such additional required parking spaces must be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking is prohibited except on lots one acre or larger in size. If permitted, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to the maximum extent practicable.
- §7.06.03 Food service is limited to overnight guests of the Bed and Breakfast. No dining facilities may be open to the general public. Guest rooms may not contain cooking equipment.
- §7.06.04 One freestanding sign only and no larger than 15 sf is permitted, regardless of whether the Bed and Breakfast is on a corner lot. Signs may not be illuminated in residential districts.

§7.07 BOARDING HOUSES

- §7.07.01 The owner or lessee must reside within the dwelling used as a boarding house with said structure serving as that person's permanent residence.
- §7.07.02 The living quarters of the permanent residents and boarders must be in the principal dwelling and no separate structure on the premises may be used for dwelling or lodging purposes.
- §7.07.03 No separate exterior doorways for individual boarding rooms are permitted.
- §7.07.04 Not more than two parking spaces are permitted forward of the front building line.

§7.08 CONSERVATION SUBDIVISIONS

§7.08.01 Intent

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development.
2. To promote the creation of accessible green space.
3. To protect sensitive, environmental land features to promote the public health and safety.
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation.
5. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers.
6. To reduce perceived density by providing access to and views of open space.

§7.08.02 Applicability. The Conservation Subdivision option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in any residential district. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

If held in multiple ownership, the site must be developed according to a single plan with common authority and maintenance responsibility subject to [§3.08 Common Open Spaces and Facilities](#) and [§7.08.07 Legal Instrument for Protection of Open Space](#).

§7.08.03 Density Determination

1. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, applicable to the site. In making this calculation, the designated floodway and bodies of open water over 5,000 sf of contiguous area may not be included in the total area of the tract.
2. The above notwithstanding, the maximum permitted density is nine units per gross acre of the developed portion of the tract.
3. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. At least 15 ft of space must be provided between dwellings.

§7.08.04 Application Requirements

1. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein.
2. Conservation Subdivision Plan. The applicant must prepare a Conservation Subdivision Plan, which yields no more lots than identified under [§7.08.03 Density Determination](#). The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan (see [§7.08.06](#)) and must be submitted prior to the issuance of a grading permit.

3. Instrument of Permanent Protection. An instrument of permanent protection, as described in [§7.08.07](#), must be placed on the open space at the time of issuance of a grading permit.
- §7.08.05 Other Requirements. The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.
- §7.08.06 Open Space Management Plan. For the purposes of this Section, “open space” is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity using a legal instrument approved by the City Attorney.
1. Standards
 - a. The minimum open space must comprise at least 25% of the gross tract area.
 - b. The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
 - 1) The 100-year floodplain.
 - 2) Riparian zones of at least 75 ft width along all perennial and intermittent streams.
 - 3) Slopes above 25% of at least 10,000 sf contiguous area.
 - 4) Wetlands, as defined by the Corps of Engineers.
 - 5) Existing trails that connect the site to neighboring areas.
 - 6) Archaeological sites, cemeteries, and burial grounds.
 - c. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
 - 1) Important historic sites.
 - 2) Existing healthy, native forests of at least one-acre contiguous area.
 - 3) Individual existing healthy trees greater than eight inches caliper.
 - 4) Other significant natural features and scenic viewsheds, particularly those that can be seen from public streets.
 - d. Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.
 - e. At least 25% of the open space must be designed and improved for passive recreational use.
 - f. At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.
 - g. The open space must be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or off-street walkways.
 2. Permitted Uses of Open Space
 - a. Conservation of natural, archeological or historical resources.
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
 - c. Passive recreation areas, such as open fields, walking or bicycle trails.

- d. Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
 - e. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas.
 - f. Easements for drainage, access, and underground utility lines.
 - g. Other conservation-oriented uses compatible with the purposes of this Section.
3. Prohibited Uses of Open Space
- a. Golf courses.
 - b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections.
 - c. Agricultural and forestry activities not conducted according to accepted best management practices.
 - d. Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.

§7.08.07 Legal Instrument for Protection of Open Space. The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:

- 1. A permanent conservation easement in favor of either:
 - a. a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - b. a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.
- 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- 3. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

§7.08.08 Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

§7.09 COTTAGE DEVELOPMENTS

Cottage Developments are permitted only on sites served by public water and sewer and in accordance with the following:

§7.09.01 Number of Units. Cottage Developments include a minimum of four to a maximum of twelve detached single-family dwellings.

§7.09.02 Frontage Conditions. Lots within Cottage Developments are exempt from the requirement for each lot to have street frontage, as follows:

- 1. Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street and/or Common Open Space. In no case may the rear of a dwelling unit front on a street.

2. Where a Cottage Development is to be developed on a double frontage lot, only the rear of cottage lots may face the street of higher classification, in which case they must be separated from the street by one of the following:
 - 1) an alley or driveway and a 20 ft buffer or 2) a 40 ft buffer.

§7.09.03 Area and Dimensional Requirements

1. Minimum Common Open Space: 250 sf per unit and not less than 40 ft in width at any point.
2. Permitted Total Floor Area per Dwelling.
 - a. One-Story units: 800 - 1,000 sf
 - b. Two-Story units: 1,200 – 1,400 sf
3. Maximum Height: two stories
4. Minimum Building Setbacks
 - a. Dwellings must be set back at least 20 ft from an exterior lot line and must observe the front yard setback for the district along any street ROW.
 - b. No setback is required between a dwelling and the Common Open Space; however, no building projections may extend into or over the Common Open Space.
5. Minimum Parking Setback. 40 ft from a street ROW and 20 ft from exterior lot lines.
6. Alley Setback. Where located along an existing alley, structures and parking must be set back from the alley centerline at least 12 ft. Where a new alley is constructed for the Cottage Development, the minimum setback is 20 ft from the alley centerline and any rear or side lot line of abutting properties. Within this setback a buffer must be provided trees spaced no greater than 30 ft on center and a continuous hedge. Existing natural vegetation may be counted toward this requirement.

§7.09.04 Ownership and Management of Open Space. See [§3.08 Common Open Spaces and Facilities](#).

§7.09.05 Parking. Parking must be provided as required for single-family detached dwellings. Parking must be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces must be:

1. clustered together or provided individually at the rear of each home.
2. separated from the common area by landscaping, wall or architectural screen.
3. screened from streets and adjacent residential uses by landscaping, wall or architectural screen.

§7.10 HOME OCCUPATIONS

To the extent permitted in residential districts, one home occupation is allowed per dwelling unit in accordance with the following regulations.

§7.10.01 Exclusions

1. Yard sales, garage sales and similar temporary activities are not considered Home Occupations.
2. A home office used only intermittently by a resident for work associated with a business located off-site and that involves no delivery or customer or client visitation does not require approval as a Home Occupation.
3. Child Day Care Homes and Child Day Care Group Homes are not considered Home Occupations and are separately regulated.

§7.10.02 The following activities are not permissible as home occupations:

1. Group instruction of more than four clients at the same time.
2. Barber and beauty shops.
3. Food services, public dining facilities or tea rooms.
4. Pet shops.

5. Veterinarians.
6. Kennels or places keeping caged animals.
7. Wholesale or retail sales, other than mail order or online sales.
8. Outdoor sales or service.

§7.10.03 Standards. Home occupations must comply with the following:

1. No more than one person other than those residing in the dwelling may be engaged in the occupation.
2. The use of the dwelling for the home occupation must be clearly incidental and subordinate to its residential use. No more than 25% of the floor area of the dwelling may be used in the conduct of the home occupation.
3. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation.
4. Home occupations may not be conducted in any yards or open spaces.
5. No traffic may be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation must be provided off-street.
6. Visitation by any patrons, customers or clients is permitted only during the hours 7AM to 8PM. No more than one patron, customer or client is permitted on premises at the same time, except that group instruction is permitted no more than four clients on premises at the same time. No more than two vehicles of patrons, customers or clients may be parked on the premises at the same time.
7. Vehicles providing pick-up or delivery may not exceed two-axle trucks. Pick-up and delivery is limited to the hours 7AM to 7PM.
8. No activity, equipment or process that is part of the home occupation may create noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses beyond the property line. Noise level at the property line may not exceed 55 dBA. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises.
9. Fabrication of articles commonly considered "arts and handicrafts" is permitted as a home occupation.
10. All home occupations existing as of the effective date of this Ordinance must fully comply with this Section after one year or before the next licensing date, whichever is sooner.

§7.10.04 Permit required. Permits are issued only upon approval of the Zoning Officer. Permits may only be issued after approval of the ZBA, if required or if referred by the Zoning Officer, and subject to all conditions required by the approving authority to preserve and protect the character of the district. Permits expire on December 31 of the year issued regardless of the date of issuance.

§7.11 KEEPING OF CHICKENS AND HONEYBEES

On any detached single-family lot, other than in an agricultural district, the keeping of chickens and honeybees is permitted subject to the following:

§7.11.01 Chickens or bees may be kept only on the premises of an occupied single-family detached dwelling and only in the established rear yard.

§7.11.02 Keeping of Chickens

1. Not more than six hens are permitted; roosters are prohibited.
2. Except when under the personal control of the resident, chickens must be confined within a coop or run at all times.
3. Coops and runs are subject to the setback requirements in [§3.05.04 Accessory Structures](#). No structure for the keeping of chickens may be located within 50 ft of the nearest dwelling.
4. A coop must be at least 80 sf but not more than 120 sf in area.

5. The activity and associated structures must be maintained in a condition such that no odors or noises are produced that create a nuisance for adjoining properties.

§7.11.03 Keeping of Honeybees

1. No more than four beehives are permitted, except that one additional beehive is permitted for each 2,500 sf of additional lot area above the minimum lot size of the applicable district.
2. Beehives must be set back no less than 20 ft from the nearest property line.
3. There must be an adequate, accessible water source on site and located within 50 ft of the beehive(s).
4. The rear yard of portion thereof containing the beehives must be totally enclosed with a fence or solid hedge. If the landing platform of a hive faces and is within 25 ft of any lot line, there must be a flight path barrier (fence, structure or plantings) not less than six feet in height, located in front of the hive.

§7.12 MANUFACTURED HOME PARKS

Manufactured home parks must comply with all of the minimum property requirements of the Federal Housing Administration for Manufactured Home Parks and with the following regulations.

§7.12.01 General Requirements

1. Permitting. A site plan containing the following information must be submitted as part of the zoning application or building permit, as applicable:
 - a. Location of manufactured home stands and dimensions and area of each home stand.
 - b. A typical home stand detail showing the home, parking, patios or similar improved outdoor space and all utility connections.
 - c. Any area within or adjacent to the proposed manufactured home park which is subject to periodic inundation by storm drainage or flooding.
 - d. All physical improvements specified in §7.12.
2. A Placement Permit must be obtained from the City prior to the placement of any manufactured home. Application must include: year of manufacture; model and serial number; size of the home; affidavit that no structural alterations have been made to the home. Each manufactured home must bear a valid set-up inspection sticker from the Alabama Manufactured Housing Commission and have all applicable electrical, gas, water, sewer and HVAC permits.
3. No home may be occupied until all applicable requirements have been complied with, including but not limited to this §7.12, the R-MHP District regulations in [§4.09](#) and [§3.04.06 Manufactured Homes](#).

§7.12.02 Development Standards

1. Site Standards
 - a. Size. All manufactured home parks must be located on tracts of at least eight acres but no more than twelve acres in area.
 - b. Grading and Drainage. The park must be graded to drain all surface water in a safe, efficient manner in accordance with all applicable regulations. Stormwater drainage facilities must be designed by a licensed professional engineer.
 - c. Parking. Required parking may be located at the stand or in common parking areas located no further than 200 ft from each stand the parking area serves. In addition to required parking for residents, one visitor parking space per six home stands must be provided on site.
 - d. Access and Traffic Circulation. Internal streets serving the park must be privately owned and maintained and must be of sufficient width and design to accommodate two-way traffic and the delivery and removal of homes within the park.

- 1) Each home stand must adjoin an internal street. Home stands may not have direct access to external streets.
- 2) Internal streets must be maintained free of cracks, holes, and other hazards.
- e. Utilities. Each manufactured home must be connected to the municipal water and sewage disposal systems if available. The design and specifications of utility systems must meet city specifications and be approved by the City Engineer. If the municipal utility system is not available, then a private central system will be required until such time as municipal systems become available. The design and specifications of such systems must meet the specifications of the Health Department and Alabama Department of Environmental Management and must be installed under inspection of the City Engineer.
- f. Open Space and Grounds Maintenance
 - 1) Manufactured home parks must have an improved open space, easily accessible to all park residents, and improved for recreation purposes. Not less than ten percent of the gross park area must be devoted to recreational facilities, which must be maintained in a usable and sanitary condition by the park owner.
 - 2) Grounds must be kept free of debris, scrap, junk and inoperable vehicles.
- g. Storage. Dedicated, enclosed storage space of at least 200 cubic feet per home stand must be provided on or within 200 ft of each stand. Storage facilities must be faced with masonry, wood, cementitious board or other material equal in resistance to denting, rust and fire, as approved by the Building Official.
- h. Buffers. Buffers must be provided along the perimeter of the park as required in [§10.01 Buffers](#). A landscaping plan must be submitted which is sensitive to the existing environment and the proposed visual image from all sides of the development.
- i. Storm Shelters. Storm shelters must be provided on-site, as provided herein, whenever (1) a new manufactured home park of 10 or more homes is developed, (2) an existing park is expanded by any number of dwelling units, and (3) an existing park replaces 10 homes or 50% of the homes in the park, whichever is more restrictive.
 - 1) Storm shelter must have a minimum floor area of seven sf for each home stand and be located no more than 1,320 linear ft from the furthest home stand in the park.
 - 2) Shelters must be designed by a licensed structural engineer or architect, must comply with all applicable City Building Codes and be installed as approved by the Building Official. Shelters must meet all applicable requirements of the Americans with Disabilities Act and, if located within a floodplain, must meet all FEMA requirements.
 - 3) The park operator is responsible for making the storm shelter accessible and usable in times of need. Storm shelters may not be used for storage purposes if such storage reduces the minimum floor area required herein.
- j. Lighting. Adequate outdoor lighting must be provided in a manner approved by the appropriate electric utility. Roadway or area lighting must be shielded or directed away from adjoining properties.
- k. Refuse Containers. Common refuse containers must be provided and screened in accordance with [§10.02 Screening](#).
2. Standards for Manufactured Homes and Home Stands
 - a. Individual home stands may not be separately owned.
 - b. Individual home stands must contain at least 3,000 sf.
 - c. Manufactured homes must be set back at least 20 ft from the front line of the stand and at least 60 ft from the external boundary of the manufactured home park.
 - d. Manufactured homes must be separated by at least: 25 ft measured between sides of homes, 20 ft in any other arrangement.

- e. Skirting material must be designed exclusively for that purpose and must be underpinned as required by the Building Official.
- f. The area of the manufactured home stand must be improved to provide adequate support for the placement of the manufactured home.
- g. Individual tenants at the manufactured home park may not construct attached enclosures to individual manufactured homes. However, the ZBA may permit unenclosed attachments by Special Exception.

§7.13 MINI-STORAGE FACILITIES

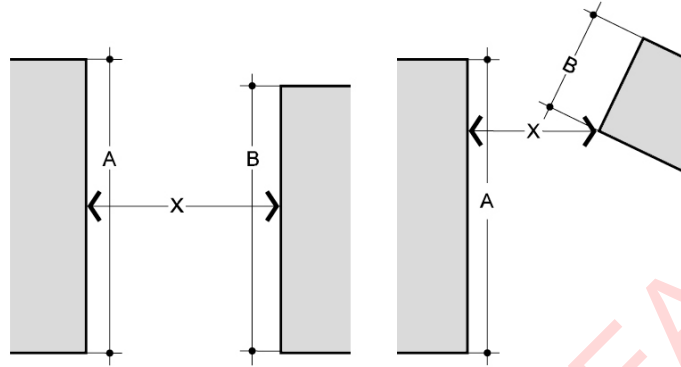
- §7.13.01 The use of storage compartments is limited to the storage of personal property. No other use is permitted except a manager's office. However, this does not preclude periodic auctions held on the premises to dispose of items that have been abandoned by virtue of expiration of a lease.
- §7.13.02 No storage of volatile, toxic or explosive materials is permitted, either inside the structure or on the premises.
- §7.13.03 The Commission may require screening around the perimeter of the site as part of any required Conditional Use or Site Plan approval. Any outdoor storage must be screened as required in [§10.02 Screening](#).

