

## ENTERPRISE PLANNING COMMISSION SPECIAL CALLED MEETING MINUTES 10-10-2023

The Enterprise Planning Commission convened in a Special Called meeting on Tuesday, October 10, 2023, at 4:30 p.m. in the Council Chambers at City Hall with the following members:

Present: Lorenzo Harrison, Chairman  
Justin Daugherty  
Fox Fleming  
Mark Goodson, Vice Chairman  
Scotty Johnson  
Lee Milliner  
Shannon Roberts  
Kenneth Rogers  
Richard Woodham

Absent: None

Also Present: Barry Mott, City Engineer and Director of Public Works  
Thomas Hardy, Assistant Director of Engineering  
Kim Hughes, Administrative Assistant

Mr. Harrison called the meeting to order.

### **Review of Minutes**

Mr. Daugherty made a motion, seconded by Mr. Rogers, to approve the minutes from the September 26, 2023 meeting. The motion carried unanimously.

### **Old Business**

1. A request by Longleaf Engineering, LLC, for final plat approval of The Townes at Crosswinds Subdivision.

Mr. Mott stated staff recommends approval contingent upon completion of minor punch list items; completing the lift station, repairing some minor inverts in the manholes.

There was no public comment.

Mr. Fleming made a motion, seconded by Mr. Daugherty, to approve the request by Longleaf Engineering, LLC, for final plat approval of The Townes at Crosswinds Subdivision contingent upon punch list items being complete before being presented to Council. The motion carried with a vote of 8 ayes and 1 nay (S Johnson).

### **New Business**

1. A request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road.

Mr. Hardy recommended tabling this request to the regularly scheduled meeting on October 24, 2023 in order to address concerns staff has before bringing the request to the Commission for approval.

There was no public comment.

Mr. Milliner made a motion, seconded by Mr. Daugherty, to table the request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road. The motion carried unanimously.

**Such other business as may come before the commission.**

Mr. Hardy stated that future Planning Commission meetings will be held at the Enterprise Farmers Market located at 525 N. Main St., Enterprise, Alabama, due to renovations at City Hall. Construction should be complete by the end of 2024.

**Adjournment**

There being no further business before the Commission, Mr. Woodham made a motion to adjourn, seconded by Mr. Rogers. The motion carried unanimously and Mr. Harrison declared the meeting adjourned.

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Lorenzo Harrison, Chairman

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Thomas Hardy, Assistant Director

## ENTERPRISE PLANNING COMMISSION MEETING MINUTES – OCTOBER 24, 2023

The Enterprise Planning Commission convened on Tuesday, October 24, 2023, at 4:30 p.m., at the Enterprise Farmers Market located at 525 N. Main St., Enterprise, Alabama with the following members:

Present: Lorenzo Harrison, Chairman  
Justin Daugherty  
Fox Fleming  
Mark Goodson, Vice Chairman  
Scotty Johnson  
Lee Milliner  
Shannon Roberts  
Richard Woodham

Absent: Kenneth Rogers

Also Present: Barry Mott, City Engineer and Director of Public Works  
Thomas Hardy, Assistant Director of Engineering  
Rainer Cotter, City Attorney  
Kim Hughes, Administrative Assistant

Mr. Harrison called the meeting to order.

### **Review of Minutes**

Mr. Daugherty made a motion, seconded by Mr. Milliner, to approve the minutes from the September 26, 2023 meeting. The motion carried unanimously.

### **Old Business**

1. A request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road.

Mr. Hardy stated from a planning and zoning perspective, the use and the site plan meets the City's minimum requirements.

Mr. Mott recommended approval contingent on AL DOT approval of the intersection at Highway 167 and the intersection on Salem Rd. where truck traffic will be routed onto Hwy. 167. The Engineer has agreed to core Salem Road to see if it can handle truck traffic. Improvements to Salem Rd., if necessary, are to be handled by Reeves Engineering.

Mr. Johnson has concerns about ingress/egress onto Salem Rd. During the first presentation of the site plan at the October 10, 2023 meeting, the Engineer stated there would be no entrance/exit from the development onto Salem Rd.

Mr. Woodham has concerns about truck traffic coming down Salem Rd. from Shellfield Rd. and Highway 27.

Commission members spoke about concerns with the extra traffic from this development at this intersection. Mr. Mott stated that in his discussions with AL DOT, they feel that a traffic light is not warranted at this time.

Mr. Harrison said he felt like that the Commission's safety concerns and the fact they do not have enough information at this time to make a decision on this request.

Ron Reeves with Reeves Engineering & Construction presented information on this request about his conversations with AL DOT. He stated this most recent drawing was approved by AL DOT other than placement of the pumps. Mr. Reeves demonstrated for the Commission the updated drawing detailing the changes for the pumps.

After much discussion between Mr. Reeves and the Commission about AL DOT's input on the project, traffic, and turning radiuses for truck traffic, Mr. Reeves concluded his presentation.

Mr. Mott is of the opinion that staff has not had adequate time to review the most recent site plan submittal and recommends tabling this request.

There was no public comment.

Mr. Woodham made a motion, seconded by Mr. Fleming, to table the request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road. The motion carried unanimously.

Mr. Milliner made a motion, seconded by Mr. Daugherty, to move the regularly scheduled November meeting from the 28<sup>th</sup> to November 14, 2023.

**New Business** None.

**Such other business as may come before the commission.**

Mr. Woodham made a motion, seconded by Mr. Goodson, to move the regularly scheduled December meeting from the 27<sup>th</sup> to December 12, 2023.

**Adjournment**

There being no further business before the Commission, Mr. Milliner made a motion to adjourn, seconded by Mr. Woodham. The motion carried unanimously and Mr. Harrison declared the meeting adjourned.

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Lorenzo Harrison, Chairman

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Thomas Hardy, Assistant Director



## ENTERPRISE PLANNING COMMISSION MEETING MINUTES – NOVEMBER 14, 2023

The Enterprise Planning Commission convened on Tuesday, November 14, 2023, at 4:30 p.m. at the Enterprise Farmers Market with the following members:

Present: Lorenzo Harrison, Chairman  
Justin Daugherty  
Fox Fleming  
Mark Goodson, Vice Chairman  
Scotty Johnson  
Lee Milliner  
Shannon Roberts  
Richard Woodham

Absent: Kenneth Rogers

Also Present: Barry Mott, City Engineer and Public Works Director  
Thomas Hardy, Assistant Director of Engineering  
Rainer Cotter, City Attorney  
Kim Hughes, Administrative Assistant

Mr. Harrison called the meeting to order.

### **Review of Minutes**

Mr. Woodham made a motion, seconded by Mr. Daugherty, to table the minutes from the October 24, 2023 meeting. The motion carried unanimously.

### **Old Business**

1. A request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road.

Mr. Cotter apologized to all present that he had just recalled ordinance 07-05-17, which established a truck route and prohibits truck traffic on all City Streets except those stated in the truck route. He told the Commission that this ordinance may have a significant impact on this particular development, as police officers could lawfully cite trucks as they came out of the parking lot onto Salem Rd.

Mr. Jonathan Tullos pointed out that the development itself does not violate the ordinance.

Mr. Goodson, as well as some of the other Commission members, were under the impression there would be no traffic directed onto Salem Rd. from the development.

The Commission agreed to move to the next agenda item so that Mr. Mott, the Engineer, and the Developer could further discuss the request to attempt to come to a solution regarding ingress and egress on Salem Rd.

**New Business**

1. A request by Deanna Hyche on behalf of The Broadway Group, LLC, for site plan approval for a Dollar General within an approved B-3 zone (Business District) located at 100 Jackson Street.

Mr. Hardy stated that The Broadway Group has been on point with application, plan, and construction submittal requirements and staff recommends approval.

Ms. Hyche stated the plans for this development would mirror the last Dollar General structure that was approved and built in Enterprise.

There was no public comment.

Mr. Woodham made a motion, seconded by Mr. Milliner, to approve the request by Deanna Hyche on behalf of The Broadway Group, LLC, for site plan approval for a Dollar General within an approved B-3 zone (Business District) located at 100 Jackson Street. The motion carried unanimously.

2. A request by Waffle House, Inc for site plan approval of a Waffle House within an approved B-3 zone (Business District) located at 6008 Boll Weevil Circle.

Mr. Hardy stated that Mr. Fleming would recuse himself from this agenda item as he has a conflict of interest.

Mr. Hardy said staff recommends approval contingent upon all Engineering Department comments being addressed on the site plan.

Erik Haeffs with Waffle House was present. There were no comments or questions from the Commission.

There was no public comment.

Mr. Milliner made a motion, seconded by Mr. Goodson, to approve the request by Waffle House, Inc for site plan approval of a Waffle House, contingent upon all Engineering Department comments being addressed, located at 6008 Boll Weevil Circle. The motion carried unanimously.

**Such other business as may come before the commission.**

Nomination and election of officers. Mr. Lorenzo Harris was nominated as Chairman and Mr. Mark Goodson was nominated as Vice Chairman. There was no opposition to the nominations.

Mr. Hardy presented the latest draft of the new Zoning Ordinance that will be presented for approval next month.

Mr. Harrison then opened up the floor for the discussion of Old Business.

Mr. Mott stated that the exit off of Salem Rd. would remain but the developer agreed to erect signage on their site to prevent truck traffic from exiting onto Salem Rd. The City could put signs up on 167 saying to No Truck Traffic (or similar wording) on Salem Rd. It would be up to the truck drivers to observe the signage and comply with the law, similar to observing a speed limit sign.

The Engineer and Developer would like to reserve the right to go to Council for an ordinance amendment or modification in the future.

Mr. Reeves stated he understands the purpose of the ordinance and agreed to the contingencies Mr. Mott presented to the Commission.

Mr. Daugherty asked about the placement of the pumps and turning radius of trucks. Mr. Reeves said the pumps may have to be moved but that they would work that out with city staff. Mr. Mott and Mr. Reeves stated they would coordinate during the construction phase.

Mr. Mott mentioned Reeves Engineering is coring Salem Rd. between the exit and 167 to see what the buildup is of the road in order to check the need for improvements due to increased traffic anticipated for this development. Current results show adequate build up.

Mr. Goodson asked about AL DOT turning requirements. Mr. Reeves said AL DOT approved the site distance off of 167 turning into and out of the development.

Mr. Goodson made a motion, seconded by Mr. Fleming, to approve the request by Reeves Engineering & Construction, for site plan approval of the Legacy Travel Plaza located at the intersection of Highway 167N and Salem Road, contingent upon No Truck signage being erected on the development at the Salem Rd. exit.

Mr. Johnson asked Mr. Mott about the installation of a traffic light. Mr. Mott stated AL DOT says there is not a traffic light warranted at this intersection.

The motion carried with a vote of 6 to 2, with Mr. Johnson and Mr. Woodham opposing the motion.

Mr. Hardy then asked the Commission about moving the Planning Commission meetings from the fourth Tuesday of the month to the second Tuesday of the month. This item will be addressed at the next regularly scheduled meeting.

**Adjournment**

There being no further business before the Commission, Mr. Woodham made a motion to adjourn, seconded by Mr. Goodson. The motion carried unanimously and Mr. Harrison declared the meeting adjourned.

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Lorenzo Harrison, Chairman

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Thomas Hardy, Assistant Director



# City of Enterprise

Department of Engineering Services & Public Works  
501 S Main Street  
Enterprise, Alabama 36330  
Phone (334) 348-2671  
Fax (334) 348-2672

## REZONING APPLICATION and ACKNOWLEDGEMENT

Enterprise Planning Commission, P.O. Box 311000, Enterprise, AL 36331

PLEASE PRINT OR TYPE THE APPLICATION. REZONING AND ANNEXATION MUST BE FILED FOR BY THE LAND OWNER(S).

APPLICANT NAME: Grace Land Holdings CONTACT PERSON: Pat Leggett

PROPERTY OWNER: Robert Paschal LLC ACREAGE OF PROPERTY: 8+-  
(If other than Applicant)

ADDRESS OR LOCATION OF PROPERTY: 4437 Ball Weevil Cr.  
(Address must be approved by the E-911 Coordinator)

PRESENT ZONING: Agric 2 REQUESTED ZONING: B-3

### CONTACT INFORMATION:

MAILING ADDRESS: 531 Ball Weevil Cr. Enterprise, AL 36330  
(If different from above) Street City/State/ZIP

Telephone No(s): 334-406-7653 334-347-0048

E-Mail: patleggett@roadrunner.com

I acknowledge that I have received a copy of the Rezoning Checklist, and I understand that the applicant is responsible for having at the applicant's expense, one or more Public Notice signs on the property for which the rezoning is requested.

I acknowledge that, unless otherwise determined by the Building official, at least one Public Notice sign must be placed along each street which the property fronts.

I acknowledge that the Public Notice sign(s) must be posted on the property at least fifteen (15) days prior to the scheduled Planning Commission meeting and that the content and format of the sign(s) must conform to the Planning Commission's requirements.

I acknowledge that it is the policy of the Planning Commission not to consider a rezoning request unless all of the requirements of the Rezoning Checklist have been met.

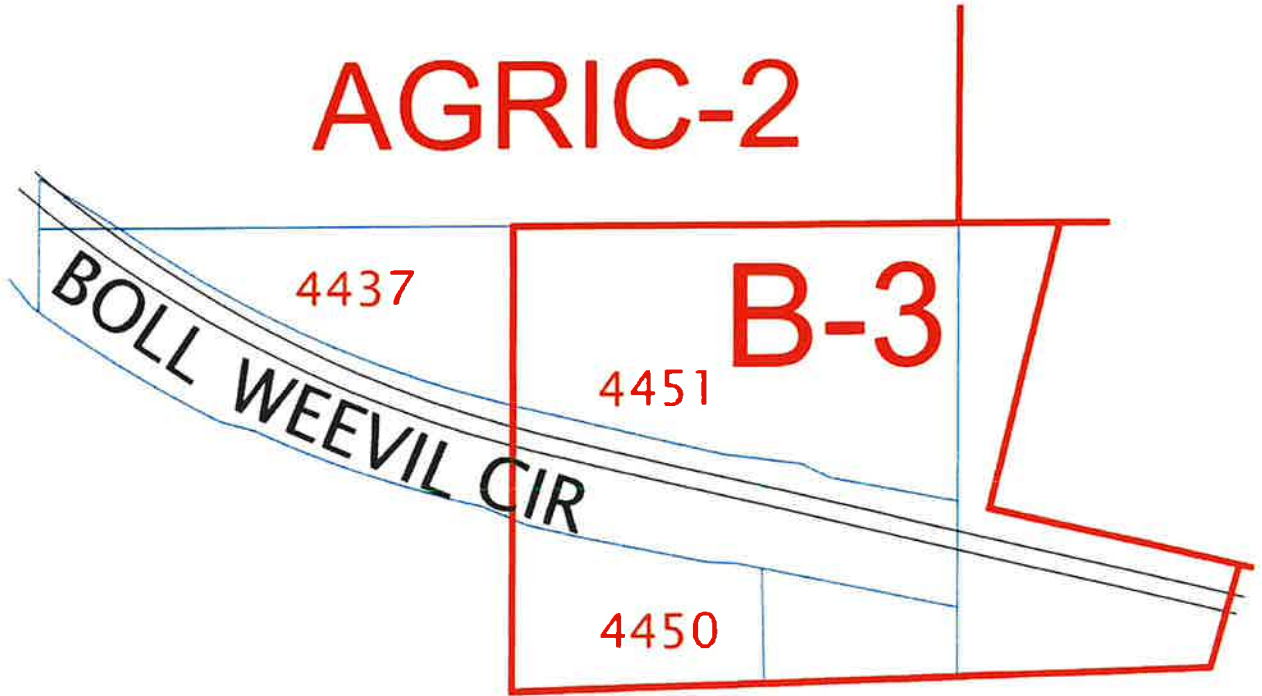
PRINTED NAME: Robert Paschal OWNER SIGNATURE: [Signature]  
REPRESENTATIVE: Pat Leggett SIGNATURE: [Signature]

DEADLINE FOR PUBLIC NOTICE SIGN: \_\_\_\_\_ (Consult Planning Department)

Receipt Number \_\_\_\_\_ Date of Receipt \_\_\_\_\_

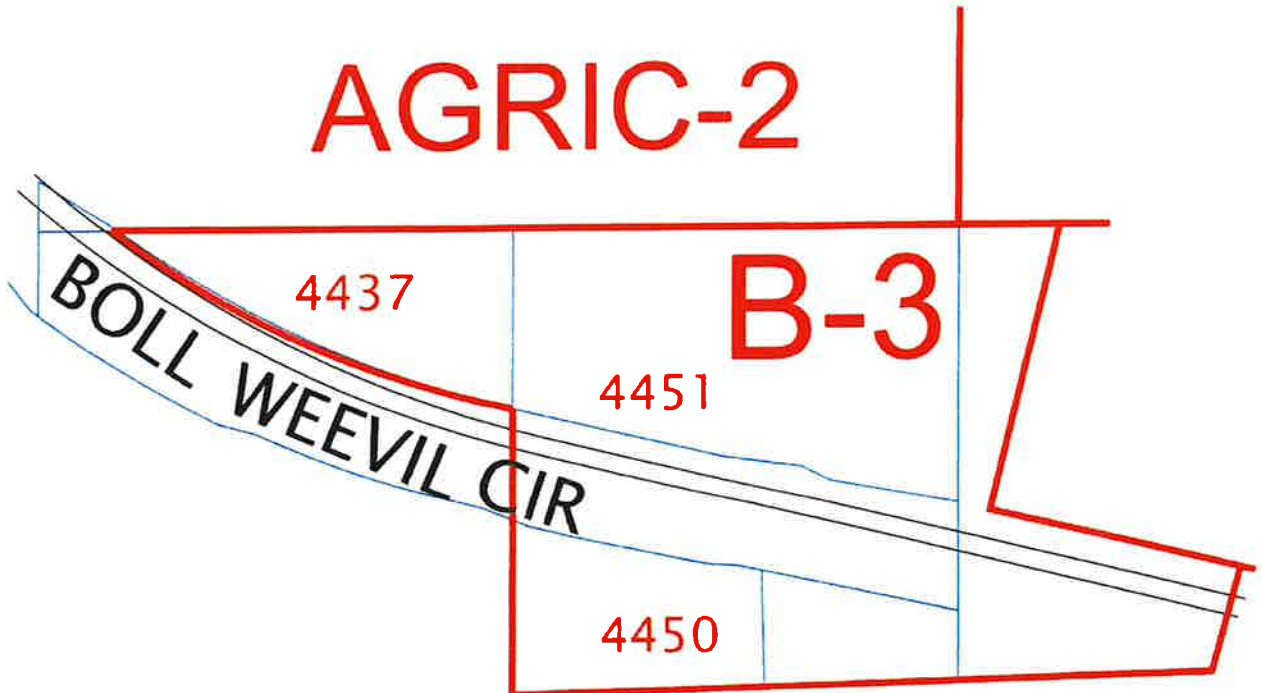
MAP A PRESENT  
ZONE

**AGRIC-2**

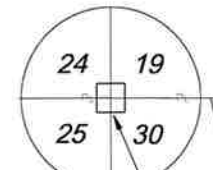


MAP B PROPOSED  
REZONE

**AGRIC-2**





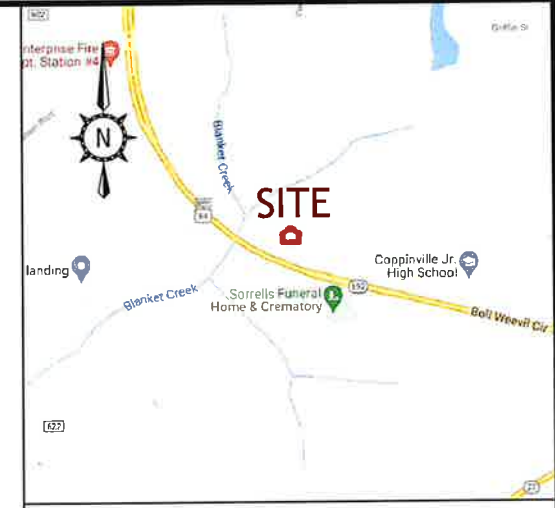


P.O.C.  
CONCRETE MONUMENT  
NORTHWEST CORNER OF  
SECT. 30, T-4-N, R-21-E,  
COFFEE COUNTY, ALABAMA

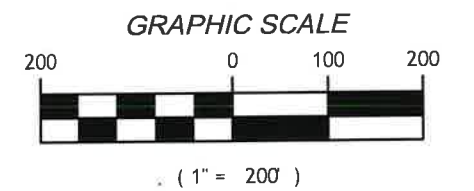
N/F CITY OF ENTERPRISE  
501 S MAIN ST  
ENTERPRISE, AL 36330

N/F SOUTHEAST HEALTH CARE, LLC  
ORBK 913, PG 090  
2819 MURPHY MILL ROAD  
DOTHAN, AL 36303

N/F PASCHAL  
ORBK 554, PG 455  
904 VANDIVER CT  
LOCUST GROVE, GA 30248



VICINITY MAP NTS



- LEGEND OF ABBREVIATIONS**
- O.T. - OPEN TOP PIPE
  - R/W - RIGHT OF WAY
  - N/F - NOW OR FORMERLY
  - PL - PROPERTY LINE
  - OR BK - OFFICIAL RECORD BOOK
  - PG - PAGE
  - P.O.C. - POINT OF COMMENCEMENT
  - P.O.B. - POINT OF BEGINNING
  - N - NORTH
  - S - SOUTH
  - E - EAST
  - W - WEST
  - RAD - RADIUS
  - ARC - ARC LENGTH
  - CB - CHORD BEARING
  - CD - CHORD DISTANCE
  - FND - FOUND
  - BASIS - ROTATION REFERENCE THIS SURVEY

- LEGEND**
- SET PROPERTY CORNER  
1/2" REBAR WITH CAP  
STAMPED PLS CA#1067-LS
  - FOUND IRON PIN  
TYPE AND SIZE AS SHOWN
  - OPEN TOP PIPE (SIZE AS SHOWN)
  - FEET / MINUTES
  - INCHES / SECONDS
  - NOT TO SCALE
  - N 16°39'36" E  
(N00°00'00"E) AS MEASURED THIS SURVEY
  - RECORD INFORMATION,  
DEED OR OTHER
  - R/W - RIGHT OF WAY LINE
  - CENTERLINE
  - PL - APPROXIMATE ADJOINING PROPERTY LINES
  - PROPERTY LINE (THIS SURVEY)

**LEGAL DESCRIPTION (AS SURVEYED)**

COMMENCING AT A 4"x4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 21 EAST, COFFEE COUNTY, ALABAMA. THENCE S 89°46'25" E A DISTANCE OF 2420.97 FEET TO A 1/2" REBAR WITH CAP STAMPED PLS CA#1067-LS ON THE SOUTHWESTERLY RIGHT OF WAY OF ALABAMA HIGHWAY #192 (R/W VARIES); THENCE S 89°28'24" E A DISTANCE OF 489.29 FEET TO A 1/2" REBAR WITH CAP STAMPED PLS CA#1067-LS ON THE NORTHEASTERLY RIGHT OF WAY OF FOREMENTIONED ROAD AND ALSO THE POINT OF BEGINNING OF SAID PARCEL.

FROM SAID POINT OF BEGINNING, THENCE LEAVING SAID RIGHT OF WAY S 89°28'20" E A DISTANCE OF 1112.55 FEET TO A 1/2" OPEN TOP PIPE (0086); THENCE S 22°26'32" W A DISTANCE OF 22.59 FEET TO A 1/2" OPEN TOP PIPE (0086); THENCE S 00°05'45" W A DISTANCE OF 466.06 FEET TO A 1/2" OPEN TOP PIPE (0086) ON THE NORTH RIGHT OF WAY OF FOREMENTIONED ROAD; THENCE ALONG SAID RIGHT OF WAY IN A CURVE TO THE RIGHT HAVING A RADIUS OF 3210.18 FEET, AN ARC LENGTH OF 1217.24 FEET, WITH A CHORD BEARING AND DISTANCE OF N 65°44'17" W, 1209.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 21 EAST, COFFEE COUNTY, ALABAMA AND CONTAINING 7.24 ACRES, MORE OR LESS.

**NOTES:**

1. NO REQUEST FOR, OR ATTEMPT MADE TO LOCATE ANY IMPROVEMENTS OR UNDERGROUND INSTALLATIONS, OTHER THAN SHOWN.
2. THIS SURVEY, PLAT OR DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND WAS SOLELY BASED ON THE INFORMATION OBTAINED FROM PUBLIC RECORDS AND/OR PROVIDED TO THE SURVEYOR, DEED REFERENCE MADE TO OFFICIAL RECORD BOOK 554, PAGE 455.
3. BEARINGS SHOWN HEREON ARE BASED ON ALABAMA STATE PLANE COORDINATES EAST ZONE AS DERIVED FROM A GEODETIC SOLUTION USING RTK GPS. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.
4. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.
5. REPRODUCTIONS OF THIS DRAWING ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED RAISED SEAL AND LIVE SIGNATURE OF AN ALABAMA LICENSED SURVEYOR. ELECTRONIC COPIES OF COPIES OF THIS DRAWING ARE NOT VALID WITHOUT A DIGITAL SIGNATURE OF AN ALABAMA LICENSED SURVEYOR. ANY MODIFICATIONS TO ORIGINAL DOCUMENTS, OTHER THAN BY THE SIGNING SURVEYOR, SHALL INVALIDATE THIS DOCUMENT.
6. LIABILITY TO THE SURVEYOR SHALL NOT EXCEED THE AMOUNT PAID FOR THIS SURVEY.
7. THIS COPYRIGHTED © PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT FOR THE ENTITIES AND/OR INDIVIDUALS LISTED HEREON, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITIES AND/OR INDIVIDUALS WHOMSOEVER. THIS DRAWING IS INVALID WITHOUT SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL. THIS SURVEY SHOULD NOT BE RELIED UPON 6 MONTHS AFTER THE ORIGINAL SIGNATURE BY ANY PARTY OR ENTITY AND SHALL NOT BE USED IN ANY OTHER CLOSING OR TRANSACTION OTHER THAN BRAD PASCHAL, AS IT WAS ORIGINALLY INTENDED OR PREPARED FOR.
8. THE USE OF THIS BOUNDARY SURVEY IN CONJUNCTION WITH AN "OWNERS AFFIDAVIT" OR ANY OTHER INSTRUMENT WHICH IS DESIGNED TO TRANSFER TITLE WITHOUT A CURRENT SURVEY IS NOT PERMITTED OR SUPPORTED BY THIS SURVEYOR, AND WILL INVALIDATE THIS SURVEY.
9. THIS DRAWING IS INTENDED TO BE PRINTED ON 11X17. IF PRINTED ON A DIFFERENT SIZE THE SCALE WILL BE INACCURATE.



STATE OF: ALABAMA  
COUNTY OF: COFFEE

I CORY E. RUSHING A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA HEREBY CERTIFY TO BRAD PASCHAL THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ACCORDING TO MY SURVEY THIS THE 10TH DAY OF OCTOBER, 2023.

CORY E. RUSHING, PLS No. LICENSE #26627



4417 COUNTY ROAD 2214  
TROY, AL 36079  
OFFICE: 334-463-4924  
FAX: 334-460-9851

179 HONEYSUCKLE ROAD SUITE 5  
DOTHAN, AL 36305  
OFFICE: 334-881-4630

17799 PANAMA CITY BEACH PARKWAY  
PANAMA CITY BEACH, FL 32413  
OFFICE: 334-463-4204

34565 U.S. HIGHWAY 31, SUITE C  
STAPLETON, AL 36578  
OFFICE: 334-937-1434

SHEET TITLE RETRACEMENT SURVEY

BOLL WEEVIL CIRCLE

SURVEY END DATE 10/02/2023 PROJECT NO 23-B49

BRAD PASCHAL

DRAWING SCALE 1" = 200' DRAWN BY LMW

ENTERPRISE

DRAWING END DATE 10/10/2023 CHECKED BY CER

COFFEE COUNTY, ALABAMA

01 OF 01

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# City of Enterprise

Department of Engineering Services & Public Works  
501 S Main Street  
Enterprise, Alabama 36330  
Phone (334) 348-2671  
Fax (334) 348-2672

## REZONING APPLICATION and ACKNOWLEDGEMENT

Enterprise Planning Commission, P.O. Box 311000, Enterprise, AL 36331

PLEASE PRINT OR TYPE THE APPLICATION. REZONING AND ANNEXATION MUST BE FILED FOR BY THE LAND OWNER(S).

APPLICANT NAME: Mr. Keith Laney CONTACT PERSON: Mr. Keith Laney

PROPERTY OWNER: \_\_\_\_\_ ACREAGE OF PROPERTY: 1.85  
(If other than Applicant)

ADDRESS OR LOCATION OF PROPERTY: 131 South Industrial Blvd, Enterprise, AL 36330  
(Address must be approved by the E-911 Coordinator)

PRESENT ZONING: M-1 REQUESTED ZONING: B-3

### CONTACT INFORMATION:

MAILING ADDRESS: 115 Margaret Lane Troy, AL 36079  
(if different from above) Street City/State/ZIP

Telephone No(s): (334) 268-1852 \_\_\_\_\_

E-Mail: keith.f.laney@gmail.com

I acknowledge that I have received a copy of the Rezoning Checklist, and I understand that the applicant is responsible for having at the applicant's expense, one or more Public Notice signs on the property for which the rezoning is requested.

I acknowledge that, unless otherwise determined by the Building official, at least one Public Notice sign must be placed along each street which the property fronts.

I acknowledge that the Public Notice sign(s) must be posted on the property at least fifteen (15) days prior to the scheduled Planning Commission meeting and that the content and format of the sign(s) must conform to the Planning Commission's requirements.

I acknowledge that it is the policy of the Planning Commission not to consider a rezoning request unless all of the requirements of the Rezoning Checklist have been met.

PRINTED NAME: Keith Laney OWNER SIGNATURE: \_\_\_\_\_

REPRESENTATIVE: Tim Ramsden, P.E. SIGNATURE: \_\_\_\_\_

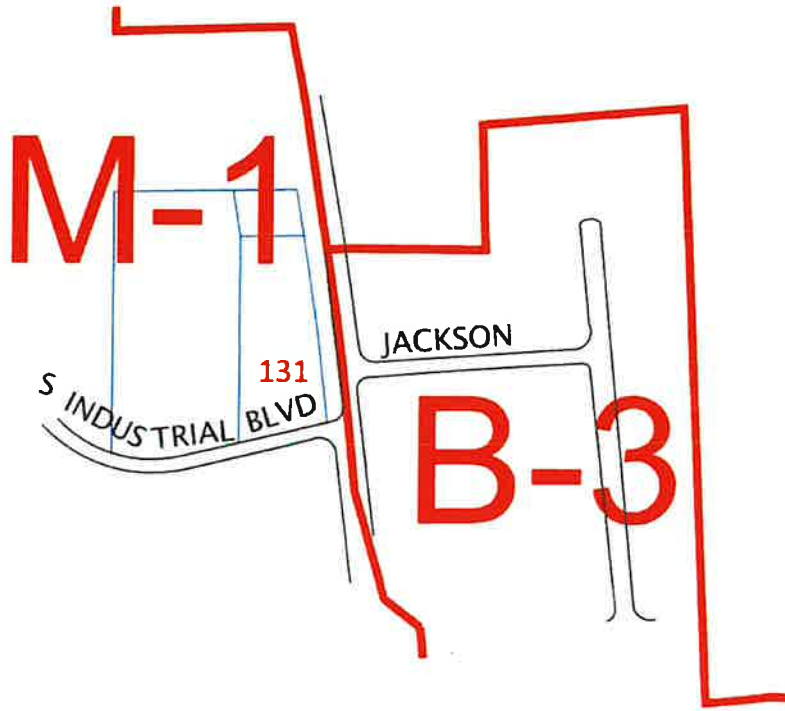
DEADLINE FOR PUBLIC NOTICE SIGN: November 27, 2023 (Consult Planning Department)

\_\_\_\_\_  
Receipt Number

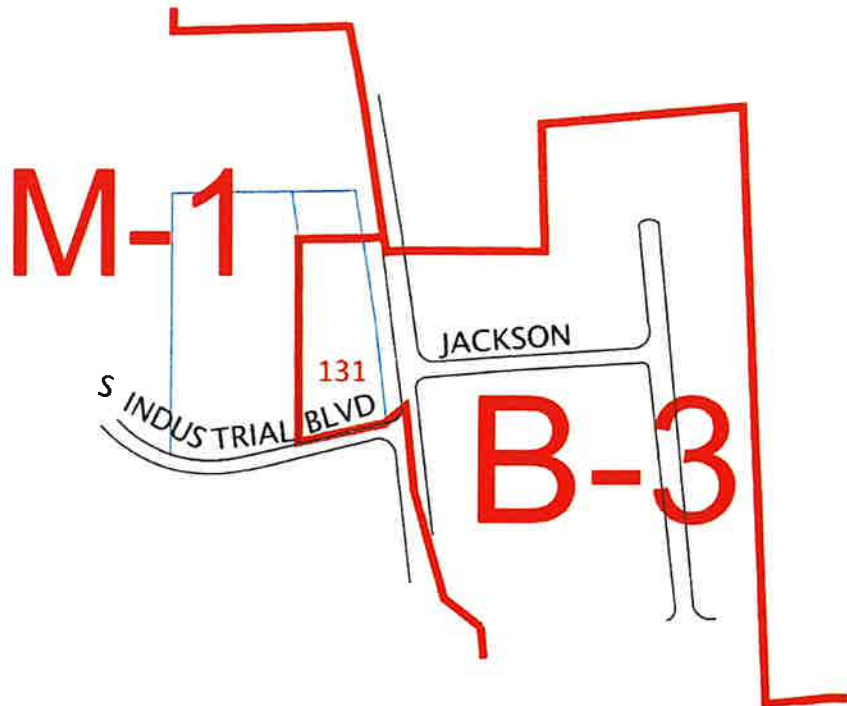
\_\_\_\_\_  
Date of Receipt



# MAP A PRESENT ZONE



# MAP B PROPOSED REZONE



LEGEND	
	Property Lines
	Right-of-Way
	Existing Wire Fence
	Existing ChainLink
	Existing Building
	Found Monuments
	Set 1/2" Capped Rebar #1127
	Calculated Point
	Deed Record
	Field Measurement
	Found Iron Pin
	Capped Iron Pin

Point of Commencement  
 1/2" Iron Pin  
 NW Corner of SW 1/4 of NE 1/4  
 Section 28, T4N R22E,  
 Coffee County, Alabama

Adams Street Church of Christ  
 DB/PG 867746  
 19 16 08 28 1 000 005,000

Daniel Morley  
 DB/PG 871710  
 19 16 08 28 1 000 006,000

Hines Inc  
 DB/PG 829125  
 19 16 08 28 1 000 003,001

Kieth Laney  
 19-16-08-28-1-000-008.00

Kieth Laney  
 ±1.85 Acres

Robert Bishop  
 19 16 08 28 1 000 002,011

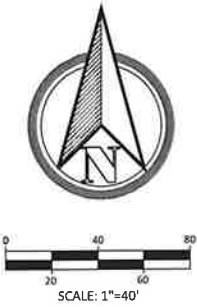
Enterprise Electronic Corp  
 19-16-08-28-1-000-008,002



VICINITY MAP

Parcel B Description (As Surveyed)

A parcel of land being situated in the SW 1/4 of the NE 1/4 of Sec. 28, T4N R22E, Coffee County, Alabama being better described as follows:  
 Commencing at a 1/2" Iron Pin being the NW Corner of the SW 1/4 of the NE 1/4 of Sec. 28, T4N R22E; thence S87°17'28"E a distance of 262.96 feet to a 1/2" Capped Iron Pin; thence S8°48'51"E a distance of 110.15 feet to a 1/2" Iron Pin being the Point of Beginning; thence S87°20'34"E a distance of 149.99 feet to 1/2" Capped Iron Pin marking the West Right-of-Way of Bellwood Road; thence S7°32'50"E along said Right-of-Way a distance of 407.71 feet to a 1/2" Iron Pin marking the intersection of said West Right-of-Way with the North Right-of-Way of Industrial Boulevard; thence along said Right-of-Way S76°39'55"W a distance of 226.00 feet to a set 1/2" Capped Iron Pin; thence N2°02'27"E departing said Right-of-Way a distance of 463.67 feet back to the Point of Beginning. Said parcel containing ±1.85 acres.



SURVEY REPORT:

1. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.
2. Bearings are referenced to the State Plane Coordinate System, Alabama East Zone, NAD 83 (2011) Datum (Alabama CORS Network)
3. Field work completed on 10/9/2023. Survey drafted on 10/11/2023.
4. There may be additional restrictions that are not shown on this survey that may be found in the public records of this county.
5. Additions or deletions to the survey maps or reports by any other than the signing party or parties is prohibited without written consent of the signing party or parties.
6. No environmental jurisdiction lines have been determined by this company.
7. Information obtained from deeds of record in the Coffee County Courthouse
8. Visible evidence of easements will be shown hereon, but no certification is given that easements, underground improvements, above ground improvements, or apparent uses do not exist.
9. This survey was done without the benefit of a title search nor does it reflect a title search.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARD OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

F. THOMAS HINES, PLS  
 AL LIC #35523

10/11/2023  
 DATE



Tom Hines 19846 Oliver Taylor Road Andalusia, AL 36421 (334)343-1185 diamondsurveying@gmail.com CA #1127 LS	Re zoning Plat <b>Keith Laney</b> Scale: 1"=30' Date: 10/11/2023
--	---



# City of Enterprise

Department of Engineering Services & Public Works  
501 S Main Street  
Enterprise, Alabama 36330  
Phone (334) 348-2671  
Fax (334) 348-2672

## SITE PLAN REVIEW APPLICATION

Project Name: Keith Laney Enterprise Development Date: November 13, 2023

Address/Location of Property: \_\_\_\_\_  
(Address must be approved by the E-911 Coordinator)

Applicant Name: Keith Laney Phone: (334) 268-1852

Applicant Address: 115 Margaret Lane, Troy AL 36079

E-Mail: keith.f.laney@gmail.com

In accordance with the Enterprise Zoning Ordinance, an application for Site Plan Review shall be submitted to the Planning Commission not later than fifteen (15) days prior to the scheduled meeting date along with the following items:

- Letter requesting review and approval of the site plan.
- One (1) 24" x 36" print, one (1) digital copy, and Fifteen (15) 11" x 17" copies of drawings showing the proposed appearance of the buildings, structures and grounds.
- A statement of the amount of area of land involved in the site, the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees expected per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.
- n/a Restrictions on the use of property including proposed restrictive covenants.
- Plans for the protection of abutting properties.
- Written request for any exceptions or variations from the requirements of the zoning regulations.
- A statement defining the manner in which the city is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained.
- List of names and addresses of all adjacent property owners.

Site plans shall be considered by the Planning Commission at a public hearing. Notice of the time and place at which a site plan will be considered shall be sent to owners of abutting property at least five (5) days prior to such hearing.

Applicant Signature:  Date: 11/13/23

Owner Signature:  Date: 11/13/23

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



November 13, 2023, 2023

City of Enterprise  
Department of Engineering Services & Public Works  
501 S Main Street  
Enterprise, AL 36330

**Re: Keith Laney Enterprise Development**

Please find this letter as a request for the review and approval of the proposed site plan. We realized this application is contingent upon the approval of an application for the rezoning of the referenced property. The proposed rezoning is to move the property from M-1 to B-3 and the application is also submitted

The proposed development will incorporate a single 18,000 SF building for use as offices, commercial retail and services and a minor shopping center. Approximately 5,000 SF of the building will be dedicated to a physical rehabilitation practice already committed to the proposed development.

The proposed project will be designed and constructed to the City of Enterprise specifications and ordinances. Vegetative buffers and fences will be constructed and maintained to protect the City of Enterprise and adjacent property owners. Best management practices will be utilized for stormwater control during and after the completion of the project.

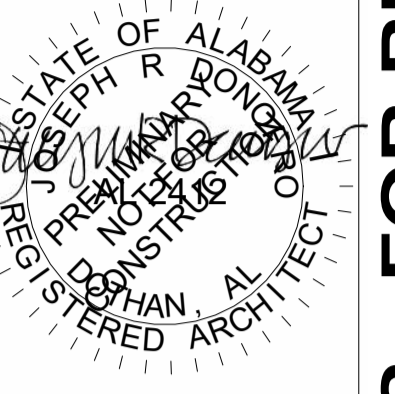
If you have any questions, comments or concerns, please feel free to contact me.

Sincerely,

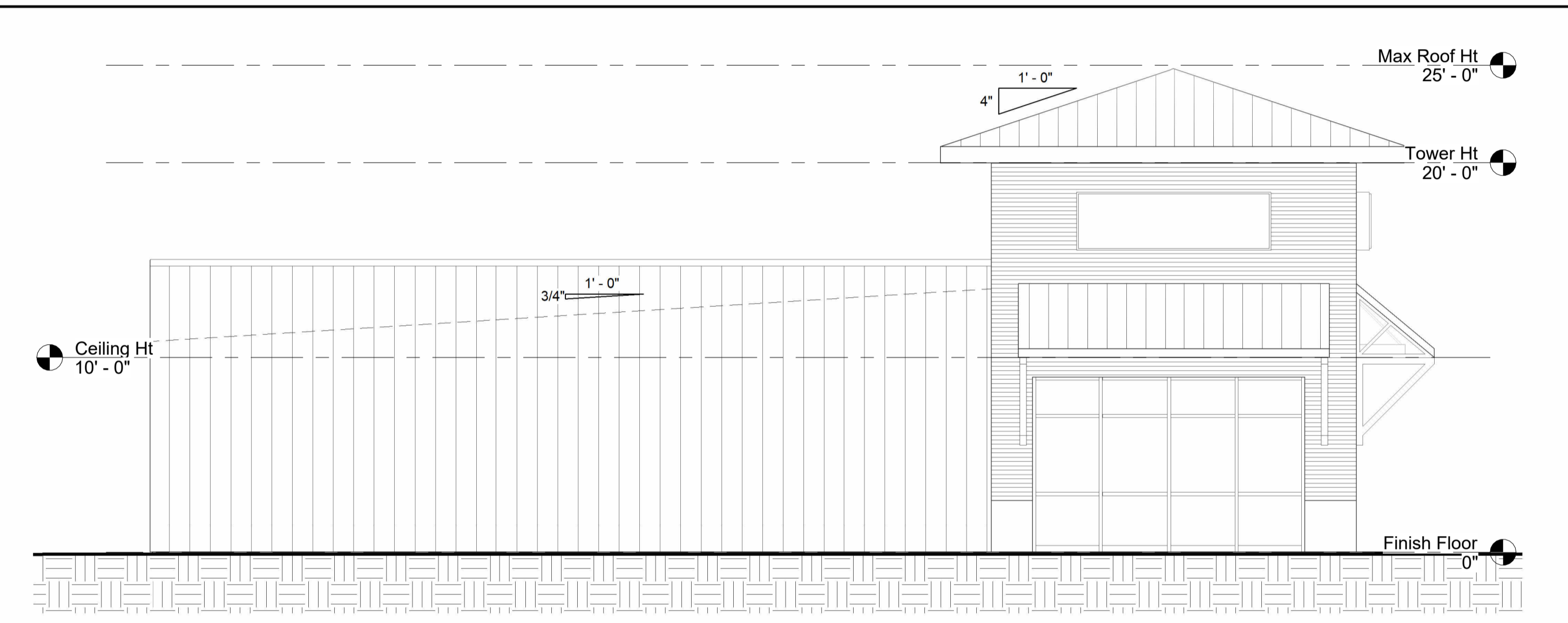
A handwritten signature in blue ink, appearing to read 'T. Ramsden', with a long horizontal flourish extending to the right.

Tim Ramsden, P.E.  
Three Notch Partners  
Principal





**1** Front Elevation w Brick  
 SCALE: 1" = 10'-0"

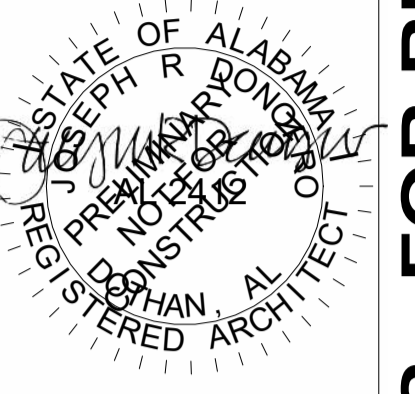


**2** Left Side Elevation w Brick  
 SCALE: 3/16" = 1'-0"



**3** 3D View 3 Perspec w Brick  
 SCALE:





**PRELIMINARY DRAWINGS - FOR REVIEW ONLY**



**1** Front Elevation w Metal  
 SCALE: 1" = 10'-0"



**2** Left Side Elevation w Metal  
 SCALE: 3/16" = 1'-0"



**3** 3D View 3 Perspec w Metal  
 SCALE:

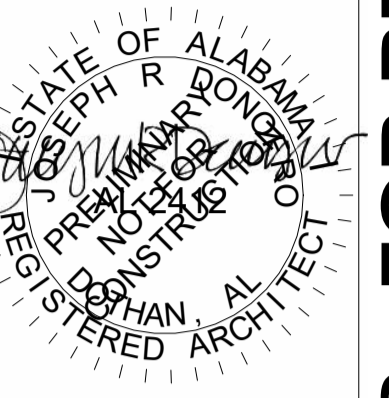




**1** 3D View 4 Ortho w Brick  
SCALE:



**2** 3D View 2 Perspec w Brick  
SCALE:





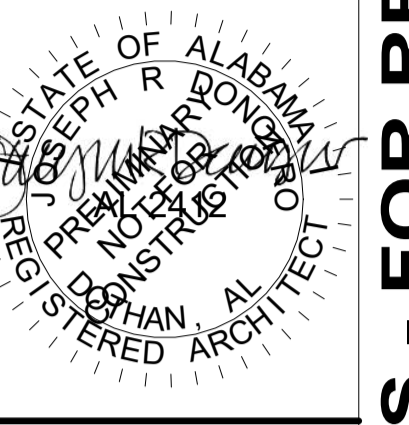


**1** 3D View 4 Ortho w Metal  
SCALE:



**2** 3D View 2 Perspec w Metal  
SCALE:





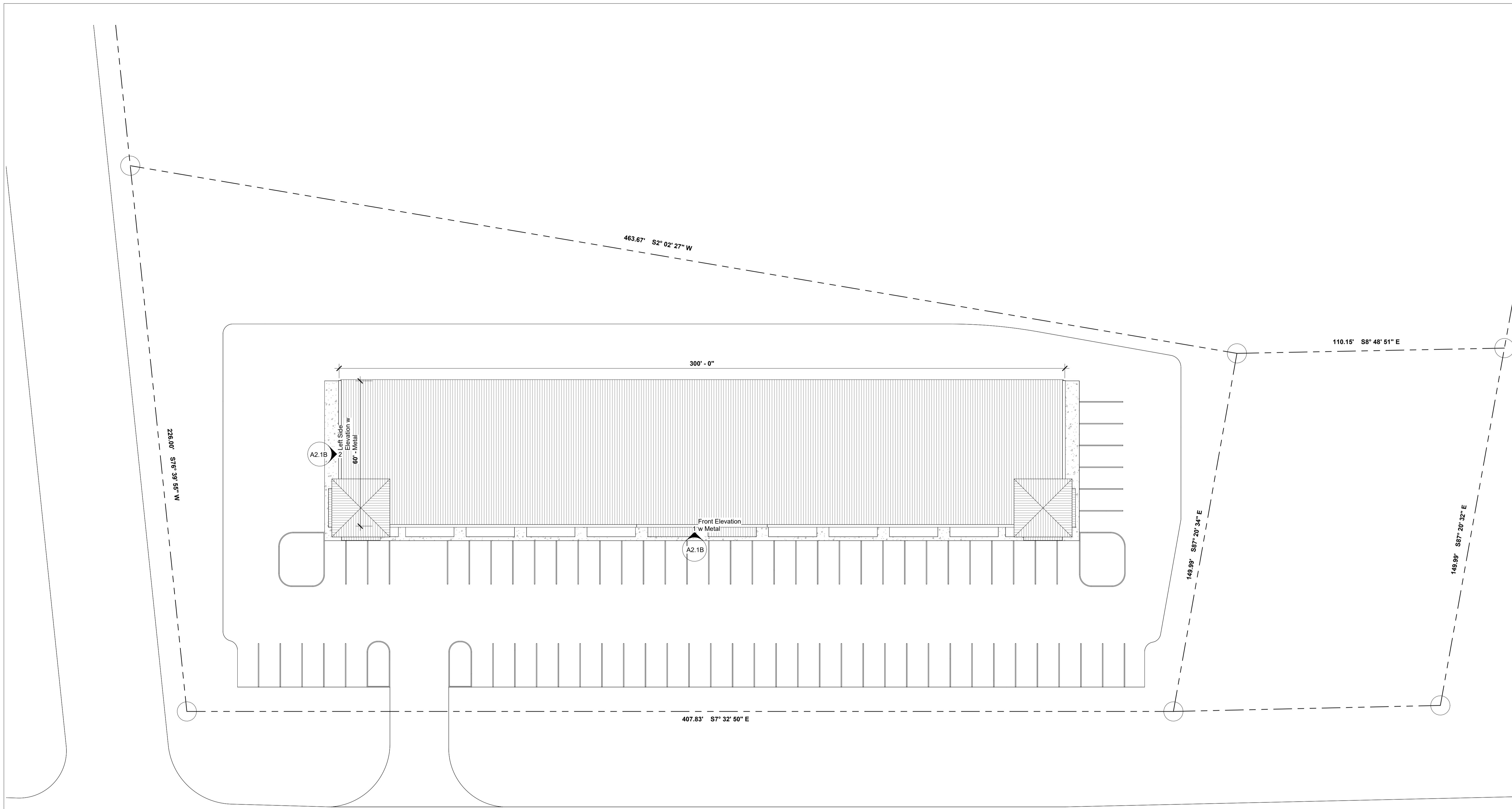
**A NEW RETAIL CENTER  
 ENTERPRISE, ALABAMA**

ISSUED FOR:  
 PRELIMINARY SET  
 11/08/23

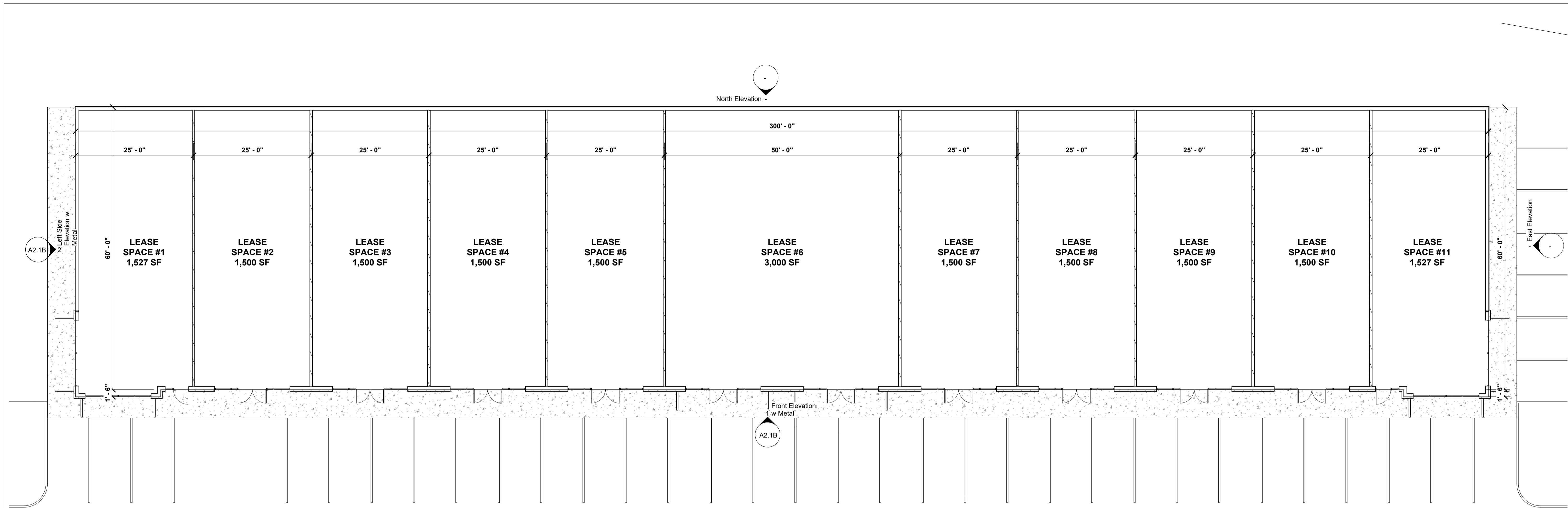
**23-55**  
 SHEET NAME  
 Overall Site Plan

SHEET NUMBER  
**CX.1**

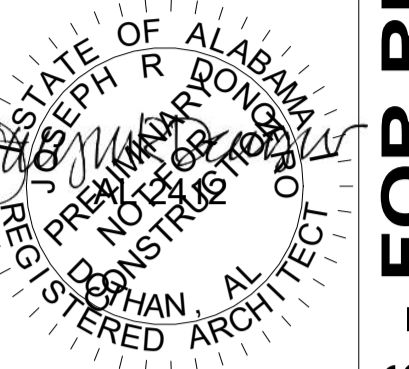
**PRELIMINARY DRAWINGS - FOR REVIEW ONLY**



**1** Site Diagram  
 SCALE: 1" = 20'-0"



**1** New Floor Plan  
SCALE: 3/32" = 1'-0"



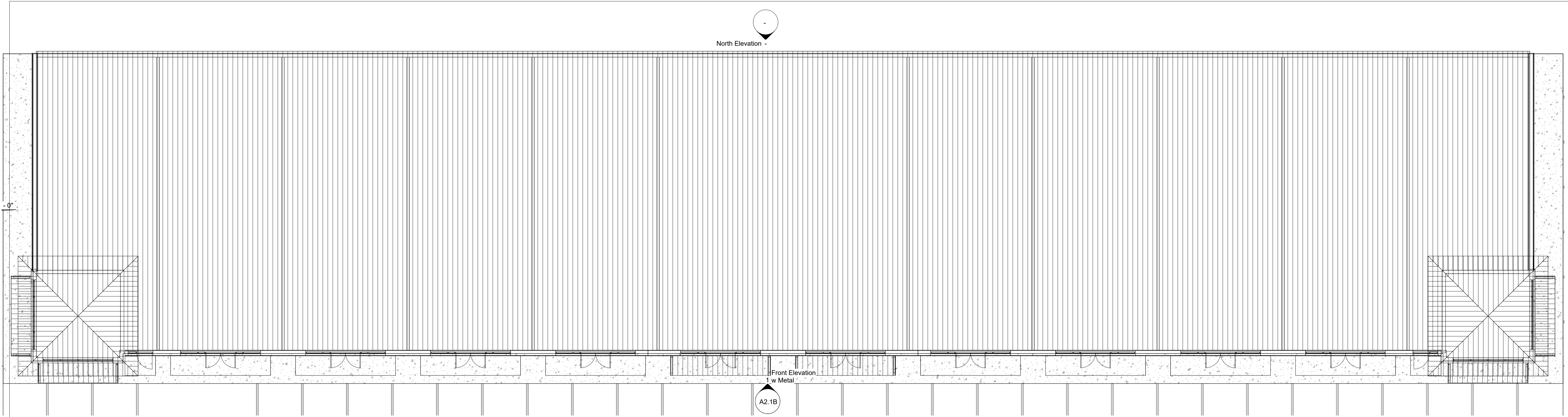
**A NEW RETAIL CENTER  
ENTERPRISE, ALABAMA**

ISSUED FOR:  
PRELIMINARY SET  
11/08/23

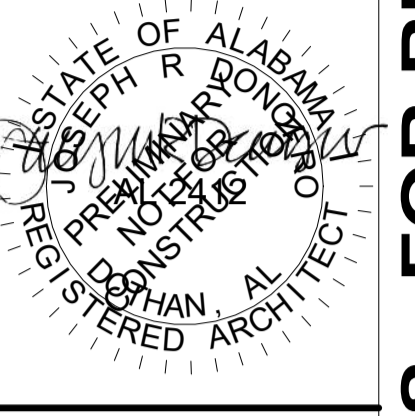
**23-55**  
SHEET NAME  
New Floor Plan

SHEET NUMBER  
**A1.1**

**PRELIMINARY DRAWINGS - FOR REVIEW ONLY**



**1** Roof Plan  
 SCALE: 1" = 10'-0"



**A NEW RETAIL CENTER  
 ENTERPRISE, ALABAMA**

ISSUED FOR:  
 PRELIMINARY SET  
 11/08/23

**23-55**  
 SHEET NAME

Roof Plan

SHEET NUMBER  
**A2.3**

**PRELIMINARY DRAWINGS - FOR REVIEW ONLY**

# ENTERPRISE DEVELOPMENT

FISCAL YEAR	SHEET NO.
2023	1

**SITE DETAILS:**

SITE ACREAGE	= 1.85 ACRES
PROPOSED BUILDING	= 18,000 SF / 22.3%
OPEN SPACE	= 22,492 SF / 27.9%
PAVING FOR PARKING	= 36,857 SF / 45.7%
DRIVEWAY	= 645 SF / 0.9%
SIDEWALKS	= 2,592 SF / 3.2%

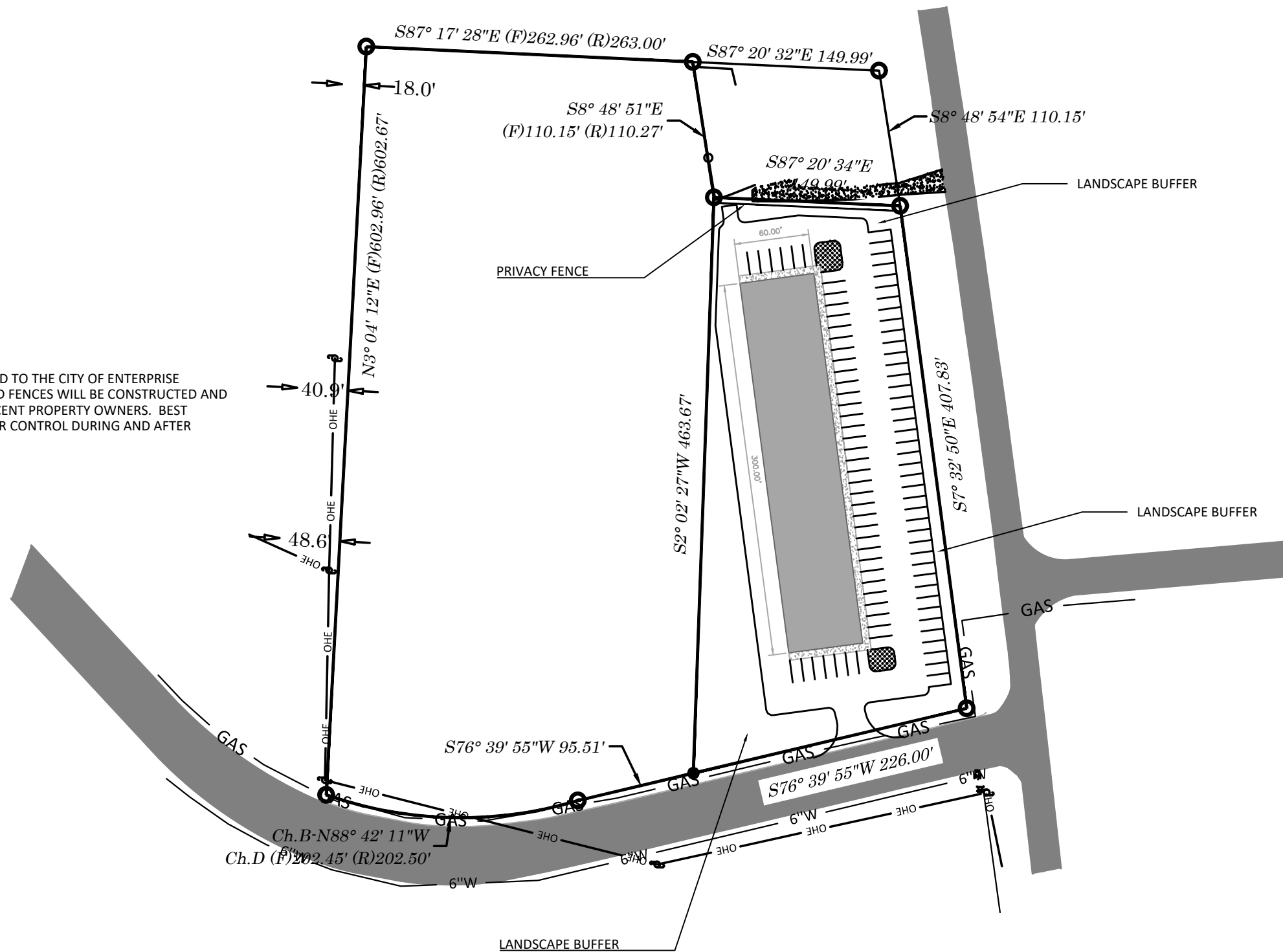
**BUILDING USE:**

OFFICE  
 COMMERCIAL RETAIL AND SERVICE  
 SHOPPING CENTER MINOR

REQUIRED PARKING SPACES	= 72
PROVIDED PARKING SPACES	= 89

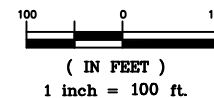
**NOTE:**

THE PROPOSED PROJECT WILL BE DESIGNED AND CONSTRUCTED TO THE CITY OF ENTERPRISE SPECIFICATIONS AND ORDINANCES. VEGETATIVE BUFFERS AND FENCES WILL BE CONSTRUCTED AND MAINTAINED TO PROTECT THE CITY OF ENTERPRISE AND ADJACENT PROPERTY OWNERS. BEST MANAGEMENT PRACTICES WILL BE UTILIZED FOR STORMWATER CONTROL DURING AND AFTER THE COMPLETION OF THE PROJECT.



SITE PLAN REVIEW

ENTERPRISE DEVELOPMENT

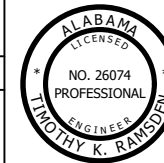


SHEET TITLE

PLAN

ROUTE

INDUSTRIAL  
 BLVD /  
 BELLWOOD RD



TIMOTHY K. RAMSDEN, P.E.

DATE



# City of Enterprise

Department of Engineering Services & Public Works  
501 S Main Street  
Enterprise, Alabama 36330  
Phone (334) 348-2671  
Fax (334) 348-2672

## REZONING APPLICATION and ACKNOWLEDGEMENT

Enterprise Planning Commission, P.O. Box 311000, Enterprise, AL 36331

PLEASE PRINT OR TYPE THE APPLICATION. REZONING AND ANNEXATION MUST BE FILED FOR BY THE LAND OWNER(S).

APPLICANT NAME: Kevin Axton CONTACT PERSON: Phillip E. Santora, P.E., P.L.S.

PROPERTY OWNER: Lunsford & Lunsford Farms, Inc. ACREAGE OF PROPERTY: 93.98 +/-  
(If other than Applicant)

ADDRESS OR LOCATION OF PROPERTY: Southside of Porter Lunsford Rd, abutting eastside of Hunters Hill Plat #1  
(Address must be approved by the E-911 Coordinator)

PRESENT ZONING: R85 REQUESTED ZONING: R-75-A

### CONTACT INFORMATION:

MAILING ADDRESS: 2431 Hartford Hwy Dothan AL 36305  
(if different from above) Street City/State/ZIP

Telephone No(s): (334) 673-9895

E-Mail: psantora@northstarengineering.com

I acknowledge that I have received a copy of the Rezoning Checklist, and I understand that the applicant is responsible for having at the applicant's expense, one or more Public Notice signs on the property for which the rezoning is requested.

I acknowledge that, unless otherwise determined by the Building official, at least one Public Notice sign must be placed along each street which the property fronts.

I acknowledge that the Public Notice sign(s) must be posted on the property at least fifteen (15) days prior to the scheduled Planning Commission meeting and that the content and format of the sign(s) must conform to the Planning Commission's requirements.

I acknowledge that it is the policy of the Planning Commission not to consider a rezoning request unless all of the requirements of the Rezoning Checklist have been met.

PRINTED NAME: Kevin Lunsford OWNER SIGNATURE: [Signature]

REPRESENTATIVE: Phillip E Santora SIGNATURE: [Signature]

DEADLINE FOR PUBLIC NOTICE SIGN: 12-12-2023 (Consult Planning Department)

\_\_\_\_\_  
Receipt Number Date of Receipt





November 21, 2023



Mr. Barry Mott  
City of Enterprise  
Engineering Department  
501 South Main Street  
Enterprise, AL 36330

**RE: A REZONING REQUEST FOR KEVIN AXTON  
PORTER LUNSFORD ROAD  
ENTERPRISE, AL**

Dear Mr. Mott,

Please accept this letter as an official notice that we would like to be on the agenda for the December 2023 Planning Commission meeting for review of the above referenced project.

If you should have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "Phillip E. Santora". The signature is fluid and cursive.

Phillip E. Santora, P.E., P.L.S.  
Northstar Engineering Services



November 20, 2023

Enterprise Planning Commission  
P.O. Box 311000  
Enterprise, AL 36331



**RE: A REZONING FOR KEVIN AXTON  
PORTER LUNSFORD ROAD  
ENTERPRISE, AL**

To whom it may concern:

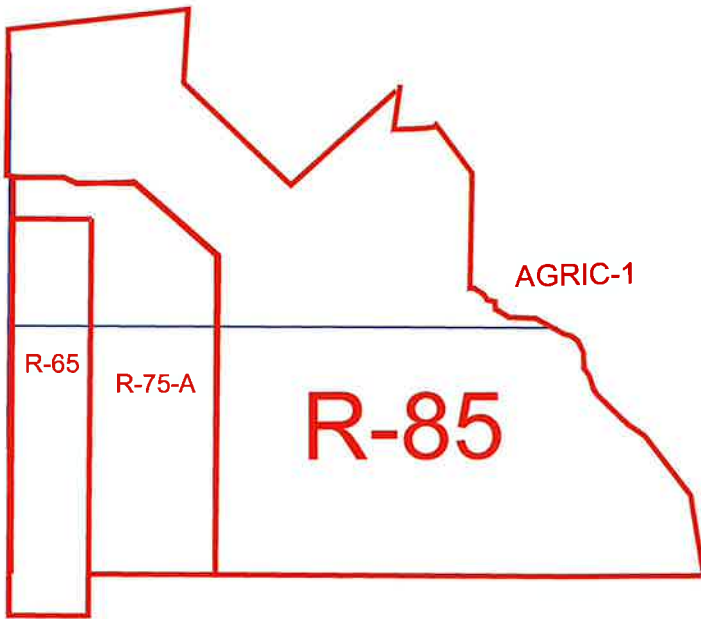
Northstar Engineering has been retained to provide engineering services required for the rezoning of property located along Porter Lunsford Road in Enterprise, AL. As the owner, I request that my property be rezoned from R-85 zoning to the zoning of R-75-A as submitted by Northstar Engineering. Further, Northstar Engineering is authorized as my representative regarding the rezoning request for this project. If you should have any questions or need any additional information, please feel free to contact me.