§7.14 MULTIFAMILY DEVELOPMENTS

- §7.14.01 Multifamily developments consisting of two or more buildings to be constructed on a site not subdivided into streets and lots, must be reviewed and approved by the Commission to assure that the layout of buildings, open spaces, circulation, drainage and infrastructure conforms to the following requirements and is in harmony with the applicable standards of the City Subdivision Regulations.
- §7.14.02 Definitions. For the purposes of this Section, the following terms are defined as follows:
 1. Articulation, articulated. Changes in the depth along the building façade such as attached columns, wall recesses, horizontal banding, cornices, etc. to provide depth and variety to the façade.
 2. Fenestration, fenestrated. The pattern of window and door openings on a façade.
 3. Low Impact Development. A site planning and engineering design approach to managing stormwater runoff that emphasizes conservation and use of natural features, infiltration, and on-site storage and treatment involving landscape elements integrated into the design of the site. This approach uses engineered small-scale hydrologic controls to replicate predevelopment hydrology through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.
 4. Open Space, Improved. Open space that has been created or modified by man including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces.
 5. Pervious pavement. Paving materials that allow water to penetrate into the ground below, including concrete paving blocks, concrete grid pavers, perforated brick pavers and similar paving materials. This does not include compacted gravel.
 6. Rain garden. A planted depression or hole that allows stormwater runoff from impervious surfaces to be absorbed into the ground.
- §7.14.03 A Site Development Plan must provide for, at a minimum:
 1. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas and appropriate access management.
 2. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply.
 3. Suitable access points adjoining public streets serving the proposed development, which must be properly illuminated to reduce traffic hazards.
 4. Waste collection facilities must be provided and must be the responsibility of the property owner or manager.

§7.14.04 Site Development Standards

1. Building spacing. Buildings must be spaced no less than the sum of their lengths divided by three $((A+B)/3)$, as shown in Figure 7-01. In no case may buildings be placed closer together than 20 ft. Required building spacing is measured perpendicularly from the longer of the two building walls at the closest point between the two buildings.



Minimum Building Spacing by Length of Building Walls

$$X = (A+B)/3$$

where X = min. building spacing,
A = length of building wall, and
B = length of opposing building wall

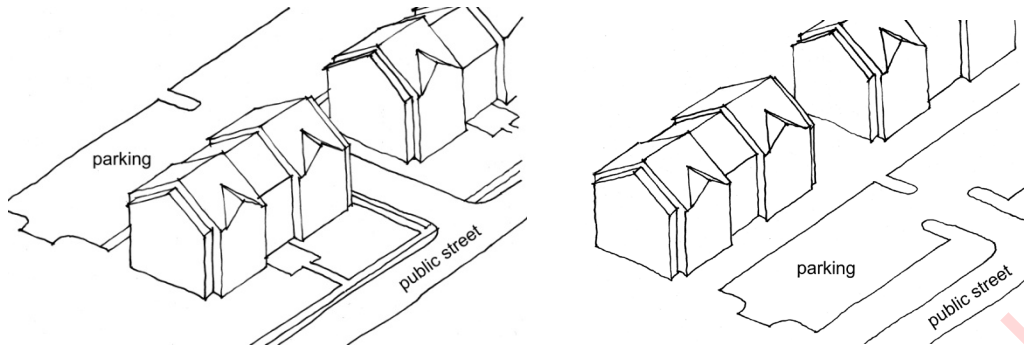
Figure 7-01 Minimum Building Spacing

2. Multifamily buildings must be oriented toward streets, interior drives and improved open spaces, not adjacent properties. A multifamily building may be aligned along a parking area provided it is also oriented toward a street, interior drive or improved open space.
 - a. Building entrances must face and be clearly visible from streets, interior drives or interior open space. This does not apply to entrances to individual dwelling units.
 - b. Building entrances must be accessible from the street, interior drive or open space they face.
3. Street frontage, access and parking
 - a. All street frontages must be improved as required in the City Subdivision Regulations, whether or not the property is to be subdivided for the development. This includes but is not limited to curb and stormwater drainage requirements, planting strip, bicycle and pedestrian facilities and utilities.
 - b. Private drives that provide access from a public street to off-street parking areas must comply with the dimensional standards in Table 7-01 below. Where parallel parking is provided, each parking lane must be at least 7.5 ft wide measured from face of curb. Trees must be provided on both sides of the drive and installed at least three feet from the back of curb. Root barrier and other treatment may be required to prevent damage to utilities and sidewalks.

TABLE 7-01 DIMENSIONAL STANDARDS FOR PRIVATE DRIVES

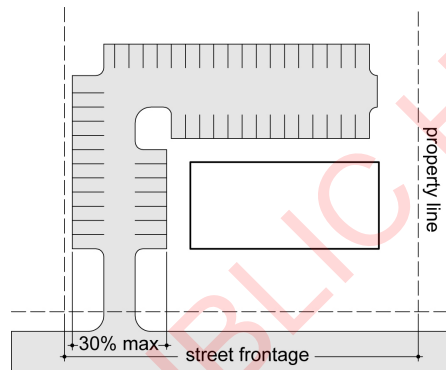
Curb Type/Width	Travel lane width	Total width (back of curb to back of curb)	Tree spacing
Curb/gutter; 24 in	10-11 ft	24-26 ft	50 ft oc average

- c. Parking lots must be located to the side or rear of buildings and may not extend forward of the front building line.



Left: Permissible location of off-street parking. Right: Parking between multifamily buildings and public street not permitted.

- d. Common or individual garage parking areas must be located away from public street views
- e. When located to the side of buildings and adjacent to a public street, parking areas may not occupy more than 30% of each perimeter public street frontage.



Maximum width of parking area facing public street when located to side of building.

4. Open Space.

- a. At least 20% of the site must be reserved as open space. At least 50% of required open space must be improved and maintained for the use of the residents and guests. All proposed open spaces must be included in the Site Plan submittal for review by the Commission.
- b. All common open spaces and recreational areas must be well maintained in a safe and orderly condition. Open spaces must be oriented to receive adequate sunlight.
- c. Improved open space should be consolidated into one or a few central locations to assure accessibility and usability.
- d. Open space and recreational areas are counted toward the improved open space requirement as follows:
 - 1) Required setback areas do not count unless they otherwise meet the standards of this Subsection. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft.
 - 2) For developments of 40 or more units, children's playground area must be provided within one or more common open spaces in the amount of 50 sf per unit. This does not apply to housing developments with self-imposed age restrictions that prohibit children. The minimum size of any playground is 2,000 sf. Children's play areas must be located so that they are visible from dwelling units and near pedestrian activity and may not be surrounded on all sides by parking. They must adjoin an open space or building on at least one side.

- 3) Covered porches, decks, or patios may be used to meet up to 25% of the required open space. To qualify, such spaces must be at least 35 sf in area with no dimension less than five feet. Such spaces may not be counted when they are completely inset into the building; they must project at least two feet beyond the wall plane.
 5. Stormwater Management. Stormwater retention or detention facilities must be integrated into the design of parking areas and open spaces as landscape amenities and should include low impact design techniques such as swales and rain gardens. Stormwater management facilities located within an open space may only be counted as improved open space if it is designed so that it need not be fenced and is landscaped as approved by the Commission.
 6. Service, Loading and Waste Collection. Each development must be provided with one or more service areas for waste collection, each of which must be located behind the front building line and away from public views but must otherwise be accessible to waste collection vehicles and to residents. The location of such areas must minimize negative visual, noise, odor and other impacts to adjoining streets, on-site dwellings and adjacent developments. Each such area must be paved with concrete and receptacles screened in accordance with [§10.02 Screening](#).
 7. Parking Areas for Boats and Recreational Vehicles. If parking of boats and recreational vehicles will be permitted by the owner, an area must be provided so that required parking is not taken up and each such area must be screened from adjoining properties.
 8. Storage Units. At least 280 cubic feet of dedicated storage space must be provided per each unit. Storage may be provided within each unit or building or elsewhere on site.
 9. Fire Protection.
 - a. No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft of hose.
 - b. Every multifamily building must be accessible to fire trucks and equipment as approved by the Fire Department. Provided adequate clearance, such access may be located along an interior drive, within a parking lot or within any open area adjacent to each building. The acceptable distance between buildings and the fire truck access area is determined by the Fire Department based upon building height and design.
- §7.14.05 Pedestrian Access Standards. A pedestrian circulation system meeting the following standards must be provided:
1. Walkways must connect the pedestrian circulation system to adjacent public streets.
 2. If not already provided, a publicly accessible sidewalk at least five feet wide must be provided along all public street frontages.
 3. Walkways must connect the main entrances of all buildings. For buildings fronting on a public street, a public sidewalk may be counted toward this standard. Walkways must be provided that connect building entrances to parking areas and common areas and facilities.
 4. Walkways must be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.
 5. Materials Standards for Pathways
 - a. Walkways must be of concrete or masonry pavers and at least five feet wide.
 - b. Except as provided in Item c below, walkways must be clearly defined and designed separately from vehicular use areas through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials or similar methods. Striping alone does not meet this requirement. If a raised path is used it must be at least four inches high. If used, bollards may not be spaced more than five feet on center.

- c. Walkways may be within a vehicular drive if the drive provides access to 16 or fewer parking spaces and the walkway is surfaced with paving blocks, bricks, or other special paving. Trees and other landscaping elements must be integrated into the design of a shared auto/pedestrian court.

§7.14.06 Privacy and Security Standards.

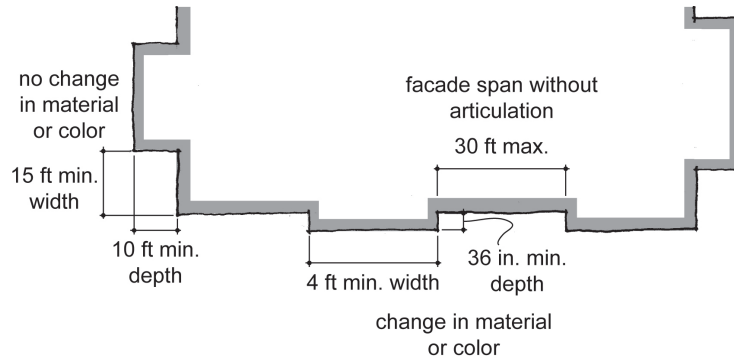
1. When a multifamily building is located adjacent to a public street, any stairway must be enclosed within the building. For street-facing buildings, upper floor units must be accessed from within the building interior or from an exterior walkway that overlooks an interior courtyard or similar common area. Exterior stairs may only be permitted for buildings within the interior of the development and not located along a public street.
2. For privacy, separation must be provided between windows of ground floor dwelling units and adjacent walkways, parking areas and common open spaces, including:
 - a. A horizontal separation at least ten feet deep including a landscaped bed containing at least one row of evergreen shrubs with a mature height of at least three feet; and/or
 - b. Vertical separation so that the bottom edge of a ground-floor window is at least five feet above the grade of the adjacent walkway, parking area or open space. Developments are encouraged to raise the ground floor of residential buildings at least 30 inches above the sidewalk or parking area to enhance privacy.

§7.14.07 Lighting Standards. Lighting should eliminate adverse impacts of light spillover; provide attractive lighting fixtures and layout patterns that contribute to a unified exterior lighting design; and provide exterior lighting for safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

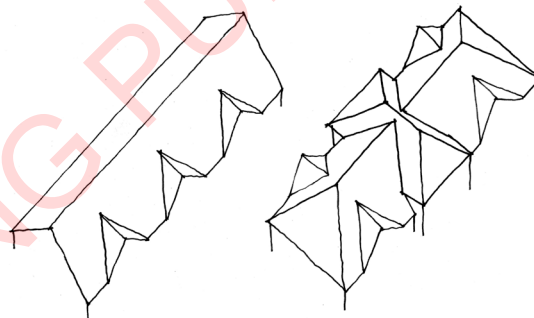
1. Plan Required. Applicants must submit a lighting plan subject to the requirements herein for Commission approval.
2. Pedestrian Lighting. Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on building or landscape walls must be used to light walkways.
3. Lighting Height. Light poles and lighting structures may not be taller than 20 feet.
4. Building-Mounted Lighting. Building-mounted lighting must be limited to accent lighting used to illuminate architectural features and entrances, with a maximum height of 20 ft.
5. Illumination Level. Pedestrian areas, driveways, and parking areas must be illuminated to a minimum average of one footcandle.
6. Spillover Glare. Light fixtures must use full cut-off lenses or hoods to prevent glare and light spillover onto adjacent properties, buildings, and roadways.

§7.14.08 Architectural Standards

1. Four-sided design. All building elevations must reflect consistent design, textures, colors, and features. All walls must be modulated and fenestrated to provide visual interest.
2. Building Articulation. All buildings must include the following architectural design features at intervals of no more than 30 ft along all facades facing a street, open space or parking area:
 - a. Vertical building articulation. Minimum depth and width of articulation is 36 inches and four feet, respectively, if corresponding with a change in color or building material and/or roofline. Otherwise, minimum depth and width of articulation is ten feet and 15 ft, respectively. Projecting balconies, including those that are partially recessed, may count toward this requirement.



- b. Articulation of the “base, middle and top”. This typically includes a distinctive design for the portion of the elevation along the foundation and ground floor, consistent articulation of middle floors, and a distinctive roofline.
3. Diversity of Building Types. Multi-building developments must provide different architectural designs to achieve visual interest and variety, particularly where multiple buildings front on the same public street. Changes in building colors or reversal of facade designs are not sufficient to comply with this standard. To meet this requirement, changes must include a combination of at least two of the following: vertical articulation (meeting the requirements of (a) above), fenestration, building materials, and roof design.
4. Accessory structures. Accessory structures must reflect the same design and finish as principal buildings.
5. Roof Design.
 - a. Multifamily buildings must have a minimum of 5:12 roof pitch. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site’s context.
 - b. All buildings must incorporate variations in the roofline. The maximum length of any continuous roofline is 40 ft. The use, alone, of dormers and/or gables is not sufficient to comply with this requirement.



Left: Continuous roofline exceeds 40 ft. Right: Acceptable variation in roof design.

- c. Eaves must extend beyond the supporting wall at least 16 inches.

§7.14.09 Building Details and Materials.

1. Changes in material should occur at the horizontal divisions between the base, middle and top and on inside corners. “Heavier” materials, such as masonry, should be used on the base.
2. Exterior Finishes. Building facades must incorporate a coordinated color scheme consisting of matte finishes. A “coordinated color scheme” includes a limited number of complementary colors that are used throughout the development; and in the case of developments with multiple buildings, primary façade colors may alternate from building to building provided trim colors, materials and/or other design features visually tie together individual buildings. Neutral or earth tone colors are recommended. Gloss finishes may be used for trim and accent. Fluorescent and metallic paints are prohibited.
3. Windows

- a. Transparent windows facing the street are required. At least 15% of each street-facing facade must be fenestration. All other facades must have a minimum fenestration area of 10%.
 - b. Windows must be recessed or project at least two inches from the wall plane, or window trim must be used at least four inches in width with color that contrasts with the base building color. Exceptions will be considered where the design includes other distinctive window or facade treatment that adds visual interest to the building.
 - 4. Preferred Building Materials. Building exteriors must be constructed from high quality, durable materials as follows:
 - a. Brick or other masonry. When used for the facade of any building, concrete blocks must be split, rock- or ground-faced and may not exceed 25% of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three feet above finished grade at the foundation wall.
 - b. Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) must be trimmed in wood, masonry, or other approved materials and may not be used adjacent to grade.
 - c. Horizontal wood and cement board siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than nine inches wide.
 - 5. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
 - a. Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
 - b. Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building façade.
 - c. Corrugated fiberglass.
 - d. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
 - e. Crushed colored rock/crushed tumbled glass.
 - f. Noncorrugated and highly reflective sheet metal.
 - 6. Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.
- §7.14.10 Landscaping. Screening must be provided, in accordance with [§10.02 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view. In addition to any required parking lot landscaping, buffers and screening, landscaping must include the following:
- 1. Foundation Planting. All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access to the building. Foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least three feet wide.
 - b. There must be at least one three-gallon shrub for every three lineal feet of foundation.
 - 2. Landscaping techniques include the following:
 - a. Existing trees and native vegetation should be preserved whenever possible.
 - b. Use plants that require low amounts of water, including native drought-resistant species.

- c. Use of low-impact development techniques, including pervious pavement, swales, and rain gardens, to manage stormwater in parking lots.
 - d. Locate trees along street frontages at appropriate spacing so that, at maturity, ground floor entrances are clearly visible from the street and sidewalk.
 - e. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.
 - f. Shrubs, grasses and other non-tree vegetation as appropriate.
3. An irrigation method must be included in the landscaping plan. Irrigation must be provided immediately after planting and from May through October, thereafter, or as recommended by a landscape professional. Underground irrigation systems should be used whenever possible to avoid drought loss.

§7.14.11 Additional Standards

1. Traffic Impact Study and Plan. Developments of 100 or more units or as otherwise required by the City Engineer, a traffic impact study and plan, prepared by a Traffic Engineer, must be included with the Site Plan. The study must be prepared in accordance with generally accepted standards for traffic studies. The traffic study must show, in detail reasonably satisfactory to the Building Official, the effect that the proposed development will have on the area adjacent to and near the site. The study must make recommendations with respect to what additional traffic controls will be needed adjacent to or near the site as a result of the traffic generated by proposed development. The developer must pay the cost of any such signals and/or devices, if the Building Official considers them necessary.
2. Drainage Study and Plan. For each development, a drainage study and plan must be furnished as part of the Site Plan. Such study must be prepared by a Professional Engineer. The plan must show, in detail, reasonably satisfactory to the Building Official, the effect that the proposed development will have on the site and the land adjacent to and near the site. The plan must include drainage, grading, excavation, topography, erosion and sedimentation, stormwater detention and floodplain management controls. The plan must provide for such structures and devices as may be required to handle a 100-year rain event, 24-hour storm.
3. Additional Requirements. The Commission and/or the Building Official have the right to impose additional requirements they deem necessary to protect the health, safety and welfare of the residents of the multifamily residential development and neighboring residents.

§7.15 PATIO HOMES

§7.15.01 Purpose. Patio Home Residential Developments are intended to provide affordable, single-family housing with lower maintenance requirements.

§7.15.02 Area and Dimensional Standards

1. Along any side yard setback less than 10 feet a private maintenance easement must be provided on the adjacent lot, such that the side yard setback plus maintenance easement equal at least ten feet. All private maintenance easements must be noted and recorded with the final plat and must be made a part of all deeds transferring any parcels within the recorded plat.
2. Where patio home lots adjoin a collector or higher classification street, the required setback of the yard along that street must be increased by 20 feet.
3. When adjoining property in another zoning district, a patio home must be set back from the shared lot line as required in the adjoining district, if greater than that required in the district in which the patio home is located.
4. Patio home developments may not exceed 6.5 dwelling units per gross acre.

§7.15.03 Development Standards

1. Each dwelling unit must be constructed on its own lot.
2. The wall of a dwelling wall along a side yard setback less than five feet may not contain windows, doors or other openings; and the wall must be constructed of maintenance-free, solid decorative masonry or masonry veneer,

and to the requirements of the Building Official. However, this does not apply when the adjoining patio home lot is subject to private restrictions that will assure, in perpetuity, separation between the dwellings in accordance with the City Fire Code.

3. No portion of any dwelling or architectural feature may project over any property line except as specifically provided for under an applicable maintenance easement.
4. No patio home lot may have direct vehicular access to an existing or planned collector or higher classification street, as defined by any applicable plans and regulations of the City.
5. Open Space
 - a. Any development of 20 or more patio homes must provide common open space, exclusive of parking and driveways, comprising at least 10% of the gross tract area or that part of the development proposed for patio home dwellings.
 - b. Each required common open space must be 40 ft in its least dimension.
 - c. Each required common open space is subject to [§3.08 Common Open Spaces and Facilities](#) and must be sodded or otherwise planted and maintained with vegetative ground cover.
6. Parking. Off-street parking must be provided as required in [Article 8 Parking and Loading Standards](#) and as follows:
 - a. Resident parking must be provided on individual lots. Visitor parking may be provided on individual lots, in common parking areas or on-street, as approved by the Commission with Preliminary Plat approval.
 - b. If off-street parking is located to the side and adjoins a detached single-family lot, in addition to the required buffer (see [Article 10](#)), no more than six parking spaces may be contiguous.

§7.16 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

§7.16.01 Park and Campground Standards

1. Minimum tract size: Three acres
2. Minimum street frontage: 100 ft
3. No structures, camp sites or RV spaces may encroach into the following minimum setbacks:
 - a. Front yard: 35 ft.
 - b. Side yard: 30 ft.
 - c. Rear yard: 35 ft.
4. Parking. At least one parking space must be provided for each camp site plus one parking space per employee. Parking spaces are not required to be paved but must be graded and surfaced as approved by the Director.
5. Minimum open space recreation area. At least 5,000 sf for the first 20 RV spaces plus 150 sf for each additional RV space.
6. Lighting. All vehicular drives, walkways and common areas must be adequately lighted for vehicular and pedestrian traffic safety. Lighting must be arranged and designed to minimize illuminating individual RV spaces and camp sites.
7. Access
 - a. All RV spaces and all parking, sanitary, recreation and other common facilities must be accessed from an internal vehicular drive designed to accommodate recreational vehicles.
 - b. All such vehicular drives must be maintained by the park owner or operator and open for access at all times to emergency vehicles.

- c. Vehicular drives must be surfaced with asphalt, crushed rock or other suitable, dustless material approved by the Director. Vehicular drives must be at least 12 ft wide for one-way traffic and 22 ft wide for two-way traffic. Parallel parking along the vehicular drive requires at least ten feet in additional width.
8. Sanitation
 - a. The following facilities must be provided, at a minimum, for the exclusive use of park occupants: two toilets and lavatories for each 15 camp sites and RV spaces or fraction thereof not provided with a water connection, two shower facilities and a washer and dryer.
 - b. If any RV spaces are not provided with drain inlets to receive discharge of toilets, dump stations, built to code and designed to receive the discharge of sewage holding tanks of self-contained vehicles must be provided in an accessible location. Such stations must be separated from all camp sites and RV spaces by at least 100 ft.
 - c. Two-cubic yard or larger waste containers must be located within 300 ft of every RV space, but no closer than 100 ft. Alternatively, the Director may approve the use of individual waste containers for each RV space provided the park operator provides for regular waste pickup from RV spaces.
 - d. Dump stations and two-cubic yard and larger waste containers may not be closer than 30 ft to any property line and must be screened in accordance with [§10.02](#).
9. Storm Shelters. One or more storm shelters must be provided on-site as follows:
 - a. Storm shelter must have a minimum floor area of seven sf for each RV space and camp site and be located no more than 1,320 linear ft from the furthest RV space and camp site.
 - b. Shelters must be designed by a licensed structural engineer or architect, must comply with all applicable City Building Codes and be installed as approved by the Building Official. Shelters must meet all applicable requirements of the Americans with Disabilities Act and, if located within a floodplain, must meet all FEMA requirements.
 - c. The park operator is responsible for maintaining and making the storm shelter accessible and usable in times of need. Storm shelters may not be used for storage purposes if such storage reduces the minimum floor area required herein.

This requirement may be waived if the applicant shows satisfactory evidence that a storm shelter is available with unrestricted public access within one-half mile of the campground.

§7.16.02 Standards for RV spaces

1. Each RV space must be at least 500 sf in area. Spaces for non-motorized recreational vehicles must be large enough for the RV and the passenger vehicle pulling the RV unless parking is provided for the passenger vehicle within 150 ft of the space served.
2. No occupied RV may be located anywhere but in an approved RV space and only one recreational vehicle may be located in each RV space.
3. Spaces must be designed to provide at least 20 feet separation between RVs in adjoining spaces.

§7.17 SHORT-TERM RENTALS

The following regulations apply to short term rental of dwellings in residential districts only. For purposes of this section, "Short-Term Rental (STR)" means the rental of a dwelling unit for less than 30 days per rental period.

- §7.17.01 Licensing. The property owner must have a valid Short-Term Rental License from the City before a property can be advertised or operated for short term rental. An individual license must be obtained for each STR property.
1. The property owner must provide with the STR License application the name and telephone number of an emergency contact that will respond within one hour to complaints about the condition or operation of the STR or conduct of renters or their guests. The emergency contact must be able to respond on-site within 12 hours if requested by the City. The emergency contact must answer calls 24 hours a day, seven days a week for the

duration of each short-term rental period. Prior to any change to the emergency contact, the owner must submit the revised contact information to the City Clerk.

2. Insurance. All STR licensees must obtain and maintain vacation rental property insurance that covers the commercial lodging use of the site. Proof of insurance must be provided within 30 days of approval of the STR License. Proof of insurance must be resubmitted each year for renewal of the STR License.
3. Notice. Each owner must, upon issuance of an STR License, provide written notice to the City Clerk and to all owners or property within a radius of 500 ft of the STR property, which includes the following information:
 - a. The names of the owner and emergency contact (if not the owner), including telephone numbers.
 - b. The City's Code Enforcement telephone number by which members of the public may report violations
 - c. The maximum number of renters permitted to stay in the unit.
 - d. The maximum number of vehicles allowed to be parked at the property.
4. Taxation. The licensee is responsible for collecting and reporting taxes from any rental arrangement that is not subject to an established collection agreement with the City.

§7.17.02 Standards

1. The dwelling may only be rented for lodging use. It may not be rented for weddings, parties, concerts or similar events or used for such events during any short-term rental period.
2. Occupancy. The dwelling may not be rented to more than one guest party simultaneously. Occupancy is limited to the most restrictive of the following:
 - a. No more than two persons per bedroom plus two persons.
 - b. No more than four persons per parking space.

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

3. No signage legible from any right-of-way or adjoining property may be installed in conjunction with the STR.
4. The short-term rental must comply with all applicable City regulations including but not limited to building construction, fire safety, noise, and garbage collection and disposal.
5. There must be adequate off-street parking to accommodate all guest parking needs. No recreational vehicles, buses or trailers may be stored on the street or forward of the front building line.
6. No food may be prepared or served to rental guests by the licensee.
7. A copy of the STR license, emergency contact information and house rules that comply with this section must be posted in a conspicuous place in the dwelling.
8. Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the City Code of Ordinances, the owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence.

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

1. Fines. In addition to the other remedies set out in this Subsection, violations will be subject to fines as follows:
 - a. Violation warning. The Ordinance Enforcement Officer may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating a provision of this Section.

- b. First violation. The first time a person is found to have violated one of the provisions of this Section, the person is subject to a fine of \$150.
 - c. Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this Section, the person will be subject to a fine of \$500 for each subsequent violation.
 2. If a violation of building, fire safety or property maintenance regulations has not been corrected by the compliance date, the Ordinance Enforcement Officer or Fire Official may cause the STR License to be temporarily suspended. When the violation has been corrected, the license is re-instated for the remainder of its current approval period. The Building Official may approve an extension of the compliance date if substantial progress toward compliance has been made and provided that the public will not be adversely affected by the extension.
 3. Recurring violations. When noise, occupancy, parking or other violations concerning the conduct of the STR or its renters or their guests are found to have occurred during more than one rental period in the same license year or within any six-month period, the Building Official will request a hearing before the Council. Following a public hearing on the matter, the Council may revoke the STR License for the remainder of its current approval period and suspend the ability of the owner to renew the license for an additional year. No STR License may be renewed unless all outstanding penalties assessed against the licensee are paid in full to the City.

§7.18 TATTOO PARLORS

Not more than two such uses are permitted within 1,000 ft of each other or an adult entertainment establishment, as measured between the nearest property lines. Nor may a tattoo parlor be located closer than 500 ft to the nearest boundary of any residential district or the nearest property lines of the following protected uses: child day care center or learning center; church or other place of assembly; businesses in which more than 50% of annual revenue is derived from the sales of goods and/or offering of services, recreation or entertainment to minors; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted tattoo parlor to become nonconforming.

§7.19 TEMPORARY COMMERCIAL USES

The following temporary commercial uses are allowed with an approved City of Priceville Temporary Zoning Permit in accordance with the following regulations.

§7.19.01 Mobile Food Vendor

1. Standards
 - a. Food Truck – as found in the permitted use tables. For the purpose of this ordinance, Food Truck is defined as: A licensed motorized self-contained vehicle, or a licensed trailer connected to such a vehicle, placed in a temporary and stationary location, that is equipped to cook, prepare and/or serve food or non-alcoholic beverages for immediate human consumption as a walk-up service.
 - 1) Must have written permission from the property owner.
 - 2) The site location must be paved, must be in conjunction with another permitted use, must have sufficient parking with adequate ingress and egress for both the existing permitted use(s) and proposed temporary use, and must have sufficient lighting as determined by the zoning official.
 - 3) Must have a Priceville business license.
 - 4) Must have liability insurance.
 - 5) Must have Health Department approval.
 - 6) Such use may not remain on the same property overnight, may not re-enter the same property until an 18-hour time period has lapsed following removal, and may not re-occur on the same property more than 15 days total in one calendar month.
 - i. Modifications and/or extensions of time and location constraints:

- a) The Zoning Official may extend and/or modify the above time and location constraints for a municipal or non-profit event, but in no case longer than 7 consecutive days.
 - b) The City Council may extend and/or modify the above time and location constraints in any case upon approval of a special event permit.
- b. Ice Cream Truck – permitted in all districts. For the purpose of this ordinance, Ice Cream Truck is defined as: A licensed commercial vehicle from which ice cream, popsicles, ice sherbets, frozen desserts, or other similar items are sold at a temporary stop or pause within a street right-of-way.
 - 1) Must have a Priceville business license.
 - 2) Must have liability insurance.
 - 3) Must have Health Department Approval
 - 4) Must provide a copy of each operator's valid driver's license at the time a Priceville business license is obtained. The City Clerk must be notified of the addition of any additional operators.

§7.19.02 Temporary Firework Stand

For the purpose of this ordinance, Temporary Firework Stand is defined as: A mobile or portable licensed trailer, tent, canopy, display, awning, stand, or similar structure placed in a temporary and stationary location used for the sale, offering for sale, or display of consumer grade fireworks to the general public.

- 1. Standards
 - a. Must have written permission from the property owner.
 - b. Must have a Priceville business license.
 - c. Must have liability insurance.
 - d. The site location must be paved, must be in conjunction with another permitted use, must have sufficient parking with adequate ingress and egress for both the existing permitted use(s) and proposed temporary use, and must have sufficient lighting, all as determined by the zoning official.
 - e. Such use, or part thereof, may only be located on the property on the following dates:
 - 1) June 20 through July 10.
 - 2) December 15 through January 2.
 - f. Must have State of Alabama Fire Marshall approval.
- 2. Use of portable storage containers:
 - a. Portable storage containers are allowed in conjunction with such use, in accordance with Ordinance 2014-02, as amended. However, if the location is within the Hwy 67-Marco Drive Overlay District, use of such container(s) requires special exception approval by the ZBA.

§7.19.03 Temporary Farmers Market / Produce Stand

For the purpose of this ordinance, Temporary Farmers Market / Produce Stand is defined as: A location consisting of tables or stands placed in a temporary and stationary location where farmers and/or individuals sell or trade locally and independently sourced agricultural produce, eggs, jams and jellies, baked goods, dairy products, meats, fish, seafood, poultry, garden plants, and small ferns directly to consumers for human consumption and/or decoration. The sale or trade of animals, livestock, pets, trees, shrubs, clothing, or other items as determined by the Zoning Official are not permitted for such temporary use.

- 1. Standards
 - a. Raw meats, fish, seafood, and poultry must be packaged and frozen.
 - b. Must have written permission from the property owner.
 - c. Must have a Priceville business license.

- d. The site location must be paved, must be in conjunction with another permitted use, must have sufficient parking with adequate ingress and egress for the existing permitted use(s) and proposed temporary use, and must have sufficient lighting as determined by the zoning official.
- e. May not remain on the same property longer than 72-hours and may not re-enter the same property until an 18-hour period has lapsed following removal.

§7.20 MODULAR HOMES

Not more than one (1) modular home may be located on each lot.

§7.20.01

1. All modular homes must comply with all dimensional requirements of the Zoning Code, including setbacks and landscaping requirements, and must be built in conformity with the building code of the City of Priceville in effect at the time of application.
2. All modular homes must be placed on a permanent foundation.
3. All modular homes must meet all requirements of the applicable zoning district.
4. All modular homes must be connected to City utilities, if available to the lot, or to a well or septic tank approved by the Health Department if City utilities are not available to the lot.
5. All modular homes must be maintained in such a way to comply with the general character of the surrounding neighborhood, so as to not create a nuisance.