Sincerely,

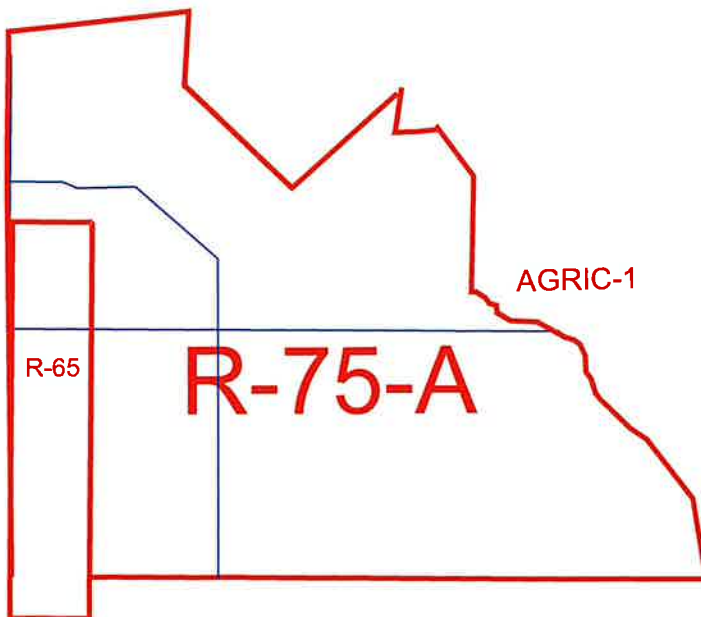
A handwritten signature in blue ink, appearing to read "Kevin Lunsford".

Kevin Lunsford  
Lunsford & Lunsford Farms, Inc.  
878 County Road 743  
Enterprise, AL 36330

MAP A PRESENT  
ZONE



MAP B PROPOSED  
REZONE







# ENTERPRISE

# ZONING ORDINANCE

City of Enterprise

Draft: November 7, 2023

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## **ARTICLE 1: AUTHORITY, PURPOSE, AND SCOPE**

### **§1.01. Statutory Authority**

This Ordinance has been drafted, subjected to public review, recommended by the Enterprise Planning Commission, and adopted by the Enterprise City Council under the authority of §11-52, Code of Alabama, as amended.

### **§1.02. Short Title**

This Ordinance is known as the *Enterprise Zoning Ordinance*, and the Zoning Map which is a part of this Ordinance is known as the *Enterprise Zoning Map*.

### **§1.03. Purpose**

The purpose of this Ordinance is to influence the use of property within the City of Enterprise, to implement and support the Comprehensive Plan and the developmental policies of the City **and to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community.**

### **§1.04. Applicability and Compliance**

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

### **§1.05. Minimum Requirements**

The provisions of this Ordinance are considered minimum requirements to promote the public health, safety, and welfare. The provision of this Ordinance do not lower the restrictions of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance.

### **§1.06. Conflict With Other Regulations**

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

### **§1.07. Severability**

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

### **§1.08. Repeal of Conflicting Ordinances**

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

### **§1.09. Establishment Of Zoning Districts**

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

- A. R-1 Low Density Single Family Residential District
- B. R-2 Medium Density Single Family Residential District
- C. R-3 High Density Single Family Residential District
- D. R-4 Mixed Residential District
- E. R-5 Multifamily Residential District



- F. [R-T Townhouse Residential District](#)
- G. MHP Manufactured Housing District
- H. B-1 Business District
- I. B-2 Central Business District
- J. B-3 Highway Commercial District
- K. INST Institutional District
- L. M-1 Light Industrial District
- M. M-2 General Industrial District
- N. AG Agriculture District
- O. HC Highway Corridor Overlay District
- P. [DT Downtown Overlay District](#)
- Q. PBD Planned Business District
- R. PRD Planned Residential District

1.09.02 Official Zoning Map

- A. The City is hereby subdivided into zoning districts as shown on the Official Zoning Map of the City of Enterprise. This Official Map, together with all explanatory materials it contains, is made a part of this Ordinance and is kept in the office of the Building Department.
- B. The Official Zoning Map is signed by the Mayor, attested by the City Clerk, and shows the number and date of adoption of this Ordinance.
- C. Any changes made in district boundaries, or any other matter portrayed on the map, is entered on the map by Ordinance number and date of adoption within ten days of such adoption.
- D. If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. This new map may correct drafting or other errors or omissions, but no such correction may have the result of amending the map.

1.09.03 District Boundaries. The boundaries of the Zoning Districts as shown on the Official Zoning Map are intended to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Where any boundary cannot be accurately determined from the Map, the Board of Adjustment determines where such boundary is officially located.

**§1.10. 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](#). Any subsequent rezoning of such property follows the procedures for map amendments set forth in this Ordinance.

## ARTICLE 2: DEFINITIONS

### §2.01. Interpretation

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

### §2.02. Interpretation of Commonly Used Terms and Phrases

The Zoning 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.

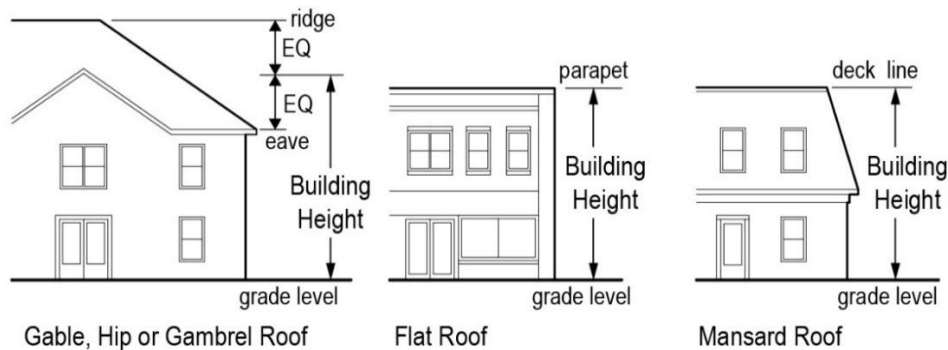
- 2.02.01 The word “person” includes a firm, corporation, association, organization, trust or partnership.
- 2.02.02 The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.
- 2.02.03 The word “lot” includes the words “parcel” and “tract.”
- 2.02.04 The word “must” is mandatory and not directory.
- 2.02.05 The word “may” is permissive. When used in the negative, it is prohibitive (e.g., “may not” means “prohibited”).

### §2.03. General Definitions

- 2.03.01 ACCESSORY STRUCTURE. Any detached structure located on the same lot with the principal structure, the use of which is incidental to that of the principal structure.
- 2.03.02 ACCESSORY USE. A use customary and incidental to the principal use of the premises.
- 2.03.03 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.
- 2.03.04 ADJOINING. Having property or district lines in common. Properties separated by a right-of-way are Adjacent, but not Adjoining. Notwithstanding the foregoing, the words “adjacent”, “adjoining” and “contiguous” are considered synonymous for the purposes of annexation.
- 2.03.05 ALTERATION, ALTERED. Any addition to the height, width or depth of a structure; any change in the location of any of the exterior walls of a structure; or any increase in the interior accommodations of a structure.
- 2.03.06 APIARY. A place where bees are kept or a collection of honeybee colonies.
- 2.03.07 APPLICABLE DISTRICT. That zoning district in which the subject site, use or structure is or is proposed to be located.
- 2.03.08 APPLICANT. A person submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance.
- 2.03.09 APPROVING AUTHORITY. That official or body empowered to act on a request or matter pursuant to Alabama law and the provisions of this Ordinance, which includes but is not limited to : 1) for building permit applications and plans requiring only administrative approval, the Zoning Official; 2)

for plans involving a Special Exception or Variance, the Board of Adjustment; 3) for PRD Master Plans, the Commission; and 4) for PBD plans, the Council.

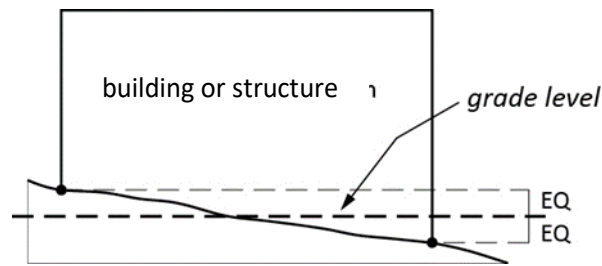
- 2.03.10 **AWNING.** A shelter attached to and hanging from a vertical surface or a building without any other support from the ground.
- 2.03.11 **BASEMENT.** A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.
- 2.03.12 **BEDROOM.** A room marketed, designed or otherwise intended to function primarily for sleeping and meeting Building Code requirements for such use.
- 2.03.13 **BEEKEEPER.** A person or entity who owns, leases or manages one or more colonies of bees on real property which is owned or leased, as a result of bona fide, arms-length transaction, by the Beekeeper for pollination or the production of honey, beeswax or other byproducts, either for personal or commercial use.
- 2.03.14 **BLOCK.** That portion on either side of the street considered, upon which the building, structure or development is situated or proposed, bounded by the nearest intersecting streets.
- 2.03.15 **BOARD OF ADJUSTMENT or BOARD.** The Board of Zoning Adjustment of the City of Enterprise, Alabama.
- 2.03.16 **BUFFER.** A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare.
- 2.03.17 **BUILDING.** Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.
- 2.03.18 **BUILDING AREA.** The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
- 2.03.19 **BUILDING CODE.** The most recent building-, construction- and fire-related codes adopted by the City of Enterprise.
- 2.03.20 **BUILDING HEIGHT.** The vertical distance from grade level to the highest point of the parapet of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.



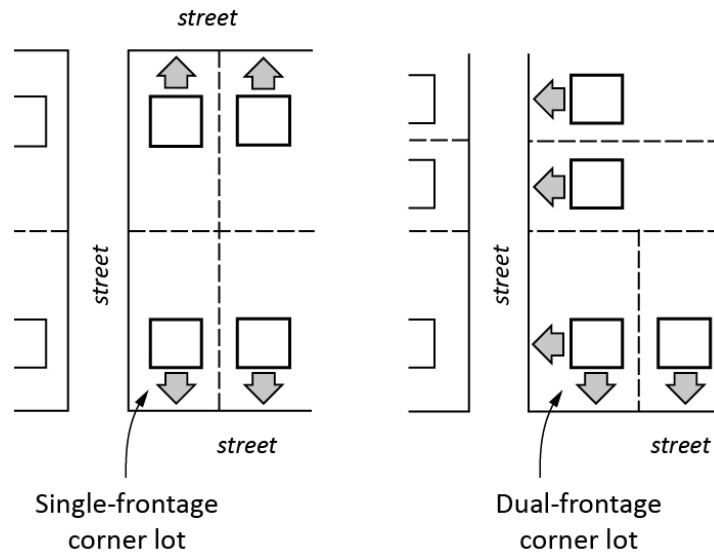
Building Height

- 2.03.21 **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.
- 2.03.22 **BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is situated. Multifamily, nonresidential and mixed-use developments may have more than one principal building on the same lot.

- 2.03.23 BUILDING SEPARATION. The horizontal distance measured between the nearest portions of any structures on the same lot.
- 2.03.24 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.
- 2.03.25 CITY. The City of Enterprise, Alabama.
- 2.03.26 CITY COUNCIL. The City Council of the City of Enterprise, Alabama.
- 2.03.27 CITY ENGINEER. The City Engineer of the City of Enterprise, Alabama, or their authorized designee.
- 2.03.28 COLONY. The hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.
- 2.03.29 DENSITY. The ratio of lot area per dwelling unit or the number of dwelling units per acre of site area.
- 2.03.30 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.
- 2.03.31 DISTRICT or ZONING DISTRICT. A division of the City of Enterprise for which permitted uses, lot sizes, building heights and other requirements are established.
- 2.03.32 DONATION BIN. A portable or stationary, enclosed container into which donated goods are collected before being transported to another premises for processing.
- 2.03.33 DWELLING UNIT. Any portion of a building used, intended or designed as a separate abode for a family.
- 2.03.34 EXTERIOR INSULATION AND FINISH SYSTEM (EIFS). An exterior wall cladding using rigid insulation boards on the exterior of the wall sheathing with a plaster appearance.
- 2.03.35 EXCAVATION. Any man-made cavity or depression in the earth's surface including all sides, walls, or faces formed by earth removal and producing unsupported earth conditions by reasons of the excavation.
- 2.03.36 FACADE. That elevation of a principal building oriented toward the street.
- 2.03.37 FAMILY. Any one of the following arrangements when living in a dwelling as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, eating and housekeeping facilities:
  - A. A person living alone;
  - B. Two or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship living together;
  - C. No more than four unrelated persons living together;
  - D. A number of unrelated persons but not exceeding two and any children related to either of them by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, living together.
- 2.03.38 FENCE. An artificially constructed barrier of any kind erected to enclose, delineate or screen a property or portions thereof.
- 2.03.39 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.
- 2.03.40 GRADE LEVEL. For buildings, the average level of the finished grade at the front building line. For trees, landscaping and light fixtures, the level of finished grade at the base of the tree, plant, or fixture. For freestanding signs, the level of finished grade at the nearest edge of pavement of the adjoining street immediately in front of the sign.

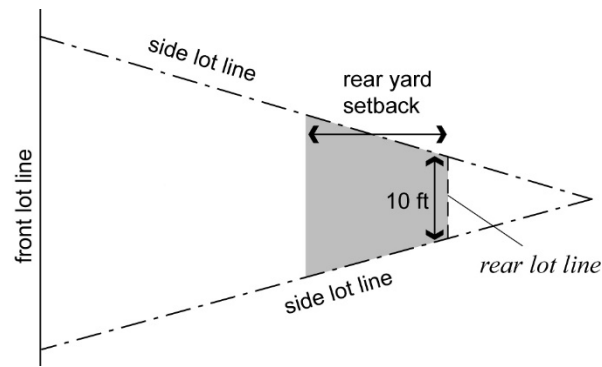


- 2.03.41 GROSS FLOOR AREA. The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.
- 2.03.42 HIVE. A structure for housing honeybees.
- 2.03.43 HOME STAND. A space designed for the placement of a manufactured home within a Manufactured Home Park.
- 2.03.44 IMPROVEMENT. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- 2.03.45 LOADING, OFF-STREET. That portion of a premises used for loading or unloading of goods, materials or things, for delivery and shipping.
- 2.03.46 LOT. Land occupied or intended for occupancy by a use and having frontage on a street.
- 2.03.47 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place. Refer also to diagrams under Yard.
  - A. LOT LINE, FRONT. 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. Refer to diagram following.



Corner Lot Types

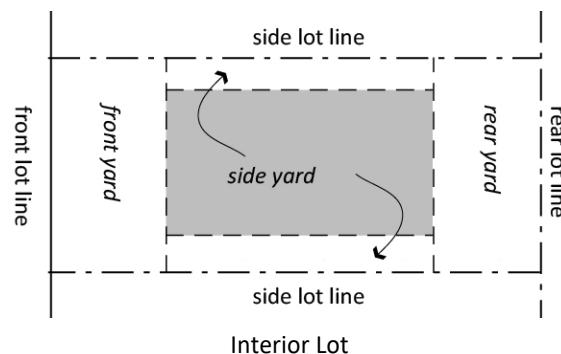
- B. LOT LINE, REAR. That lot line that is generally parallel to and most distant from the Front Lot Line or Primary Front Lot Line. In the case of a triangular or irregularly shaped lot, a line ten feet in length, entirely within the lot, parallel to and at the maximum distance from the Front Lot Line.

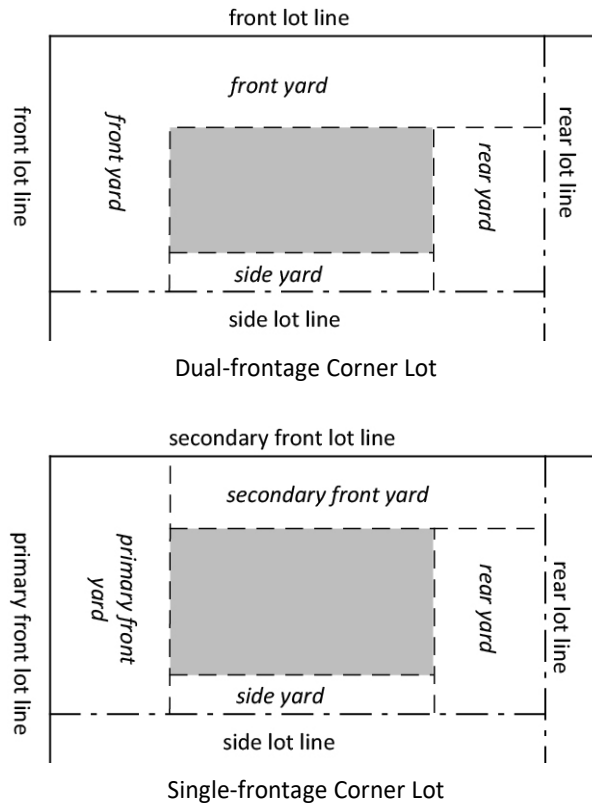


Rear Lot Line of a triangular lot

- 2.03.48 **LOT WIDTH.** The width of the lot at the front building line.
- 2.03.49 **NONCONFORMING USE.** The use of any building or land which use does not conform, after the passage of this Ordinance or amendment thereto, with the use regulations of the applicable district.
- 2.03.50 **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.
- 2.03.51 **PARCEL.** A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner.
- 2.03.52 **PARKING SPACE, OFF-STREET.** An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having an area of at least 162 sf, a minimum width of nine feet, and a minimum length of 18 ft, exclusive of driveways and maneuvering area.
- 2.03.53 **PLANNING COMMISSION or COMMISSION.** Planning Commission of the City of Enterprise, Alabama.
- 2.03.54 **RECREATIONAL VEHICLE.** A vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered, including, but not limited to, travel trailers, camping trailers, campers and motor homes.
- 2.03.55 **SETBACK.** See **YARD.**
- 2.03.56 **SITE.** The spatial location of an actual or planned structure or set of structures; or, a space of ground occupied or to be occupied by a building.
- 2.03.57 **SITE PLAN.** A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.
- 2.03.58 **STORY.** That portion of a building included between the surface of the floor next above, or if there is no floor above it, then the space between such floor and the ceiling next above it.
- 2.03.59 **STRUCTURE.** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps and signs, but not including utility poles, overhead wires and fences.
- 2.03.60 **SUBDIVISION REGULATIONS.** The Subdivision Regulations of the City of Enterprise, Alabama.
- 2.03.61 **TEMPORARY USE.** A use, involving portable or temporary structures, established for a limited duration with the intent to discontinue such use upon the expiration of the allowed period.

- 2.03.62 **TINY HOME ON WHEELS.** A prefabricated structure used for temporary or permanent residential occupancy that is set on a permanent trailer chassis with wheels and that does not comply with Building Code or HUD Code requirements for residential occupancy.
- 2.03.63 **TRACT.** A lot, piece, or parcel of land; the term not meaning any precise dimension, but generally referring to a larger piece of land.
- 2.03.64 **UNNECESSARY HARDSHIP.** A situation when all relevant factors, when taken together, indicate that the plight of the subject property is unique in that it cannot reasonably be made to conform to the provisions of this Ordinance. Unnecessary hardship also includes those decrees and standards as set out in Alabama cases and statutes.
- 2.03.65 **USE.** The function, activities, or purpose for which land or structures are designed, arranged, occupied, or maintained.
- 2.03.66 **VARIANCE.** A deviation from the provisions of this Ordinance granted by the Board, where such deviation is appropriate because the property has unique or special conditions which are not common to other property in the zoning area; applying this ordinance, as written, will cause an unnecessary hardship on the property; will not be against the public interest; will be in keeping with the general purpose of this ordinance; and, will do substantial justice. See [§12.05 Variances](#).
- 2.03.67 **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. Refer also to Lot Line and yard diagrams following.
- A. **ESTABLISHED YARD.** In contrast to a Required Yard, the area between a lot line and the corresponding Building Line as built. For example, an established rear yard is the area between the rear lot line and the rear most line of the building.
  - B. **FRONT YARD.** A yard extending across the full width of the lot and extending from the street right-of-way line to the front building line.
    - (1) **PRIMARY FRONT YARD.** The yard of a Single-frontage Corner Lot that corresponds with the Front Yard of the adjoining Interior Lot.
    - (2) **SECONDARY FRONT YARD.** A yard of a Single-frontage Corner Lot along a Front Lot Line other than the Primary Front Yard.
  - C. **REAR YARD.** A yard extending across the rear of a lot between the side lot lines and extending from the rear property line to the rear building line. On all lots the Rear Yard is opposite the Front Yard or Primary Front Yard.
  - D. **REQUIRED YARD.** A yard the depth of which is specified in the district regulations.
  - E. **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.





2.03.68 ZONING OFFICIAL. That official of the City of Enterprise designated by the City Council to administer these Regulations, or their designee.

**§2.04. Use Definitions**

2.04.01 ADULT-ORIENTED USES

- A. ADULT ENTERTAINMENT. 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 that meet 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 MEDIA or SEXUALLY-ORIENTED NOVELTIES, 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 the sale, rental, display or presentation of SEXUALLY-ORIENTED MEDIA or SEXUALLY-ORIENTED NOVELTIES, 3) derives more than 25% of its gross revenue from SEXUALLY-ORIENTED MEDIA or SEXUALLY-ORIENTED NOVELTIES.
- B. ADULT NOVELTY STORE. Any business that has more than 75% of its inventory, stock-in-trade, or publicly displayed merchandise in SEXUALLY-ORIENTED NOVELTIES and does not feature live entertainment.
- C. SEXUALLY-ORIENTED NOVELTIES. 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.
- D. SEXUALLY-ORIENTED MEDIA. Books, video and other media 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.



- E. 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.
  - F. 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.
- 2.04.02 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.
- 2.04.03 ALTERNATIVE FINANCIAL SERVICE. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business or similar business engaged in non-traditional short-term lending. This term does not include pawn shops, state or federally chartered banks, savings associations, credit unions, or industrial loan companies and retail sellers that cash checks or issue money orders incidental to the main business.
- 2.04.04 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.
- 2.04.05 ANIMAL HOSPITAL. A facility operated by a licensed veterinarian where medical or surgical treatment and short-term boarding are provided for household pets.
- 2.04.06 ANIMAL SHELTER. Nonprofit or public organization providing shelter for dogs, cats and other small domestic animals.
- 2.04.07 ASSISTED LIVING FACILITY. A facility licensed by the Alabama Department of Public Health in which room, meals, laundry, assistance with personal care, supervision of self-administered medication and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.
- 2.04.08 AUTOMOBILE REPAIR
- A. MAJOR AUTOMOBILE REPAIR. The repair and maintenance of motor vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities.
  - B. MINOR AUTOMOBILE REPAIR. Sales, installation and servicing of mechanical equipment and parts for motor vehicles, including audio equipment and electrical work, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
- 2.04.09 BAKERY, MAJOR. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
- 2.04.10 BAKERY, MINOR. An establishment that bakes goods for on-premises retail sales or catering.
- 2.04.11 BANK. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses not otherwise defined as Alternative Financial Services.
- 2.04.12 BED AND BREAKFAST. A detached single-family dwelling where lodging for persons not of the immediate family is provided for by compensation for definite periods of time up to 30 days.

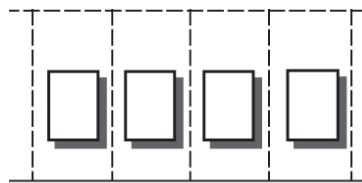
- 2.04.13 **BOARDING HOUSE.** Any building or portion thereof that contains not less than three nor more than nine guest rooms, which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, for defined periods of time of at least 30 days. Does not include HOTELS or MOTELS.
- 2.04.14 **BORROW PIT.** A premises where dirt, soil, sand, gravel or similar materials are removed from below grade for any purpose other than that necessary and incidental to site grading or building construction on the same premises.
- 2.04.15 **BROADCAST STUDIO.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio or television studio.
- 2.04.16 **BUSINESS OR PROFESSIONAL OFFICE.** A place where the affairs of a business, profession, service, or industry are conducted and that is generally furnished with desks, tables and communications equipment. Includes medical, dentist and similar healthcare offices for outpatient care on an appointment basis, call centers and broadcast studios, but not MEDICAL CLINICS.
- 2.04.17 **BUSINESS SUPPORT SERVICE.** A place of business that supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.
- 2.04.18 **CAMPGROUND.** Land on which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes for no more than 120 consecutive days. See also Recreational Vehicle Park.
- 2.04.19 **CAR WASH.** A commercial establishment engaged in washing, cleaning, and/or detailing of automobiles and other light vehicles.
- 2.04.20 **COMMERCIAL KITCHEN.** A facility where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.
- 2.04.21 **COMMUNITY SERVICE CLUB.** Building arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.
- 2.04.22 **COMPREHENSIVE PLAN.** The Comprehensive Plan of the City of Enterprise, Alabama, including any legally adopted part of the Comprehensive Plan. This may include, but is not limited to: Zoning Ordinance, Subdivision Regulations, Major Street Plan, Land Use Plan and Downtown Plan.
- 2.04.23 **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 [§7.07 Conservation Subdivisions](#).
- 2.04.24 **CONSTRUCTION SERVICE, MAJOR.** A place of business engaged in construction and related trade activities with outdoor storage or work yards such as a building contractor or similar trade and that may involve wholesaling of building materials. Includes wholesale building supply business.
- 2.04.25 **CONSTRUCTION SERVICE, MINOR.** A place of business engaged in construction-related trade activities with only incidental outdoor storage such as a building contractor, electrician, plumber or similar trade excluding any retail or wholesale sales.
- 2.04.26 **COUNTRY CLUB.** Land and buildings containing recreational facilities and club house for private club members and their guests.

2.04.27 DAY CARE FACILITIES

- A. DAY CARE CENTER. Any building and related premises used for the care of 13 or more children or adults for only part of the day.
- B. DAY CARE HOME. A detached single-family dwelling used for the care of six or fewer children or adults for only part of the day.
- C. GROUP DAY CARE HOME. A detached single-family dwelling used for the care of seven to twelve children for only part of the day with at least two adults present and supervising childcare activities.

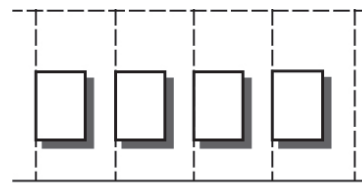
2.04.28 DWELLING. Any building or portion thereof in which people live.

- A. ACCESSORY DWELLING. A subordinate, independent dwelling unit located on the same lot as a detached single-family dwelling. See [§7.01 Accessory Dwellings](#).
- B. CARETAKER DWELLING. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises and not available to the public for rental purposes.
- C. DUPLEX DWELLING. A detached or single building designed for or occupied exclusively by two families living independently of each other.
- D. MULTIFAMILY DWELLING. A building containing five or more dwelling units.
- E. QUADPLEX DWELLING. A residential building containing four dwelling units.
- F. SINGLE-FAMILY DWELLING, DETACHED. A building containing one dwelling unit that is not attached to any other dwelling.



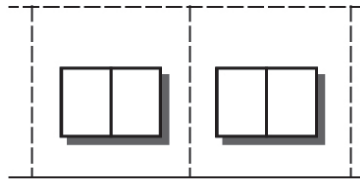
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Single-family Detached Dwellings



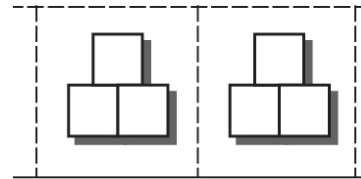
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Single-family Zero Lot Line Dwellings



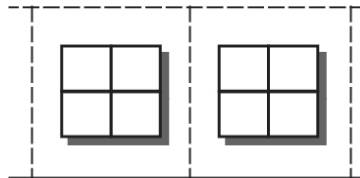
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Duplex Dwelling



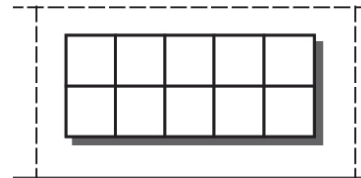
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Triplex Dwellings



street

Quadplex Dwellings



street

Multifamily Dwellings

Dwelling Types

- G. TINY HOME DWELLING. A site-built, modular or prefabricated structure of less than 500 sf, exclusive of any loft space, used for permanent or temporary residential occupancy and that complies with Building Code requirements for residential occupancy.
  - H. TOWNHOUSE DWELLING or SINGLE-FAMILY DWELLING, ATTACHED. A dwelling in a row of at least three such units, 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.
  - I. TRIPLEX DWELLING. A residential building containing three dwelling units.
  - J. UPPER-STORY DWELLING. A dwelling unit located on a floor above another use in the same building.
  - K. ZERO LOT LINE DWELLING. A single-family detached dwelling located on a lot so that one of the dwelling's sides rests on a lot line.
- 2.04.29 EMERGENCY SHELTER. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.
- 2.04.30 ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- 2.04.31 ENTERTAINMENT, INDOOR. An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses, arts centers, live music venues, and not otherwise defined as ADULT ENTERTAINMENT.

- 2.04.32 ENTERTAINMENT, OUTDOOR. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including amphitheaters, sports arenas, racing facilities, and amusement parks but excluding ADULT ENTERTAINMENT.
- 2.04.33 FARM. A tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to humans, including the following farming activities: forages and sod crops; grains and seed crops; dairy animals and products; poultry, including egg production but excluding poultry processing; livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing; and nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation; bees and apiary products; fisheries, excluding fish and seafood processing; fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.
- 2.04.34 FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and services, including the following activities: the sale of feed, grains, fertilizers, pesticides, and similar farm support goods, the provision of warehousing and storage facilities for raw farm products, and the provision of veterinary services to large animals.
- 2.04.35 FORESTRY. Operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities.
- 2.04.36 FUNERAL HOME. A commercial establishment engaged in funeral and undertaking services for human burial.
- 2.04.37 GARDEN CENTER. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools and equipment, and seeds.
- 2.04.38 GAS STATION. An establishment involving the retail dispensing of automotive fuels.
- 2.04.39 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:
- A. EMERGENCY CARE HOME. A GROUP CARE HOME, serving up to ten individuals, some of whom may be unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
  - B. FAMILY CARE HOME. A GROUP CARE HOME, serving up to ten individuals, some of whom may be unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired persons in a family-type living arrangement, and which meet or exceed the minimum requirements of §11-52-75.1, Code of Alabama, 1975 as amended.
  - C. TRANSITIONAL CARE HOME. A GROUP CARE HOME, serving up to ten individuals, some of whom may be unrelated by blood or marriage, living together as a single housekeeping unit under the supervision

- of one or more resident managers, whose purpose is to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living.
- 2.04.40 HOME OCCUPATION. Business carried on in a dwelling that is limited in extent and clearly incidental and secondary to the use of the property for residential purposes, specifically excluding beauty parlors, barbershops, and medical offices for the treatment of patients.
- 2.04.41 HOSPITAL. An establishment that provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, outpatient clinics and surgery centers, training facilities, gift and florist shops, coffee shops, cafeteria and staff offices.
- 2.04.42 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.
- 2.04.43 JUNKYARD. A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard. Does not include RECYCLING CENTER or RECYCLING PLANT.
- 2.04.44 KENNEL. Any facility at which cats, dogs, or similar household pets are trained or bred and may be kept overnight in unenclosed or partially enclosed spaces.
- 2.04.45 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.
- 2.04.46 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:
- A. LOW INTENSITY. Nonprofit cultural facilities up to 4,000 sf; places of assembly up to 199 seats.
  - B. MEDIUM INTENSITY. Nonprofit cultural facilities, health institutions and other institutions up to 12,500 sf; elementary and junior high/middle schools; places of assembly with 200 to 500 seats.
  - C. HIGH INTENSITY. Cultural facilities, health institutions and other institutions greater than 12,500 sf; places of assembly greater than 500 seats; high schools, universities, colleges, junior colleges; stadiums and arenas.
- 2.04.47 LANDFILL. A State-approved site for the controlled disposal of solid waste, garbage, brush, yard waste, construction debris, or other waste materials.
- 2.04.48 LAUNDERING PLANT. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding laundry Services.
- 2.04.49 LAUNDRY SERVICE. Laundromat, laundry and dry-cleaning pick-up stations and clothing storage, excluding laundering Plants.
- 2.04.50 LIQUOR LOUNGE. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel and motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises. Does not include LIQUOR STORES or establishments that sell or serve only beer or wine.

- 2.04.51 **LIQUOR STORE.** A licensed establishment that sells liquor for off-premise consumption only.
- 2.04.52 **LIVESTOCK SALES.** The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.
- 2.04.53 **MAINTENANCE SERVICE.** An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.
- 2.04.54 **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.
- 2.04.55 **MANUFACTURED HOME PARK.** A parcel of land under single management that has been planned and improved for the provision of space and services for manufactured homes for transient and/or non-transient use, not platted or otherwise divided by fee simple ownership; but permitting the sale of interests or memberships on a condominium basis, and wherein facilities and amenities, including roads, clubhouse or recreation facilities shall be privately owned or owned in common by residents of the park.
- 2.04.56 **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.
- 2.04.57 **MANUFACTURING, GENERAL.** The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.
- 2.04.58 **MANUFACTURING, HEAVY.** Industrial processing that transforms materials, particularly raw materials, into a new substance, compound, or product. Uses include, but are not limited to, meat or poultry processing, slaughterhouse, chemical and petroleum processing and manufacturing, foundries, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
- 2.04.59 **MANUFACTURING, LIGHT.** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.
- 2.04.60 **MEDICAL CANNABIS DISPENSARY.** An entity licensed by the Alabama Medical Cannabis Commission (AMCC), authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to the Medical Cannabis Act and the AMCC Rules.
- 2.04.61 **MEDICAL CLINIC.** A building, in which a group of physicians, dentists, and associated professional assistants provide outpatient care with or without appointments, and which may include dental or medical laboratories and surgery suites but not in-patient care.
- 2.04.62 **MINI-WAREHOUSE.** One or more buildings containing separate storage spaces that are leased on an individual basis for the exclusive purpose of storing non-hazardous goods.
- 2.04.63 **MODULAR BUILDING.** A structure manufactured off-site in accordance with the Building Code, transported to and assembled on the building site on a permanent foundation. A “modular home” is a MODULAR BUILDING designed, manufactured and used for dwelling purposes and, under this Ordinance, is regulated the same as a site-built dwelling, except as otherwise specified for TINY HOMES.