§7.20.02 Procedures

1. All applicants for placement of a modular home must provide a survey showing that the proposed structure meets all setbacks of the applicable zoning district.
2. Applicants, if approved, must pay the same fee for a building permit as for a standard site-built home.
3. The City shall inspect the following parts of the home.
 - a. Foundation.
 - b. Electrical Service.
 - c. Sewer, if the home will be connected to the Priceville sewer system (if so, a sewer permit must be obtained).
 - d. Natural Gas, if the home will have natural gas connections (if so, a natural gas permit must be obtained).
4. The City Building Inspector must perform a final inspection of the modular home before a Certificate of Occupancy may be issued. No modular home may be occupied until a Certificate of Occupancy has been issued.

Prior to issuance of a Certificate of Occupancy, the applicant and occupant must provide a written agreement to indemnify and hold the City harmless for any damages to or caused by part of the modular home that the City is unable to inspect, such as: plumbing, electrical wiring, or other systems that are located within covered walls at the time the structure arrives on site.

ARTICLE 8 PARKING AND LOADING STANDARDS

§8.01 DEFINITIONS

Terms used in this Article have the following meanings:

- §8.01.01 EMPLOYEE. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- §8.01.02 GROSS LEASABLE AREA (GLA). The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- §8.01.03 LOADING AREA. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- §8.01.04 LOADING SPACE. An off-street space or berth used for the unloading or loading of commercial vehicles.
- §8.01.05 OCCUPANCY LOAD. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- §8.01.06 PARKING AISLE. That portion of the parking area consisting of lanes providing access to parking spaces.
- §8.01.07 PARKING AREA. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
- §8.01.08 PARKING SPACE. That portion of the parking area set aside for the parking of one vehicle.
- §8.01.09 STACKING SPACE. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

§8.02 REQUIRED OFF-STREET PARKING SPACES

- §8.02.01 Unless otherwise provided for, all uses must provide parking in the amount prescribed in Table 8-1. When the requirement is not readily determinable, the Building Official will determine parking requirements using the table as a guide. When calculating the number of required spaces, any fraction of one-half or more is rounded up.
 1. All required parking spaces must be on the same lot as the use served by the parking, except as follows:
 - a. If required parking spaces cannot reasonably be provided on the same premises as the use, remote parking may be permitted by a Special Exception if within 300 ft of premises.
 - b. Written legal documentation must show that the applicant has the right to the spaces. The owner must enter into a written agreement with the City with enforcement running to the City providing that the land comprising the parking area may never be disposed of except in conjunction with the sale of the building or use of land which the remote parking area serves so long as the remote parking is required. The owner must record the agreement, which will bind his heirs, successors and assigns. The written agreement may be voided if the remote parking becomes unnecessary to meet parking requirements.
 2. Where off-street public parking spaces are available within 300 ft from the subject property, parking requirements may be reduced as determined by the ZBA. On-street parking spaces along and within the lot frontage may be counted toward parking requirements.
 3. If any structures or uses are enlarged, expanded or changed to a use requiring more parking, additional parking must be provided to meet the total requirements of the enlarged, expanded or changed use.
 4. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If the combined uses will use the same spaces at different times, the spaces may be credited to each separate use. The applicant must present a joint parking agreement; and, if sharing the same spaces, a time schedule for allocation of the spaces. Where appropriate, parking for

multiple uses on the same premises may be reduced by calculation of shared parking requirements using Table 8-2.

§8.02.02 Development and Maintenance of Off-Street Parking Facilities. Plans showing required off-street parking must be submitted with any Building Permit application. These plans must show location, arrangement, and dimensions of the off-street parking spaces, drives, aisles, and ingress and egress in a manner satisfactory for the safety and convenience of vehicular and pedestrian traffic.

1. Adequate access drives must be provided for all off-street parking areas. Access drives may not be wider than 12 feet per lane.
2. All off-street parking spaces and access drives must be paved with an all-weather surface of asphalt, concrete, pervious paving or other material acceptable to the Building Official and maintained such that no dust will result from continued use. Gravel and similar surfacing may be approved only as a Special Exception by the ZBA in the following circumstances and upon favorable recommendations by the Zoning Officer and City Engineer:
 - a. Low turnover vehicle parking and storage areas where vehicles are typically stored for at least three hours, including but not limited to employee parking areas and parking areas for sports and similar events.
 - b. Sites where use of pervious surfaces are necessary or desirable for stormwater management.
 - c. Agricultural and other nonresidential uses in an A-1 District.

In its approval the ZBA may limit use of gravel and similar surfacing to parking stalls only and require that the street access and any vehicle circulation areas be paved with asphalt, concrete or an equivalent surface. In all cases, the parking lot must be designed and maintained so that gravel or similar surface materials do not leave those areas approved for their use as a result of continued use, stormwater runoff or erosion.

3. Parking areas must be arranged and marked in accordance with the dimensional standards in Table 8-3. This does not apply to single-family and duplex dwellings unless parking is provided in common parking areas.
4. Parking areas must be set back from property lines as required in [§10.03 Landscaping for Vehicular Areas](#).
5. Drainage of parking areas must be designed so that stormwater is not directed onto other properties.
6. Suitable barriers or curbs must be provided so that a vehicle parked or being parked will not extend into pedestrian ways or come in contact with walls, fences or plantings. This does not apply to single-family and duplex dwellings unless parking is provided in common parking areas.
7. Lighting for off-street parking areas must be adequate and arranged to direct the light away from any adjoining property under separate ownership.

TABLE 8-1 REQUIRED OFF-STREET PARKING SPACES BY USE

Agricultural Uses	
Farm	1 per 1.5 employees
Farm Stand	1 per 350 sf of retail floor area
Farm Support Business	1 per 1.5 employees, plus 1 per company vehicle
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
Residential Uses	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex, Triplex, Quadplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home
Multifamily Dwellings	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit; plus two visitor spaces per 8 dwellings
Single-family Dwelling, Attached	2 per DU plus 2 visitor spaces per 8 attached dwellings ¹
Single-family Dwelling, Detached	2 per DU
Single-family Dwelling, Patio Home	2 per DU plus 2 visitor spaces per 8 patio homes ¹
Single-family Dwelling, Semi-detached	2 per DU
¹ Visitor parking spaces may be provided on-street subject to Preliminary Plat approval by the Commission.	
Institutional Uses	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club, Private	1 per 200 sf of non-storage and non-service floor area
Community Center	1 per 400 sf of GLA
Country Club	1 per 4 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 4 seats in the main assembly space
Public Facility	1 per 400 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	Subject to approval of the Commission
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
School, Vocational	Subject to approval of the Commission
Commercial Uses	
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 350 sf of GLA

TABLE 8-1 REQUIRED OFF-STREET PARKING SPACES BY USE	
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	1.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Gas Station / Minor Vehicle Repair	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station / Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement or Appliance Store	1 per 500 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Mini-warehouse	5 spaces (adjacent to leasing office, if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation Golf Course: Miniature Golf: Golf Driving Range: Other:	3 per hole 1 per hole 1 per tee 1 per 4 persons of occupancy load
Pool Hall	2 per 3 tables
Restaurant, Take-out or delivery only	1 per employee plus 1 per 350 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital	1 per 300 sf of GLA
Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

TABLE 8-2: TYPICAL SHARED PARKING DEMAND BY USE AND TIME OF DAY*

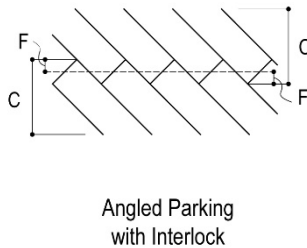
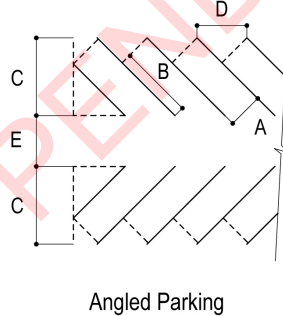
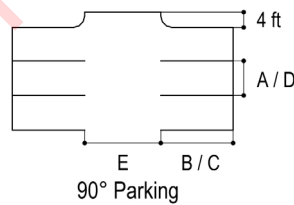
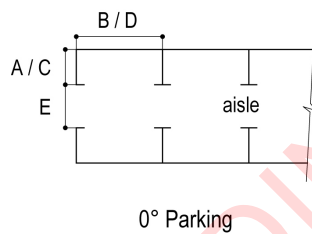
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment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

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

TABLE 8-3: PARKING LOT DIMENSIONAL REQUIREMENTS

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

Note: For parking lots being redesigned or enlarged on an already developed property, the Building Official may authorize a shorter stall length or depth if greater stall width is provided. In no case may the required stall length be reduced below 18 feet.



§8.03 OFF-STREET LOADING

- §8.03.01 Nonresidential uses must provide off-street space for the loading and unloading of materials or goods without encroaching upon or interfering with the use of adjoining properties, public streets, alleys and sidewalks. See Table 8-4 for loading requirements. When calculating required loading spaces, a fraction of one-half or more is rounded up.
- §8.03.02 Each off-street loading and unloading space must be at least ten feet wide and 55 ft long with not less than 14 ft in vertical clearance, exclusive of maneuvering space.
- §8.03.03 Loading space for two or more buildings on the same lot may be shared as long as the amount of space meets the combined requirements of all buildings to be served.
- §8.03.04 Loading spaces may not be located in a required front yard or within five feet of any property line.
- §8.03.05 If any structures or uses are enlarged, expanded or changed to a use requiring more loading spaces, the additional loading spaces must be provided for the increment only of the structures and uses enlarged, expanded or changed in use.
- §8.03.06 Plans showing required off-street parking must be submitted with any Building Permit application. Plans must show location, arrangement, and dimensions of loading spaces, circulation and access in a manner satisfactory for the safety and convenience of pedestrian and vehicular traffic.

TABLE 8-4 REQUIRED LOADING SPACES	
Retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or drycleaning plant, or similar use	• Less than 8,000 sf GFA: no space required unless the Commission determines that the specific use requires such space. • 8,001-20,000 sf of GFA: 1 space. • 20,001-60,000 sf GFA: 2 spaces. • Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf.
Auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use	• Less than 10,000 sf GFA: no space is required unless the Commission determines that the specific use requires such space. • 10,001-40,000 sf GFA: 1 space. • Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf.

ARTICLE 9 SIGN REGULATIONS

§9.01 PURPOSE AND INTENT

It is hereby declared that the aesthetic and safety interests of the City of Priceville are reasonably promoted by the provisions of this article. Accordingly, it is the intent and purpose of this article to provide for the orderly and harmonious display of signs within the community; to aid in the identification of properties and enterprises for the convenience of the public; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; to provide for the safety of the public by limiting distractions, hazards, and obstructions; to minimize visual clutter and encourage a positive visual environment within the city; and to promote the mental and physical health, safety, and welfare of the public.

§9.02 APPLICATION, ENFORCEMENT AND VIOLATIONS

§9.02.01 The provisions of this article apply to all signs within the corporate limits of the City except those expressly exempted by [§9.05.03](#). The provisions of this article describe those signs which are permitted; all others are excluded.

§9.02.02 Violations. The following are deemed a violation of this Ordinance and are subject to the enforcement remedies and penalties provided by this Ordinance and by state law:

1. to install or maintain any sign in a way that is inconsistent with this Ordinance or with any plan or permit governing such sign or the premises on which the sign is located; or
2. to fail to remove any sign that is installed or maintained in violation of this Ordinance, or for which the sign permit has lapsed.

§9.03 DEFINITIONS

For the purpose of this article, certain terms and phrases are defined as follows:

- §9.03.01 **ABANDONED SIGN.** A permanent sign (1) that has displayed no message for a continuous period of one year or more or (2) that the principal use to which it was accessory has not been active on the premises for a continuous period of one year or more. A sign is considered accessory to a use when the operator of the use or owner of the property, on which the use was located, installed, maintained, or received a permit for the sign during the time the use was active on the premises.
- §9.03.02 **ALTERATION.** Any change in a structure or sign that does not increase its exterior dimensions or change its shape, size, or illumination.
- §9.03.03 **ATTACHED SIGN.** A sign attached to a building. A sign other than a Detached Sign, including Wall Signs, Projecting Signs and Awning and Canopy Signs.
- §9.03.04 **AWNING OR CANOPY SIGN.** A sign directly painted on or directly affixed to an awning or canopy.
- §9.03.05 **CHANGEABLE COPY SIGN.** A sign in which the message may be manually or electronically changed without altering the sign.
- §9.03.06 **COMMERCIAL MESSAGE.** A sign message that identifies or directs attention to a business, commodity, service, or entertainment sold or offered for sale or a fee.
- §9.03.07 **DETACHED SIGN.** A sign erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall, or fence.
- §9.03.08 **DOUBLE-FACED SIGN:** A sign constructed to display its message on the outer surfaces of two opposing planes. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.
- §9.03.09 **ELECTRONIC MESSAGE SIGN.** A sign designed so that the characters, letters or illustrations can be changed or rearranged electronically or through mechanical means.

- §9.03.10 FLAG. A sign produced of cloth, paper, or any type of fabric and not containing any lettering and/or symbols.
- §9.03.11 GOVERNMENT SIGN. Any sign, illuminated or not, erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
- §9.03.12 HIGHWAY ATTRACTOR SIGN. A detached sign located and oriented toward motorists travelling on Interstate 65.
- §9.03.13 ILLUMINATED SIGN. A sign which is produced and displayed by means of artificial projected lights.
- §9.03.14 INCIDENTAL SIGN. A permanent sign, whether attached or detached, that is less than four square feet in area and, if detached, less than four feet in height.
- §9.03.15 INSTALL. To place, construct, erect, mount, paint, affix or attach a sign to a structure or to the ground.
- §9.03.16 LEGIBLE. Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.
- §9.03.17 NONCOMMERCIAL MESSAGE. Any message other than a commercial message. This definition includes messages or types of messages considered noncommercial speech by a court of law.
- §9.03.18 PERMANENT SIGN. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the Building Code.
- §9.03.19 PORTABLE SIGN. Any sign designed to be portable, whether or not they are permanently affixed to the ground, a structure, or other permanent fixture.
- §9.03.20 PREMISES. Land, structure or portion thereof occupied and utilized and operated as a single residence, business, institution or other use.
- §9.03.21 PROJECTING SIGN. An attached sign permanently affixed at more or less a right angle to the façade of the building or structure to which it is attached.
- §9.03.22 REPAIR. The replacement of any part of a sign with equivalent material for the purpose of maintenance that does not affect its design, size, structural framework, exterior dimensions, or its structural members and uprights.
- §9.03.23 SEASONAL DECORATIONS. Decorations and lighting in observance of religious, national or state holidays not intended to be permanent in nature and that contain no commercial message. Temporary signs that are greater than four square feet in area, that are directed at and legible from the public right-of-way and that bear a commercial or non-commercial message are not considered "Seasonal Decorations."
- §9.03.24 SIGN. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, organization, or place of business, or which identifies or promotes the interests of any person, and which may be viewed from the private property of another or from any public right-of-way. Vehicles containing displays meeting this definition and customarily parked in view from a public street are also considered signs. The term "sign" does not include the following objects: cemetery markers, vending machines or express mail drop-off boxes, decorations, artwork or a building's architectural features, or a manufacturer's or seller's markings on machinery or equipment.
- §9.03.25 SIGN AREA. See [§9.06.09 Measuring Sign Area](#).
- §9.03.26 SIGN FACE. The surface of the sign upon, against or through which the message of the sign is displayed.
- §9.03.27 TEMPORARY SIGN. A sign not permanently attached to the ground, a building or a structure, and not designed or intended for permanent display.
- §9.03.28 V-SIGN. An attached sign with two attached sides in which the faces of said sign are not parallel and the smallest angle of said sign is not greater than 30 degrees.
- §9.03.29 WALL SIGN. A sign painted on or permanently affixed or fastened to the wall of a structure in such a manner that the sign face is parallel to the plane of the wall and in which the wall is the supporting structure of the sign.
- §9.03.30 WINDOW SIGN. A sign applied or attached to a window or displayed within 6 feet of the interior of a first floor window area so as to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.

§9.04 PROCEDURE

§9.04.01 Licenses Required. No person may construct, erect or re-erect any permanent sign without first having obtained a license as required by the City License Code. This does not apply to persons employed by licensed firms, or to the owner or owner's employees doing the entire work of construction or erection.

§9.04.02 Permits Required

1. A permit is required prior to the initiation of any action to erect, install, alter, or repair any sign within the City. Each application for a sign permit must be accompanied by plans indicating the following:
 - a. The proposed site identifying the property owner, location, present use and zoning.
 - b. Location of the sign on the lot in relation to property lines and existing signs and structures.
 - c. Complete structural specifications.
 - d. Any additional information needed to determine if such sign is to be erected in conformance with this Ordinance.
2. Review of Application: The Building Official must take action on a complete Sign Permit application or notify the applicant of any deficiencies in the application within 10 business days of receipt. If the application is denied the Building Official will state in writing the reasons for disapproval.
3. Fees. A permit fee, set from time to time by the Council, must be submitted at the time of Sign Permit application.

§9.04.03 Expiration, Revocation. A Sign Permit expires if work has not begun within 180 days from the date it is issued. Applicants are allowed one 90-day extension of each Sign Permit, provided the extension is applied for prior to the original permit's expiration. The City will revoke a Sign Permit if it is found that there has been concealment or misrepresentation of material facts in the Sign Permit application or submitted plans.

§9.04.04 Indemnification of City. Every Sign Permit application must include an agreement of indemnification and hold the City harmless for any damages or expenses that may be incurred because of the sign and related structure.

§9.04.05 Identification Tag: The sign contractor must attach a weatherproof identification tag to all permanent signs requiring Sign Permits. The erection, placement or construction of a sign requiring a permit without a proper identification tag constitutes a violation of these requirements. The tag must have the following information permanently printed or impressed:

1. "City of Priceville Sign Permit" followed by the Sign Permit number.
2. Year the sign was put in place.
3. The name and address of the sign contractor.

§9.05 SIGN PERMIT

§9.05.01 Actions Requiring a Sign Permit. The following signs require a Sign Permit issued by the City except where indicated otherwise in [§9.05.02](#). Construction, repair and maintenance of all signs must comply with the City Building Code, if applicable. When required for a sign, a Building Permit must be approved before the sign is installed.

1. Any permanent attached or detached sign greater than ten square feet in sign area.
2. Structural or electrical alterations to an existing permitted sign.
3. Any sign requiring a Building Permit.
4. Any sign projecting over or located in any public right-of-way.
5. All permanent detached signs on otherwise undeveloped property.

§9.05.02 Actions not Requiring a Permit. The following signs or actions do not require a Sign Permit, unless the sign or action is of a nature that requires a Building Permit. Each sign exempt from the Sign Permit process must still comply with the height, area and locational standards established in this Article:

1. Any sign not exceeding two square feet in area.
2. Signs and notices issued by any court, officer or other person in performance of a governmental duty.
3. For the purposes of safety and emergency access, signs no larger than six square feet in area indicating the street number of a building or structure.
4. Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes or changes to the sign area or height.
5. The changing of copy on Changeable Copy Signs provided there are no structural changes or change in the primary light source.
6. Seasonal decorations.
7. Temporary signs.
8. Window signs.

§9.05.03 Exemptions. The following are exempt from the provisions of this article except [§9.06.04 Prohibited Signs](#), as applicable, and do not count toward the total allowable number or area of signs.

1. Signs not exceeding two square feet in area.
2. Seasonal decorations.
3. Signs that are not legible from the public right-of-way or from another property.
4. Government signs, including signs required for legal notices and other official instruments.
5. Traffic control device signs.
6. Publicly-owned memorial tablets or signs.
7. Signs on an operable vehicle used in the normal course of business; except signs on vehicles that are kept, on a recurring basis, on the premises so as to be legible from the street.
8. Integral decorative or architectural features of buildings or works of art.
9. Warning or traffic safety signs required by public utility providers.

§9.06 GENERAL SIGN REGULATIONS

All signs maintained or hereafter erected in the City must comply with the standards set forth in this section.

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

§9.06.02 Substitution of Messages. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process, except where the change of message requires changes to the sign that require a Building Permit. This provision prevails over any more specific provision to the contrary. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

§9.06.03 Inspection, Maintenance

1. All signs for which permits are required under this Ordinance are subject to periodic inspection by the Building Inspector.

2. All signs must be maintained in safe condition, free from damage or the results of excessive weathering. At any time when the Building Inspector finds that a permitted sign is in disrepair, is in danger of falling, or presents a hazard to public safety, then the Building Inspector will require the owner or person in charge of the sign to remove or repair the sign. Orders of the Building Official are subject to an appeal to the ZBA per [§14.04](#). Upon hearing such an appeal ZBA has the authority to require the repair or maintenance of the sign. It is unlawful for any person to continue to maintain any sign contrary to the orders of the Building Official under this section, except during the time that the order is under appeal.
3. The Building Official may cause any structurally unsafe sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
4. Any repair, painting, alteration or removal will be at the sign owner's expense.
5. Weeds and grass must be kept cut beneath and for a distance of 10 ft in all directions from the perimeter of a detached sign. This area must also be maintained free of debris and rubbish that would constitute a fire or health hazard or be construed as a nuisance.
6. All electronic and lighted signs that are no longer functional must be made functional or removed at the owner's expense within 30 days of becoming dysfunctional.
7. Abandoned signs must be removed at the owner's expense.

§9.06.04 Prohibited Signs. In the interest of public safety, the following signs are prohibited:

1. Signs with moving, strobing or flashing lights or any design that may be confused with the lights of a police, fire or emergency response vehicle.
2. Any noise-making signs.
3. Abandoned signs.
4. Signs that contain or are an imitation of an official traffic signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words, when used in such a manner that the sign may be mistaken for an official sign.
5. Signs that obstruct views of street signs or traffic control devices
6. Portable signs (portable signs existing on the effective date of these regulations are considered nonconforming)
7. Signs that employ any parts that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include Changeable Copy Signs)
8. Signs that emit any detectable smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication.
9. Any sign, other than a Government Sign, painted on or attached to an object and placed less than 15 ft from the curb line or edge of pavement of a public street.
10. Signs attached to or painted on trees, fences, fire escapes, elevated water storage tanks, utility or light poles, or traffic sign standards.
11. Inflatable signs of all types
12. Signs constructed of mirrors or other surfaces that reflect light.
13. Signs or sign structures that obstruct openings required for ventilation or means of egress, including any fire escape, any window, any door or other opening, any stairway, any exit, any walkway, any utility access or Fire Department connection.

§9.06.05 Placement

1. Except as required by state law, no sign may be displayed on a property without the consent of the legal owner.
2. No sign or sign supports may be placed in any dedicated, public right-of-way or utility or drainage easement. Signs must be set back from the curb or edge of pavement at least:

- a. 20 ft along any major street.
- b. 15 ft along any minor street or any residential street.

Signs may extend into or over public right-of-way only with express approval of a permit issued by the Council or other agency having authority over the right-of-way.

3. No signs or sign supports may obstruct or interfere with any door, window, fire escape, or other means of egress, walkway, utility access or Fire Department connection, light, or ventilation.
4. No sign may be located in such a position that it obscures the view of a pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof. No sign may be placed within or in any manner obstruct sight distance within a required sight triangle.
5. All portions of a sign must be set back at least ten feet from any overhead electric transmission line or overhead telephone line and at least 15 feet from any property line.
6. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. A clear height of at least 14 ft above the driving surface must be maintained over an area intended for vehicular use.
7. For double frontage lots in nonresidential districts, the street frontage on which the premises has its primary vehicular access and to which the building and its public entrance is oriented is considered the primary frontage regardless of the classification of the streets. Where there is any question as to which frontage is primary, the Building Official will make such determination.

§9.06.06 Signs Permitted in All Districts

1. Temporary Signs, in accordance with [§9.07 Residential and Agricultural Districts](#), [§9.08 C-1, C-2, INST and T-1 Districts](#) and [§9.09 C-3 District](#). Temporary signs may be used for commercial or noncommercial speech. Unless otherwise specified in §9.07, §9.08 or §9.09, temporary signs must be removed within five days after the time period during which they are permitted expires.
2. Incidental Signs on nonresidential premises.
3. Flagpoles and Stanchions.
 - a. Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
 - b. For each parcel and development site over one-half acre in size and that is in nonresidential use, no more than three flagpoles may be installed. For each additional acre, up to two additional flagpoles may be installed. No more than two flags may be displayed per flagpole.
 - c. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole exceed a height of 50 ft.
 - d. For each principal structure, no more than two flag brackets or stanchions may be attached or placed for the display of flags.

§9.06.07 Nonconforming Signs. All signs erected prior to the adoption of these regulations, but not conforming to these regulations, are lawfully nonconforming signs and are regulated as follows:

1. Nonconforming Permanent Signs
 - a. Nonconforming signs may be continued and maintained after the effective date of this ordinance. Establishing that a sign is lawfully nonconforming is the responsibility of the person claiming such status for the sign.
 - b. Normal maintenance, such as changes on the sign face, is not subject to these requirements.
 - c. Lawfully nonconforming signs must be replaced or otherwise made to comply fully with these regulations in the following circumstances:

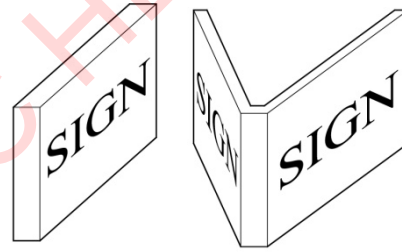
- 1) When a sign is damaged by 60% or more of its fair market value immediately prior to the damage, including by natural acts, or becomes obsolete for any cause, any replacement sign must comply with these regulations.
 - 2) When the sign is moved, enlarged, structurally altered or changes are made to its height.
2. Nonconforming Temporary Signs. Signs made of paper, cloth and other non-durable material must be removed or made to conform to these regulations within 60 days of notice. All other temporary signs must be removed or made to be conform to these regulations within 120 days of notice.

§9.06.08 Removal and Confiscation.

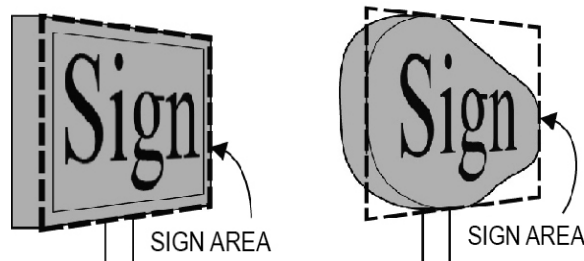
1. City police and enforcement staff are authorized to remove and dispose of or order the removal and disposal of any prohibited sign ([§9.06.04](#)), any sign not permitted in accordance with these regulations, and any nonconforming sign that has lost its lawful status ([§9.06.07](#)).
2. If any applicable regulation in this Article is violated in the construction or maintenance of a sign, the Sign Permit will be revoked and the sign and sign structure must be removed or made to conform to the applicable regulation within 30 days.

§9.06.09 Measuring Sign Area

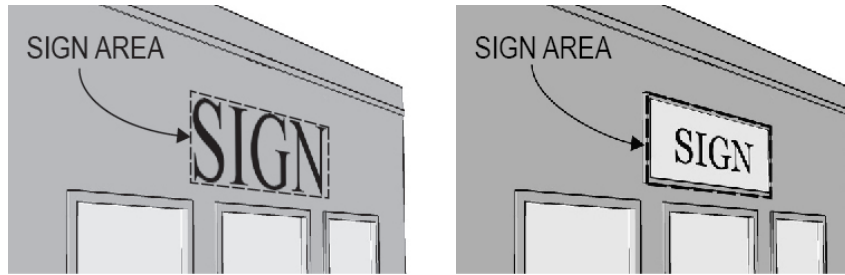
- A. For sign messages mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign messages, sign area is calculated by means of the smallest square, circle, rectangle or triangle that encompasses the extreme limits of the background panel, cabinet, or surface.
- B. For sign messages where individual letters or elements are mounted or painted on a building façade and where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign message, sign area is calculated as the sum of the smallest square, circle, rectangle or triangle that encloses all the letters or elements associated with the sign. In cases where there are multiple sign elements on the same surface, the Building Official determines the outermost boundaries of individual sign elements.
- C. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area unless such structural support is determined to be an integral part of the message, as determined by the Building Official.
- D. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area is calculated as the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used is the largest area of the sign message visible from any one point.



Double-faced signs: For the sign above left, sign area on only one face is counted. For the sign above right, sign area of both faces is counted.



Measuring Sign area of Detached Signs



Measuring Sign area of Attached Signs

§9.06.10 Illumination

1. Illuminated signs and outside lighting devices including beacons and spotlights may emit only light of constant intensity. In no event may an illuminated sign or lighting device be placed or directed as to permit focused light to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance.
2. For externally illuminated signs, light sources must be aimed so that only the sign face is illuminated.

§9.06.11 General Regulations by Sign Type

1. Electronic Message Signs
 - a. Electronic Message Signs may not be brighter than 4,690 nits during daytime and 1,675 at nighttime.
 - b. Electronic Message Signs must be equipped with a dimmer control and photocell and must automatically adjust the display intensity according to natural ambient light conditions.
 - c. Electronic Message Signs must have a default mechanism that will freeze the display in a static message if a malfunction occurs.
 - d. Electronic Message Signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance or cause a driver to mistake the sign for a warning or danger signal.
2. Portable Signs. Portable signs existing on the effective date of this Ordinance are subject to all requirements applicable to detached signs and must comply with the wind load standards of the City Building Code.
3. Window signs may not exceed 20% of the total window area of the applicable building façade. Illuminated signs inside a building and placed within five feet of a window so that they may be seen from outside the building are counted toward window sign area.
4. Projecting Signs may not project more than five feet from the face of the building.
5. Attached signs may not extend above the building parapet or more than 30 ft above grade level, whichever is less.

§9.07 RESIDENTIAL AND AGRICULTURAL DISTRICTS

§9.07.01 General Standards

1. Permitted Signs. Only those signs expressly permitted in [§9.06.06](#) and this Section are permitted.
2. Prohibited Signs. The following signs are prohibited:
 - a. Permanent, detached signs on otherwise undeveloped property.
 - b. Electronic Message Signs.
3. Illuminated signs may be installed on nonresidential premises only and must be set back at least 50 ft from the nearest property line of any residential premises. Lighting mechanism must be turned off between the hours of 10pm and 6am.

§9.07.02 Attached Signs. Each dwelling unit is permitted one attached sign placed on or within five feet of the main entrance and that may not exceed two sf in area. In addition, each multifamily building is permitted one attached sign, which may not exceed eight sf in area. Each nonresidential building is permitted one attached sign, which may not exceed 16 sf in area.

§9.07.03 Detached Signs. Only the following detached signs, other than temporary signs, are permitted:

1. Nonresidential Premises. Each permitted nonresidential premises is permitted one detached sign per street frontage, which may not exceed 40 sf in sign area nor six feet in height. In the A-1 District, detached signs may not exceed 15 feet in height.
2. Subdivisions. Each subdivision is permitted one monument sign per street entrance, which may not exceed four feet above grade level nor be larger than 40 sf in sign area. An acceptable legal entity must be identified to provide perpetual maintenance for the sign.
3. Multifamily Developments, Manufactured Home and Tiny Home Parks and Nonresidential Premises. Each housing development and nonresidential premises is permitted one monument sign, which may not exceed six feet in height nor be larger than 20 sf in sign area.
4. Mailboxes. Each separately addressed premises receiving mail at a curbside mailbox may attach one sign to the mailbox in accordance with United States Postal Service regulations. These signs are limited to the length of the mailbox and may not extend higher than nine inches above the mailbox or hang lower than one foot below the mailbox.

§9.07.04 Temporary Signs

1. During construction of a residential or nonresidential development, only the following temporary signs are permitted:
 - a. Subdivisions, Multifamily and Nonresidential Developments. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs may not be closer than 20 ft to an existing edge of pavement or curb. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, this time limit does not refer to the completion of any individual dwellings.
 - b. Individual Residential lots. Up to six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
2. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - a. At any time, three temporary signs with each sign no larger than five sf in area and no taller than four feet above grade level.
 - b. For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the date of the initial opening of the nonresidential use and for up to 15 days from the date of the final closing of the nonresidential use. The sign may not exceed 20 sf in area. If detached, it may not be taller than six feet above grade level.
3. During repair, renovation or addition to a building, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area or be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

§9.08 C-1, C-2, INST AND T-1 DISTRICTS

For the purposes of this Section, "nonresidential" includes buildings containing nonresidential and residential uses.

§9.08.01 General Standards

1. Permitted Signs. Only those signs expressly permitted in [§9.06.06](#) and this Section are permitted.

2. In the C-1 District, illuminated signs may be installed on nonresidential premises only, must be set back at least 50 ft from the nearest property line of any residential premises. Lighting mechanism must be turned off between the hours of 10pm and 6am.
3. Electronic Message Signs are permitted in the C-2 and T-1 Districts subject to [§9.06.11.1](#).