- 2.04.64 **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.
- 2.04.65 **NONRESIDENTIAL USE.** Uses including agricultural, institutional, commercial, lodging and industrial activities.
- 2.04.66 **NURSING CARE FACILITY.** A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.
- 2.04.67 **OPEN AIR MARKET.** Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.
- 2.04.68 **OPEN SPACE.** A yard area not used for a building, structure, driveway, parking, loading or storage.
- 2.04.69 **OPEN SPACE, COMMON.** Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such use.
- 2.04.70 **OUTDOOR STORAGE.** The keeping in an unenclosed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.
- 2.04.71 **PARKING, OFF-SITE.** Parking lots or structures providing parking for uses not located on the premises.
- 2.04.72 **PERSONAL SERVICE.** A retail establishment providing services involving the care of a person or their goods and apparel, including hair, nail and tanning salons, licensed massage therapists, cosmetic studios, seamstresses, tailors, travel agencies, interior decorators, formal wear rental, and repair of watches, phones, tablets, computers and other personal electronics and similar uses.
- 2.04.73 **PET GROOMING.** An establishment providing grooming services 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. Pet Grooming may also include overnight boarding of household pets.
- 2.04.74 **PLACE OF ASSEMBLY.** A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- 2.04.75 **PUBLIC FACILITY.** Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.
- 2.04.76 **PUBLIC UTILITY FACILITY, MAJOR.** Electric or gas generating plants, sewage treatment plants and water treatment facilities.
- 2.04.77 **PUBLIC UTILITY FACILITY, MINOR.** A facility that provides utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities but excluding those defined as Major Public Utility Facility.
- 2.04.78 **RECREATION, INDOOR.** A commercial establishment providing recreational or sports activities to participants within an enclosed building, including fitness, swimming, yoga, martial arts, dance, billiards, skating, bowling and gaming, and other commercial indoor recreational and sports activities.
- 2.04.79 **RECREATION, OUTDOOR.** A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.



- 2.04.80 RECREATIONAL VEHICLE PARK. A lot on which campsites are established for occupancy by travel trailers and other recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.
- 2.04.81 RECYCLING CENTER. Land, with or without buildings, other than a Junkyard, where Recyclable Materials are collected and may be separated, packed, bailed, stored and compacted before being transported to a recycling plant or other location for processing and eventual reuse.
- 2.04.82 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.
- 2.04.83 REPAIR SERVICE. An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances.
- 2.04.84 RESEARCH LABORATORY. An establishment engaged in research of an industrial or scientific nature within an enclosed facility, such as an electronics research lab, research and development firm, or pharmaceutical research lab.
- 2.04.85 RESOURCE EXTRACTION. The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, and mining.
- 2.04.86 RESTAURANT, FAST FOOD. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.
- 2.04.87 RESTAURANT, STANDARD. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.
- 2.04.88 RESTAURANT, TAKE-OUT ONLY. An establishment where food and drink are prepared, but not served or consumed on the premises.
- 2.04.89 RETAIL, GENERAL. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores and variety stores.
- 2.04.90 RETAIL, UNENCLOSED. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor tire sales, and outdoor display or sales.
- 2.04.91 ROOMING HOUSE. See BOARDING HOUSE.
- 2.04.92 SCHOOL, COMMERCIAL. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.
- 2.04.93 SCHOOL, NONPROFIT. School operated by a nonprofit organization.
- 2.04.94 SCHOOL, PUBLIC. School or college or similar institution operated by a public school authority.
- 2.04.95 SMALL CELL FACILITIES. A type of wireless broadband infrastructure involving small cell wireless technology that typically takes the form of small antennae placed on buildings, utility poles and other existing structures. This does not include TELECOMMUNICATION TOWER.
- 2.04.96 STABLE. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.
- 2.04.97 STUDIO. A place of work for an artist, photographer, or craftsman, including instruction, display, production, and indoor retail sales of materials produced on the premises.

2.04.98 SUBSTANCE ABUSE TREATMENT FACILITIES

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

2.04.99 TOWING SERVICE. An establishment that provides for the removal and transport of vehicles from streets or other public property or private property when such vehicles are disabled or in violation of parking or similar ordinances. TOWING SERVICES may include temporary storage of vehicles but do not include disposal, automobile wrecking, salvage, or indefinite storage of inoperable vehicles.

2.04.100 VEHICLE SALES, RENTAL AND SERVICE

- A. HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of trucks over one ton, tractors and farm implements, manufactured homes, recreational vehicles, boats, and construction and similar equipment, including the storage, maintenance and servicing of the same.
- B. VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of automobiles, light trucks, motorcycles, riding lawn mowers and similar household and gardening equipment, including the storage, maintenance and servicing of the same.

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

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

2.04.103 WHOLESALING 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.

**§2.05. Abbreviations used in this Ordinance**

- 2.05.01 AASHTO – American Association of State Highway and Transportation Officials
- 2.05.02 ac - acre
- 2.05.03 DU – dwelling unit
- 2.05.04 FEMA – Federal Emergency Management Agency
- 2.05.05 ft - feet
- 2.05.06 max. - maximum
- 2.05.07 MHP – Manufactured Home Park
- 2.05.08 min. - minimum
- 2.05.09 n/a – not applicable
- 2.05.10 sf – square feet

Draft: November 7, 2023

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## ARTICLE 3: GENERAL REGULATIONS

### §3.01. Uses

- 3.01.01 Uses specified as "permitted by right" are permitted on application to the Zoning Official. Special Exception uses require approval of the Board in accordance with [§12.06](#).
- 3.01.02 Accessory uses that are reasonable and customary to the district and the permitted use may also be permitted by the Zoning Official.
- 3.01.03 If a use is not specifically referred to in this Ordinance, its status may be determined by the Zoning Official by reference to the most clearly analogous use in the applicable Table of Permitted Uses. If the Zoning Official determines that a proposed use is not clearly analogous to a use in the Table of Permitted Uses, the Zoning Official refers the matter to the Board of Adjustments. If the Board determines that the use is compatible with the purpose of the district and with its permitted uses, it may consider the use as a Special Exception in accordance with [§12.06](#). Once the status of an unlisted use has been determined, that determination applies subsequently to all uses of the same type.

### §3.02. Lots, Yards and Open Spaces

- 3.02.01 Each structure, hereafter erected or altered, must conform to the minimum lot area, width and yard setbacks of the applicable district.
- 3.02.02 No yard, open space or lot required for a building or structure shall, during its life be occupied by or counted as open space for another building or structure. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.
- 3.02.03 On any lot which, at the time of adoption or subsequent amendment of this Ordinance, would be reduced in area by widening a public street as indicated on the duly adopted major thoroughfare plan or other applicable plan, the minimum required yards, lot area, lot width and maximum building area are measured by considering the future street line as the lot line of such lot.
- 3.02.04 The minimum front yard setback applies to both frontages of double-frontage lots.
- 3.02.05 Projections into Required Yards. The following projections into required yards may be allowed. Driveways and sidewalks are not limited by the provisions of this Section:
  - A. Architectural features such as, but not limited to, chimneys, roof overhangs, or eaves may project up to 2.5 feet but not closer than three feet to any property line.
  - B. Terraces, steps, uncovered porches and similar features that extend no more than three feet above the ground may project into a required yard but no closer than five feet to any property line.
  - C. Within residential districts, satellite dish antennas may be located only within a rear yard and may not closer than ten feet to any property line, measured from the closest edge of the structure.
  - D. Such projections may not be included in the calculation of required setbacks.
- 3.02.06 Exceptions to lots and yard requirements
  - A. The minimum front yard setback may be reduced where existing buildings on the same block frontage and in the same district are set back less than the front yard setback of the applicable district, as follows:
    - (1) [On blocks up to 500 ft in length](#), the setback requirement is reduced to the average setback of all buildings along the frontage or the average setback of buildings within 100 ft on each side of the subject lot, whichever is less.

- (2) On blocks longer than 500 ft, the setback requirement is reduced to the average setback of buildings within 200 ft on each side of the subject lot.
- (3) For corner lots, the setback requirement is reduced to the average setback of all existing buildings along the same block frontage.
- B. The Zoning Official may allow the reduction of a side or rear yard setback when that yard adjoins an open space prohibited from development of any kind by means of deed restrictions or similar legal method.
- C. Common open spaces that are contained within their own lot are not subject to the district lot and yard requirements.

### **§3.03. Structures**

- 3.03.01 Only buildings conforming to the Building Code and manufactured homes conforming to [§3.03.07 Manufactured Homes](#) may be used for permanent residential occupancy. Recreational vehicles, tiny homes on wheels and similar portable structures may be permitted for temporary residential occupancy in recreational vehicle parks in accordance with [§7.16 Recreational Vehicle Parks and Campgrounds](#).
- 3.03.02 Access
  - A. Every building erected or relocated must be located on a lot adjoining a public street or having access to a public street by way of an approved access easement or private street.
  - B. All buildings must be sited and arranged so that they have safe and convenient access for servicing, fire protection, and required off-street parking.
- 3.03.03 Height.
  - A. Each structure, hereafter erected or altered, may not exceed the maximum building height of the applicable district. However, maximum height regulations do not apply to barns, silos and other farm structures; steeples, spires, domes, chimneys, flagpoles, public utility poles, radio and television towers and aerials, silos, cooling towers, water tanks, and industrial structures required for a permitted manufacturing process and other such structures not designed for human occupancy may exceed this height, provided they comply with all other applicable codes and ordinances, and are located no closer to the nearest property line than the distance equal to their height plus ten feet.
  - B. The height of all structures must be in accordance with the limits imposed by the Federal Aviation Administration or any other federal, state or municipal authority, where applicable.
- 3.03.04 No private permanent building, fence, wall or other structure may be placed or constructed within a public right-of-way or easement without prior approval by the City Council.
- 3.03.05 It is the intent of this Ordinance that there be but one main building on any lot used for single-family residential purposes plus any permitted accessory structures.
- 3.03.06 Accessory Structures
  - A. It is the intent of this Ordinance that accessory structures be permitted for uses that are reasonable and customary to the district and permitted use. Except as permitted for Accessory Dwellings, accessory structures may not be used for residential occupancy.
  - B. No accessory structure other than a permitted sign may be erected in any required front yard.
  - C. Accessory structures may not exceed 25 ft in height except as provided in [§3.03.03](#) and may not cover more than 30% of any required rear yard. Accessory structures must be set back at least five feet from the rear and side lot lines and ten feet from any other structure on the same lot. If taller

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

- D. Accessory structures may not have windows on a second level or above 12 ft, as applicable, facing the rear or side lot line so that a window would overlook an adjoining property. This does not apply if the window is more than 15 ft horizontally from the lot line toward which it faces.
- E. On any corner lot which adjoins another residential lot at the rear, no part of any structure within 25 ft of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along the side yard.
- F. Emergency shelters are permitted in any district, subject to the yard and lot coverage regulations of the district. Such structures may contain or be added to other structures or may be constructed separately. In addition to their use as temporary shelters, they may be used for any principal or accessory use permitted in the district but may not be used for any use not permitted in the district.

### 3.03.07 Manufactured Homes

- A. All manufactured homes, excluding those in permitted manufactured home sales or repair establishments, must be located in approved manufactured home parks regardless of whether or not such manufactured homes are occupied. No other manufactured homes may be kept in the corporate limits of the city unless approved by the Board of Adjustment in accordance with [§12.06 Special Exceptions](#).
- B. Permit must be obtained from the City prior to the placement or replacement of any manufactured home. Application must include the following information:
  - (1) Year of manufacture
  - (2) Model and serial number
  - (3) Exterior dimensions of the home
  - (4) Affidavit that no structural alterations have been made to the home
- C. 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.
- D. 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

3.03.08 Portable Buildings

- A. A portable building may be temporarily used as a bona fide construction office and the quarters of a lone night watchman at a construction site in accordance with [§7.18 Temporary Uses](#).
- B. Special exceptions may be granted by the Board of Adjustment for business use of portable buildings in a commercial district upon showing catastrophic circumstances created by acts of God or casualty damages in accordance with [§12.06 Special Exceptions](#).

**§3.04. Swimming and wading pools**

Swimming and wading pools with a depth of one foot or more in any portion of the pool must be set back at least five feet from any property line and must be secured as required by the Building Code.

**§3.05. Parking, Loading and Driveways**

3.05.01 Off-street parking and loading requirements must be provided in accordance with [Article 8 Parking and Loading](#).

3.05.02 Driveway spacing standards. The number and location of driveways accessing public streets are subject to the standards in Table 3-1. The Zoning Official may reduce spacing requirements when the following conditions exist, based on commonly accepted and applied traffic engineering principles: shared access is not possible; exceptional topographic or site conditions exist at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; application of the standards would conflict with other provisions of these Regulations; and where the reduction would not compromise the safe, efficient flow of traffic.

<b>Table 3-1 Driveway Spacing Standards</b>			
Use and Street Type	Minimum Spacing		Max. number of driveways per frontage length
	from intersection <sup>1</sup>	from other driveways	
<b>All Uses</b>			
Arterial streets and highways	150 ft	100 ft	1 per 150 ft
<b>Single family and duplex dwellings</b>			
Collector Streets	100 ft	25 ft	1 per 100 ft
Local Streets	60 ft	10 ft	1 per 60 ft <sup>2</sup>
<b>All other Uses</b>			
Collector Streets	125 ft	75 ft	1 per 125 ft
Local Streets	75 ft	50 ft	1 per 75 ft
<p>1 Where the frontage of a corner lot is less than the required distance, a driveway may nonetheless be approved by the Zoning Official provided it is as far as practical from the intersection.</p> <p>2 For interior lots less than 60 ft in width, one driveway may be approved, if in the opinion of the Zoning Official, the driveway will not adversely affect safety and movement on the street.</p>			

3.05.03 Driveways providing access to public streets must be surfaced with concrete, asphalt or as otherwise approved by the Zoning Official for a distance of at least 25 ft.

**§3.06. Signs**

All permanent and temporary exterior signage must comply with [Article 9 Signs](#).

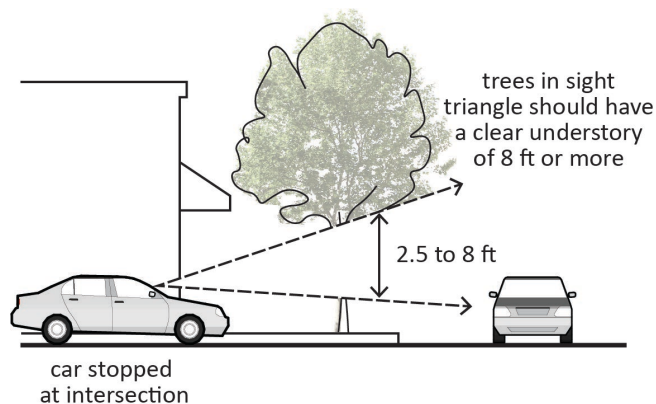
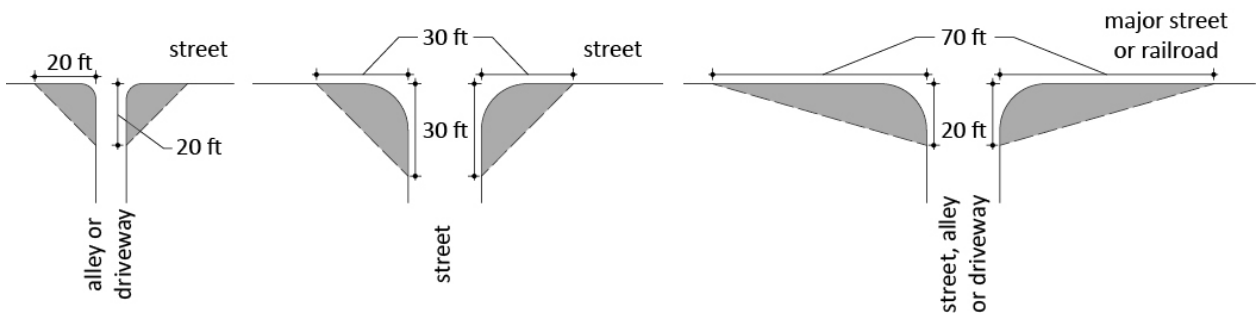
**§3.07. Landscaping, Screening and Buffers**

Landscaping of parking areas, screening and buffers must be provided as required by and in accordance with [Article 10 Landscaping](#).

**§3.08. Sight Distance, Clearance for Pedestrian Movement**

3.08.01 Sight Distance. Other than traffic control signs, no fence, wall, landscaping, sign or other visual obstruction greater than 18 inches in width 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, as determined by the City Engineer in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition. Requirements are determined as follows:

- A. At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement
- B. 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
- C. At the intersection of a street, alley or driveway with a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street, alley or driveway and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way



Sight Distance

3.08.02 Clearance for Vehicular and Pedestrian Movement. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. However, the Zoning Official may permit vertical clearance no less than seven feet where an existing structure is of a



design that makes compliance with this requirement impracticable. A clear width of at least five feet must be maintained at all points along a public sidewalk.

### **§3.09. Fences, Walls, and Hedges**

- 3.09.01 The maximum height of fences, walls and hedges located in a front yard setback is four feet. Outside of the front yard setback, the maximum height of fences, walls, and hedges is eight feet, except as necessary for screening required by this Ordinance.
- 3.09.02 All fences and walls require a building permit; except that no permit is required for a fence on land used for farming or forestry in the AG District.
- 3.09.03 Fences and walls may not project into a right-of-way or impede intersection sight distance. See [§3.05 Sight Distance, Clearance for Vehicular and Pedestrian Movement](#).
- 3.09.04 Fences and walls may not be built on or over any easement without approval of the entity having authority over the easement.
- 3.09.05 Fences and walls must not adversely affect draining or create debris build-up, nor impede access to metering devices or public utilities, including fire hydrants.

### **§3.10. 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:

- 3.10.01 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 facilities is borne by the association.
- 3.10.02 Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:
  - A. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements;
  - B. 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;
  - C. provides that any changes to the plan must be approved by the Commission; and
  - D. provides for enforcement of the plan.
- 3.10.03 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.

### **§3.11. Parking and Storage of Certain Vehicles**

- 3.11.01 Automotive vehicles or trailers of any kind without current license plates, or which are inoperable or disabled for a period of five consecutive days, may not be stored or parked on any residentially-

zoned property, whether occupied as a residence or not, or on property used for residential purposes in a nonresidential district except in an enclosed building [or within the rear yard if fully screened from off-premise](#). For the purposes of this section, a vehicle is deemed inoperable or disabled if it is unable to operate on the streets and roadways of the State of Alabama in full compliance with the various provisions of the Code of Alabama, 1975.

- 3.11.02 Recreational vehicles may be stored in any district but only if parked in the side or rear yard, or in an accessory structure conforming to the requirements of this Ordinance. [The Zoning Official may permit keeping of recreational vehicles in the front yard of a residential corner lot provided the sight distance and other public safety standards are otherwise met](#). No such equipment may be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

### **§3.12. Tree Protection**

Every attempt must be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and other improvements. Whenever possible, a tree or group of trees to be preserved must have a barrier constructed to the drip line of the tree, or group of trees, [as approved by the Zoning Official](#).

### **§3.13. Farm Animals**

Except as provided for [keeping of chickens on the premises of detached single-family dwellings in accordance with §7.12 Keeping of Chickens](#), horses, cattle, sheep, pigs, fowl and other farm animals are allowed only in the AG District.

### **§3.14. Donation Bins**

- 3.14.01 Donation Bins are allowed as an accessory use on nonresidential premises only and may only be placed with permission of the property owner and only upon approval of an applicable permit by the Zoning Official.
- 3.14.02 Location of donation bins must be approved by the Zoning Official before being placed on premises.
- 3.14.03 Donations Bins may not encroach on any required parking, loading or landscaping and may not interfere with vehicular circulation on or off the premises.
- 3.14.04 Donated goods must be collected regularly so as not to allow accumulation of goods outside of containers. Receptacles must display the name of the owner or sponsor, their address, telephone number, and contact person responsible for collection. All donated goods accumulating outside of containers must be collected within 48 hours of notice by the City.

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## ARTICLE 4: RESIDENTIAL DISTRICTS

### §4.01. General Regulations

- 4.01.01 All uses must comply with the area and dimensional requirements in Table 4-1.
- 4.01.02 Except as permitted for tiny houses in the MHP District, all dwelling units must have a minimum floor area of 400 sf.
- 4.01.03 Private swimming pools may be located in the rear yard only.
- 4.01.04 Corner Lots in Residential Districts. On any corner lot adjoining the rear of another residentially-zoned lot, all structures must be set back from the same street as required for the dwelling on the adjoining lot.
- 4.01.05 Accessory Structures. Only accessory structures with a permanent foundation are permitted in the established side yard.
- 4.01.06 Minimum Open Space
- A. In all residential districts, open space comprising at least four percent of the gross tract must be provided as common open space in the following cases:
    - (1) Subdivisions containing 30 or more dwelling lots
    - (2) Townhouse developments containing 30 or more dwellings
    - (3) Manufactured and tiny home parks
  - B. All common open spaces must be well maintained in a safe and orderly condition, subject to [§3.10 Common Open Spaces and Facilities](#).
  - C. Required setbacks, parking areas and drives do not count toward common open space requirements. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft, except that paved paths at least three feet in width may be counted. Stormwater ponds may be counted up to 50% of the open space requirement.
  - D. Common open spaces should be consolidated into one or a few central locations to assure accessibility and usability and must be oriented to receive adequate sunlight. Required open space must have frontage on a street, common drive or parking area or otherwise be accessible without requiring passage through dwelling lots.
  - E. At least 50% of the required open space must be improved and maintained for recreational use. Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.
- 4.01.07 Off-street parking areas for buildings containing three or more dwelling units and any common parking areas serving three or more dwellings must comply with the following specifications:
- A. may be used only by passenger vehicles and vehicles up to one ton and may not be used for the parking or storage of trailers or similar equipment;
  - B. may not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;
  - C. must be graded for proper drainage and provided with a paved surface maintained at all times to prevent the release of dust and to be free of dust, trash and debris;
  - D. Lighting of parking may not unreasonably disturb occupants of adjacent residential property nor interfere with traffic;

- E. May have no more than one attendant shelter building, which must conform to all setback requirements and which may not exceed 50 sf of gross floor area;
- F. The parking area must be set back at least 20 ft from all front lot lines nor less than the front yard of any existing residential structure on any adjoining lot. The setback may not be used or occupied for any purpose except as permitted or required in this section.

**§4.02. R-1 Low Density Single-Family Residential District**

The purpose of this District is to provide and preserve land for use for [low-density](#) single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

**§4.03. R-2 Medium Density Single-Family Residential District**

The purpose of this District is to provide and preserve land for use for [medium-density](#) single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

**§4.04. R-3 High Density Single-Family Residential District**

The purpose of this District is to provide and preserve land for use for [high-density](#) single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

**§4.05. R-4 Mixed Residential District**

The purpose of this District is to provide and preserve land for both single family and duplex and multiplex dwelling units and other compatible uses in areas that are accessible to central community facilities, or where a transition from different density residential or nonresidential development is desirable.

4.05.01 [Triplexes and quadplexes may not be established on any interior lot located between two existing single-family dwellings.](#)

**§4.06. R-5 Multifamily Residential District**

The purpose of this District is to provide and preserve land that is and can be used for the construction of multifamily dwellings and other compatible uses in areas having access to services and facilities appropriate for higher density residential development.

**§4.07. R-T Townhouse District**

[The purpose of this District is to provide and preserve land that is and can be used for the construction of townhouse dwellings in areas having access to services and facilities appropriate for higher density residential development.](#)

4.07.01 Townhouse developments are subject to [§7.19 Townhouses](#) and must be approved by the Commission, if developed as a subdivision, prior to the issuance of a building permit..

4.07.02 It is the intended that townhouse developments:

- A. Should be located near major thoroughfares and collector streets where a high level of vehicular access can be provided.
- B. May be located primarily in areas near or adjacent to single-family residential areas.
- C. May be used as a transitional use between single-family dwellings and other high density or nonresidential uses.

- D. Must constitute groupings making efficient, economical, comfortable and convenient use of land and open space and providing alternative means to conventional arrangements of yards and building areas.
- E. Must be high quality living units offering usable open space and other residential amenities and preserving natural landform and foliage.

**§4.08. MHP Manufactured Home Park District**

The purpose of this District is to provide and preserve land that is and can be used for the development of manufactured [and tiny](#) home communities.

- 4.08.01 General Standards. Manufactured home [and tiny home](#) parks are subject to the following minimum standards:
- A. The site must be well-drained and graded to ensure adequate treatment of surface water runoff.
  - B. Manufactured [and tiny](#) home parks may not be platted or otherwise divided for fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including streets, must be privately owned, or owned in common by the residents of the park, and may not occupy parcels of land deeded separately from the common facilities within the park.
  - C. Uses. The following accessory uses are allowed:
    - (1) Clubhouse, laundry, swimming pool, and other similar facilities for the common use of the residents of the park.
    - (2) No more than one dwelling unit of conventional construction, containing at least 600 sf of floor space and intended for the use of a resident manager.
  - D. The front, rear and side yards for each [home stand](#) must be at least ten feet in depth. No manufactured [or tiny](#) home and its accessory building may cover more than 40% of the total area of the [home stand](#).
  - E. Each [home stand](#) must have at least two parking spaces maintained with an all-weather wearing surface such as asphalt and concrete. All off-street parking spaces must have access to an interior roadway within the park. No direct access is allowed between [home stands](#) and any exterior street.
  - F. [Home stands](#) must front on interior streets having a paved surface at least 22 ft wide. Interior streets must be an all-weather surface of concrete or asphalt and built to the standards of the City. Cul-de-sacs must have a paved surface with a minimum radius of 40 ft.
  - G. Street lighting must be provided throughout the park with lighting units spaced and equipped with luminaries of a height to provide an average luminance of four lumens per square meter reaching the ground surface, and the luminance ratio must be set at a maximum of six to one. Lights must be directed downward [or otherwise shielded](#).
  - H. Storage areas for boats, recreational vehicles, and other types of vehicle that exceed 30 ft in length must be screened from view off the premises. Storage of such vehicles is not allowed on [home stands](#) or on the internal streets in the park.
  - I. [Home stands](#) must be clearly staked or otherwise identified and have a permanent marker giving a number and/or letter of a minimum height of three inches so that they may easily be read from the interior roadway. All individual utility meters must be numbered for easy identification by service personnel.
  - J. Utilities

- (1) A sanitary sewer collection system must be extended to every [home stand](#). The connection from individual homes must be made under and/or within five feet of the home and equipped with a seal.
- (2) Every [home stand](#) must be provided with an individual branch service line for potable water with a minimum diameter of 3/4 inches. A cut-off and back flow prevention device approved by a nationally recognized testing agency must be installed on each branch. All connections to the water distribution system must be under, and/or within five feet of the home. Each [home stand](#) must have a water meter; and the service line from the meter to the home must be buried a minimum depth of 12 inches in the ground.
- (3) Every [home stand](#) must be provided with individual electrical service. Each such service must be mounted on a treated wooden pole or a metal pedestal and equipped with a circuit breaker, or a switch and fuses, housed in a panel approved for exterior use. The power supply wiring from the service to the home must be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual home. The supply cable must be encased in metal or plastic pipe and buried to the depth required by City regulations. Primary service lines may not be located across the top of any home.
- (4) Where gas service is provided, installation must conform to the requirements of the Alabama Public Service Commission, the gas district, and the International Codes Congress Standard Gas Code.

**4.08.02** [Manufactured Home Park Standards. The following standards apply to portions of manufactured home parks containing manufactured home stands:](#)

- A. The minimum site area for manufactured home parks, [regardless of whether they include tiny home stands](#), is [ten](#) acres.
- B. Each manufactured [home stand](#) must be at least 5,000 sf in area and have a width of at least 50 ft.
- C. Any portions of parks containing manufactured homes may not exceed seven homes per gross acre.
- D. All homes must have skirting installed between the base of the structure and the ground. Skirting must be made of concrete block, wood, vinyl, or other approved materials. Any opening in the skirting may not be larger than two inches square.
- E. All homes must be blocked and tied down in conformance with §11-49-219, Code of Alabama, 1975, as amended.

**4.08.03** [Tiny Home Park Standards. The following standards apply to tiny home parks and any portions of manufactured home parks containing tiny home stands:](#)

- A. The minimum site area for tiny home parks that are not part of a manufactured home park and that do not contain any manufactured home stands is [six](#) acres.
- B. [Tiny home stands](#) must be provided in a separate section of a park that contains manufactured home stands.
- C. Each tiny home stand must be at least 1,500 sf in area and have a width of at least 30 ft.
- D. Any portions of parks containing tiny homes may not exceed ten homes per gross acre.

**4.08.04** [Storm Shelter](#)

- A. Every manufactured and tiny home park of ten or more [home stands](#) must be provided with storm shelters, which shall:
  - (1) Have a minimum floor area of seven square feet for each [home stand](#).

- (2) Be designed by a licensed structural engineer or architect and built in accordance with plans approved by the Zoning Official.
  - (3) Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is located in a flood plain.
  - (4) Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the City's currently adopted editions of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code and National Electrical Code, where applicable.
  - (5) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
  - (6) Be located no farther than 1,320 ft from the furthest [home stand](#) in the park.
- B. The park owner or their designated agent is responsible for making the storm shelter accessible and usable in times of need. It is unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of this subsection.
- C. For any addition of ten or more [home stands](#) to any existing park, a storm shelter that complies with the requirements of this section must be provided to serve such additional spaces. For any addition of fewer than ten [home stands](#) to an existing park there is no requirement that an additional shelter be provided to serve such additional spaces. However, when two or more such additions of fewer than ten [home stands](#) result in a cumulative addition of ten or more [home stands](#) to a park, a storm shelter which complies with the general requirements of this subsection must be provided to serve such additional spaces.
- D. Any park of ten or more [home stands](#) which has an existing storm shelter, as of the effective date of the ordinance, which does not conform to the requirements of this section is considered nonconforming and may continue to exist as long as said existing shelter remains in place and usable; provided, however, any [home stands](#) added to such community after such effective date require storm shelters as provided herein.

#### 4.08.05 Nonconforming Parks

Any manufactured or tiny home park that does not conform with these requirements must be brought into conformance within ten years from the date on which this amendment is adopted. At a minimum, the following requirements must be met to the fullest extent practicable as determined by the Zoning Official: interior street widths and paving; parking; lighting; home stand sizes; skirting, blocking and tie-downs, water, sanitary sewer and electrical service.



**TABLE 4-1 Area and Dimensional Requirements, Residential Districts**

	R-1	R-2	R-3	R-4	R-5	R-T <sup>3</sup>	MHP <sup>4</sup>
Minimum Lot Area (sf)							
One Dwelling	14,000	10,000	6,000 <sup>1</sup>	4,000 <sup>1,2</sup>	4,000 <sup>1,2</sup>	2,000	n/a
Per Additional Dwelling on the same lot	n/a	n/a	n/a	2,000	2,000 <sup>2</sup>	n/a	n/a
Minimum Lot Width (ft)	100	75	50	40	40	20	100
Minimum Setbacks (ft)							
Front or Primary Front Yard	35	30	25	20	20	25	25
Secondary Front Yard	n/a	n/a	20	15	15	20	n/a
Side Yard	10	10	7	7 <sup>5</sup>	7 <sup>5</sup>	0/10	10
Rear yard	40	30	30	25	25	25	25
Maximum building area, percent of gross lot area	25	40	50	40	60	n/a	n/a
Maximum building height							
in feet	35	35	35	35	45	35	n/a
in stories	2-1/2	2-1/2	2-1/2	2-1/2	3	2-1/2	1

1. The minimum lot area for each lot in a Cottage Development is 2,500 sf. Refer also to [§7.08 Cottage Developments](#).
2. For multifamily buildings containing more than four dwelling units and for any multifamily development including more than one building on the same lot, refer to [§7.15 Multifamily Development](#).
3. Refer to [§7.19 Townhouses](#) for additional standards.
4. Minimum lot width and setbacks apply to the overall tract. Refer to [§4.08](#) for requirements applicable to each home stand.
5. Between detached single-family dwellings in a proposed subdivision, the minimum side yard setback may be waived provided that the dwellings are set apart as necessary to meet Building Code requirements. However, the minimum side yard must be provided wherever proposed dwellings will adjoin an existing development.