§9.08.02 Attached Signs. Each ground floor tenant is permitted one attached sign subject to the following:

1. Attached signs may not exceed one square foot of sign per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive.
2. Properties located at the intersection of major streets are allowed one additional attached sign on the secondary facade subject to the following conditions:
 - a. The additional sign may not exceed 65% of the sign area permitted on the primary facade.
 - b. If the intersecting street provides access to residential development immediately behind the lot or if residential development is directly across the street from the secondary facade, then no additional sign is permitted.
3. In developments with multiple tenants, each tenant is allowed two canopy signs, with each limited to a maximum area of three sf.

§9.08.03 Detached Signs. Each premises is allowed one detached sign per street frontage subject to the following conditions:

1. A premises may have additional detached signs along a street frontage of 300 ft or longer provided the signs are no closer than 200 ft along that street frontage.
2. The maximum total sign area for all detached signs is calculated at one square foot per linear foot of street frontage up to a total sign area of 200 sf on each frontage. Multiple tenant developments may add 20 sf of sign area per tenant up to a total additional sign area of 100 sf on each frontage.
3. Highway Attractor Signs. In the C-2 District, nonresidential premises that adjoin or are within 1,200 ft of the centerline of the I-65 right-of-way and that have frontage and access on an arterial street may have one Highway Attractor Sign in addition to other permitted detached signs. Highway Attractor Signs are permitted a maximum sign area of 300 sf, which is not counted against the allowable sign area of other detached signs on the premises. The bottom edge of the sign must be at least 25 ft above the driving surface of the interstate. The overall height of the sign may not exceed 100 ft.
4. Secondary Signs on Double Frontage Lots. The maximum sign area of a detached sign oriented toward the secondary frontage is 20 sf if the lot is located across from or within 75 ft of a residential district; otherwise, the maximum sign area is 50 sf.
5. The maximum height of detached signs is based on the classification of the street on which the premises fronts and to which the sign is oriented, as follows:
 - a. Highway 67 and other arterial streets: 40 ft, except as otherwise permitted for Highway Attractor Signs
 - b. Collector streets: 25 ft
 - c. Minor streets: 12 ft

§9.08.04 Temporary Signs

1. During construction, only the following temporary signs are permitted:
 - a. For nonresidential development, one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
 - b. For developments including multiple residential lots, no more than six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet

above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.

2. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - a. At any time, each nonresidential premises is permitted one temporary sign per 75 ft of street frontage with each sign no larger than 16 sf in area nor taller than six feet above grade level.
 - b. At any time, each residential premises is permitted three temporary signs with each sign no larger than five sf in area and no taller than four feet above grade level.
 - c. For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the date of the initial opening of the business or other use and for up to 15 days from the date of the final closing of the business or other use. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
 - d. Temporary signs are permitted during repair, renovation or addition to an existing building as follows:
 - 1) For residential buildings, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area; be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.
 - 2) For nonresidential buildings, one additional temporary sign per premises may be posted for up to 60 days. The sign may not exceed 12 sf in sign area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

§9.09 C-3 DISTRICT

§9.09.01 General Standards

1. Permitted Signs. Only those signs expressly permitted in §9.06.06 and this Section are permitted.
2. Electronic Message Signs are permitted in C-3 Districts subject to §9.06.11.1.

§9.09.02 Attached Signs. Each ground floor tenant is permitted one attached sign subject to the following:

1. Attached signs may not exceed one square foot of sign per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive.
2. Properties located at the intersection of major streets are allowed one additional attached sign on the secondary facade subject to the following conditions.
 - a. The additional sign may not exceed 65% of the sign area on the primary facade.
 - b. If the intersecting street provides access to residential development immediately behind the lot or if residential development is directly across the intersecting street, then no additional sign is permitted.
- E. Window signs may not exceed 20% of the total glass area of the window. Illuminated window signs within five feet of any window are counted toward window sign area.
- F. Projecting Signs may not project more than five feet from the face of the building.
- G. In developments with multiple tenants, each tenant is allowed two canopy signs, with each limited to a maximum area of three sf.

§9.09.03 Detached Signs. Each premises is allowed one detached sign per street frontage subject to the following conditions:

1. A premises may have additional detached signs along a street frontage of 300 ft or longer provided the signs are no closer than 200 ft along that street frontage.
2. The maximum sign area for detached signs is calculated at one square foot per linear foot of street frontage up to a total sign area of 300 sf on each frontage. Multiple tenant developments may add 20 sf of sign area per tenant up to a total additional sign area of 200 sf on each frontage.

3. Highway Attractor Signs. Nonresidential premises that adjoin I-65 or that are within 1,200 ft of the centerline of the I-65 right-of-way and that have frontage and access on an arterial street may have one Highway Attractor Sign in addition to other permitted detached signs. Highway Attractor Signs are permitted a maximum sign area of 300 sf, which is not counted against the allowable sign area of other detached signs on the premises. The bottom edge of the sign must be at least 25 feet above the driving surface of the interstate. The overall height of the sign may not exceed 100 ft.
4. Secondary Signs on Double Frontage Lots. The maximum sign area of a detached sign oriented toward the secondary frontage is 30 sf if the lot is located across from or within 75 ft of a residential district; otherwise, the maximum sign area is 60 sf.

§9.09.04 Permanent detached signs on otherwise undeveloped property subject to the following:

1. Signs may not be stacked or erected side by side on the same support structure.
2. No part of the signs may extend closer than 25 ft to any interstate right-of-way. Where any other street or highway runs parallel to an interstate highway or is situated such that no land other than the public right-of-way is located between the interstate highway and such other street or highway, then the provisions of this paragraph and the provisions regarding spacing of signs along interstate highways, as set forth in this §9.09.04 apply to such other street or highway.
3. Signs may not be located within a 300-foot radius of any other permanent detached sign on undeveloped property and may not be placed on a premises with any detached sign.
4. Signs must face oncoming traffic, and no one side of the sign may be visible to traffic traveling in opposite directions at the same time from any point on the street or highway to which the sign is permitted.
5. Signs may not exceed 360 sf in area. The sign face may not be taller than ten feet nor longer than 36 feet.
6. Signs may not be located closer than 2,000 ft to another permanent, detached sign on undeveloped property on or along the same side of a street or highway. Along interstate highways the minimum distance between such signs is 1000 feet.
7. Along Highway 67 and I-65, signs may not be located closer than 200 ft (measured radially) or 400 ft (measured along the street line) to any Residential District. In all other cases, signs may not be closer than 400 feet, measured along the street line, to a residential district.
8. Signs may not be located closer than 100 feet to the nearest right-of-way of any existing or approved street intersection.

§9.09.05 Temporary Signs

1. During construction, one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
2. After initial construction, each premises is permitted the following temporary signs:
 - a. At any time, each premises is permitted one temporary sign per 75 ft of street frontage with each sign no larger than 16 sf in area nor taller than six feet above grade level.
 - b. One additional temporary sign may be posted for up to 15 days from the date of the initial opening of the business or other use and for up to 15 days from the date of the final closing of the business or other use. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
 - c. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not exceed 12 sf in sign area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

PENDING PUBLIC HEARING

ARTICLE 10 LANDSCAPING STANDARDS

This Article establishes standards for buffers required between incompatible land uses; screening of certain activities from public views, and landscaping associated with vehicular areas in multifamily and nonresidential developments. For the purposes of this Article, “fences” and “walls” have the same meaning.

§10.01 BUFFERS

The use of properly planted and maintained buffer areas reduces potential incompatibility between different uses of land in proximity to each other.

§10.01.01 Applicability. Buffers must be provided as specified in Table 10-1 and as described in this Section. Buffers are the responsibility of the developing land use. Buffer requirements are based on the developing land use and the existing, abutting use. Required yards, when corresponding with the buffer area, may overlap and may be counted toward buffer width requirements. A Landscaping Plan must be provided in accordance with [§10.05](#).

§10.01.02 Modifications. Buffer requirements may be modified by the approving authority as follows:

1. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly, the buffer may be modified to be consistent with the planned use of the neighboring property.
2. If the land use relationship between two abutting lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
3. Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
4. Buffers may not be used for parking, recreational use or any other purpose, except as follows:
 - a. The approving authority may permit a walkway through a buffer.
 - b. Public utilities and storm drainage facilities may be constructed in a buffer, as long as the buffer otherwise complies with this Section.

§10.01.03 Design Standards

1. Prior to occupancy of the premises, the buffer must provide an opaque visual barrier, from the ground to four feet above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six feet above grade throughout the length of the buffer.
2. Required plantings must be evergreen and may be supplemented with other plant materials.
3. The buffer width may be reduced as provided in Table 10-1 when a fence is provided that is five to seven feet tall and that meets the requirements in [§10.04](#).

§10.02 SCREENING

Screening provides visual separation of certain site elements from public areas and adjoining properties.

§10.02.01 Applicability. For all multifamily, nonresidential and mixed-use developments, the following require screening:

1. Garbage collection, recycling and refuse handling areas.
2. Maintenance areas or utility structures associated with a building or development.
3. Outside runs for veterinary clinics, animal shelters, and kennels.
4. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display.
5. Any other uses for which screening may be required by the reviewing authority.

TABLE 10-1 BUFFER REQUIREMENTS BY USE									
Developing Land Use	Existing Abutting Use								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	n/a	n/a	n/a			n/a	n/a
Attached, single-family	A	n/a	n/a	n/a	n/a			n/a	n/a
Multifamily	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Manufactured home parks, campgrounds	B	B	B	B	B			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry and Utilities									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width						Required trees per 120 lf		
	With fence/wall			Without fence/wall					
A	10 ft			20 ft			6		
B	20 ft			30 ft			8		
C	30 ft			40 ft			10		

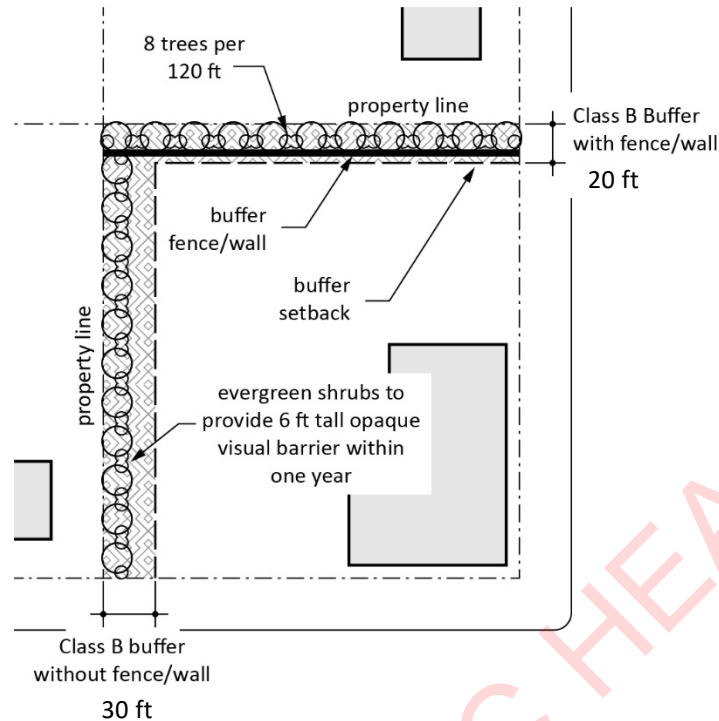


Illustration of Buffer Requirements

§10.02.02 Design Requirements. Screening must comply with the following and as required by the approving authority:

1. Location of the site element should be the first consideration in providing required screening. The approving authority may reduce requirements when the location of the element obscures it from public view and from neighboring properties.
2. Screening may not impede any drainage way or block access to any above-ground, pad-mounted transformer. The utility company may require a minimum clear distance.
3. The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
4. Multiple elements may be screened together.
5. Elements that produce objectionable noise or odors may be required to be located to minimize any nuisance to the public and abutting properties.
6. Shrubs, if used as the primary screening material, must be evergreen and spaced so that, at maturity, they create a solid, opaque screen. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight feet on center.

§10.02.03 Requirements for Specific Uses

1. Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate for access. The fence must be at least as tall as the container.
2. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.
3. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

§10.03 LANDSCAPING FOR VEHICULAR AREAS

§10.03.01 Applicability. These regulations apply to vehicular areas on a nonresidential, multifamily or mixed-use development used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. If the size of an existing vehicular area is increased by more than 20% or by ten or more spaces, the new vehicular area must comply with this Section.

§10.03.02 Requirements

1. Required trees must be a species that reaches a mature height of at least 15 ft.
2. Landscaping must comply with the requirements of [§3.03 Sight Distance](#).
3. Interior Landscaping
 - a. Each vehicular area that includes 40 or more parking spaces must have interior landscaping of at least 18 sf for each parking space.
 - b. Each landscaped island, peninsula or other area must contain at least one tree.
 - c. Landscaped areas must be laid out so that no parking space is further than 120 feet from the nearest landscaped area.
4. Perimeter Landscaping
 - a. Where the vehicular area abuts a side or rear lot line, a landscaping strip of five feet or wider must be provided and planted with evergreen shrubs and one tree per 50 ft of lot line. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.
 - b. Vehicular access between adjoining businesses and other compatible uses is encouraged. The width of such accesses is not included when calculating perimeter landscaping requirements.
5. Street Frontage Landscaping. Where a vehicular area is located between the front building line and the street, the following landscaping requirements apply:
 - a. A landscaped strip at least ten feet wide must be provided between any vehicular area and an adjoining street. All required trees and shrubs must be within the lot.
 - b. Shrubs must be evergreen and spaced no more than six feet on center.
 - c. At least one tree per 50 ft of street frontage must be planted. Trees must be evenly spaced to the degree practicable.
 - d. When a fence, meeting the requirements of [§10.04](#) and that is between 2.5 to 3.5 feet tall, is provided, the landscaping strip may be reduced to five feet and no shrubs will be required.

§10.04 DESIGN STANDARDS FOR FENCES

Fences used to meet the landscaping requirements of this Article are subject to the following:

- §10.04.01 Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.
- §10.04.02 Shrubs and trees must be planted on the exterior side of the fence.
- §10.04.03 If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface and spaced no greater than 50 ft on center.

§10.05 LANDSCAPING PLAN

A Landscaping Plan must be submitted with development applications involving required buffers, screening or landscaping. The plan must be drawn to a scale no larger than one-inch equals 50 ft.

§10.06 MODIFICATIONS

Planting requirements may be modified in any of the following circumstances, as determined by the approving authority:

- §10.06.01 Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.
- §10.06.02 Where impending development of adjacent property would make these standards unreasonable or impractical.
- §10.06.03 Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- §10.06.04 Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome.
- §10.06.05 Where such requirement may cause health or safety concerns.
- §10.06.06 Where such requirement cannot be met due to required clearances for existing utility lines. For new services, requirements may only be modified upon a recommendation by the TRC, after the developer has demonstrated that such utility service cannot be reasonably provided via another location.

§10.07 MAINTENANCE AND IRRIGATION

- §10.07.01 All fencing used to meet landscaping standards must be maintained in good condition and replaced or repaired as needed. Plant material required as part of any buffer, screen or landscaping must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- §10.07.02 Required trees and other plantings must be maintained to prevent any visual obstruction that would cause a hazard to motorists or pedestrians.
- §10.07.03 Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

This page intentionally left blank.

PENDING PUBLIC HEARING

ARTICLE 11 NONCONFORMITIES

§11.01 GENERAL PROVISIONS

- §11.01.01 Any parcel of land, use of land, or structure existing as of the effective date of this Ordinance, that does not conform to the requirements of this Ordinance may be continued and maintained subject to the provisions in this Article.
- §11.01.02 Nothing in this Article may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.
- §11.01.03 Nothing in this Article may be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official charged with protecting the public safety and who declares the structure to be unsafe and orders its restoration to a safe condition; provided the restoration is not otherwise in violation of this Ordinance.
- §11.01.04 No nonconformity may be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure conforms to the regulations of the applicable district upon being moved.
- §11.01.05 No use or structure that is accessory to a principal nonconforming use or structure may continue after the principal use or structure has ceased or terminated, unless it thereafter conforms to all of the regulations of this Ordinance.

§11.02 NONCONFORMING LOTS

- §11.02.01 If the owner of a nonconforming vacant lot owns adjoining land that may be combined with it in order to comply with the requirements of this Ordinance, the lots must be combined before the City issues a Building Permit or any approval required by this Ordinance for development of the lots.
- §11.02.02 If the owner of a nonconforming vacant lot of record does not own sufficient adjoining land to enable compliance with the area and dimensional requirements of this Ordinance, one building and its accessory structures may be built provided they conform as closely as possible, as determined by the ZBA, to the requirements of the applicable district, and further provided that no side yard, where required to be greater than five feet, may be reduced to less than five feet.

§11.03 NONCONFORMING USES

- §11.03.01 Generally
 - 1. A nonconforming use may not be changed to another nonconforming use, unless the ZBA finds the new nonconforming use reduces the degree of nonconformity. Such a change must be reviewed and approved as a Special Exception.
 - 2. Whenever a nonconforming use changes to a conforming use, it may not thereafter revert to the previous or any other nonconforming use.
 - 3. A nonconforming use may not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.
 - 4. When any nonconforming use is discontinued for a continuous period of more than 365 days, any subsequent use of the lot or structure, as applicable, must comply with the use regulations of the applicable district.
- §11.03.02 Nonconforming Uses of Land. A nonconforming open use of land may not be enlarged to cover more land than was occupied by the use when it became nonconforming.
- §11.03.03 Nonconforming Uses of Structures
 - 1. A nonconforming use of a structure may not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.

2. Nonconforming residential structures in any district, in which the residential use is not permitted, may be enlarged, extended, or structurally altered, provided no additional dwelling units are created, and the extension or alteration complies with all other requirements of this Ordinance.

§11.04 RECONSTRUCTION OF DAMAGED BUILDINGS OR STRUCTURES

- §11.04.01 Any nonconforming dwelling damaged by fire, wind, flood, or other causes, may be repaired, or rebuilt within the footprint and square footage of the nonconforming dwelling. The repairs or reconstruction must be initiated within 180 days and completed within 365 days of such damage. Other nonconforming structures damaged by fire, wind, flood or other causes up to 50% of their value prior to the damage, may be repaired or rebuilt within the existing footprint and square footage. If the damage exceeds 50% of the value of the structure, the structure must be made to conform to applicable zoning regulations, if repaired or rebuilt.
- §11.04.02 Any accessory structures such as storage buildings, detached garages, and similar buildings, which have been damaged by fire, wind, flood, or other causes, must be brought into compliance with the requirements of the applicable zoning district.

§11.05 NONCONFORMING STRUCTURES DEEMED UNSAFE

If a nonconforming structure or portion thereof or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it may not thereafter be restored, repaired, or rebuilt except in conformity with the district regulations.

ARTICLE 12 SITE PLAN APPROVAL

§12.01 APPLICABILITY

A site plan must be prepared by a licensed surveyor or registered professional engineer for all multifamily and nonresidential development for submission to and approval by the Building Official. No zoning permits, building permits or certificates of occupancy may be issued until the site plan has been approved by the Building Official.

§12.02 PROCEDURE

- §12.02.01 The applicant must file five copies of the proposed site plan and one copy in electronic PDF format **at least 21 days prior to the TRC meeting at which it is to be considered**. Upon receipt of a complete application **and all required materials**, the Building Official reviews the proposed site plan and refers it to the TRC for its recommendation. The applicant must appear before the TRC during its review of the site plan. The TRC may refer an application to the Commission for its recommendations if the proposed development includes any of the following
1. Adjusted peak hour trip generation greater than 10 per 1,000 sf of floor area, in accordance with the latest Trip Generation Manual or equivalent publication of the Institute for Transportation Engineers.
 2. Any one nonresidential use comprising 50,000 sf or more gross floor area.
 3. One or more nonresidential uses comprising a total of 80,000 sf or more gross floor area.
 4. Three or more nonresidential or mixed-use buildings on one undivided site.
- §12.02.02 Site plans involving special exceptions, variances or conditional uses must have been approved by the applicable authority prior to review by the TRC. **If the Building Official or TRC determines that any special exceptions, variances or conditional uses are required, then such requests shall be forwarded to the appropriate regulating body for consideration.**
- §12.02.03 Within 30 days of the applicant appearing before the TRC, the Building Official will approve or disapprove the site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance and with any conditions required for any Special Exception and Conditional Uses. The Building Official may not approve any site plan until it has been approved by the City Engineer.

§12.03 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Building Official must ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and any other applicable law, ordinance, or regulation.

§12.04 SUBMITTAL REQUIREMENTS.

- §12.04.01 The site plan must be of a scale no greater than one-inch equals 20 ft nor less than one inch equals 100 ft and of such accuracy that the Building Official can readily interpret the site plan, and must include more than one drawing, where required for clarity.
- §12.04.02 Every site plan submitted must include the following in sufficient detail to enable the Building Official to determine compliance with all applicable requirements:
1. The proposed title and street address of the project and the name of the owners, engineer, architect, designer, or landscape architect of the development, north arrow, and date.
 2. Vicinity map showing the location of the project in relation to the surrounding community, including adjacent zoning.
 3. Existing zoning district boundaries.
 4. For any approved Special Exceptions and Conditional Uses, all conditions imposed by the ZBA or Planning Commission, respectively, must be indicated on the site plan.

5. Names and addresses of all adjoining landowners.
 6. Acreage in total project; acres to be developed.
 7. The site plan must show all existing and proposed:
 - a. location of man-made and natural features, including but not limited to, buildings, stormwater facilities, waterways and easements, located on or adjacent to the site.
 - b. sanitary sewer and stormwater management improvements, water mains, culverts, and other public utilities and utility connections in or adjacent to the site.
 - c. streets (including right-of-way width), driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
 - d. location, size, and number of off-street parking spaces and any on-street parking spaces along the frontage of the site, and the identification of service lanes and service parking.
 8. Landscaping plan, including but not limited to:
 - a. location and dimensions of required and proposed landscaping areas and open spaces.
 - b. plant materials, ground cover, walkways and other improvements associated with required usable open spaces.
 - c. types and spacing of trees, shrubs and other plant materials for required parking lot landscaping and buffers.
 - d. height and materials of any fences or walls used to meet screening, buffer and other requirements.
 - e. method of irrigation.
 9. Lighting plan indicating location, height and method of shielding of all freestanding lights.
 10. Signage plan indicating location, height and sign area of all signs.
 11. Fire Protection. No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft of hose. Fire hydrants must be located no more than 500 ft apart as measured along the applicable street centerline. When proposed structures are not within 500 feet of a fire hydrant, installation of a fire hydrant may be required upon a recommendation by the fire authority. Upon a recommendation from the fire authority, shorter distances may be required upon consideration of property use and safety concerns.
 - a. Fire hydrants must be located within 100-ft of an FDC, or as recommended by the fire authority.
 - b. FDC's must be marked, clearly identifying the structure it serves, in a location approved by the fire authority.
 - c. If an existing fire hydrant is located within 500 ft but is across a major street or highway, installation of a hydrant on the development side is required, as determined by the fire authority.
 - d. The fire authority may require additional regulations as needed, if deemed necessary to protect public health, safety, and general welfare.
 12. Any other information deemed necessary by the approving authority to determine compliance with all applicable zoning and other requirements and conditions.
- §12.04.03 After TRC review, the applicant must submit ~~one copy of~~ the revised site plan to the Building Official. If referred to the Commission for its recommendation, the applicant must submit 10 copies of the revised site plan. In either case, the submittal must include all required information in PDF format and must include the following:
1. 3 copies of construction drawings, if revised.
 2. Documentation/letters showing all applicable utilities, County & State reviews and approvals.
 3. Notation of any Special Exception, Conditional Use or Variance approvals and any associated conditions required by the ZBA or Commission.

§12.05 EXPIRATION

An approved site plan expires and will be of no effect 365 days after the date of issuance, unless within such time the Building Official has issued a building permit or certificate of occupancy for any proposed work authorized under the approved site plan certificate.

§12.06 AMENDING OF SITE PLAN CERTIFICATE

Changes to a site plan and certificate must be approved by the Building Official.

PENDING PUBLIC HEARING

ARTICLE 13 ADMINISTRATION

§13.01 GENERAL PROCEDURE

§13.01.01 General Sequence of Steps

1. All persons desiring to change the use of a building or lot, including enlarging, expanding or moving a building, must receive zoning authorization from the Building Official. If new construction, structural alteration or other changes are proposed that are subject to the City Building Code, a Building Permit must be applied for and approved before any such work begins. No construction or grading may be undertaken prior to the issuance of a Zoning Permit and/or Site Construction Permit, except for agricultural activities, the normal grading of roadways and driveways, or the replacement of a septic tank.
2. Before the Building Permit application is considered, the Building Official must determine that the proposed work is in compliance with this Ordinance. If the proposed work requires approval by the ZBA, Planning Commission or City Council, such approval must be granted and the site plan approved, and site-construction permit issued, as required, before a Building Permit application is considered.
3. After the Building Permit has been approved, the applicant may proceed with the work authorized under the permit.
4. Upon completion of the work, the applicant must apply to the Building Official for a Certificate of Occupancy. If the Building Official finds that the work has been completed in accordance with the permits issued and all applicable City regulations, he will issue a Certificate of Occupancy allowing the premises to be occupied.

§13.02 BUILDING OFFICIAL

§13.02.01 The provisions of this Ordinance and the City Building Code are administered and enforced by the Building Official, who has the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy to inspect the buildings or premises as necessary to the enforcement of these Regulations.

§13.02.02 Duties and Powers. The Building Official receives and examines all applications required under the terms of this Ordinance and issues or refuses permits within 30 days of the receipt of complete applications. The Building Official issues a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He keeps records of applications, permits, certificates of occupancy, inspections, reports rendered and of notice of orders issued, and makes all required inspections and performs all other duties as called for in this Ordinance.

§13.03 PERMITS

§13.03.01 The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and the purpose of the Building Permit is to determine compliance with the provisions of the City Building Code. The purpose of the Site Construction Permit is to ensure site development in accordance with an approved site plan. After the effective date of this ordinance, no person may initiate site construction or grading, except as outlined in §13.01.01(1), until a Site Construction Permit is issued by the City in accordance with §13.03.02, and no person may erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land until a Zoning Permit and a Building Permit, if applicable, have been issued by the Building Official. One copy of any required permits must be kept in a conspicuous location on the premises; and no person may perform construction operations of any kind unless the required permits are so displayed. The Building Official may revoke such permits at any time, if it appears that the application is in any material respect false or misleading, or that work being done upon the premises differs materially from that permitted or is in violation of this Ordinance or the City Building Code.

§13.03.02 Following site plan approval, but prior to the start of any on-site development, a pre-construction meeting including the Developer, the site General Contractor, and all applicable utility providers must be held. A site construction permit must be issued by the City prior to the initiation of any excavation and/or infrastructure

development. All developers, contractors, and sub-contractors must meet all licensing requirements of the City and any applicable regulatory bodies and agencies. The Developer must notify the City of any contractor change within seven days of any such change. In the event a contractor change occurs without City notification, the developer shall be responsible for any damages that occur during the delayed notification period.

Installation must conform strictly to the approved site plan, as approved. Any change to an approved site plan requires immediate notification to the City, and any utilities involved to prevent any resulting conflicts. The City shall consider the proposed change to ensure compliance with all City rules, regulations, and ordinances, and determine if any further approvals, or re-approvals, are necessary. The City may require whatever documents, materials, and fees, as deemed necessary by the City, to make such determination. Any approved change must be documented on the site plan.

The City may revoke or suspend a site construction permit for any reason to protect public health, safety, and general welfare.

§13.03.03 Occupancy Permits. The purpose of a Certificate of Occupancy is to certify that the premises comply with the provisions of this Ordinance and the City Building Code and may be used for the purposes set forth in the Certificate. Prior to the use or occupancy of any building for which a Zoning Permit is required, or for any change or use of any existing building or for any change of use of land, a Certificate of Occupancy must be secured. A copy of the Certificate of Occupancy must be kept upon the premises and must be displayed upon request by an officer of the City. All applications for Certificates of Occupancy must be made on forms provided by the Building Official. After the owner has notified the Building Official that a building or premises, or part thereof, is ready for occupancy or use, the Building Official will make a final inspection there and to issue a Certificate of Occupancy if the building and premises are found to conform with this Ordinance and the City Building Code; or if such certificate is refused, to state the refusal in writing with the cause.

§13.03.04 Approval of Plans and Issuance of Building Permit.

1. The Building Official may not approve any plans or issue a building permit for any excavation or construction until he has inspected the plans in detail and found them in conformity with this Ordinance.
2. The final approved site plan, including one hard copy and one electronic copy, must be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the approved site plan.
3. Building permits become null and void if construction does not begin with one year or if work above the foundation has not begun within two years from the date of issuance.

§13.04 AMENDMENTS

§13.04.01 Initiation of Amendment.

1. The regulations, restrictions, procedures, official zoning map, district regulations, and other material set out in this Ordinance may from time to time be amended, supplemented, changed or repealed. Proposed changes or amendments may be initiated by:
 - a. City Council.
 - b. Planning Commission.
 - c. Board of Adjustment.
 - d. Any other Department or Board of the City.
 - e. The owner or authorized agent of the subject property.

§13.04.02 Application. An application for any amendment must be filed with the Building Official on forms provided by the City and must be accompanied by:

1. A non-refundable application fee as established by the City Council to cover the costs of advertising and other administrative expenses involved.

2. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
3. A legal description of the property to be zoned.
4. A letter from the appropriate utilities stating that said utilities are available to serve the proposed use.
5. For Planned Development Districts only, a conceptual site plan, drawn to scale, showing: the dimensions of the property, access to a public street, existing buildings and proposed buildings if applicable. See §6.03 PD Planned Development District.
6. Any supplemental information which will assist the Commission in reviewing the zoning amendment.

Applications and all accompanying documents must be in both paper and electronic PDF format and must be filed with the Building Official at least 21 days prior to the ~~Commission TRC~~ meeting at which the application is to be considered. The Building Official must first determine that the application is complete before the amendment may be placed on the agenda for consideration by the ~~Commission-TRC~~.

§13.04.03 Procedure.

1. Proposed amendments must first be submitted to the ~~Commission TRC~~ for its recommendation and report. ~~Following receipt of the TRC's recommendation, The~~ the Commission has 60 calendar days within which to submit its recommendations to the Council. For amendments to the zoning map and adoption or amendment of appropriate regulations to be enforced therein, the Commission must hold a public hearing and give public notice thereof, as required by law. If the Commission fails to submit a report within the 60-day period, it is deemed to have recommended the proposed amendment and the Council will proceed to hold a public hearing pursuant to §11-52-77 of the Code of Alabama, 1975, as amended.
2. Public Notice
 - a. Owners of property adjoining the subject property, as their names appear upon the plats of the Tax Assessor, must be notified by mail of the date, time, place and nature of the public hearing at least six days prior to the Commission hearing and at least 15 days prior to the Council hearing.
 - b. The proposed ordinance will be posted in four conspicuous places in the City at least 15 days prior to the hearing for the proposed ordinance, together with a notice stating the time and place that the ordinance is to be considered by the City Council.

§13.04.04 Limitation on Initiation of Amendments. No action may be initiated for an amendment to this Ordinance affecting the same parcel of land more than once in 12 months, unless specifically authorized by vote of the Council on the grounds that the circumstances and conditions have changed significantly since the prior hearing.

§13.05 CONDITIONAL USE REVIEW

The Commission hears and decides requests for approval of Conditional Uses specified in the district regulations. Conditional uses are those that pose potential impacts different or greater than those of permitted uses or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land uses in the vicinity; whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Ordinance, and any other development policies and/or regulations of the City; and whether and to what extent all steps possible have been taken by the developer to minimize adverse effects on surrounding properties and on the public health, welfare and safety in general.

§13.05.01 Procedure

1. ~~A Conditional Use application must be submitted to the Building Official at least 21 days before the next scheduled Commission meeting date.~~ Proposed Conditional Uses must first be submitted to the TRC for its recommendation and report. The applicant must submit a Conditional Use application at least 21 days prior to the TRC meeting at which it is to be considered. Upon receipt of a complete application and all required

materials, the Building Official reviews the proposed Conditional Use and refers it to the TRC for its recommendation. The applicant must appear before the TRC during its review.