**Table 4-2: Uses Permitted in Residential Districts**

USES	R-1	R-2	R-3	R-4	R-5	R-T	MHP
Accessory Dwellings, subject to <a href="#">§7.01</a>	P	P		P			
Conservation Subdivision, subject to <a href="#">§7.07</a>	P	P	P				
Cottage Development, subject to <a href="#">§7.08</a>			P	P	P		
Dwelling, Multifamily, subject to <a href="#">§7.15</a>					P		
Dwelling, Triplex or Quadplex				P	P		
Dwelling, Duplex				P	P		
Dwelling, Single Family	P	P	P	P	P		
Dwelling, Townhouse, subject to <a href="#">§7.19</a>						P	
Manufactured Home, on its own lot							P
Manufactured Home and Tiny Home Park							P
Modular Home	P	P	P	P	P		P
<b>Residential Care and Day Care Facilities</b>							
Assisted Living Facility				SE	SE		
Day Care Center				SE	SE		
Emergency or Transitional Care Home, subject to <a href="#">§7.09</a>					SE		
Family Care Home					P		
Family Day Care Home	SE	SE	SE	SE	SE		SE
Group Day Care Home	SE	SE	SE	SE	SE		
Independent Living Facility				SE	P		
<b>Other Uses</b>							
Amateur Radio Towers, subject to <a href="#">§7.04</a>	P	P	P	P			
Bed and Breakfast, subject to <a href="#">§7.05</a>	SE	SE	SE	SE			
Cemetery, subject to <a href="#">§7.06</a>	P	P					
Country Club	SE	SE	SE	SE	SE		
Golf Course	SE	SE	SE	SE	SE		
Home Occupation, Minor, subject to <a href="#">§7.10</a>	A	A	A	A	A	A	
Home Occupation, Major, subject to <a href="#">§7.10</a>	SE	SE	SE	SE	SE		
Institutional Use, Low Intensity	SE	SE	SE	SE	SE	SE	SE
Institutional Use, Medium Intensity	SE	SE	SE	SE	SE		
Keeping of Chickens, subject to <a href="#">§7.12</a>	P	P	SE	SE			
Keeping of Honeybees, subject to <a href="#">§7.13</a>	SE	SE	SE	SE			
Parks, Playgrounds and Nature Preserves	P	P	P	P	P	P	P
Parking, Off-site	SE	SE	SE	SE			
Public Facility	R	R	R	R	R	R	R
Public Utility Facility	R	R	R	R	R	R	R
Rooming/Boarding House					SE		
Short-Term Rentals, subject to City Ord. 12-06-22-C	P	P	P	P	P	P	P
Telecommunication Towers, subject to <a href="#">§7.19</a>	SE	SE	SE	SE			

P – Permitted by right.

A – Requires administrative approval.

SE – Requires Board of Adjustment approval per [§12.06](#).

R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended.

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

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## ARTICLE 5: NONRESIDENTIAL DISTRICTS

### §5.01. General Regulations

- 5.01.01 All uses must comply with the area and dimensional requirements in Table 5-1.
- 5.01.02 Temporary uses are permitted in accordance with [§7.18 Temporary Uses](#).
- 5.01.03 Single-family Dwellings. Existing single-family dwellings in nonresidential districts are subject to the following:
- A. They may be expanded by no more than 25% of the existing gross floor area of the dwelling, provided it complies with the area and dimensional requirements of the applicable district upon expansion. Only one such expansion is permitted.
  - B. So long as they are used as a dwelling, they may also include home occupations.
  - C. Each existing single-family dwelling, so long as it is used as a dwelling, may also include one of the following: bed and breakfast, family care home, family day care home or group day care home. All such uses are subject to the same approvals and regulations as would normally be applied if the dwelling were in a residential district.
  - D. Use of an existing single-family dwelling for emergency care homes or transitional care homes are only permitted in the INST District in accordance with Table 5-2.
- 5.01.04 Access to borrow pits must be from a state road.

### §5.02. B-1 General Business District

This District is intended for a variety of both small and large-scale retail and service facilities, generally clustered into groups of similar and related activities; and are often designed to accommodate an integrated complex of retail and service facilities on a single site and sharing common parking.

### §5.03. B-2 Downtown Business District

This District consists more or less of the traditional downtown area of Enterprise. As such it contains retail, office, financial, government, food service and personal service facilities. The use of upper floors for residential use is encouraged. Pedestrian access is also desirable; and development is in part characterized by lot line to lot line construction, and combined uses within buildings and on property.

### §5.04. B-3 Highway Commercial District

The purpose of this District is to provide land to accommodate uses that tend to require a high degree of visibility and vehicular access, and/or serve the traveling public. The location and design of developments in this District must minimize traffic hazards and adverse impacts on adjoining areas.

- 5.04.01 Joint access easements and stubouts must be provided at adjoining property boundaries.
- 5.04.02 Access or frontage roads are required along the entire property frontage. All frontage roads must be for two-way traffic, parking is prohibited. Such frontage roads may be constructed on Alabama Department of Transportation right-of-way with ALDOT approval.
- 5.04.03 All frontage roads must be constructed to ALDOT specifications and must meet the following minimum requirements:
- A. The right-of-way must be at least 40 ft wide and lie parallel and adjacent to the highway right-of-way unless the Planning Commission determines another alignment to be more appropriate. Alternate layouts may be required at intersections.

- B. The paved roadway must be at least 24 ft wide from face to face or curb and constructed with vertical standard curb and gutter subject to City specifications.
- C. The paved roadway must lie in the center of the frontage right-of-way unless otherwise specified. The highway and frontage road must be separated by at least eight feet.
- D. Temporary access may be allowed from the access road to the main highway until permanent access points can be constructed or connections can be made to existing access points.
- E. Driveway curb cuts from the frontage road to the adjoining highways must begin or end no closer than 800 ft from the beginning or ending of another. Likewise, no such curb may begin at a point closer than 800 ft from the point of curvature of the curb return at an intersection with another street.
- F. Driveway curb cuts for frontage roads shall not begin at a point closer than 150 ft from the right-of-way of the main highway along any secondary road intersecting with the main highway.
- G. The Commission may waive or modify frontage road requirements where they would cross drainage ditches, creeks and other natural features.

**§5.05. INST Institutional District**

The purpose of this district is to provide for and protect uses that are institutional in nature, while encouraging their reasonable use and enjoyment in ways that are compatible with surrounding districts. Such uses historically have been an integral part of the neighborhoods they provided for and supported. However, many such uses now typically serve a larger area than the adjacent neighborhoods and often consist of substantial structures and parking areas designed to accommodate large numbers of people.

**§5.06. M-1 Light Industrial District**

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

**§5.07. M-2 General Industrial District**

This District includes land that is considered appropriate for manufacturing and assembly operations that tend to require substantial inputs of raw materials and components and subsequent shipment of processed goods.

**TABLE 5-1 Area and Dimensional Requirements, Nonresidential Districts**

	B-1	B-2	B-3	PBD	INST	M-1	M-2
Minimum Lot Area (sf)	n/a	n/a	30,000	n/a	50,000	n/a	n/a
Minimum Lot Width (ft)	n/a	n/a	100	n/a	150	n/a	n/a
Minimum Setbacks (ft)							
Front Yard	30	n/a	30	20	30	n/a	30
Side Yard	n/a	n/a	n/a	n/a	20	n/a	n/a
Rear yard	20	n/a	30	n/a	30	30	30
Maximum building area, percent of gross lot area	50	n/a	n/a	40	40	50	25
Maximum building height							
in feet	45	75	45	45	45	35	35
in stories	3	6	3	3	3	2	2

**Table 5-2 Permitted Uses, Nonresidential Districts**

USES	B-1	B-2	B-3	PBD	INST	M-1	M-2
P – Permitted by right.	R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended.						
A – Requires administrative approval.	A blank in the Table indicates the use is not permitted.						
SE – Requires Board of Adjustment approval per <a href="#">§12.06</a> .							
Miscellaneous Commercial Uses							
Ambulance service	P		P	P		P	P
Alternative Financial Service, subject to <a href="#">§7.03</a>			P	P			
Animal hospital and pet grooming, fully enclosed	P		P	P		P	
Animal hospital and pet grooming, partially unenclosed	SE		P	P		P	
Automobile repair, major	SE		P	P		P	
Automobile repair, minor	P		P	P		SE	
Bank	P	P	P	P			
Bed and Breakfast		SE		P			
Broadcast Studio	P	P	P	P	SE	P	P
Business or Professional Office	P	P	P	P	SE	P	P
Business Support Service	P	SE	P	P		P	P
Car Wash	P		P	P			
Commercial Kitchen	P	SE	P	P		P	
Construction Service, Major				SE		SE	P
Construction Service, Minor	SE	SE	P	P		SE	P
Farm Support Business						P	
Funeral Home	P	SE	P	P			
Kennel				SE		P	
Heavy Vehicle and Equipment Sales, Rental and Service	SE		P			P	P
Lodging, Hotel	P	P	P	P			
Lodging, Motel	P		P	P			
Maintenance Service	P		P	P		P	P
Mini-Warehouse, subject to <a href="#">§7.14</a>	SE		SE			P	P

**Table 5-2 Permitted Uses, Nonresidential Districts**

USES	B-1	B-2	B-3	PBD	INST	M-1	M-2
P – Permitted by right.	R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended.						
A – Requires administrative approval.	A blank in the Table indicates the use is not permitted.						
SE – Requires Board of Adjustment approval per <a href="#">§12.06</a> .							
Outdoor Storage, as a principal use						P	P
Parking, Freestanding	P	SE	P	P		SE	
Research Laboratory (under 10,000 sf)	P	P	P	P		P	P
Research Laboratory (10,000 sf and over)						P	P
School, Commercial, fully enclosed	P	P	P	P	P	P	P
School, Commercial, unenclosed				SE		P	P
Studio	P	P	P	P			
Towing Service						P	P
Vehicle Sales, Rental and Service	SE	SE	P	P		SE	
Wholesaling Establishment	P	SE	P	SE		P	
<b>Residential Care and Day Care Uses</b>							
Assisted Living Facility	P	P	P	P			
Day Care Center	P	P	P	SE	P	P	
Emergency Care Home, subject to <a href="#">§7.09</a>					P		
Family Care Home					P		
Independent Living Facility	P	P	P	P			
Nursing Care Facility	P	P	P		P		
Transitional Care Home, subject to <a href="#">§7.09</a>					P		
<b>Residential Uses</b>							
Caretaker Dwelling	A	A	A	A	A	A	A
Dwelling, Upper Story		P		P			
Rooming/Boarding House		SE					
<b>Retail and Personal Service Uses</b>							
Adult Novelty Store							
Bakery, Minor	P	P	P	P			
Garden Center	P	SE	P	P		P	
Gas Station	P	SE	P	P		SE	
Laundry Service	SE	SE	P	P		P	
Liquor Store, subject to §4-12 of the City Code	SE		P				
Open Air Market, permanent	SE		SE	SE			
Pawn Shop, with no outdoor sales or storage	P	P	P	P		P	
Pawn Shop, with outdoor sales or storage	SE	SE	P	P			
Personal Services	P	P	P	P			
Restaurant, Fast Food	P	P	P	P			
Restaurant, Standard	P	P	P	P			
Restaurant, Take Out Only	P	P	P	P		P	
Retail, General	P	P	P	P			
Retail, Unenclosed	SE	SE	P	P		SE	

**Table 5-2 Permitted Uses, Nonresidential Districts**

USES	B-1	B-2	B-3	PBD	INST	M-1	M-2
P – Permitted by right.	R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended.						
A – Requires administrative approval.	A blank in the Table indicates the use is not permitted.						
SE – Requires Board of Adjustment approval per <a href="#">§12.06</a> .							
Tattoo Parlor	P	P	P	P			
<b>Recreation and Entertainment Uses</b>							
Country Club	P		SE				
Entertainment, Adult, subject to <a href="#">§7.02</a>							P
Entertainment, Indoor	P	P	P	P			
Entertainment, Outdoor				P			
Liquor Lounge	SE	P	P	P			
Recreational Vehicle Park or Campground, subject to <a href="#">§7.16</a>				SE			
Recreation, Indoor	P	P	P	P			
Recreation, Outdoor	P		P	P			
<b>Institutional, Assembly and Healthcare Uses</b>							
Low and medium intensity institutional uses	SE	P	SE	SE	P	SE	SE
High intensity institutional uses	SE	P	SE	SE	P	SE	SE
Airport						SE	SE
Animal Shelter				P		SE	
Cemetery, subject to <a href="#">§7.06</a>	SE				SE		
Community Service Club	SE	SE	SE	P	P		
Hospital		P			P		
Public Facility	R	R	R	R	R	R	R
Medical Clinic	P	P	P	P	P		
Medical Cannabis Dispensary			P				
School, Nonprofit	P	SE	P	P	P	SE	SE
School, Public	R	R	R	R	R	R	R
Substance Abuse Treatment, Outpatient				SE	SE		
Substance Abuse Treatment, Residential					SE		
<b>Industrial and Manufacturing Uses</b>							
Bakery, Major			SE	SE		P	P
Borrow Pit, subject to <a href="#">§5.01.04</a>						SE	A
Junkyard, subject to <a href="#">§7.11</a>						SE	P
Landfill							SE
Manufacturing, General							P
Manufacturing, Heavy							SE
Manufacturing, Light						P	P
Recycling Center	SE	SE	SE	SE	SE	P	P
Recycling Plant						SE	P
Resource Extraction							SE
Warehousing and Distribution, Enclosed	SE	SE	SE	SE		P	P



**Table 5-2 Permitted Uses, Nonresidential Districts**

USES	B-1	B-2	B-3	PBD	INST	M-1	M-2
P – Permitted by right. A – Requires administrative approval. SE – Requires Board of Adjustment approval per <a href="#">§12.06</a> .	R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended. A blank in the Table indicates the use is not permitted.						
Warehousing and Distribution, Unenclosed						P	P

**Table 5-2 Permitted Uses, Nonresidential Districts**

USES	B-1	B-2	B-3	PBD	INST	M-1	M-2
P – Permitted by right.	R – Subject to Planning Commission review in accordance with Code of Ala. 1975, §11-52-11 as amended.						
A – Requires administrative approval.	A blank in the Table indicates the use is not permitted.						
SE – Requires Board of Adjustment approval per <a href="#">§12.06</a> .							
Telecommunications, Transportation and Utilities							
Bus Terminal	SE	SE	SE	SE			
Helipad, accessory		SE			SE	A	A
Helipad, freestanding					SE	SE	SE
Public Utility Facility, Major and Minor	R	R	R	R	R	R	R
Small Cell Facilities	A	A	A	A	A	A	A
Taxi or Limousine Service	SE		SE	P		P	
Telecommunication Tower, subject to <a href="#">§7.17</a>	SE		SE	SE		SE	SE



**ARTICLE 6: SPECIAL DISTRICTS**

**§6.01. AG Agricultural District**

This District is intended to provide space within the city to continue agricultural and forestry operations and to preserve land for future urban use when the demand for land for development and availability of services warrant such development and property may be rezoned for a more intensive use.

6.01.01 Uses. Refer to Table 6-1.

- A. Refer to [§7.19](#) for temporary uses.
- B. All uses not classified as permitted or Special Exception uses are prohibited.

6.01.02 All uses must comply with the area and dimensional requirements in Table 6-2.

- A. Whenever there is more than one dwelling allowed on a lot, there must be at least 15,000 sf of lot area provided for each dwelling.

**Table 6-1 Permitted Uses, AG District**

Permitted by Right	Special Exception Uses (subject to <a href="#">§12.06</a> )
Bed and Breakfast, subject to <a href="#">§7.05</a>	Airport
Broadcast Studio	Animal Hospital
Cemetery, subject to <a href="#">§7.06</a>	Animal Shelter
Construction Service, Minor	Construction Service, Major
Country Club	Helipad
Day Care Home, Family	<a href="#">Keeping of Honeybees, subject to §7.13</a>
Day Care Home, Group	Place of Assembly or Worship
Dwelling, Single-family, detached	Junkyard, <a href="#">subject to §7.11</a>
Farm	Open Air Market
Farm Support Business	Outdoor Recreation
Farming, Forestry	Recreational Vehicle Park or Campground, <a href="#">subject to §7.16</a>
Group Day Care Home	Substance Abuse Treatment Facility, Residential
Home Occupation	Studio
Kennel	Telecommunication Tower, <a href="#">subject to §7.17</a>
Livestock Sales	
Manufactured Home	
Public Assembly Center	
Public Facility	
Public Utility Facility	
Stable	

**Table 6-2 Area and Dimensional Requirements, AG District**

Minimum Lot Area (sf)	Minimum Lot Width (ft)	Minimum Yard Setback (ft)			Maximum Building Area, percentage of lot area	Maximum Building Height (ft/stories)
		Front	Side	Rear		
one acre	100	50	15	50	25%	35 / 2

## **§6.02. HC Highway Corridor Overlay District**

- 6.02.01 Purpose. Recognizing the special nature of certain thoroughfares and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, the Highway Corridor Overlay District is intended to ensure that development in these areas is visually pleasing and economically viable. Whenever there is a conflict between the regulations of the overlay district and underlying zoning, the more restrictive applies.
- 6.02.02 These regulations apply to new development and redevelopment in all lots, parcels and tracts with frontage along Highways 27, 84, 134, 167, 192,248, [Bellwood Rd](#) and that are zoned B-1 or B-3, excluding any B-2 zoned property and any property within the [Downtown Overlay](#).
- 6.02.03 Definitions. As used in this Section, certain terms are defined as follows:
- A. Cladding: The exterior surface material of a building
  - B. Exterior insulation and finish system (EIFS): an exterior wall cladding using rigid insulation boards on the exterior of the wall sheathing with a plaster appearance.
  - C. Front Façade: that building elevation facing the street. Buildings on corner lots are considered to have two front façades. In the case of multi-building developments, building elevation facing the primary internal circulation area are also considered front facades.
  - D. Masonry: brick, stone, precast concrete, poured concrete and architectural-grade concrete block (split-face, textured and colored-aggregate)
- 6.02.04 Building Materials
- A. Exterior cladding materials for front facades are limited to: approved masonry; glass; wood; hard-coat stucco; EIFS; cement fiber board; corrugated, standing seam and flat panel metal siding.
  - B. Approved masonry must be used as at least 50% of the cladding on front facades and 30% of the cladding on all other facades. Window (including glass curtain walls) and door openings are excluded from this calculation.
  - C. Vinyl siding may not be used as cladding. Vinyl may only be used for soffits and other trim material.
  - D. Rib or R-panel metal siding may not be used on front facades and may not comprise more than 50% of other facades.
  - E. Non-architectural quality concrete block may only be used along the building foundation and may not extend above finished floor elevation of the first floor.
- 6.02.05 Landscaping. Vehicular area landscaping, screening and buffers must be provided as required in Article 10 except as follows:
- A. Frontage Landscaping. A landscaped yard of at least 15 ft in depth must be provided and maintained along all front property lines and planted in accordance with the requirements in [§10.04.03 Frontage Landscaping](#).
  - B. When a fence or wall meeting the standards in [§10.05](#) is provided as part of frontage landscaping, the landscaped yard may be reduced to no less than eight feet in depth.
- 6.02.06 Other Site Standards
- A. All structures must be set back at least 20 ft from the front property line.
  - B. All garages, car washes and other service bays must be set back at least 40 ft from the front property line.
- 6.02.07 Signs. Signs are subject to Article 9 and the following:
- A. The design and materials of all signs must be consistent with that of the structures on the site.

- B. All metallic poles and structural elements must be covered entirely in masonry, stone, wood, decorative metal or similar non-structural cladding material. The painting of metal surfaces alone is not sufficient to meet this requirement.
  - C. Freestanding signs may be mounted on a base not exceeding four feet in height. If such base contains any lettering, symbols or other graphics legible from the street right-of-way, its area is counted as part of the allowable sign area.
- 6.02.08 Lighting. Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner such that direct or indirect illumination from the source of light shall not exceed one foot candle when measured from any property line adjoining a residential district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that, acting together, the resulting light is controlled and not directed across an adjacent property.

### **§6.03. Planned Residential District**

#### 6.03.01 General Provisions

- A. Purpose. The Planned Residential District is intended to provide optional methods of residential development and compatible uses developed at a relatively large scale and to allow flexibility in overall design and types and density of dwelling units.
- B. Community objectives. Planned developments are afforded more flexibility than provided through conventional zoning regulations to:
  - (1) Enable choice in housing type, lot size and neighborhood design;
  - (2) Preserve trees, slopes, wetlands, flood prone areas and natural drainage patterns and limit disruption of natural features; and
  - (3) Promote efficient development patterns that result in economically designed infrastructure.
- C. Applicability
  - (1) No amendment of this Ordinance affects a PRD approved prior to such amendment. The approved PRD Development Plan may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the PRD Development Plan approval expire or be voided, any newly submitted PRD Development Plan must conform to the regulations in effect at the time of the new submittal.
  - (2) All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section and within the approved PRD Development Plan.

#### 6.03.02 General Requirements

- A. Minimum area. Each PRD must contain at least ten acres of contiguous land. A smaller land area may be considered provided evidence of one or more of the following conditions:
  - (1) the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
  - (2) the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;
  - (3) the design concept integrates the development into and minimizes any potential adverse impacts on the surrounding neighborhood or business area;
  - (4) the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site under conventional zoning regulations.

- B. Community benefits. The applicant must demonstrate that, in exchange for the flexibility conferred by PRD designation, the development will feature one or more of the following benefits:
  - (1) All buildings will feature quality, durable materials.
  - (2) Driveways, garages and parking areas will not dominate public views along streets.
  - (3) Residential developments will feature a range of housing types and sizes appropriate to different stages in life.
  - (4) Usable open spaces will be provided in accessible locations throughout the development. A greater amount of common open space will be provided in more intensively developed portions of the development.
  - (5) Paths will be provided to enable the safe movement of residents, on foot or bike, throughout the development and to adjoining neighborhoods and community destinations.
- C. Proposed common areas are subject to [§3.10 Common Open Spaces and Facilities](#).

#### 6.03.03 Development Standards

- A. Each PRD must include a residential subdistrict and may also include a mixed-use subdistrict. Mixed-use subdistricts may not exceed 30% of the total tract area of any PRD planned development.
- B. Uses. Refer to Table 6-3 and the following.
  - (1) Uses indicated with “P” are permitted by right in that subdistrict whether or not they are specifically identified in the approved PRD Development Plan.
  - (2) Uses indicated with “SE” are permitted by right in those locations specified for such uses in the approved PRD Development Plan. If no location is identified for such use in the approved PRD Development Plan, Special Exception approval from the Board of Adjustment (see [§12.06](#)) must be obtained before a building permit may be issued for such use.
  - (3) Uses not indicated with “P” or “SE” and those that are not specified in Table 6-3 are prohibited unless expressly approved by the Council as part of the final approval of the PRD Development Plan and rezoning. If approved, the use is subject to any conditions the Council deems necessary for approval and may only be developed in the location specified with such approval. Any prohibited use not expressly included in the approved PRD Development Plan requires amendment of the PRD Development Plan by the Council before a building permit may be issued for such use.
  - (4) All uses are subject to the applicable requirements in [Article 7 Use-specific Regulations](#) unless otherwise provided for in the approved PRD Development Plan.
- C. Density and setbacks must conform to the standards in Table 6-4. Requirements greater than or in addition to those in Table 6-4 must be specified in the PRD Development Plan.
- D. Open Space Standards. Common open space must be provided as shown in Table 6-4. No designated common open space may be subdivided, reduced in area or used for any other purpose unless approved through an amendment to the PRD Development Plan. The following are not counted toward meeting open space requirements:
  - (1) open spaces that are only accessible from the lots that abut them
  - (2) parking areas
  - (3) remnant strips of land less than 40 ft wide at their narrowest

## 6.03.04 Procedure

- A. Application. Application for PRD zoning must be accompanied by a Preliminary PRD Development Plan. Refer to the appendix for submittal requirements for Preliminary PRD Development Plan.
- B. Commission, Council Action
  - (1) Within 30 days after holding a public hearing on a PRD rezoning request and approval of the Preliminary PRD Development Plan, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.
  - (2) Upon receipt of the Commission's recommendation, the Council will conduct a public hearing on the rezoning request. Rezoning approval by the Council establishes the maximum density, maximum number of dwelling units and land use composition in each subdistrict of the proposed PRD.
  - (3) After PRD zoning has been established, no building permit may be issued, and no grading, clearing, excavation or filling may take place, until the Commission has approved the PRD Development Plan. The applicant has 180 days from rezoning approval to submit the PRD Development Plan to the Commission. Upon the applicant's request, the Zoning Official may extend this time period by 60 days. If not submitted within this period, the Council may take action to revert the zoning to its previous classification.
  - (4) The proposed PRD Development Plan must conform to the density and uses approved with the PRD rezoning and should incorporate any modifications recommended or required as conditions by the Council. How conditions specified by the Council are addressed should be clearly indicated by the applicant in the proposed PRD Development Plan.
  - (5) For PRD developments requiring subdivision approval, the Preliminary Plat of all or a portion of the development may be considered at the same Commission meeting as that of the PRD Development Plan.
  - (6) Within 30 days after holding a public hearing on the PRD Development Plan, the Commission will approve, approve with changes, or disapprove the PRD Development Plan; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes. If disapproved by the Commission, the applicant may appeal the decision to the Council.
- C. Effect of PRD Development Plan Approval
  - (1) All properties in an approved PRD are bound by the standards in its PRD Development Plan, even if subsequently sold, unless and until the PRD Development Plan is voided by the City. In the case of multiple ownership, the approved PRD Development Plan is binding on all owners.
  - (2) No use of the property, nor construction or alteration of any use or structure is permitted in conflict with the approved PRD Development Plan.
  - (3) Upon approval of the PRD Development Plan, subdivision approvals, building and other required permits are issued in the same manner as applies generally.
  - (4) The Board of Adjustment may not grant variances that would have the effect of amending an approved PRD Development Plan.
- D. Amendments. The Zoning Official may approve changes that are incidental or minor in scope. The following changes must be referred to the Commission and may be considered without additional public hearings. Any change that would increase the permitted density or number of dwelling units



or reduce the amount of open space must be approved as an amendment after a public hearing by the Council:

- (1) A change in land use boundaries, provided there is no increase in overall density or total number of dwelling units in each subdistrict and no reduction in the amount of open space
- (2) Rearrangement of streets and any reduction in pedestrian and bicycle facilities
- (3) Reductions in setbacks, lot area or lot width greater than five percent
- (4) Increases in building height greater than five percent
- (5) A reduction of off-street parking or loading space greater than five percent
- (6) Changes to the Development Schedule

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

- E. Failure to Begin Construction. Construction of the approved development must begin within one year of PRD Development Plan approval. If the development is to be constructed in phases, the construction of each phase must begin within one year of the construction start times for that phase as provided for in the approved development schedule. Failure to comply with this provision constitutes a violation of this Ordinance.

**Table 6-3 Permitted Uses, Planned Residential District**

	Residential Subdistrict	Mixed-Use Subdistrict
Animal hospital and pet grooming, enclosed and unenclosed		SE
Assisted and independent living facilities	P	P
Bank		P
Bed and Breakfast, subject to <a href="#">§7.05</a>	P	P
Business and professional office		P
Car wash		SE
Conservation subdivision, subject to <a href="#">§7.07</a>	P	P
Country club	P	P
Day care center	SE	P
Day care home, Family	P	P
Day care home, Group	SE	P
Dwelling, Accessory	P	P
Dwelling, Duplex	P	P
Dwelling, Multifamily, subject to <a href="#">§7.15</a>	SE	P
Dwelling, Single-family detached	P	P
Dwelling, Townhouse, subject to <a href="#">§7.19</a>	P	P
Dwelling, Triplex and Quadplex	P	P
Dwelling, Upper story		P
Emergency Care Home, subject to <a href="#">§7.09</a>	SE	P
General retail, enclosed		P
Golf course	P	P
Home occupation, subject to <a href="#">§7.10</a>	P	P
Personal service		P

**Table 6-3 Permitted Uses, Planned Residential District**

	Residential Subdistrict	Mixed-Use Subdistrict
Institutional Use, Low intensity	P	P
Institutional Use, Medium intensity	SE	P
Institutional Use, High intensity		P
Lodging, hotel		P
Park, playground or nature preserve	P	P
Parking, Off-site	SE	P
Public facilities	P	P
Public utility facility	P	P
Repair service		SE
Restaurant (any type)		P
Rooming or Boarding house	SE	P
Short-Term Rental, subject to City Ord. 12-06-22-C	P	P
Studio	SE	P
Telecommunications Tower, subject to <a href="#">§7.17</a>	SE	SE
Vehicle repair, Minor		SE

**Table 6-4 Area and Dimensional Requirements, Planned Residential District**

	Residential Subdistrict	Mixed-use Subdistrict
Maximum Residential Density	9 dwelling units per gross acre	12 dwelling units per gross acre
Minimum Common Open Space	10%	15%
Minimum Setbacks		
Front	15 ft	n/a
Side	10 ft <sup>1, 2</sup>	10 ft <sup>1, 2</sup>
Rear	15 ft	15 ft
Minimum Lot Area	5,000 sf <sup>2</sup>	n/a
Minimum Lot Width	50 ft <sup>2</sup>	50 ft <sup>2</sup>
Maximum Building Height	35 ft or 2.5 stories	45 ft or 3 stories

1. Where specified in the approved PRD Development Plan, buildings may be constructed with a zero setback provided the buildings on the adjoining lot are set back the same or are required by the PRD Development Plan to be set back at least ten feet from the shared lot line.

2. Does not apply to townhouses

#### **§6.04. PBD Planned Business District**

6.04.01 Purpose. The Planned Business District is intended to accommodate development of uses, which due to their inherent nature and proposed location, may require special conditions to protect adjoining properties from adverse impacts.

##### 6.04.02 General Provisions

- A. Developments within a Planned Business District must be laid out, developed and used according to a Development Plan prepared in accordance with this Article.
- B. The uses permitted are those prescribed in Table 6-5. The use of each building or premises must be in accordance with the Development Plan approved as part of the rezoning.

- C. Setbacks, lot size and building height are subject to Table 6-5. [Requirements greater than or in addition to those in Table 6-5 may be required as conditions on the Development Plan.](#)

**Table 6-5 Planned Business District**

Permitted Uses					
Animal hospital and pet grooming, enclosed and unenclosed	Garden center	Recreation, Indoor and Outdoor			
Assisted and independent living facilities	General retail, Enclosed and Unenclosed	Recreational vehicle park or campground, subject to <a href="#">§7.16</a>			
Bank	Golf course	Research laboratory			
Bed and breakfast, subject to <a href="#">§7.05</a>	Home occupation, Major and Minor, subject to <a href="#">§7.10</a>	Restaurant (any type)			
Broadcast studio	Institutional Use (any intensity)	School, Commercial			
Business and professional office	Kennel	Studio			
Business support service	Laundry service	Substance abuse treatment facility, Outpatient and Residential			
Car wash	Liquor lounge	Telecommunications Tower, subject to <a href="#">§7.17</a>			
Construction service, Major and Minor	Lodging, hotel and motel	Vehicle repair, Major and Minor			
Day care center	Maintenance service	Vehicle sales, rental and service			
Day care home, Group	Medical clinic	Vehicle and equipment sales, rental and service, Heavy			
Dwelling, Caretaker	Open air market	Warehousing and distribution, Enclosed			
Dwelling, Upper story	Parking, Off-site	Wholesaling establishment			
Entertainment, Indoor and Outdoor	Personal service				
Funeral Home	Public facilities				
	Public utility facility				
Area and Dimensional Requirements					
Minimum Setbacks			Minimum Lot Area	Minimum Lot Width	Maximum Building Height
Front	Side	Rear			
15 ft	<a href="#">10 ft</a>	15 ft	n/a	<a href="#">25 ft</a>	<a href="#">45 ft or 3 stories</a>

- 6.04.03 Procedure. The procedure for PBD rezoning is as described in [§13.05 Amendments](#) except as follows:
- A. The rezoning application must be accompanied by a preliminary Development Plan as prescribed in [§13.03](#) for the review and recommendation of the Commission.
  - B. The following criteria are used in the review of the rezoning request and preliminary Development Plan:
    - (1) That the value and character of property adjacent to the tract under consideration will not be adversely affected;
    - (2) That the proposed development is consistent with the intent of the Comprehensive Plan and of this Ordinance to promote the public health, safety and general welfare;
    - (3) That the preliminary Development Plan meets the requirements of all other regulating bodies; and
    - (4) That an approved method of sewage disposal is available to the tract under consideration.
  - C. If, within 365 days from the effective date of the rezoning, a complete building permit application has not been submitted, the Council may take action to revert the property to its previous or another zoning classification.

- D. Applications for plat approval or for building permits must be accompanied by a site plan delineating the location of proposed buildings, parking and loading areas, streets, egress, and pedestrian facilities; the locations, size, character and number of signs; the location and character of exterior lighting; and the character and extent of landscaping.
- E. The Zoning Official may not issue a building permit unless the site plan conforms to the applicable requirements of this Ordinance and the approved Development Plan.

### **§6.05. Downtown Overlay District**

6.05.01 Purpose. This District is intended to guide future development and redevelopment toward creating an attractive and vibrant urban pattern that balances the pedestrian and traffic needs of residents, while it protects and enhances the original pattern of development. The design and land development standards are intended to be flexible and encourage design diversity and variation. Development criteria will ensure that the architectural integrity and details of existing significant structures are maintained and will affirm the appropriateness of new development.

#### 6.05.02 Mixed-Use Buildings

- A. Vertical, mixed-use construction is encouraged in the Downtown Overlay District to the extent permitted by the underlying zoning.
- B. Except for live-work units, neither the basement nor first floor of buildings may be used for residential purposes.
- C. The dwelling portion of a live-work unit may be accessible from the nonresidential portion of the building. Otherwise, exterior access to upper-story dwellings must be separate from that of the businesses and, to the degree practicable, should not be located on the front façade. If the access is located on the front façade, it must be consistent with the style and materials used along the storefront but clearly signed to distinguish dwelling access from business access.
- D. For new construction, at least one private parking space must be provided and reserved for each upper-story dwelling unit.

#### 6.05.03 Balconies

- A. The City Council must approve any encroachment into a public right-of-way by any balcony structure. Insurance must be maintained by the property owner. No building permit may be issued without Council approval of the encroachment. Any change in design after the Council approves the encroachment must be re-submitted to the Council before a building permit may be issued.
- B. No portion of a balcony may obstruct required pedestrian clearance. See §3.08.02.
- C. Balconies may not project closer than 2.5 ft to the curb line extended vertically.
- D. Balconies must meet all applicable requirements of the Building Code, must be waterproofed and horizontal surfaces sloped to drain water away from the structure.
- E. Those portions of a balcony within the right-of-way may have a roof or similar cover but may not be enclosed. Railings and posts must be of durable wood, metal or similar material specifically approved by the Building Official.

#### 6.05.04 Exterior Building Materials

The following design standards shall apply to new construction, additions, and alterations to commercial and mixed-use buildings and structures unless otherwise specified.

- A. Approved Materials. Exterior walls must be finished in brick, wood, concrete formed or assembled as stone, precast concrete panels with a finish to simulate stucco texture, polished stone, or glazed brick or tile.
- B. Prohibited Material. Vinyl siding, aluminum siding, rolled asphalt, precast concrete panels with smooth finish, fiber cement wood simulated horizontal lap siding, fiber cement panels, Exterior Insulation Finishing Systems (EIFS), T-111 plywood siding, ceramic-based coatings and sealers on the siding.
- C. Exceptions. The Board of Adjustment may allow the use of a prohibited material through approval of a Special Exception. Such requests will be heard only upon receipt of a recommendation from the Main Street Design Committee.

#### 6.05.05 Signs

- A. Freestanding signs may not be taller than four feet, may not be larger than 40 sf in area and must be made of approved materials.
- B. Wall signs may not be larger than 80 sf or 2.25 sf per linear foot of façade per tenant, whichever is less. No more than one wall sign is permitted per tenant per street-facing façade.
- C. Nonfunctioning electronic signs and signs deteriorated to the extent that their message is no longer legible must be removed or repaired within 30 days of notice by the Zoning Official.
- D. The Zoning Official may require that wall, window and freestanding signs installed by a tenant who has not occupied a building for a period of six months or longer be removed or covered.

6.05.06 Building Maintenance. Buildings must be maintained free of degraded exterior conditions, such as but not limited to; rot, peeling or faded paint, rust, and dirt buildup. Such conditions must be corrected upon notice by and with the timeframe specified by the Zoning Official.

6.05.07 Alleyways. Garbage may be placed in alleyways for collection only in an approved City garbage receptacle. Otherwise, alleyways must be kept clear of any storage or other accumulation of materials, equipment or waste from the tenants in adjoining buildings.

#### 6.05.08 Prohibited Uses

- A. Storage of materials or equipment of any kind not accessory to the use of the premises is prohibited. Materials, goods and equipment of any kind in violation of this must be removed within two years of the effective date of this ordinance. This does not apply to currently operating mini-warehouses.
- B. Outdoor storage is prohibited.

#### 6.05.09 Vacant Buildings

Vacant buildings must be registered with the City, and their owners must maintain a valid Vacant Building Permit for each such vacant building. A registration fee of \$500 must be paid at the time of application or renewal. No permit may be issued or renewed prior to fee payment. Each permit is valid for up to three months.

- A. Waivers may be granted upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this §6.05 and its vacant building permit or renewal thereof. Waivers may be issued for no more than 4 permit periods, not including any interim permit period that occurs within a permit period. Vacant building permit fees, once a building is sold to a new owner, are waived for the remainder of the permit period and the permit period immediately following.

- B. Waivers may be granted when a building is being rehabilitated pursuant to applicable building and fire permits and the owner has spent at least 5% of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior 3-month period.
- C. Waivers may be granted when an owner secures all required permits to demolish the building or structure. The owner must demolish the building or structure within 3 months of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.
- D. When a waiver is requested, the full fee must nonetheless be paid with the waiver request. The fee will be refunded by the City if the waiver is granted.

Draft: November 7, 2023

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## **ARTICLE 7: USE-SPECIFIC REGULATIONS**

### **§7.01. Accessory Dwellings**

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

- 7.01.01 Permit Required. An Accessory Dwelling Permit is required for all accessory dwellings. Accessory dwellings may be maintained in perpetuity but only in compliance with these regulations. Any accessory dwelling permit will automatically expire whenever:
  - A. Required off-street parking is no longer provided on the premises
  - B. In the R-1 and R-2 Districts, the permittee ceases to own or reside on the premises
- 7.01.02 Because the 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 ensures 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 14,000 sf. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each of the dwellings.
  - A. Accessory dwellings must be set back from lot lines as required for the principal dwelling.
  - B. 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. Detached accessory dwellings are subject to the cumulative area permitted for accessory structures.
- 7.01.04 Additional Requirements
  - A. Separate utility meters are not permitted for accessory dwellings.
  - B. No more than one accessory dwelling is permitted on the lot of a single-family detached dwelling.
  - C. Accessory dwellings may not be used for short-term rental purposes.
  - D. One parking space, in addition to that required for the principal dwelling, must be provided.
  - E. Accessory dwellings must comply with the Building Code and be installed on a permanent foundation.
  - F. Accessory dwellings may not have separate vehicular access along the same street frontage as the principal dwelling.
  - G. An accessory dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.
  - H. If an existing residential garage is converted to an accessory dwelling, off-street parking requirements for the principal dwelling and accessory dwelling must be met concurrently with the conversion.

### **§7.02. Adult Entertainment**

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, not more than two such uses are hereafter permitted within 1,000 ft of each other, as measured between the nearest property lines. Nor may an adult entertainment use 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; place of assembly; 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. No alcohol of any kind may be offered for sale, sold or served on the premises of an adult entertainment establishment.

### **§7.03. Alternative Financial Services**

Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan businesses and check cashing establishments, are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two such uses are hereafter permitted within 1,000 ft of each other, as measured between the nearest property lines.

### **§7.04. Amateur Radio Towers**

- 7.04.01 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 Board of Adjustment per [§12.06 Special Exceptions](#).
- 7.04.02 Amateur radio towers are permitted on detached single-family residential lots but not on other residential lots.
- 7.04.03 On nonresidential premises, amateur radio towers may be approved by the Board of Adjustment per [§12.06 Special Exceptions](#).

### **§7.05. Bed and Breakfast**

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

- 7.05.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.
- 7.05.02 One parking space must be provided for each guest room, 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 is subject to [§3.11 Parking and Storage of Certain Vehicles](#).
- 7.05.03 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.

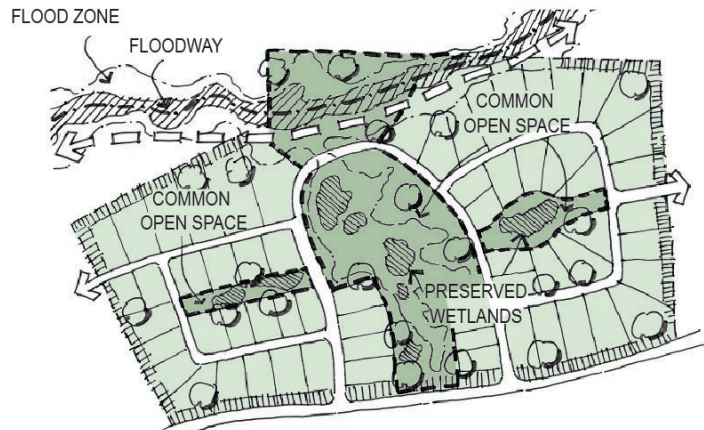
### **§7.06. Cemeteries**

- 7.06.01 All cemeteries must have direct access to a public street with ingress and egress designed to minimize traffic congestion.
- 7.06.02 The minimum site area for a new cemetery is ten acres.
- 7.06.03 Structures, materials and internments must be set back at least 35 ft from any adjoining lot line, except where adjoining another cemetery.
- 7.06.04 Internments must be set back at least 150 ft from any well used for drinking water purposes.

**§7.07. Conservation Subdivision**

7.07.01 Intent

- A. To provide flexibility to accommodate development on lands constrained by natural hazards that may limit the amount or type of development;
- B. To promote the creation of accessible green space;
- C. To protect sensitive, environmental land features to promote the public health and safety;
- D. To reduce erosion, sedimentation, land disturbance, and removal of vegetation; and
- E. To promote development of walking and bicycling facilities and greenways within new developments.



7.07.02 Applicability. The Conservation Subdivision option is available for single-family detached residential development of sites containing at least ten acres. If held in multiple ownership, the site must be developed according to a single plan with common authority and maintenance responsibility. The development must adhere to all other requirements of this Ordinance and the Subdivision Regulations.

7.07.03 Density Determination

- A. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the minimum lot size of the applicable district or, if septic tanks are to be used, by the minimum lot size required by the County Health Department. In making this calculation, the following may not be included in the total area of the tract:
  - (1) Designated floodway
  - (2) Bodies of open water over 5,000 sf of contiguous area
- B. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. Separation between dwellings must be at least 14 ft.

7.07.04 Application Requirements

- A. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the Development Plan or preliminary plat, as applicable. 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.
- B. Conservation Subdivision Plan. As part of the Development Plan or preliminary plat, the applicant must prepare a Conservation Subdivision Plan yielding no more lots than identified under §7.07.03 Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan, all of which must be submitted and approved prior to the issuance of a grading permit.
- C. Instrument of Permanent Protection. An instrument of permanent protection, as described in [§7.07.06](#), must be placed on the open space at the time of issuance of a grading permit.

7.07.05 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 must be restricted in perpetuity by a legal instrument approved by the City Attorney.

A. Standards

- (1) At least 20% of the total area of the tract must be maintained as open space.
- (2) The following are considered priority conservation areas and must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
  - (i) The 100-year floodplain
  - (ii) Riparian zones of at least 75 ft width along all perennial streams
  - (iii) Slopes above 25% of at least 10,000 sf contiguous area
  - (iv) Delineated wetlands
  - (v) Archaeological sites, cemeteries and burial grounds
- (3) The following are considered secondary conservation areas and should be included within the open space to the extent practicable:
  - (i) Historic sites
  - (ii) Existing trails that connect the site to neighboring areas
  - (iii) Existing healthy, native forests of at least one-acre contiguous area
  - (iv) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- (4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 20% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are not counted toward the open space requirements.
- (5) At least 25% of the open space must be suitable for passive recreational use.
- (6) At least 50% of the open space must be in a contiguous tract, which may be divided by a local street. The layout of open space should allow connection to neighboring open spaces.
- (7) To the extent practicable, the open space should be accessible to the largest number of lots and/or buildings within the site. Non-adjointing lots must be provided with access to the open space through sidewalks or off-street walkways.

B. Permitted Uses of Open Space

- (1) Conservation of natural, archeological and historical resources
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, and similar conservation-oriented areas
- (3) Agricultural and forestry activities, only if conducted according to best management practices
- (4) Passive recreation areas, walking, bicycle and similar trails
- (5) Active recreation areas, if they are limited to no more than 20% of the total open space and are not located within primary conservation areas. Active recreation areas may include playing courts and similar impervious surfaces necessary to the recreational activity.
- (6) Landscaped stormwater management facilities, community and individual wastewater disposal systems. Such facilities must be located outside of primary conservation areas.

- (7) Easements for drainage, access, and underground utility lines
- (8) Other conservation-oriented uses compatible with the purposes of this Section.

C. Prohibited Uses of Open Space

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

7.07.06 Ownership, Management and Protection of Open Space

- A. Responsibility for management of open spaces must be established in accordance with [§3.10 Common Open Spaces and Facilities](#).
- B. The open space must be protected in perpetuity by one of the following binding legal instruments, which must be recorded with the deed and include clear restrictions on use of the open space in accordance with this Section:
  - C. A permanent conservation easement in favor of either:
    - (1) 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
    - (2) 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.
  - D. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - E. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

**§7.08. Cottage Development**

7.08.01 General Standards

- A. Cottage Developments are permitted only on sites served by public water and sewer services.
- B. Cottage Developments may be subdivisions, in condominium form or a combination.
- C. Cottage Developments must include at least four dwellings but not more than ten dwelling lots that do not have street frontage, subject to the following:
  - (1) Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street or Common Open Space.
  - (2) The rear of dwellings may not face toward a street, except in the case of a double-frontage tract, the rear of cottage lots may be oriented toward the street of higher classification.
  - (3) Lots must be readily accessible for fire suppression purposes as determined by the Fire Chief during subdivision plat review.

7.08.02 Area and Dimensional Requirements

A. Minimum Lot Width, Setbacks

- (1) The lot width and side yard setback prescribed for detached single-family dwellings in the applicable district do not apply. Spacing between cottage dwellings must be at least five feet, which may include zero-lot line arrangements.
- (2) Dwellings must be set back at least 20 ft from all exterior lot lines and must observe the front yard setback for the district along all street frontages.
- (3) No setback is required between a dwelling and the common open space; however, no portion of a building may encroach into or over the common open space.

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

C. Permitted Total Floor Area per Dwelling:

- (1) One-Story units: no more than 1,200 sf
- (2) 1-1/2 and Two-story units: no more than 1,600 sf

D. Maximum Height: two stories

7.08.03 Ownership and Management of Open Space. See [§3.10 Common Open Spaces and Facilities](#).

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

**§7.09. Emergency and Transitional Care Homes**

No emergency care home or transitional care home may be located within 1,000 ft of an existing emergency care home or transitional care home.

**§7.10. Home Occupations**

7.10.01 Permitted home occupations include but are not limited to: internet-based businesses, artistic and design services, telephone sales, catering, tax preparation, off-site instruction, child day care homes, child day care group homes, on-site music, dance and art instruction, on-site sales and personal services subject to the limits herein, and other activities which the Zoning Official determines to be substantially similar in nature, intensity, or impact to these.

7.10.02 All home occupations must meet the following standards:

- A. No **more than one** person other than persons residing on the premises may be employed by the home occupation.
- B. The home occupation must clearly be secondary and incidental to the use of the dwelling unit as a residence.
- C. The appearance of the dwelling unit may not be altered, nor may the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.
- D. Home occupations must be conducted entirely within the principal building and/or accessory structure. There may be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation.
- E. Home occupations are limited to two students, customers, clients or other visitors at any one time.

- F. No traffic may be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation must be provided off the street and other than in the required front yard.
- G. The operation of a home occupation may not create any nuisance such as excessive traffic, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries of the home occupation premises. [Any occupations involving fabrication, cooking or other processes that present a greater risk of fire hazard are subject to any conditions for approval required by the Fire Marshal.](#)

7.10.03 Procedure

- A. Any person desiring to operate a home occupation must submit an application to the Zoning Official. The applicant must present evidence of ownership of the property in question, or a signed and notarized letter from the owner authorizing the application. The Zoning Official has ten [calendar](#) days in which to act on an application.
- B. Action taken pursuant to this ordinance does not mean that other regulations, rules, covenants, deed restrictions or other matter would prohibit such action.
- C. Final approval of a home occupation is contingent upon the applicant obtaining a valid business license from the City.

**§7.11. Junkyards**

- 7.11.01 No junkyard may be established closer than 300 ft to an established residential district.
- 7.11.02 All outdoor storage of salvage and wrecking operations must be completely screened in accordance with [§10.02 Screening](#).
- 7.11.03 The storage of wrecked automobile, junk, or salvaged materials may not exceed six feet in height.

**§7.12. Keeping of Chickens**

The following standards apply to the keeping of chickens in any residential district.

- 7.12.01 Chickens may be kept only on the premises of an occupied detached single-family dwelling with a lot size of at least 14,000 sf subject to the following maximum allowances:
  - A. Lots of 14,000-19,999 sf: one hen
  - B. Lots of 20,000 sf to 29,999 sf: two hens
  - C. Lots of 30,000-39,999 sf: three hens
  - D. Lots of 40,000 sf and larger: one hen per 10,000 sf of lot area
- 7.12.02 Roosters are prohibited.
- 7.12.03 Chickens, coops and runs may be kept only in the established rear yard. Except when under the personal control of the resident, chickens must be confined within a coop or run at all times.
- 7.12.04 Coops and runs are subject to accessory structure setback requirements. No structure for the keeping of chickens may be located within 50 ft of the nearest dwelling other than that of the owner.
- 7.12.05 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. Coops, runs and yard areas must be cleaned regularly to prevent accumulation of waste that will produce nuisance odor.
- 7.12.06 In the event of an odor, noise or other nuisance complaint, the Code Compliance or Animal Control Officer will inspect the premises and issue a violation accordingly. Violations are subject to penalties as provided in [§13.07 Penalties and Remedies](#).

### **§7.13. Keeping of Honeybees**

#### 7.13.01 Approval Requirements

- A. The keeping of honeybees may only be conducted by the person or entity owning or leasing the subject property.
- B. Keeping of honeybees **may only be permitted on lots of at least 14,000 sf in area and** requires approval from the Board of Adjustment in accordance with [§12.06 Special Exceptions](#). All apiaries and colony numbers must be approved by the Board before any colonies are maintained, kept or harbored.
- C. The requirements of this Ordinance must be observed regardless of whether there is an existing or subsequent use, from which apiaries must be separated, adjoining the subject property. For example, if a dwelling is later established on adjoining property, which causes the apiary to be closer to the new dwelling than permitted, the apiary must be removed or relocated as necessary to comply with this Section.
- D. Apiaries must comply with all applicable state and federal regulations and laws.
- E. Nothing in this Section is intended to override or otherwise allow the keeping of honeybees on any real property where deeds, covenants or other private restrictions prohibit the keeping of honeybees.

#### 7.13.02 Genetic Stock

- A. Only strains of known European origins to comprise colonies of honeybees may be used. No other types of honeybees may be kept.
- B. Once Africanized honeybees have been confirmed by a recognized authority as inhabiting any area of Alabama, beekeepers must re-queen their colonies annually with queens of known European origin. Queen stock must be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Honeybees may not be obtained from areas where Africanized honeybees are found or exist.
- C. Receipts of purchases of honeybees, including, but not limited to, queens must be kept and produced upon request by the enforcement authority. At all times said records and the real property must remain open for inspection by the Code Enforcement Department, which has the right, but not the obligation, to make such inspections.

#### 7.13.03 Additional Requirements

- A. The keeping of honeybees must be separated by at least 100 ft from any dwelling, other than that of the beekeeper, and at least 300 ft from any school, place of worship, hospital, public building, park, playground or swimming pool.
- B. Colony density. The number of bee colonies that may be kept on real property may not exceed the following, as approved by the Board of Adjustment, which may adjust the number of colonies based on the circumstances of the request:
  - (1) Lots of 14,000 sf up to one acre: four colonies
  - (2) Residentially-zoned lots greater than one acre: six colonies
  - (3) Agriculturally-zoned lots greater than one acre but less than two acres: six colonies
  - (4) Agriculturally-zoned lots of two acres or more: eight colonies
- C. Colonies must be set back at least 25 ft from the nearest lot lines.



- D. Colonies must be placed behind a solid fence or flyway, meaning a permanent vertical, solid structure made of common building materials that augments a honeybee’s flight path at least six feet in height that is parallel to the property line and extends at least six feet beyond the colonies in each direction. All flyways must be forced over a minimum of six feet levels.
- E. A convenient source of water must be provided and available at all times, especially when colonies are actively rearing brood, and in times of extreme heat.
- F. Should honeybees swarm onto any property within 1000 ft of the subject property, the beekeeper must retrieve said swarm, provided permission is obtained from the property owner where the swarm is located.
- G. Honey may not be sold or offered for sale in any residential zone without approval as a home occupation.
- H. Signage must be maintained on their property clearly visible from the public right of way fronting the subject property stating “Honey Bees Kept Outdoors Here.”
- I. In the event of any change in use or subdivision of a property on which honeybees are kept, either the new use or lot must meet the requirements herein or the colonies removed or relocation as necessary to comply with Section.

7.13.04 Nuisance. The keeping or harboring of colonies of bees in a manner that would render the enjoyment of life or property uncomfortable to others, or interfere with the public health, safety and general welfare is deemed a nuisance and a violation of this Ordinance subject to [§13.07 Penalties and Remedies](#).

7.13.05 Penalties

- A. Any person violating any provision of this Section is guilty of a misdemeanor and will, upon conviction thereof, be punished pursuant to section 11 of the Code of Ordinances for the City, and will be adjudicated by the municipal court or other court of competent jurisdiction.
- B. In addition to and cumulative of all other penalties, the City has the right to seek injunctive relief for any or all violations of this Section.

**§7.14. Mini-warehouses**

- 7.14.01 The use of storage compartments is limited to the storage of personal property. However, this does not preclude periodic auctions held on the premises to dispose of abandoned items.
- 7.14.02 No storage of volatile, toxic or explosive materials is permitted inside a storage structure or on the premises.
- 7.14.03 Alleys between storage buildings must be wide enough to allow two cars to pass each other.
- 7.14.04 Any outdoor storage must be screened from public view and from adjoining properties as required in [§10.02 Screening](#).

**§7.15. Multifamily Development**

- 7.15.01 Multifamily developments with buildings containing five or more dwelling units are subject to the following standards. Any multifamily development involving subdivision or resubdivision requires Development Plan approval (see [§13.03](#)) by the Commission to assure that the layout of buildings, open spaces, circulation, drainage and infrastructure is in harmony with the equivalent standards of the City Subdivision Regulations.



### 7.15.02 Site Development Standards

- A. The arrangement of buildings, open spaces, parking areas and drives must be suitable to existing topography to avoid extensive grading.
- B. Buildings must be spaced no less than the sum of their lengths divided by three  $((A+B)/3)$ , or 90 ft whichever is less (see Figure 7-1). In no case may buildings be placed closer together than 20 ft. Building spacing is measured perpendicularly from the longer of the two building walls at the closest point between them.

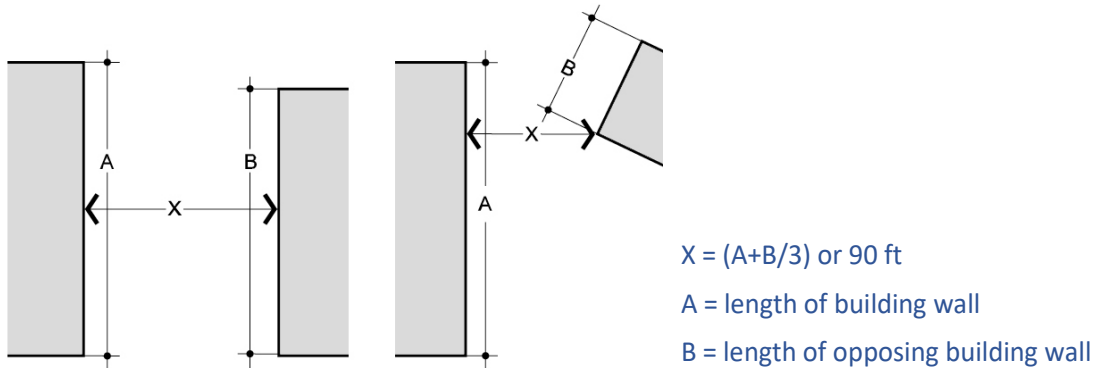


Figure 7-1: Minimum Building Spacing

- C. Multifamily buildings may not be surrounded on all sides by parking and driveways. On at least one side of each multifamily building, there must be an open space of at least 40 ft in depth, another building or the property boundary.
- D. Parking and Driveways
  - (1) Common and individual garages, if provided, must be oriented so that the garage doors do not face public street views.
  - (2) Boats and recreational vehicles may not encroach into required parking and may not be kept forward of the front building line.
  - (3) The number and location of access points to a public street must be as required by the City Building and Fire Codes.
- E. Open Space. For the purposes of this section, “improved open space” means open space created or modified for resident use, including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, landscaped common areas.
  - (1) At least 20% of the site must be permanently reserved as open space. All common open spaces and recreational areas must be well maintained in a safe and orderly condition.
  - (2) At least 50% of the required open space must be improved and maintained as open space for the use of residents and guests. Improved open spaces should be consolidated into one or a few central locations to assure accessibility and usability and must be oriented to receive adequate sunlight.
  - (3) Required setback and buffer areas do not count toward open space requirements. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft. Gazebos, pavilions and similar open structures for the use of residents are permitted in improved open spaces.

- (4) Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.
  - F. Stormwater Management. Stormwater retention or detention facilities should be integrated into the design of parking areas and open spaces as landscape amenities. Stormwater facilities located within an open space may be counted as improved open space if designed so that it need not be fenced and is appropriately landscaped as an amenity.
  - G. Service, Loading and Waste Collection. Each development must be provided with service areas for waste collection. Each such area must be located away from public views but accessible to residents and to vehicles for collection purposes and paved with concrete.
  - H. Fire Protection
    - (1) No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft of hose.
    - (2) Every multifamily building must be accessible to fire trucks and equipment as approved by the Fire Department.
  - I. Pedestrian Access Standards
    - (1) Walkways must connect the pedestrian circulation system to adjacent public streets.
    - (2) If not already provided, a publicly accessible sidewalk at least five feet wide must be provided along all public street frontages.
    - (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.
  - J. Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a Traffic Engineer, may be required as part of Development Plan review. In such cases the study must be prepared in accordance with generally accepted standards for traffic studies and must show the effect that traffic generated will have on the area adjacent to and near the site. The study must make recommendations with respect to what additional traffic controls will be needed adjacent to or near the site. The developer must pay the cost of any such signals and/or devices if required.
  - K. Multifamily developments may not be later subdivided unless the resulting properties each meet all requirements of this Section, [§3.10 Common Open Spaces and Facilities](#) and all other applicable requirements of this Ordinance and the City Subdivision Regulations.
- 7.15.03 Applicability to Existing Development. If an existing multifamily building, which does not conform to the standards in this §7.15, is damaged or destroyed, the Zoning Official may permit the building to be rebuilt without requiring it or its site to be made to conform to such standards, provided, however, that the building conforms to the Building Code in effect at the time of its reconstruction.

#### **§7.16. Recreational Vehicle Parks and Campgrounds**

##### 7.16.01 Park and Campground Standards

- A. Minimum tract size: five acres
- B. Minimum street frontage: 100 ft
- C. All structures, camp sites and RV spaces must be set back at least 35 ft from all property lines.
- D. No recreational vehicle may be occupied by a person or family for more than 31 consecutive days. However, the Zoning Official may authorize longer occupancies for seasonal workers and military

personnel upon receipt of sufficient evidence of seasonal employment or military status, as applicable.

- E. Perimeter landscaping must be provided on all sides of a recreational vehicle park as required for freestanding parking lot (see [§10.04 Vehicular Area Landscaping](#)).
- F. At least 5,000 sf for the first 20 RV spaces plus 150 sf for each additional RV space must be provided for recreational use of park occupants.

#### 7.16.02 Standards for RV Spaces

- A. Each RV space must be at least 500 sf in area. Spaces for non-motorized recreational vehicles must be large enough for the RV and the passenger vehicle pulling it unless parking is provided for the passenger vehicle elsewhere on site.
- B. Only one recreational vehicle may be located in each RV space.
- C. Spaces must be designed to provide at least 20 ft separation between RVs in adjoining spaces.

#### 7.16.03 Parking and Access

- A. 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 Building Official.
- B. All RV spaces and all parking, sanitary, recreation and other common facilities must be accessed from an internal vehicular drive designed to accommodate recreational vehicles.
- C. Vehicular drives must be maintained by the park owner or operator and open for access at all times to emergency vehicles.
- D. Vehicular drives must be surfaced with asphalt, crushed rock or other suitable, dustless material approved by the Zoning Official. Vehicular drives must be at least 12 ft wide for one-way traffic and 22 ft wide for two-way traffic.

7.16.04 Lighting. All vehicular drives and walkways providing access to restrooms and campground office must be adequately lighted for safety.

#### 7.16.05 Sanitation

- A. The following facilities must be provided, at a minimum, for the 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. For any RV spaces not provided with drain inlets for discharge of toilets, dump stations designed to receive discharge of sewage holding tanks must be provided. Such stations must be set back at least 100 ft from all camp sites and RV spaces.
- C. Two-cubic yard or larger waste containers must be located within 300 ft of every RV space. Alternatively, the Zoning Official may approve the use of individual waste containers for each RV space provided the park operator provides for regular waste pickup from RV spaces.
- D. Dump stations and two-cubic yard and larger waste containers may not be closer than 30 ft to any property line and must be screened in accordance with [§10.02 Screening](#).

#### 7.16.06 Storm Shelter

- A. Every Recreational Vehicle Park of ten or more RV spaces must be provided with storm shelter, which must have a minimum floor area of seven square feet for each RV space. However, the Zoning

Official may waive storm shelter requirements if the RV park is within one-half mile of a public storm shelter. In such case, signage must be posted and maintained in one or more conspicuous locations providing directions to the public shelter.

- B. Storm shelters must be designed and constructed to meet all applicable City codes, ADA standards, and Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is in a flood plain.
- C. The park owner or their designated agent is responsible for making the storm shelter accessible and usable in times of need. Required storm shelters may not be used for storage if such use reduces the floor area available for shelter below these requirements.
- D. For any addition of ten or more RV spaces to any existing park, a storm shelter that complies with the requirements of this section must be provided to serve such additional spaces. For any addition of fewer than ten RV spaces to an existing park there is no requirement that shelter be provided to serve such additional spaces. However, when two or more such additions result in a cumulative addition of ten or more RV spaces, a storm shelter which complies with these requirements must be provided.
- E. Any park of ten or more RV spaces which has an existing storm shelter, as of the effective date of the ordinance, which does not conform to the requirements of this section is considered nonconforming and may continue to exist as long as said existing shelter remains in place and usable; provided, however, any RV spaces added to such community after such effective date require storm shelters as provided herein.

#### **§7.17. Telecommunication Towers**

7.17.01 Definitions. As used in this Section, the following words and terms have the meanings as defined herein:

- A. ANTENNA. An electromagnetic device which conducts radio, cellular or other communication signals to or from a transmitter or receiver. ANTENNA includes devices commonly referred to as “whips”, “panels” and “parabolic dishes” but does not include antennae for receiving only of radio or television signals.
- B. CO-LOCATION SITE. Land on which the antennae and related equipment of more than one party are located.
- C. COMMUNICATION FACILITIES. Towers, antennae and equipment, collectively.
- D. EQUIPMENT. All equipment and facilities used in conjunction with one or more towers and/or antennae, including, but not limited to, electronic systems, generators, fuel tanks and fuel.
- E. MONOPOLE. Any self-supporting pole designed to support an antenna; provided, that the word “monopole” does not include a latticed steel or metal tower, a tower which requires guy wires for support or a tower which has more than one source of support, such as a tower with more than one leg.
- F. RESIDENTIAL PROPERTY. Any land located in a Residential District and any property used exclusively for residential purposes in a Planned Residential District.
- G. TOWER. Any telecommunication monopole including those used for microwave, cellular or personal communication service systems and any other telecommunication systems now or hereafter in use. “Tower” includes any telecommunication tower installed or constructed within the City prior to the effective date of this Ordinance, regardless of whether such tower is a monopole or another type of tower.

- H. TOWER COMPOUND. A parcel of land or a building on which Communication Facilities are located.
- 7.17.02 Required Approvals. No party may construct a tower or tower compound until after Special Exception approval, if required, and a Building Permit has been granted. The installation of an antenna on an existing tower is subject only to approval of the Zoning Official unless the tower compound is to be enlarged or there is a change in the size or location of the existing tower.
- 7.17.03 Applicability. All towers, antennae and equipment constructed or installed after the effective date of this Ordinance and any changes or additions to any tower or antenna in existence before the effective date of this Ordinance are subject to this Section. A tower proposed to be built on a co-location site is subject to the same requirements and conditions as all other towers. Routine maintenance of, and repairs to, the communication facilities, may be performed without City approval, though a permit may be required if applicable to the nature of the maintenance or repair activity.
- 7.17.04 Public hearing. Where Special Exception approval is required, the Board of Adjustments will hold a public hearing on each application for the construction of a tower.
- 7.17.05 Co-location. A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower which is able to support the proposed antenna. An affidavit that reasonable effort has been made by the applicant to locate the proposed antenna on an existing tower must be submitted with the application for the construction of a new tower. Each tower must be designed to accommodate additional antennae to the fullest extent practicable.
- 7.17.06 Review Criteria. In considering whether to permit communication facilities, the approving authority will consider the following public health, safety, and general welfare criteria:
- A. Towers must comply with wind-load and other structural standards of applicable building and technical codes, and the electronic industries associations code.
  - B. To the extent practicable, towers and tower compounds must be designed, through the use of building materials, colors, textures, screening and landscaping, so that their appearance is compatible with their surroundings.
  - C. All communication facilities must comply with all applicable rules, regulations and requirements of the governmental agencies having jurisdiction over them. The approving authority may require the applicant provide evidence of such compliance.
- 7.17.07 Development Criteria. The approving authority may waive any one or more of the following requirements if the circumstances in the particular case justify such waiver.
- A. All towers must receive FAA approval and comply with height restrictions when in flight path of aircraft associated with the municipal airport or any Fort Novosel flight operation.
  - B. All towers must be monopoles.
  - C. Each tower compound must be large enough to provide room for a structure to contain the equipment for at least one additional antenna.
  - D. No tower may be closer than 200 ft to the boundary line of any residential property. If the land on which a tower compound is located, and all land which abuts the tower compound, is in a nonresidential zoning district, the tower may not be closer than 50 ft to the nearest property line. These setbacks may be reduced in exceptional cases where, due to unusual topographic conditions, the enforcement of the setback requirements would result in unnecessary hardship; provided that the setback may not be reduced to less than the minimum setback required in the applicable district and that the reduction of the setback requirements may not be contrary to the health, safety and general welfare of the public.