2. Submittal Requirements. Conditional Use applications must include those materials required for site plan review in [§12.04](#) and the following:
 - a. One or more maps showing the location of the proposed use in relation to adjoining neighborhoods and business areas, including existing uses.
 - b. Location of exterior lighting and signs, including any illumination of signs.
 - c. Any noise, smoke, odors and other impacts that will be produced by the proposed development that may affect adjacent properties and associated mitigation measures.
3. Upon receipt of ~~a complete application~~ the TRC's recommendation, a public hearing before the Commission will be scheduled with notice provided to adjoining and adjacent landowners. Following the public hearing, the Commission will evaluate and approve, approve with conditions or disapprove the request, advising the applicant in writing of the decision, including any changes or conditions required by the Commission. The applicant must appear in person or by agent at the Commission meeting. Appeals of the Commission's decision are heard by the City Council.
4. Approval of a Conditional Use is void after 12 months if no Building Permit or a business license for the proposed use is not issued, or if the Conditional Use ceases for a continuous period in excess of six months.
 - a. The Commission may extend the time limit for a Conditional Use where a Building Permit or business license has not been issued, so long as such approval is granted prior to the original expiration date. Such extension may not exceed 12 months. Any changes to the original Conditional Use proposal shall require re-approval by the Commission, including public hearings as required for original approval.

§13.05.02 Criteria. In determining whether to approve a Conditional Use, the Commission will consider and may require conditions on the proposed use to assure the following:

1. Satisfactory ingress and egress, motorist and pedestrian safety and convenient traffic flow.
2. General compatibility with adjacent properties, neighborhood and business area, as applicable.
3. Compatibility of the bulk, density and lot coverage with that of adjoining properties.
4. Compatibility with land use, transportation and other development policies of the Master Plan.
5. Availability, location and adequacy of utilities.
6. Mitigation of any potential economic, noise, glare, and odor effects on adjoining properties.
7. Adequacy of buffering and screening of potentially adverse views and activities from surrounding properties.

If the Commission finds the proposed development is not within the spirit and intent of the district, does not meet, or is not capable of meeting, despite conditions the Commission could reasonably impose, the above criteria, the Commission may disapprove the proposed Conditional Use, providing the grounds for disapproval in writing to the applicant.

§13.05.03 Conditions. The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest, in relation to the issues listed above and to any other factor it deems relevant. Such approval and conditions will be attached to the property, structure, and/or use and not to a particular person. Violations of conditions attached to the Conditional Use are considered violations of this Ordinance.

§13.06 STATUTORY REVIEW BY COMMISSION

The Commission reviews the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with §11-52-11 of the Code of Alabama. The purpose of such review is to determine whether or not the projects are consistent with the Comprehensive Plan. The Commission's findings and recommendations are transmitted to the Council.

§13.07 REMEDIES AND PENALTIES

- §13.07.01 Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this Ordinance or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, to use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure use in or about such premises.
- §13.07.02 Penalties for Violation. Penalties for violation of this Ordinance may be instituted as prescribed in §11-45-9 of the Code of Alabama.

PENDING PUBLIC HEARING

ARTICLE 14 BOARD OF ADJUSTMENT

§14.01 ESTABLISHMENT OF BOARD OF ADJUSTMENT

The Board of Adjustment (ZBA) previously established is hereby continued, and its members are appointed, and vacancies are filled in accordance with §11-52-80 and §11-52-81 of the Code of Alabama. Members may be removed for cause by the Council upon written charges and after a public hearing.

§14.01.01 The ZBA consists of five appointed members. The initial appointments are to be staggered, one for three years, two for two years, and two for one year. Successive terms are for three years. An appointment to fill a casual vacancy is only for the unexpired portion of the term. All members, including any alternate member provided for in this subsection, must be bona fide residents and qualified electors of the City of Priceville.

§14.01.02 In addition, two supernumerary members are appointed to serve at the call of the Chairman only in the absence of regular members and, while so serving, have the power and authority of regular members. Supernumerary members are appointed for three-year terms and are eligible for reappointment.

§14.02 MEETINGS, PROCEEDINGS AND RECORDS

§14.02.01 Meetings are held at the call of the Chairman and are open to the public. The ZBA must adopt and publish rules of procedure; keep minutes of its proceedings; and keep records of its official actions, all of which must be a public record. The ZBA has the power to take testimony under oath and compel the attendance of witnesses.

§14.02.02 A quorum for the transaction of business consists of four members.

§14.02.03 Any member having private or personal interests in a matter coming before the ZBA must disqualify himself from all participation in that case; or he may be disqualified by the votes of four members, not including the member about whom the question or disqualification has been raised. No member of the ZBA may appear before the Planning Commission or Council as agent or attorney for another person.

§14.03 DUTIES AND POWERS

§14.03.01 The ZBA has the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance in accordance with [§14.04. Administrative Appeals](#).
2. To hear and decide Special Exceptions for uses designated in Articles 4, 5 and 6 and any other Special Exceptions provided for in this Ordinance in accordance with [§14.05 Special Exceptions](#).
3. To authorize upon appeal in specific cases, Variances from the provisions of this Ordinance in accordance with [§14.06 Variances](#).
4. To hear, decide upon and issue abatement orders in accordance with [§14.07 Abatement of Hazard or Nuisance](#).

§14.03.02 Decisions of the ZBA

1. The ZBA may reverse or affirm, wholly or in part; may modify the order, requirement, decision, or determination appealed from; may make such order, requirement, decision or determination as ought to be made; so long as the action conforms with the terms of this Ordinance, and to that end has the powers of the Building Official from whom an appeal is taken.
2. The concurring vote of four members is required to reverse any order, requirement, decision or determination of the Building Official, to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.

§14.04 ADMINISTRATIVE APPEALS

§14.04.01 Appeals to the ZBA may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Building Official. Appeals must be filed within 30 working days of the

date of the decision. Appeals must be filed in writing on forms made available by the City. The Building Official must transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.

§14.04.02 The ZBA must fix a reasonable time for the hearing of the appeal and give public notice in the same manner as required for a zoning amendment hearing.

§14.04.03 An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the ZBA after the notice has been filed, that by reason of facts cited in the certification a stay would cause imminent peril to life or property. In such case, proceedings may be stayed otherwise than by a restraining order, which may be granted by the ZBA or by a court of record on application, on notice to the Building Official and on due cause shown.

§14.05 SPECIAL EXCEPTIONS

§14.05.01 Applications for Special Exceptions must be filed at least 20 working days before the scheduled hearing date before the ZBA. The application must be filed on a form made available by the City. The City must provide notice to all adjoining property owners.

§14.05.02 The ZBA will review requests for compliance with this Ordinance and all other applicable regulations of the City. The ZBA must determine that satisfactory provisions have been made concerning the following, among other considerations:

1. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
2. The location and accessibility of off-street parking and loading areas.
3. The location and accessibility of refuse and service areas and potentially adverse effects on surrounding properties.
4. The screening and buffering of potentially adverse views and activities from surrounding properties.
5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
6. The availability, location, and capacity of utilities.
7. The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties.
8. The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area.

§14.05.03 The ZBA may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Any conditions apply to the land, structure and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.

§14.06 VARIANCES

An application for a variance from the requirements of this Ordinance may be filed by a property owner where it is claimed that, by reason of exceptional narrowness, shallowness, or shape, or by reason of exceptional topographic conditions, or other exceptional conditions of such piece of property existing on the effective date of this Ordinance, the strict application and literal enforcement of this Ordinance would result in exceptional and unnecessary hardship.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with this Ordinance.

§14.06.01 Application. An application must be filed on forms made available by the City. A hearing before the ZBA will be granted within 30 days of receipt of a complete application with necessary supporting materials. All currently

applicable public notice requirements and time limits must be met prior to holding the hearing. In the event that a set hearing is cancelled or postponed, for any reason, a new public notice period must be met.

§14.06.02 Criteria. The applicant must show that the variance, if granted, will conform to all the criteria listed below:

1. The variance will not allow establishment of a use not permitted in the district.
2. There are conditions peculiar to the land or buildings that do not apply generally to land or buildings in the vicinity, and the conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of the land or buildings.
3. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
4. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
5. The variance will not grant any special privilege that is denied to other land or structures in the same zoning district.
6. The variance as requested is the minimum variance that will enable the reasonable use of the property.
7. The variance will be in harmony with the general purpose and regulations of the district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

§14.06.03 Conditions. The ZBA may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to a variance are considered violations of this Ordinance.

§14.07 ABATEMENT OF HAZARD OR NUISANCE

The ZBA may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The ZBA may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the ZBA, notice of which is sent by registered mail to the owners and/or operators of the property on which the use is conducted and to owners of property within 300 ft of the concerned property, in addition to due notice by advertisement in a newspaper of general circulation. The ZBA holds an abatement hearing upon receipt of a petition signed by any person affected by the hazard or nuisance or on its own initiative. The ZBA will issue an abatement order only upon finding that reasonable evidence has been presented of the hazard or nuisance. The order must specify the date by which the hazard or nuisance must be abated.

§14.08 REHEARINGS

§14.08.01 All decisions rendered by the ZBA are final and binding on all parties. No appeal of an administrative decision, or decision on a variance or a special exception may be reheard, and no further application may be accepted once a decision has been rendered except under one or more of the following conditions:

1. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
2. The decision resulted from an error in procedures made by the ZBA, the Building Official, or any other City officials.
3. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

§14.08.02 Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing. Any applicant wishing a rehearing must appear before the ZBA to present one or more of the qualifying conditions listed in this Section. If the ZBA finds that one or more of the qualifying conditions exist, the applicant may submit a new application to be heard at a subsequent meeting.

§14.09 APPEALS FROM DECISIONS OF BOARD

Any person aggrieved by a decision of the ZBA may within 15 days thereafter appeal the decision to the appropriate court of law by filing with the ZBA a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the ZBA must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried de novo.

PENDING PUBLIC HEARING

blank page

PENDING PUBLIC HEARING

Appendix

- A. Traffic Study Requirements
- B. Forms, Applications, and Documents
- C. Application Checklists

blank page

PENDING PUBLIC HEARING

Traffic Study Requirements

A traffic study is an engineering investigation to evaluate transportation systems performed by a licensed engineer. The study is a means of identifying and documenting any deficiencies or improvements, both operational and physical, necessary to accommodate current or projected traffic volumes.

When required, the cost of the study is the responsibility of the Developer. Subject to the authorization of the Mayor, the study may be made by the City, agencies cooperating with the City, or experts acceptable to the City that have been approved prior to commencement of the study. Additional requirements to those outlined below may be required dependent on the nature and scope of the proposed development. In any case, the Developer must confer with the City Engineer for any additional requirements.

Minimum Requirements

The study should follow and adhere to Traffic Engineering best practices and consist of typical phases, such as:

- 1) Data collection
- 2) Traffic forecasting for current and future demand
- 3) Impacts to existing road networks and intersections
- 4) Congestion and/or safety concerns

The study should also include Level of Service (LOS) information for existing conditions and future conditions as a result of proposed project impacts, whether commercial or residential, along with recommended solutions to mitigate any issues identified in the study.

blank page

PENDING PUBLIC HEARING

Appendix B: Forms, Application, and Documents

- Forms, applications, and documents provided herein must be used as the standard. No other variations will be accepted unless pre-approved by City staff and/or the City attorney.
 - Many forms, applications, certificates, referenced or related documents, and/or pdf files of such can be found online – please visit:
<https://www.cityofpriceville.com/departments/planning-commission/>
 - Please contact city staff for assistance or if you are unable to locate a needed document.
-

- Planned Development Submittal Statement (at time of application)
- Zoning Applications (rezoning & pre-zoning) – see website
- ZBA Application (Admin Appeal, Special Exception, Variance) – see website
- Conditional Use Application – see website
- Annexation – see website
- Non-Residential & Multi-Family Site Application – see website (site plan application)
- Site Construction Permit – see website (after site plan approval)
- Non-Residential & Multi-Family Site Application – see website (site plan application)

[On Developer Letterhead]

PLANNED DEVELOPMENT SUBMITTAL STATEMENT

(DATE)

Developer/Owner: (full entity name)

Address:

Subject Property: (full development/project name)

The undersigned, on behalf of the Developer/Owner of property named herein, hereby acknowledges that it has read, understands and is familiar with all requirements and regulations of the City of Priceville applicable to the property and development of same, and expresses its commitment to full compliance with all requirements and regulations of the City of Priceville. The undersigned further understands that any City of Priceville requirements or regulations shall apply to the development of the property, regardless of whether any non-complying condition is noted on or made a part of approved zoning or development plans.

The undersigned further certifies the following, in accordance with Priceville Zoning Ordinance §6.03.03(2,b):

- No modifications, variances, or omissions of any submittal requirements, PD District regulations, other applicable zoning ordinance regulations or subdivision regulations are needed or requested.
- Modifications, variances or omissions to City of Priceville requirements or regulations are hereby requested as attached, with detailed reasons for such request(s). (see Attachment A)

This statement applies to the referenced property located within the City of Priceville, Alabama.

By: [Printed Name]
[Full Entity Name] Its: [position]

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, , a Notary Public in and for said County in said State, hereby certify that , whose name as (title) of (entity), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, as such officer and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and seal, this the , day of , 20.

Notary Public
My Commission Expires

Appendix C: Application Checklists

- Checklists herein are provided as a guide. It is the applicant's responsibility to ensure compliance with all requirements. Any deficiency within these checklists does not relieve the applicant from meeting any such requirement.
-

- Zoning Checklist – Standard
- Zoning Checklist – Planned Development
- Annexation Checklist

PENDING PUBLIC HEARING

STANDARD ZONING CHECKLIST

Property Location

Owner

- ☐ Re-Zoning
- ☐ Pre-Zoning (prior to annexation)

Submittal Date _____

At time of application (no later than 21-days prior to TRC):

_____ Complete and notarized application, including any applicable agent authorization statements

- Deed(s) required as part of application ~ ALL owners shown in deeds must sign the application

_____ Fee: \$500.00

- Additional public notices and mailings fees apply(TBD following TRC). The fees are determined by the number of property adjoiners, number of signs required, current postage and sign costs

_____ Vicinity map showing the location and zoning of the property, along with that of adjacent properties

_____ Legal description of property being zoned/re-zoned

_____ Statements from all utility providers that they have the capacity and ability to readily serve the property

- East of I-65: Priceville Sewer, NEMCW, JWEMC, WBNG
- West of I-65: Priceville Sewer, Decatur Utilities (water), JWEMC, WBNG

_____ Above items also submitted in PDF format

PLANNED DEVELOPMENT ZONING CHECKLIST

Property Location

Owner

- ☐ Re-Zoning
- ☐ Pre-Zoning (prior to annexation)

Submittal Date _____

Pre-Application Conference (no later than 21-days prior to TRC):

- _____ Written request
- _____ Design concepts (if available)

At time of application (no later than 21-days prior to TRC):

- _____ Complete and notarized application, including any applicable agent authorization statements
- Deed(s) required as part of application ~ ALL owners shown in deeds must sign the application
- _____ Fee: \$500.00
- Additional public notices and mailings fees apply(TBD following TRC). The fees are determined by the number of property adjoiners, number of signs required, current postage and sign costs
- _____ Vicinity map showing the location and zoning of the property, along with that of adjacent properties
- _____ Legal description of property being zoned/re-zoned
- _____ Statements from all utility providers that they have the capacity and ability to readily serve the property
- East of I-65: Priceville Sewer, NEMCW, JWEMC, WBNG
 - West of I-65: Priceville Sewer, Decatur Utilities (water), JWEMC, WBNG
- _____ All requirements found in §6.03.03(2-a) and §6.03.08
- _____ 5 copies of an organized and bound document meeting all requirements above
- _____ PD submittal statement ~ §6.03.03(2-b) – (any requested modifications, variances, omissions to requirements)
- _____ Above items also submitted in PDF format

Following TRC Review:

- _____ Any special studies or reports (determined by TRC)
- _____ Any other necessary items determined by TRC

Annexation submittal checklist

Property Owner Name

Submittal Date _____

At time of application: (no later than 21-days prior to TRC)

Annexation Packet:

ALL OWNERS MUST BE LISTED AND/OR SIGN WHERE APPLICABLE

- _____ Annexation questionnaire
- _____ Notarized annexation petition
- _____ Notarized zoning application
- _____ If applicant is not the owner, a certified statement from the owner must be attached
- _____ Proof of ownership of the property (*i.e.*, deed, current title opinion, title binder, or abstract)
- _____ Proof from the Morgan County Tax Assessor showing the property is currently assessed for Ad Valorem tax purposes in the name matching the proof of ownership
- _____ Legal description of the property (a property deed, or one prepared by a licensed attorney, surveyor)
- _____ A plat or map of the property matching the legal description