- E. Material finishes and colors should be used that reduce the visibility of the tower.
  - F. No signs may be attached to or depicted on a tower at a height more than 20 ft above grade level.
  - G. Towers may not be illuminated except for warning beacons and as provided herein. Lights for security and maintenance purposes may be installed on structures which contain equipment. Such light must be pointed downward from a height of not more than 10 ft and may not exceed a maximum of 150 watts.
  - H. Each tower compound must be secured by a dark colored, vinyl-coated or galvanized steel chain link security fence or masonry wall or combination thereof, at least eight feet in height.
  - I. All tower compounds must be surrounded by landscaping to screen the view of the tower compound from adjacent public ways and residential property, which must consist of a landscaped strip, at least four feet in depth, located outside of the security fence and planted with a combination of trees, shrubs, vines, and/or ground covers. All fences, walls and landscaping must be kept in good condition. In isolated, nonresidential areas, alternative landscaping methods may be permitted on the condition that if the areas surrounding such tower compound become developed, the City may require the owner of the tower compound to comply with the requirements herein.
  - J. Existing mature tree growth and natural landforms must be preserved to the maximum extent practicable. In some cases, such as tower compounds located on large, wooded lots, preservation of natural growth around the tower compound may be considered by the approving authority in determining buffer requirements.
  - K. A parking area and driveway of asphalt, concrete or other all-weather surface approved by the Zoning Official must be provided for each tower compound for service access and for access by emergency services.
- 7.17.08 Removal of Unused Towers. Any tower which is no longer in use for its permitted purpose must be removed at the owner's expense. Within ten working days of sending notice to the FCC of the intent of the owner to cease use of the tower, the owner must provide the Zoning Official with such notice. The owner must remove the tower and all communication facilities used in connection with it within 180 calendar days from the day the tower ceases to be used or as required by the FCC. If the owner does not remove the tower from the tower compound within the required time period, the property owner, if different from the tower owner, must remove it within 180 calendar days of receiving written notice from the City. If the tower is not removed within the time prescribed, the City may remove the tower and may recover the cost of doing so from the tower owner and/or the property owner.
- A shared tower may continue provided it is in use by at least one party. Any party who ceases to use a shared tower must remove its antenna from the tower and its equipment from the tower compound within 90 calendar days after it ceases to use the tower, or as prescribed by the FCC, so that the tower and compound will be available for use by another party.
- 7.17.09 Application. Applications to construct a new tower or to install an antenna or additional equipment on an existing tower compound, must include the following:
- A. Name and address of the party responsible for maintenance and repair of the communication facilities. If a different person becomes responsible for maintenance and repair, the owner of the tower must give the City written notice of the person's name and address.
  - B. Names and addresses of all owners of property adjoining the subject property

- C. A written statement concerning the steps the applicant has taken to comply with all applicable rules, regulations, and requirements concerning health and safety matters related to the proposed communication facilities.
  - D. A site plan scaled to not less than one-inch equals 50 ft, showing the location and dimensions of the subject property, setback lines, driveways, parking areas, fencing, landscaping, and generators and the location, size and type of any fuel tanks. The site plan must also show:
    - (1) all parcels located within 500 ft of the tower compound
    - (2) zoning classification of the property and of all parcels adjoining the subject property, including any in an adjoining municipality
    - (3) the latitude, longitude, section, township, range, tax parcel identification number, street address and the site identification number of the proposed tower compound.
    - (4) such other information as may be required by the approving authority to determine compliance with this Section.
  - E. Elevation views: a silhouette and elevation view of the proposed or existing tower, as applicable, all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any fencing or walls. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines.
  - F. Frequency band and wattage: The frequency band and maximum wattage of proposed communication facilities.
  - G. The estimated life of the tower, the antenna and the equipment.
  - H. Affidavit: An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower (from which the area proposed to be served by the new tower could be served) and has been unable to do so and giving a written narrative of the efforts made to use such existing or proposed tower.
  - I. Certification of Shared Use Design. If the tower to be used is one on which there is already one or more antennae, the application must be accompanied by a certification by an engineer that the tower is able to accommodate the proposed antenna in a safe and functional manner.
- 7.17.10 Foundation Survey, As-Built Certification. After the foundation for a tower is poured, a foundation survey, prepared by a surveyor, showing the location of the foundation, must be furnished to the Zoning Officer, and no further work may be done with respect to the construction of the tower until the Zoning Officer has approved the foundation. Upon completion of work, the tower and antenna or the antenna, as the case may be, may not be put into operation until a qualified engineer furnishes the City written certification that such construction or installation was completed in accordance with the plans approved by the city.

#### **§7.18. Temporary Uses**

- 7.18.01 Authorization, Exemptions. Temporary uses are permitted only as expressly provided for in this Section. The following are exempt from the provisions of this Section:
- A. Merchandise for sale occupying a permanent, outdoor display area used in conjunction with a permanent business



- B. Merchandise located in a temporary display area which does not occupy required parking spaces, driveway aisles or required landscaping areas, and for which customers must enter a permanent business on the same lot to make a purchase.

7.18.02 Permit required. All temporary uses require a temporary use permit unless specifically exempted herein.

- A. Applications for a permit are made on forms provided by the Zoning Official. If deemed necessary by the Zoning Official due to the size, potential impact and duration of the temporary use, applications must include a site plan as specified in the Appendix.
- B. If not the property owner, the applicant must present a notarized letter from the owner granting permission for use of the property.
- C. A fee covering the cost of reviewing the application, issuing the permit and inspecting the site must be submitted with the application. Permit fees are in addition to any required bonds. Fees are waived for fundraising events held by nonprofit organizations.

7.18.03 General provisions

- A. Temporary commercial uses are permitted only in nonresidential and agricultural zoning districts, unless otherwise specified in this Section.
- B. Sanitary facilities must be provided if permanent facilities are not available on premises.
- C. The applicant must provide parking for the patrons of the temporary use. It is the responsibility of the applicant to guide patrons to approved parking and to prevent unlawful parking.
- D. Any traffic control specifically required by the Police Department is the responsibility of the applicant.
- E. The site must be cleared of all debris by the expiration of the permit. Any temporary structures must be removed within seven days of the expiration of the permit, however, an exception may be granted by the Zoning Official for produce sales structures. The City may require a cash bond in an amount adequate to ensure that the site is cleared of all debris after the close of the temporary use. Instead of a bond, the applicant may present a signed contract with a waste disposal company, which must be included with the permit application.
- F. Serving of alcoholic beverages is not allowed except by permit from the City Council.

7.18.04 Permitted temporary uses. The following are permitted subject to the criteria provided. The Fire Marshal and Zoning Official must inspect all uses before occupancy.

A. Carnival or circus

- (1) Permitted in INST, B-1, B-2 and B-3 Districts only.
- (2) Maximum length of permit is 30 days.
- (3) Signs are permitted as follows:
  - (i) Total area of all signage directed toward public streets may not exceed 100 sf.
  - (ii) Signs must be set back at least 20 ft from all lot lines.
  - (iii) No more than one freestanding sign is permitted.
- (4) Hours of operation are limited to between 10 a.m. and 11 p.m.

B. Christmas Tree Sales

- (1) Permitted in nonresidential and agricultural districts.
- (2) Maximum length of permit is 45 days.



- (3) Signs are permitted as follows:
    - (i) Total area of all signage directed toward public streets may not exceed 100 sf.
    - (ii) Signs must be set back at least 20 ft from all lot lines.
    - (iii) No more than one freestanding sign is permitted.
  - (4) Hours of operation are limited to between 10 a.m. and 10 p.m.
- C. Contractor's office and construction equipment sheds
- (1) Permitted in any district where use is incidental to construction project on the same property.
  - (2) Maximum length of permit is one year.
  - (3) Must be removed no more than five days after issuance of the Certificate of Occupancy.
  - (4) Signs are permitted in conjunction with construction project as specified in Article 9.
- D. Events of Public Interest
- (1) Permitted events: outdoor concerts, auctions, athletic events, street fairs and associated concessions, and other similar events.
  - (2) Permitted in all business and institutional districts and property owned by the City, County Commission or any public or private school or place of worship.
  - (3) Signs are permitted, in addition to any existing permanent signage, as follows:
    - (i) Total area of all signs posted at the entrance may not exceed 200 sf, with no one sign greater than 100 sf.
    - (ii) No more than one freestanding sign is permitted.
- E. Public fundraising events by nonprofit organizations
- (1) Permitted only in nonresidential districts, unless conducted in conjunction with an approved nonresidential use in a residential district.
  - (2) Permitted events: car washes, bake sales, fruit sales, and similar activities conducted by nonprofit organizations to raise tax exempt funds.
  - (3) No activities or signs may be located in the public right-of-way.
- F. Real estate sales office
- (1) Permitted in any district when used in conjunction with an approved subdivision, whether residential or nonresidential. The office may not contain any sleeping or cooking accommodations. A model home may serve as a temporary office but may not be occupied as a dwelling while being used as an office.
  - (2) Maximum length of permit is one year or until all lots in the subdivision are developed; whichever expires first.
  - (3) Only signs permitted in Article 9 may be displayed in conjunction with the office.
- G. Tent Assembly
- (1) Permitted in nonresidential and agricultural districts. Permitted in residential districts as a Special Exception (see [§12.06](#)).
  - (2) Maximum length of permit is 15 days.
  - (3) Signs are permitted as follows:

- (i) Total area of all signage directed toward public streets may not exceed 100 sf.
- (ii) Signs must be set back at least 20 ft from all lot lines.
- (iii) No more than one freestanding sign is permitted.

H. Seasonal sale of farm produce

- (1) Permitted in business, industrial and agricultural
- (2) One six-month permit may be issued during each twelve-month period.
- (3) Sales areas, including produce stands, vehicles used as stands, and sheds, may encompass no more than 200 sf. Sales areas must be set back at least 20 ft from all lot lines. Entrances and exits must be at least 50 ft from the nearest intersection, measured from the intersection of rights of way. This does not apply to previously approved driveways.
- (4) Signs are permitted as follows:
  - (i) Total area of all signage directed toward public streets may not exceed 50 sf.
  - (ii) No more than one freestanding sign is permitted.

I. Temporary storage containers

- (1) Permitted in all districts.
- (2) No permit is required.
- (3) Containers must be kept within the property and may not be placed in any way that obstructs on-site parking or circulation.
- (4) Containers may only be kept on premises for 30 consecutive days; however, the Zoning Official may authorize an extension of up to 30 days upon request

**§7.19. Townhouses**

7.19.01 The following general requirements will apply to all townhouse dwellings:

- A. Any townhouse development involving subdivision or resubdivision requires Development Plan approval (see [§13.03](#)) by the Commission to assure that the layout of buildings, open spaces, circulation, drainage and infrastructure is in harmony with the equivalent standards of the City Subdivision Regulations.
- B. The minimum tract area for any townhouse development is **three** acres.
- C. Townhouse developments may not be subdivided into individual single-family lots.
- D. No more than ten townhouses may be attached to one another.
- E. A side yard setback of at least ten feet is required on the lots at both ends of a group of attached townhouses.
- F. Each townhouse must have its own yard containing at least 400 sf, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- G. No off-street parking space may be more than 100 ft by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- H. Attached townhouses must be separated from each other by a fire and noise reduction partition wall which complies with the City Building and Fire Codes.
- I. Common open spaces and facilities, when provided, must comply with [§3.10 Common Open Spaces and Facilities](#).

- J. Waste collection and resident access to any common waste collection facilities must be properly integrated into the development plan. Common waste collection areas may not be located forward of the front building line.
- K. Maintenance easements must be provided along shared lot lines of attached townhouses. Other access easements may also be required based on the site arrangement.
- L. Exterior materials used on townhouses are limited to wood, masonry, vinyl siding, fiber cement lap siding and hard coat stucco. Exterior insulation and finish system is not permitted. Plain concrete block may not be used above the foundation.

7.19.02 The following specific requirements apply to detached townhouses only.

- A. Each detached townhouse must have one side yard of at least ten feet, the other side yard may be as little as zero feet, with each lot containing at least 2,400 sf and a minimum lot width of 24 ft. Each lot must have one yard containing at least 600 sf, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- B. When a detached townhouse with a zero lot line is included in a townhouse complex, the lot adjacent to the zero setback side must be under the same ownership at the time of initial construction so that there will be no infringement on the property rights of owners of adjoining property. A five-foot easement for water drainage and wall maintenance must be established on the yard adjacent to the zero setback, which must be shown on the plat and included in the restrictions and covenants for the development. Fences and walls may be located on or along this easement provided gates and other openings are provided so as not to block local lot drainage or wall access.
- C. Each detached townhouse constructed on a zero lot line may not:
  - (1) Project over the zero lot line, except that roof overhang may penetrate the drainage and maintenance easement on the adjacent property a maximum of 30 inches, provided the roof shall be so designed so that water runoff shall be restricted to the drainage easement area.
  - (2) Have windows, doors or other openings on the zero side.

## **ARTICLE 8: PARKING AND LOADING**

### **§8.01. Definitions**

Terms used in this Article have the following meanings:

- 8.01.01 EMPLOYEE. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- 8.01.02 LOADING AREA. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 8.01.03 OCCUPANCY LOAD. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- 8.01.04 PARKING AISLE. That portion of the parking area consisting of lanes providing access to parking spaces.
- 8.01.05 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.
- 8.01.06 STACKING SPACE. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

### **§8.02. Parking Required**

- 8.02.01 Off-street parking must be provided as specified in Table 8-1. When the requirement is not readily determinable, the Zoning Officer determines parking requirements using the table as a guide. When calculating the number of required spaces, any fraction is rounded up to the nearest whole number.
- 8.02.02 No off-street parking spaces are required for nonresidential uses in the B-2 Downtown Business District, except for Assembly and Educational occupancy type buildings.
- 8.02.03 Each application for zoning approval must include the location, dimensions and number of off-street parking spaces and the means of access from city streets. This information must be in sufficient detail to allow an accurate determination of whether the requirements of this Article will be met. Zoning approval for the use of any structure or land where off-street parking space is required will be withheld until the provisions of the Article are fully met.
- 8.02.04 Except as provided for shared parking facilities in §8.02.05, no off-street parking required for a use or structure may, during its life, be occupied by or counted as off-street parking for another use or structure.
- 8.02.05 Shared parking. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. However, if the uses have different parking demand periods, the total parking requirement is calculated using Table 8-2. In such case, the minimum parking requirement is based on the time period with the highest total parking demand.
- 8.02.06 If any structures or uses are enlarged, expanded or changed to a use requiring more parking, additional parking must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Zoning Official may approve a reduction of 10%. A reduction of more than 10% of the parking requirement may only be approved by the Board as a Special Exception.

**§8.03. Location**

Required off-street parking facilities must be located on the same lot as the structure or use served. If required parking spaces cannot reasonably be provided on the same premises, remote parking within 400 ft may be permitted by a Special Exception. Legal documentation must show that the applicant has the right to the remote parking spaces. The owner of the remote parking premises must enter into a written agreement with enforcement running to the City providing that the remote parking property may not be sold or developed until parking requirements for the use identified in the agreement have otherwise been met. The agreement may be voided if the remote parking is no longer required.

**Table 8-1 Required Off-Street Parking Spaces by Use**

<b>Agricultural Uses</b>	
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, or 1 per 750 sf of GFA, whichever is greater
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
<b>Residential Uses</b>	
Accessory Dwelling	1 per DU
Boarding House	1 per boarding room plus 1 for the resident manager
Duplex, Triplex, Quadplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured or Tiny Home	2 per home
Multifamily Dwellings	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit; plus 2 visitor spaces per 10 dwelling units
Single-family Dwelling, Attached	2 per DU plus 2 visitor spaces per 10 attached dwellings <sup>1</sup>
Single-family Dwelling, Detached	2 per DU
<sup>1</sup> Visitor parking spaces may be provided on-street subject to Preliminary Plat approval by the Commission.	
<b>Institutional Uses</b>	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Community Center	1 per 400 sf of GFA
Community Service Club	1 per 4 persons of occupancy load
Country Club	1 per 4 persons of occupancy load
Day Care Center <sup>1</sup>	1 per employee, plus 1 stacking or parking space per 12 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per patient bed plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GFA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Worship or Assembly <sup>2</sup>	1 per 4 persons of occupancy load
Public Facility	1 per 400 sf of GFA
Public Service Use	1 per employee, plus 1 per company vehicle
Residential Substance Abuse Treatment Facility	1 per 4 beds plus 1 per employee

**Table 8-1 Required Off-Street Parking Spaces by Use**

School, College or University Public Private	Subject to Commission approval (see <a href="#">§13.06 Statutory Review</a> ) 1 per 3 employees plus 1 per 10 students residing on campus plus 1 per 5 students not residing on campus
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
<b>Commercial Uses</b>	
Automobile Parts Store	1 per 400 sf of GFA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GFA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Automobile Sales and Service	1 per 500 sf of interior sales and office area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Bank	1 per 350 sf of GFA plus 4 stacking spaces per drive-through lane
Bank (drive-through only)	1 per 2 employees plus 4 stacking spaces per drive-through lane
Barber, Beauty Shop or Nail Salon	1.5 per chair
Bed and Breakfast	1 per guest room plus 2 spaces
Bowling Alley	2 per bowling lane
Business Support Service	1 per 750 sf of GFA
Call Center, Telemarketing Office	1 per 150 sf of GFA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per wash bay
Car Wash (self-service)	1 stacking space per wash bay
Clinic, Medical or Dental	5 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Contractor Storage Yard	1 per 250 sf of office space; plus 1 space per 1,000 sf of indoor storage area; plus 1 space per 2,000 sf of outdoor storage area
Dry Cleaning Pick-Up	1 per 300 sf of GFA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture or Carpet Store	1 per 750 sf of GFA
Gas Station / Convenience Store	1 per 250 sf of GFA plus 1 stacking space per fuel island
Indoor Entertainment (not otherwise specified)	1 space per 250 sf of GFA; for uses exceeding 100,000 sf, 1 per 300 sf of GFA
Indoor Recreation (not otherwise specified)	1 per 4 patrons at occupancy load
Junkyard	1 per 8,000 sf of outdoor storage/display area
Home Improvement or Appliance Store	1 per 500 sf of GFA
Hotel or Motel	1 per room plus 1 per employee plus parking for accessory restaurants and lounges at 50% of normal requirements
Kennel	3 spaces, or 1 per 500 sf of GFA, whichever is greater
Laundromat	1 per 2 washing machines

**Table 8-1 Required Off-Street Parking Spaces by Use**

Liquor Lounges, Dance Halls and Nightclubs	1 per 2 persons at occupancy load or 1 per 200 sf of GFA, whichever is greater
Lumberyard	1 per 500 sf of GFA, plus 1 space per 1,500 sf of outdoor storage/display area
Machinery/Equipment Sales	1 per 400 sf of GFA, plus 2 spaces per service bay, plus 1 space per 2,500 sf of outdoor display/storage area
Mini-storage facility	5 spaces (adjacent to leasing office, if any)
Movie Theater	1 per 4 seats
Office, business or professional	1 per 400 sf of GFA
Outdoor Recreation	
Golf Course	4 spaces per hole, plus parking shall also be provided for pro shops, dining and other accessory uses at 50% of normal requirements
Miniature Golf	1 per hole
Golf Driving Range	1 per tee
Park, up to 10 acres	1 for first 2 acres plus 1 per additional acre plus parking for any other functions
Park, more than 10 acres	5 for first acre plus 1 per additional 10 acres plus parking for any other functions
Sports field or complex	1 per 40 sf of seating
Other	1 per 4 persons of occupancy load
Plumbing and Heating Supply	1 per 750 sf of GFA
Pool Hall	2 per 3 tables
Printing and Publishing Plant	1 per 750 sf of GFA
Radio/Television Station	1 per 1,000 sf of GFA
Retail, General	1 per 300 sf of GFA for tenant spaces up to 50,000 sf, 1 per 400 sf of GFA for tenant spaces over 50,000 sf
Restaurant, Take-out or delivery only	1 per employee plus 1 per 350 sf of GFA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GFA plus 5 stacking spaces preceding the order board; 2 stacking spaces from the order board to the service window; and 2 stacking spaces from the service window to the public right-of-way.
Restaurant, Standard	1 per 4 seats of occupancy load
RV Park or Campgrounds	Refer to <a href="#">§7.16</a>
Skating Rink	1 four patrons at occupancy load
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital, Pet grooming	1 per 300 sf of GFA
Industrial and Other Uses	
Airport	1 per four aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus 1 space for each seat in waiting area and restaurants; plus 1 space for each 250 sf of office, administrative and support areas
Extraction uses	1 per employee

**Table 8-1 Required Off-Street Parking Spaces by Use**

General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GFA; or 1 per employee plus 1 per company vehicle, whichever is greater
Parcel Delivery Service	1 per 750 sf of GFA
Truck Terminal or Distribution Center	1 per truck normally parked on the premises, plus 1 space per 500 sf of office space
Warehouse	1 per 1 employee plus 1 per company vehicle

<sup>1</sup> Maximum enrollment and number of employees must be noted on the site plan. Pick-up and drop-off spaces must be located so that there is direct access into the facility without crossing streets or driveways.

<sup>2</sup> Up to 50% of the required spaces may be grassed rather than paved. All unpaved spaces must be shown on the site plan and designed for efficient traffic circulation using tire stops and other appropriate measures.

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

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

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

**§8.04. Design Standards**

The design and construction of all parking facilities and access drives must be approved by the Zoning Officer in accordance with the following:

- 8.04.01 All required parking spaces, including driveways and maneuvering areas, shall be improved with a hard surface permanent type of pavement as approved by the Zoning Official. The Zoning Official may permit the use of gravel or similar pervious surface materials for nonresidential uses in agricultural zones; for overflow parking areas, separate from and in addition to required parking; and in other circumstances where stormwater management is public health and safety concern.
- 8.04.02 Access to parking facilities may not interfere with the free flow of vehicles on city streets nor block or endanger pedestrians or vehicles on sidewalks or streets. Stacking space must be provided off-street, if deemed necessary by the Zoning Official to prevent blocking of traffic.
- 8.04.03 All off-street parking facilities must be designed so that access does not require maneuvering in or backing into a public street. This does not apply to off-street parking for single-family and duplex dwellings, unless located on a major street as defined by the City Subdivision Regulations.

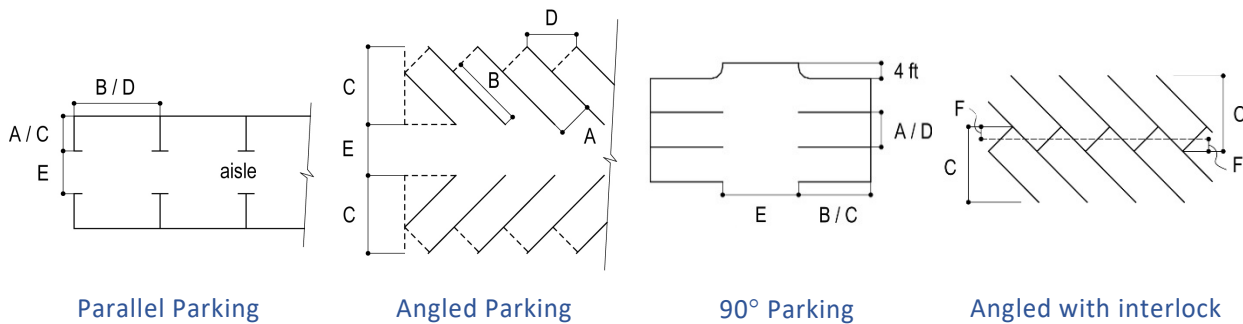


- 8.04.04 Parking areas must be arranged and marked in accordance with the dimensional standards in Table 8-3. Parking spaces for single-family and duplex dwellings, unless parking is provided in common parking areas, need not be marked.
- 8.04.05 Off-street parking areas must be set back at least 25 ft from the centerline of an undedicated public road and as may be required to comply with [§10.04 Vehicular Area Landscaping](#).
- 8.04.06 Private parking is prohibited in the right-of-way of any public street, road or alley.

**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	18 ft	16.8 ft	18 ft	15 ft	20 ft	3.9 ft
45°	9 ft	18 ft	19.1 ft	12.7 ft	15 ft	20 ft	3.2 ft
60°	9 ft	18 ft	20.1 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	18 ft	18 ft	9 ft	20 ft	24 ft	n/a

Note: For parking lots being redesigned or enlarged on an already developed property, the Zoning Official may authorize a shorter stall length if greater width is provided or if overhang is available without encroaching into space required for other purposes. In no case may the required stall length be less than 18 ft.



**§8.05. Off-street Loading requirements**

- 8.05.01 All nonresidential uses must provide and maintain adequate off-street space for the loading and unloading of materials or goods, as specified in Table 8-4, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of public streets, alleys and sidewalks by pedestrians and vehicles. When calculating required loading spaces, a fraction is rounded up to the nearest whole number.
- 8.05.02 If any uses are enlarged, expanded or changed to a use requiring more loading space, additional loading space must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Zoning Official may approve a reduction of 10%. A reduction of more than 10% of the loading requirement may only be approved by the Board as a Special Exception.
- 8.05.03 Each off-street loading space must be at least ten feet wide and 55 ft long, exclusive of maneuvering space, with not less than 14 ft in vertical clearance.
- 8.05.04 Required off-street parking spaces may not be counted toward required loading spaces.

- 8.05.05 Loading space for two or more uses on the same lot may be shared if the amount of space meets the combined requirements of all uses to be served.
- 8.05.06 Except in M-1 and M-2 zones, loading spaces may not be in a required front yard and must be set back at least five feet from any property line.
- 8.05.07 Plans showing required off-street loading must be submitted with any plan approval submission or Building Permit application and must clearly indicate the location, dimensions, clearances and access.

**Table 8-4 Loading Space Requirements**

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

Draft: November 7, 2023

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## ARTICLE 9: SIGNS

### §9.01. Purpose, Applicability

- 9.01.01 The purpose of these provisions is to regulate signs and outdoor advertising displays, to promote the use of signs to assist the public in its orientation within the City, to express the history and character of the City, to prevent the degradation of the aesthetic qualities of the City, and to promote the public safety by limiting visual clutter and distraction of motorists.
- 9.01.02 These regulations govern all signs, both existing and hereafter erected or displayed.

### §9.02. Definitions

- 9.02.01 ABANDONED SIGN
- A. A permanent sign containing a commercial message and which is located on a premises that has been vacant for a continuous period of one year or longer.
  - B. A permanent sign with no message or a message that has been covered for a continuous period of one year.
- 9.02.02 ATTACHED SIGN. Any sign, other than a Freestanding Sign, that is permanently installed upon and supported by a building or stationary structure, including wall signs, projecting signs, and canopy and awning signs.
- 9.02.03 CANOPY SIGN or AWNING SIGN. A sign installed on a building canopy or awning.
- 9.02.04 CHANGEABLE COPY SIGN. A sign in which the message may be manually or electronically changed without altering the sign.
- 9.02.05 DIRECT LIGHTING. Light emitted from a source within or affixed to the sign face and beaming outward from it.
- 9.02.06 DOUBLE-FACED SIGN. A sign designed 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.
- 9.02.07 ELECTRONIC MESSAGE CENTER. A sign or portion thereof designed so that characters, letters or illustrations can be changed or rearranged electronically.
- 9.02.08 FREESTANDING SIGN. A sign permanently installed on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.
- 9.02.09 INDIRECT LIGHTING. Light aimed toward a sign from a separate outside source, including back-lit signs.
- 9.02.10 INSTALL. To place, construct, erect, mount, paint, affix or attach a sign to a structure or to the ground.
- 9.02.11 INTERMITTENT LIGHTING. Any flashing light, including those that spell messages, simulate motion or form various symbols or images.
- 9.02.12 LEGIBLE. Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.
- 9.02.13 NONCOMMERCIAL MESSAGE. Any message other than a commercial message and any messages or types of messages considered noncommercial speech by a court of law.
- 9.02.14 OFF-PREMISE SIGN or MESSAGE. A sign that advertises or directs attention to a use, product, service, or activity occurring on property other than where the sign is located. Signs bearing noncommercial messages are not considered OFF-PREMISE SIGNS.

- 9.02.15 **ON-PREMISE SIGN or MESSAGE.** A sign that advertises, directs attention to or provides information on a use, product, service, or activity occurring on the property where the sign is located. For the purposes of these regulations, signs bearing noncommercial messages are considered ON-PREMISE SIGNS.
- 9.02.16 **PORTABLE SIGN.** Any freestanding sign greater than six square feet in area that is readily movable and that is not permanently affixed to the ground, including signs mounted on weighted bases or wheeled chassis.
- 9.02.17 **PREMISES.** One or more adjoining lots developed in a unified manner and design with shared parking and driveway facilities or an undeveloped property.
- 9.02.18 **PROJECTING SIGN.** A sign attached to a building wall and extending more than 12 inches from the face of such wall.
- 9.02.19 **SEASONAL DECORATIONS.** Decorations and lighting displayed during religious, national or state holidays not installed in a permanent manner and that contain no commercial message. This does not include temporary signs that are greater than four square feet in sign area, that are directed at and legible from the public right-of-way.
- 9.02.20 **SIGN.** Any device, fixture, placard or structure, including its component parts, which is legible from a street or adjoining parcel and that directs attention to an object, product, place, activity, service, person, institution, organization, or business or which promotes the interests of any person. The term *does* not include the following objects though they may be legible from a public area: cemetery markers, vending machines, express mail drop-off boxes, decorations, a building's architectural features, or a manufacturer's or seller's markings on machinery or equipment.
- 9.02.21 **SIGN FACE.** The surface area of a sign devoted to a message or advertising display.
- 9.02.22 **TEMPORARY SIGN.** A sign, other than a portable sign, that is not permanently attached to the ground or a structure, that is not intended for permanent display and that is designed and fabricated with materials of a temporary nature, including but not limited to paper, fabric, corrugated plastic, cardboard and vinyl.
- 9.02.23 **WALL SIGN.** A sign painted upon or installed on the wall of a building, but not extending more than 12 inches from the face of the building wall or above the top of the building wall.
- 9.02.24 **WINDOW SIGN.** A sign applied to, attached to or displayed within a first-floor window to attract attention of persons outside the building. Merchandise in a window display is not considered a window sign.

### **§9.03. Permitting**

#### **9.03.01 Permit Required**

- A. No sign may be installed, replaced, or changed in location or size without a valid Sign Permit issued by the City, unless exempted by §9.03.02 or §9.03.03. Sign permit applications must show the proposed location of the sign, and any pavement, curb, public right-of-way or easement within 25 feet of the sign, sign type, size, height, type of foundation, electrical scheme, illumination scheme, and any other information required by the City. The Zoning Official issues permits only upon determination that signage plans conform to these regulations.
- B. All necessary application and permitting fees must be paid prior to the issuance of any sign permit.

#### **9.03.02 Excluded Signs.** The following are exempt from regulation under this Article and do not require a Sign Permit, though they may require other types of permits, whenever applicable:

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

- B. Any permanent sign with a sign area of one square foot or less
  - C. Signs of a governmental body, public authority or public utility including, but not limited to, traffic and similar regulatory devices, legal devices, warnings at railroad crossings, governmental survey or boundary markers, signs indicating bus stops, taxi stands, and similar transportation facilities and notices of water lines or buried cables
  - D. Publicly owned memorial tablets and signs
  - E. Signs required by law or governmental order, rule, or regulation
  - F. Signs inside a building other than Window Signs
  - G. Seasonal decorations containing no commercial message
  - H. Signs 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 that the signs is legible from the street
- 9.03.03 Permit Exemptions. The following signs and actions related to signs do not require a Sign Permit, unless the sign or action is of a nature that requires a building, electrical or other permit. However, they must nonetheless conform in all other respects to the requirements of this article, may not be illuminated and may not have a total sign area greater than six square feet:
- A. Temporary signs
  - B. Window signs
  - C. Changing of copy on Changeable Copy Signs provided there is no structural change or change in the primary lighting source
  - D. Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes or changes to the sign area or height
  - E. Signs and notices issued by any court, officer or other person in performance of a governmental duty
- 9.03.04 Permit Expiration. 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.
- 9.03.05 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 or its structure.

**§9.04. General Regulations Applying to All Signs**

- 9.04.01 Viewpoint and Content Neutrality, Substitution
- A. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.
  - B. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process, except where the change of message increases the sign area or requires changes to the sign that would otherwise require a Sign Permit. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent an inadvertent favoring of commercial messages over noncommercial messages or favoring of any particular noncommercial message over another. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

- 9.04.02 Prohibited Signs. In the interest of public safety and aesthetics, the following are prohibited in all districts:
- A. 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;
  - B. Off-premise signs (except as provided in §9.10 Off-premise Signs)
  - C. Signs which imitate, resemble, obscure or otherwise physically interfere or may be confused with any official traffic sign, signal or device and signs which obstruct, mislead, confuse or otherwise physically disrupt pedestrian or vehicular traffic;
  - D. Signs that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include changing copy on Changeable Copy Signs), including but not limited to streamers, pennants, string lights and other attention-getting devices that may be moved by the wind; this does not include flags installed on flagpoles or stanchions in accordance with [§9.06](#). Inflatable signs are permitted only on a temporary basis in accordance with [§9.08 Nonresidential Districts](#);
  - E. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication;
  - F. Signs or attention attracting devices that contain a beacon of any type and/or contain a spotlight providing illumination to the public; and
  - G. Signs constructed of mirrors or other surfaces that reflect light.
- 9.04.03 Signs may not be erected or maintained which are deemed by the Zoning Official to be structurally unsafe or in substantial disrepair.
- 9.04.04 Signs may not be established on vehicles or trailers in circumvention of this Article.
- 9.04.05 All illuminated or highly reflective signs must be effectively shielded to prevent beams or rays of light from being directed at any portion of a street or roadway, or from shining on or into any dwelling, or otherwise adversely affecting surrounding or facing properties.
- 9.04.06 When a premises becomes vacant for a continuous period of 180 days or more, the Zoning Official may require the sign face or message on any permanent or portable sign be covered or removed as long as the premises remains vacant. This does not apply to noncommercial messages.
- 9.04.07 Placement
- A. Signs may not be located in, encroach upon; or be located, installed, or lighted in such manner as to constitute a hazard to the health or safety of persons on any public right-of-way. Refer also to [§3.08 Sight Distance](#) for placement of signs adjacent to street and driveway intersections.
  - B. No portion of a permanent or temporary sign may be located on or project over any public property or right-of-way.
  - C. Permanent and temporary signs must be set back at least ten feet from the nearest edge of pavement or back of curb and at least 25 ft from the centerline of an undedicated public road.
  - D. Signs may not be attached to utility poles, meter posts or street lights and may not be painted or drawn upon rocks, trees or other natural features.
  - E. Except as required by law, no sign may be displayed on a property without the consent of the legal owner.
  - F. Signs may not be installed on the roof of any building or extend more than twelve inches above the parapet or eave against which it is installed.

- G. On any premises where the principal structure is set back less than the required setback for freestanding signs, the Zoning Official, may authorize a lesser setback provided a public hazard will not be created and all other requirements are met.
- H. Signs and sign structures may not obstruct openings required for ventilation or means of egress, including any fire escape, window, door, stairway, exit, walkway, utility access or Fire Department connection.

9.04.08 Determining Sign Height and Area

- A. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area.
- B. For sign messages installed on a background panel, cabinet, or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encompasses the extreme limits of the background panel, cabinet or surface. See Figures 9-1 and 9-2.
- C. For sign messages where individual letters or elements are installed on a building façade and where there is no background panel, cabinet or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encloses all the letters or elements associated with the sign. When there are multiple sign elements on the same surface, the Zoning Officer determines the outermost boundaries of individual sign elements. See Figure 9-3.



Figure 9-1 Wall Sign with panel

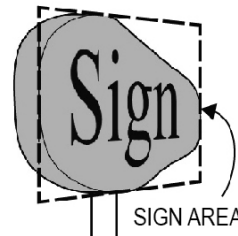


Figure 9-2 Freestanding Sign



Figure 9-3 Wall Sign without panel



Figure 9-4 Nonplanar Sign

- D. For sign messages that are nonplanar, the sign area is calculated as the smallest rectangle that encompasses the profile of the sign message and any background object, panel, cabinet or surface distinctively designed to serve as the background for the sign message. The profile used is the largest area of the sign message and background visible from any one point. See Figure 9-4.
- E. Sign heights. For freestanding signs, including temporary and portable signs, sign height is measured from the grade level of the adjoining roadway at its centerline directly in front of the freestanding sign.



### **§9.05. Standards by Sign Type**

9.05.01 Projecting signs may not project more than 30 inches from the wall plane. The top edge of the sign may not extend more than twelve inches higher than the top of the structure to which it is attached.

9.05.02 Illuminated Signs

- A. Illuminated signs must conform in all respects to the City Electrical and Fire Codes.
- B. Any light mounted on, within or directed toward any sign must be shielded so that no direct illumination is cast upon any surrounding property or on or toward any public right-of-way.

9.05.03 Electronic Message Center (“EMC”) Signs

- A. EMC signs, regardless of the method of illumination, may not be brighter than 4,690 nits throughout the daytime until at least one-half hour before sunset and 1,675 throughout at the nighttime until sunrise.
- B. EMC signs must be equipped with a dimmer control and photocell and must automatically adjust the display intensity as required herein.
- C. EMC signs must have a default mechanism that will freeze the display in a static message, turn off the display or revert to a black screen if a malfunction occurs.
- D. EMC signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic and pedestrian safety.
- E. Message displays must be static, employing no motion, animation or changes in color or brightness, and may not change more frequently than eight seconds. Transitions between message displays must be instantaneous and may not simulate movement, such as flashing, racing, strobing, twinkling, or animation.
- F. Exposed neon or fiber-optic tubing on EMC signs is prohibited.
- G. Electronic Message Centers must be set back at least 50 ft from any residential district boundary. If permitted by special exception within a residential district, the sign must be set back at least 50 ft from the lot lines of the nearest dwelling, or otherwise as far as practicable as determined by the Zoning Official.

9.05.04 Portable Signs

- A. Portable signs are permitted only in the B-1, B-3, AG and industrial zones.
- B. Portable signs may not be located closer than 30 feet to any freestanding sign and must be secured, as approved by the Zoning Official, to prevent unintended movement due to wind or other causes.
- C. Portable signs must comply with the setback and sight distance requirements applicable to freestanding signs.
- D. Portable signs may not contain off-premises messages.
- E. Portable signs are limited to one per business.

### **§9.06. Signs Permitted in All Districts**

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

9.06.01 Temporary Signs, in accordance with [§9.07 Residential Districts](#), [§9.08 Nonresidential Districts](#) and [§9.09 AG District](#). Temporary signs may be used for commercial or noncommercial speech.

9.06.02 Flagpoles and Stanchions

- A. Unless otherwise required by law, for each developed residential premises, one flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
- B. For each nonresidential premises up to one-half acre in size, up to two flagpoles are permitted. For each nonresidential premises over one-half acre in size, up to three flagpoles are permitted. For each additional acre, one additional flagpole is permitted. Up to two flags may be displayed per flagpole.
- C. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole be taller than 50 ft.
- D. For each principal structure, up to two flag brackets or stanchions may be attached or placed for the display of flags.

**§9.07. Residential Districts**

9.07.01 General Standards

- A. Only those signs expressly permitted in [§9.06](#) and this Section are permitted.
- B. Electronic Message Centers may be permitted only by special exception (see [§12.06](#)) and only on nonresidential premises.
- C. The following types of signs are prohibited:
  - (1) Projecting Signs
  - (2) Off-premises Signs

9.07.02 Attached Signs

- A. Each multifamily building is permitted one wall sign, which may not exceed 12 sf in area.
- B. Each principal nonresidential building is permitted one wall sign, which may not be larger than 24 sf in sign area. One additional wall sign is permitted for a secondary façade along an adjoining public street, which may not exceed 18 sf in sign area.

9.07.03 Freestanding Signs

- A. Subdivisions. Each subdivision is permitted one sign at each street entrance, which may not be taller than six feet nor larger than 24 sf in sign area. An acceptable legal entity other than the City must provide perpetual maintenance for the sign.
- B. Multifamily Developments, Manufactured Home Parks and Nonresidential Premises. Each housing development and nonresidential premises is permitted one indirectly-lighted, freestanding sign, which may not be taller than six feet nor more than 18 sf in sign area.

9.07.04 Temporary Signs

- A. During construction of a residential or nonresidential development, only the following temporary signs are permitted:
  - (1) Subdivisions, Multifamily and Nonresidential Developments, Manufactured Home Parks. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 18 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, “completion” refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable. In all other cases “completion” refers to issuance of a Certificate of Occupancy for the development.
- B. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:

- (1) At any time, three temporary signs with a combined area of 20 sf, with no sign larger than nine square feet in sign area nor taller than four feet.
- (2) For nonresidential uses, one additional temporary sign may be posted for up to 30 days from the time of its initial opening and up to 30 days prior to its final closing. The sign may not be larger than 20 sf in sign area. If freestanding, it may not be taller than six feet.

#### **§9.08. Nonresidential Districts**

9.08.01 General Standards. In all Business, Manufacturing, and Institutional Districts, only those signs expressly permitted in [§9.06](#) and this Section are permitted.

##### 9.08.02 Attached Signs

- A. Residential premises are permitted attached signs in accordance with [§9.07 Residential Districts](#).
- B. For nonresidential and mixed-use premises, each ground floor tenant is permitted one wall sign subject to the following:
  - (1) Wall signs may not be larger than two square feet of sign area per linear foot of wall on which the tenant has a main entrance or 200 sf, whichever is more restrictive. An additional wall sign is permitted for tenant spaces with a secondary façade along an adjoining public street. The additional attached sign is limited to 32 sf.
  - (2) In addition to a primary attached sign, each premises or each tenant on a premises with multiple tenants is allowed up to two canopy or awning signs. The area of such signs is counted toward the total allowed sign area for wall signs.
  - (3) The aggregate area of permanent and temporary window signs may not exceed 50% of the total glass area of all ground floor windows on that building wall.

##### 9.08.03 Freestanding Signs

- A. Residential premises are permitted freestanding signs in accordance with [§9.07 Residential Districts](#). Portable signs are not permitted.
- B. Nonresidential and mixed-use premises are permitted freestanding signs provided in Table 9-1 and as follows:
  - (1) Where used, portable signs are counted toward the allowable number of freestanding signs on each premises.
  - (2) Freestanding signs must be set back at least ten feet from the public right-of-way line.

**Table 9-1 Freestanding Sign Standards**

	Maximum Number of Signs	Maximum Sign Area per Sign	Maximum Combined Sign Area per frontage
Per street frontage up to 150 ft	one sign	1 sf per 1 ft of frontage or 100 sf, whichever is less	n/a
Per street frontage of 151-300 ft	one sign	1 sf per 1 ft of frontage or 200 sf, whichever is less	n/a
Per street frontage over 300 ft	two signs <sup>1</sup>	1 sf per 1 ft of frontage	1.5 sf per 1 ft of frontage

<sup>1</sup> Signs must be spaced apart at least 150 ft

Freestanding Sign Height	
Street on which the premises is located and sign is oriented towards	Maximum Sign Height
Boll Weevil Circle	36 ft
All other arterial and collector streets with four or more lanes	30 ft
Any arterial or collector street with less than four lanes	24 ft
All minor or local streets	16 ft

#### 9.08.04 Temporary Signs

A. Residential premises are permitted temporary signs in accordance with [§9.07 Residential Districts](#).

B. Nonresidential and mixed-use premises are permitted temporary signs as follows:

- (1) During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days after the Certificate of Occupancy has been issued.
- (2) After initial construction, each premises is permitted the following temporary signs:
  - (i) At any time, each premises is permitted two temporary signs with each sign no larger than 16 sf in sign area nor taller than six feet.
  - (ii) Inflatable signs may be used for up to seven days each quarter. Each inflatable sign is counted toward the number of temporary signs otherwise permitted in this subsection. Inflatable signs may not exceed 20 ft in height and must be securely anchored to the ground.
  - (iii) One additional temporary sign may be posted for up to 30 days from the time of its original opening and for up to 30 days prior to its final closing. Such signs may not be larger than 32 sf in sign area. If freestanding, the sign may not be taller than six feet.
  - (iv) During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

## **§9.09. AG District**

### 9.09.01 General Standards

- A. Only those signs expressly permitted in [§9.06](#) and this Section are permitted.
- B. Electronic message centers may only be permitted as a special exception (see [§12.06](#)) and only on the premises of permitted nonresidential uses.
- C. Projecting signs are prohibited.

### 9.09.02 Attached Signs. Agricultural and any nonresidential premises are permitted attached signs as follows:

- A. Wall signs may not be larger than one square foot of sign area per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive.
- B. In addition to a primary wall sign, each premises is allowed up to two canopy or awning signs, the area of which is counted toward the total allowed wall sign area.
- C. Window signs may not exceed 20% of the total glass area of the window.

### 9.09.03 Freestanding Signs

- A. Residential premises are permitted permanent freestanding signs as provided for Residential Districts in [§9.07.03](#).
- B. All other premises developed with a principal use or structure are allowed one freestanding sign regardless of the number of street frontages. Freestanding signs may not be larger than 32 sf in sign area.

### 9.09.04 Temporary Signs

- A. Residential premises are permitted temporary signs as provided for Residential Districts in [§9.07.04](#).
- B. All other premises are permitted temporary signs as follows:
  - (1) During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade. 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:
    - (i) At any time, each premises is permitted three temporary signs with each sign no larger than nine square feet in sign area nor taller than six feet.
    - (ii) One additional temporary sign may be posted for up to 30 days from the time of its original opening and for up to 30 days prior to its final closing. Such signs may not be larger than 32 sf in sign area. If freestanding, the sign may not be taller than six feet.

## **§9.10. Off-Premises Signs**

- 9.10.01 For purposes of this Section, a "conforming" Off-premises Sign means an existing Off-premises Sign that meets all requirements of this Ordinance in place at the time the sign was erected.
- 9.10.02 No new Off-premises Signs are permitted.
- 9.10.03 All existing Off-premises Signs must be maintained with no "open faces" meaning that said signs must have panels installed and attached with smooth surfaces and no torn or tattered edges hanging loosely. No structural members other than the pole may be exposed unless approved in advance and in writing by the Zoning Official.

- 9.10.04 Conforming **Off-premises** Signs within 500 ft of intersecting state highways may be converted to accommodate electronic **message centers**, provided that any such conversion must be approved in advance, in writing, by the **Zoning** Official and provided the requirements and regulations of the Zoning Ordinance referenced in paragraph (a) above are met, as such other requirements and regulations shall remain in full force and effect. **Off-premises Signs with electronic message centers**, whether single face or back-to-back, **may not be closer than 1,000 ft to any other such sign**. However, conforming **Off-premises** Signs on Highway 248 (Rucker Boulevard/Glover Avenue) **may not incorporate electronic message centers**.
- 9.10.05 **Off-premises** Signs located on Highway 84 Bypass **may not be larger than 450 sf per face**, excluding structural elements and skirts. **Off-premises** Signs located on Rucker Boulevard/Glover Avenue (Highway 248) **may not be larger than 300 sf per face** excluding structural elements and skirts.
- 9.10.06 Only single face **and** back-to-back **Off-premises** Signs are **permitted**. Side-by-side and stacked units are **prohibited**.
- 9.10.07 The lowest point of any **Off-premises** Sign must be at least 15 feet above grade level. **Off-premises** Signs may not exceed a total height of 50 ft.
- 9.10.08 **Off-premises** Signs must be of all metal, single-pole construction, with the exception of faces and skirts; subject, however, to the following: If any all embellishments or pole coverings are requested, the applicant must obtain prior approval, in writing, by the **Zoning** Official.
- 9.10.09 In the event any **Off-premises** Sign, conforming **or otherwise**, is destroyed by natural disaster or other casualty, or must be removed for any reason, the remnants must be removed within 30 days.
- A. The **Off-premises** Sign may be rebuilt at the same location or another location as long as it then meets all of the provisions of this Ordinance, other City Ordinances as referenced above or as may apply, and any rule, regulation of law of any other governmental entity having jurisdiction over such; provided, however, the rebuild/relocate permit may only be issued to the same permit holder or its assignee.
- B. Should the permit holder relocate the **Off-premises** Sign for any reason set forth in this §9.10.09, another **Off-premises** Sign permit holder may apply for a permit to install a newly located **Off-premises** Sign on real property leased from the landowner, provided said newly located **Off-premises** Sign:
- (1) takes the place of a previously existing **Off-premises** Sign in existence on March 1, 2018 or erected thereafter;
  - (2) is installed on the same landowner's property and within a 30 ft radius of the previously existing **Off-premises** Sign;
  - (3) conforms to the additional requirements of the City's ordinances and other applicable law and regulations; and,
  - (4) is to be installed within 30 days of the date the permit is granted. This is known as a Landowner Replacement Credit and the City will not issue more than one permit for a Landowner Replacement Credit (city-wide) in any one calendar year.
- 9.10.10 **Off-premises** Signs that are **visible** from public streets, roads and highways, **may not contain any speech that is considered obscene and therefor not protected by the First Amendment**.
- 9.10.11 **Off-premises** signs, which did not conform to Zoning Ordinance in effect at the time they were erected, **will not be required to be removed** on the basis of size or height. However, all such nonconforming signs must be maintained as provided in this §9.10 and must comply with the codes of the City except as noted as to location, height and square footage. This includes, but is not limited

to, the obligation that the owners of said signs may not keep open faces on said signs and must keep such Off-premises Signs properly secured, painted where applicable and in good structural and aesthetic appearance.

- 9.10.12 Violations of this section may result in the following: suspension or revocation of sign permit by City Council which will result in the sign owner or lessee removing the same; actions at law or equity to prevent or remedy said violation; and/or offender being prosecuted in the Enterprise municipal court for a misdemeanor offense subject to up to a \$500.00 fine and up to six months in jail.

#### **§9.11. Nonconforming signs**

- 9.11.01 All lawfully nonconforming signs in existence or under construction with a valid permit upon the effective date of this article may continue subject to the following:
- A. The sign does not become damaged or deteriorated so as to become a public hazard. The Zoning Official may order the removal of any nonconforming sign which becomes a public hazard. Such sign must be removed within 30 days of the date of the order;
  - B. Any single repair does not exceed 60% of the sign's value immediately prior to the repair;
  - C. The sign is not extended or maintained in such a way as to extend its nonconformity; and
  - D. The sign is not expanded and, if a permanent sign, relocated or removed for any length of time.
- 9.11.02 Any nonconforming sign that becomes abandoned must be removed, covered or otherwise brought into conformity at the owner's expense.

#### **§9.12. Penalties**

Both the owners or other persons in charge or control of signs and the owners or other persons in charge or control of property on which signs are located are responsible for assuring compliance with this Article. Any failure or refusal to comply with the provisions of this Article is a violation and subject to penalties as provided in [§13.07 Penalties and Remedies](#).

## ARTICLE 10: LANDSCAPING

### §10.01. Definitions

Certain terms used in this section are defined as follows:

- 10.01.01 FRONTAGE LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between any off-street parking area and adjoining rights-of-way. See Figure 10-1.
- 10.01.02 INTERIOR LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation within an off-street parking area. See Figure 10-1.
- 10.01.03 PERIMETER LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking area and adjoining properties. See Figure 10-1.
- 10.01.04 VEHICULAR AREA. Any area used for the circulation or parking of automobiles, including but not limited to, parking lots, driveways, fuel island aprons and drive-through facilities. Does not include vehicle sales display areas or fully screened storage areas for vehicles.

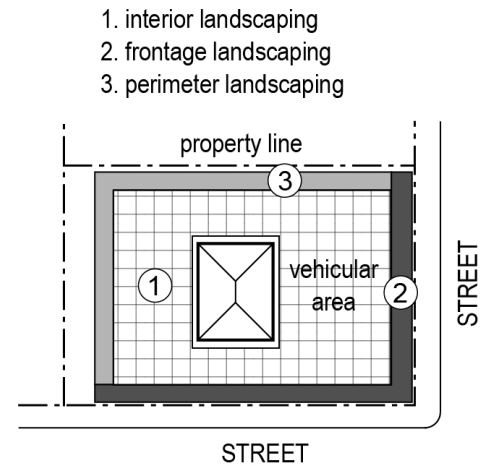


Figure 10-1 Landscape areas

### §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 must be screened from public view and view from adjoining properties, excluding properties in an M-1 or M-2 District:
  - A. Waste collection, recycling and refuse handling areas
  - B. Maintenance areas or utility structures associated with a building or development
  - C. Outside runs for veterinarians, pet grooming, animal shelters, and kennels
  - D. Mechanical units
  - E. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
  - F. Any other uses for which screening may be required by the approving authority

The Zoning Official may reduce screening requirements between similar site elements on adjoining properties provided the site elements are adequately screened from public view.
- 10.02.02 Design Requirements. Screening must comply with the following and as required by the approving authority:
  - A. Location of the site element should be the first consideration in providing required screening. The approving authority may reduce requirements when the location of the element obscures it from public view and from neighboring properties.
  - B. 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.



- C. The method of screening, including height and materials, must sufficiently screen the site element from view. Screening may be provided through evergreen plantings, an enclosure meeting the requirements of [§10.05](#) or a combination of these. The minimum height needed is preferred.
- D. Multiple elements may be screened together.
- E. In addition to screening elements that produce objectionable noise or odors may be required to be located to minimize any nuisance to the public and abutting properties.
- F. 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 must be spaced no more than eight feet on center.

#### 10.02.03 Requirements for Specific Uses

- A. Refuse and recycling containers may not be located forward of the front building line or in required buffers. These containers must be placed on a concrete pad and screened on three sides with an opaque access gate that is normally kept closed. The fence must be at least two feet taller than the container. The enclosure must be of wood or masonry construction or a combination of these. Waste containers of 20 gallons or less do not require screening unless more than two such containers are kept together.
- B. Outdoor storage must be screened to at least the height of the material or equipment to be screened.
- C. Outdoor 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. Buffers**

10.03.01 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, adjoining use. Required yards, when corresponding with the buffer area, may overlap and may be counted toward buffer width requirements. A Landscaping Plan must be approved prior to issuance of a Building Permit.

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

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

**Table 10-1 Buffer Requirements By Use**

Developing Land Use	Existing Abutting Use							
	Single-family (detached or attached)	Multi- family	Lodging	Institutional			Business	Parks & green- ways
				low/medium/high				
<b>Residential and Lodging</b>	<b>Buffer Class Required</b>							
Detached, single-family and duplex	n/a	n/a	n/a	n/a			n/a	n/a
Townhouse, Triplex and Quadplex	A	n/a	n/a	n/a			n/a	n/a
Multifamily	B	n/a	n/a	n/a			n/a	n/a
Lodging	B	A	n/a	n/a			n/a	n/a
Manufactured home parks, campgrounds	B	B	B	A			B	A
<b>Institutional</b>								
Low intensity	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a
High intensity	B	B	A	A	n/a	n/a	n/a	A
<b>Business/Commercial</b>								
Offices up to 50,000 sf	A	A	n/a	A	n/a	n/a	n/a	n/a
Offices greater than 50,000 sf	B	A	n/a	A	n/a	n/a	n/a	n/a
Amusement; outdoor entertainment	B	B	A	A	A	n/a	n/a	A
Mixed-use building containing dwellings	B	A	n/a	n/a	n/a	n/a	n/a	n/a
Retail and restaurants up to 50,000 sf	B	A	n/a	n/a	n/a	n/a	n/a	n/a
Retail and restaurants greater than 50,000 sf	B	B	n/a	n/a	n/a	n/a	n/a	A
Mini-storage facilities	B	B	n/a	n/a	n/a	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	A	B	A	n/a	n/a	A
<b>Industry and Utilities</b>								
Warehousing, storage and public utility facilities	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	B	B
<b>Planting Requirements by Buffer Class</b>								
Buffer Class	Width with fence/wall		Width without fence/wall			Required trees 1		
A	10 ft		15 ft			1 tree per 20 ft		
B	15 ft		20 ft			1 tree per 15 ft		
C	22 ft		30 ft			1 tree per 12 ft		

1 Trees may need to be staggered, depending on species and spacing, to support healthy growth.

10.03.03 Design Standards

- A. Shrubs and trees used to meet buffer requirements must be evergreen but may be supplemented with deciduous plants.
- B. Prior to occupancy of the premises, buffer plantings must be of a size and spacing to provide a visual barrier from the ground to at least four feet above grade throughout the length of the buffer. Plantings must be spaced as closely as possible while accommodating healthy growth.
- C. Within one year after installation, the buffer must provide an opaque visual barrier from the ground to at least six feet above grade throughout its length. When a fence is provided that is at least six feet tall and meets the requirements of [§10.05](#), buffer plantings need not be taller than four feet above grade and the buffer width may be reduced as provided in Table 10-1.

**§10.04. Vehicular Area Landscaping**

10.04.01 Purpose. These regulations are intended to: protect the appearance and value of surrounding properties, and thereby promote the general health, safety and welfare; insulate public rights-of-way and adjoining residential properties from noise, glare, overall visual impact and other distractions from off-street parking areas; provide shade in off-street parking areas; and promote stormwater management by incorporating landscape areas in impervious parking lots.

10.04.02 Applicability

- A. These regulations apply to vehicular areas in nonresidential, multifamily and mixed-use developments used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels as specified in Table 10-2.
- B. Single-family dwellings are exempt from these regulations; however, these regulations apply to parking areas for swimming pools and other common areas in single family residential development maintained by a private homeowners’ association or any public entity.
- C. Existing vehicular areas: If the size of an existing vehicular area is increased by more than 20% or by ten or more spaces, the new vehicular area must comply with this Section. If the existing vehicular area is increased by more than 40% or by 25 or more spaces, the entire off-street parking area must be brought into conformity with these regulations.

**Table 10-2 General Requirements**

Number of Spaces in Parking Lot	Type of Landscaping		
	Frontage	Perimeter	Interior
Parking area of 20 or fewer spaces	X	Required where adjoining a residential use	
Parking area of 21—39 spaces	X	X	
Parking area of 40 or more spaces	X	X	X
Parking structures	X	X	
Any other vehicular use area	X	X	

10.04.03 Frontage landscaping

- A. A landscaped strip with a minimum ten-foot depth must be provided along all adjoining public rights-of-way, which must include a minimum of one tree and six shrubs per full 50 ft of lot frontage.
- B. When a fence or wall meeting the standards in [§10.05](#) is provided as part of frontage landscaping, the landscaping strip may be reduced to six feet in depth and the number of shrubs required reduced by 50%.

10.04.04 Perimeter landscaping

- A. A landscaped strip at least ten-foot deep must be provided between off-street parking areas and adjoining properties. When a fence or wall meeting the standards in [§10.05](#) is provided, the landscaping strip may be reduced to six feet deep. If a wall or fence is provided on the adjoining lot, the approving authority may permit a perimeter landscaping strip of lesser depth without the need for a wall or fence to be provided on the site. Landscaping within rights-of-way or on adjoining property do not count toward required perimeter landscaping.
- B. Perimeter landscaping strips must be planted with evergreen shrubs at an average spacing of four feet and one tree per 50 ft. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs. Driveway connections to adjoining properties are encouraged and are subtracted from perimeter landscaping requirements.
- C. Where the vehicular area is located more than 20 ft from a side or rear lot line, shrub spacing may be increased to six feet.

10.04.05 Interior landscaping

- A. Each vehicular area must have interior landscaping covering at least five percent of the total vehicular area.
- B. To be counted toward these requirements, islands and peninsulas must be at least 100 ft in area, at least six feet in their least dimension exclusive of curbs, and must contain at least one tree.

10.04.06 Landscaping must be as uniformly distributed as practicable. When practicable, islands and/or peninsulas must be placed at the ends of parking aisles or between any circulation drives and parking aisles.

**§10.05. Design Standards for Required Fences**

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

- 10.05.01 Fences must be vinyl, masonry, durable wood, cementitious wood or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements.
- 10.05.02 For frontage and perimeter landscaping, no more than 25% of the fence surface may be left open. Fences used as part of frontage or perimeter landscaping must be at least three feet tall.
- 10.05.03 The finished side of the fence must face abutting property or public views.
- 10.05.04 Shrubs and trees required for buffers, screening or landscaping must be planted on the exterior side of the fence.
- 10.05.05 If a fence extends more than 100 ft in one direction, it must have columns, which project outward from the fence surface and are spaced no more than 50 ft on center.

**§10.06. Modifications**

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

- 10.06.01 Where existing trees and other vegetation fulfill in part or in whole the purposes for which landscaping is required.
- 10.06.02 Where impending development of adjoining property would make these standards unreasonable or impractical.
- 10.06.03 Where views 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 use of alternative landscaping methods would enable preservation of unique natural or historic features or views of such features

**§10.07. Required maintenance**

- 10.07.01 The owner and lessee are each responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition. All unhealthy and dead materials must be replaced during the next appropriate planting period.
- 10.07.02 All fencing used to meet landscaping standards must be maintained in good condition and replaced or repaired as needed.
- 10.07.03 At no time may required landscaping be reduced to less than that required by this article or the originally approved landscape plan.

## **ARTICLE 11: NONCONFORMITIES**

### **§11.01. General Provisions**

- 11.01.01 This Section establishes regulations for legally nonconforming lots, structures, and uses; and to specify the conditions under which such nonconformities can be continued, expanded, or modified; and under which they must be [discontinued or made to conform](#).
- 11.01.02 It is consistent with the regulations of this Ordinance that nonconformities, which adversely affect orderly development and the value of nearby property, be controlled. Such controls consider the vested interests of the owners of nonconforming properties and the extent to which such properties have actual or potential adverse impacts upon the surrounding area.

### **§11.02. Definition of Nonconformities**

For the purposes of this Article the following definitions shall apply:

- 11.02.01 **NONCONFORMING LOT OF RECORD.** Any vacant lot legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the dimensional regulations of the applicable district.
- 11.02.02 **NONCONFORMING DEVELOPED LOT.** Any lot containing a structure or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot width or area or other dimensional regulations of the applicable district.
- 11.02.03 **NONCONFORMING STRUCTURE.** Any structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the setback, height or other dimensional regulations of the applicable district.
- 11.02.04 **NONCONFORMING USE.** An activity using land or structures for purposes, which were legal prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations of the applicable district.
- 11.02.05 **NONCONFORMITY, MINOR.** A nonconforming lot or building that is otherwise used for a conforming use.

### **§11.03. Nonconforming Lots of Record**

[The Zoning Official may permit any nonconforming lot of record to be developed for uses permitted in the applicable district provided the development meets all other applicable requirements. If such a development is unable to meet other requirements, a variance must be obtained from the Board in accordance with \[§12.05 Variances\]\(#\).](#)

### **§11.04. General Provisions**

The following provisions apply to all nonconformities.

- 11.04.01 Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.
- 11.04.02 Nonconforming status runs with the land.
- 11.04.03 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 of the nonconformity of the structure.
- 11.04.04 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 who is charged with

protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration is not otherwise in violation of the provisions of this Ordinance.

11.04.05 No nonconformity may be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure will thereafter conform to the regulations of the applicable district.

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

11.04.07 The burden of establishing the lawful nonconforming status of any structure or use is upon the owner of the nonconformity, not upon the City.

#### **§11.05. Minor Nonconformities**

Minor nonconformities may be modified, enlarged, or expanded provided such change conforms to all other regulations in this Ordinance, unless the Board of Adjustment grants a variance from such regulations.

#### **§11.06. Nonconforming Uses**

11.06.01 A nonconforming use may be changed to another nonconforming use provided the new use is of the same or lesser intensity as the original use.

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

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

11.06.04 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.

11.06.05 A nonconforming use which changes to a use permitted in the applicable district may not thereafter revert to a nonconforming use.

11.06.06 If a nonconforming use is damaged in any manner to the extent that the restoration costs would exceed 60% of the value of that use immediately before such damage occurred, or is discontinued and remains vacant for one year or more, any subsequent use of the lot or structure must comply fully with the use regulations of the applicable district.

## **ARTICLE 12: BOARD OF ADJUSTMENT**

### **§12.01. Establishment and Membership**

The Board of Adjustment heretofore established is hereby continued, and its members are appointed and vacancies filled in accordance with §11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. All members of the Board must be residents of the City.

### **§12.02. Meetings, Procedures and Records**

Meetings of the Board are held at the call of the chairman at such times and places as the Board determines. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board are open to the public. The Board adopts and publishes its own rules of procedure and keeps minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and keeps records of its examinations and of other official actions, all of which are filed in the office of the Board and are a public record.

### **§12.03. Powers and Duties**

The Board has the following powers:

- 12.03.01 Interpretation of Boundaries. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in [§1.09.03](#).
- 12.03.02 Administrative Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a City official, other than the City Council, acting under the authority of this Ordinance.
- 12.03.03 Variances. To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship, but where the spirit of the Ordinance can be observed and substantial justice done.
- 12.03.04 Special Exceptions. To hear and decide special exceptions as set out in this Ordinance.

### **§12.04. Administrative Appeals**

- 12.04.01 Appeals to the Board of Adjustment may be taken by any person or by any officer, department or board of the City aggrieved or affected by any zoning-related decision of the Zoning Official.
- 12.04.02 All appeals must be filed in writing on forms prescribed by the Board and made available by the Zoning Official. Such appeals must be filed with the Zoning Official within 15 days of the date of the action being appealed. The Zoning Official must forthwith transmit to the Board papers constituting the record upon which the action appealed was taken.
- 12.04.03 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Zoning Official's opinion, cause imminent peril to life or property. In such case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.
- 12.04.04 The Board shall select a reasonable time and place for hearing the appeal. At least five days prior to the scheduled Board hearing, the Zoning Official must give written notice of the appeal to all adjacent property owners.
- 12.04.05 The Board may affirm, reverse wholly or in part, or modify the Zoning Official's decision, order, or determination as in its opinion ought to be done, and to that end has all the powers of the Zoning



Official. In exercising the power of administrative review, the Board must apply, not vary, the terms of this Ordinance.

12.04.06 No appeal of an administrative decision may be reheard by the Board.

**§12.05. Variances**

12.05.01 Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

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

12.05.03 Variance applications must be filed with the Zoning Official or Secretary of the Board at least 30 days before the scheduled hearing date before the Board and may only be filed by the property owner or their authorized representative. At least five days prior to the scheduled hearing, the Zoning Official must give written notice of the application to all adjacent property owners.

12.05.04 The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted.

12.05.05 The granting of a variance may not permit the establishment of a use that is not otherwise permitted in the applicable district.

12.05.06 The Board uses the following guidelines in evaluating variance requests:

- A. There must be proof of unique and special circumstances and conditions applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
- B. There must be proof of unnecessary hardship resulting from the application of this Ordinance. Such hardship must be suffered directly by the property in question. It is not sufficient proof of hardship to show that greater value or profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
- C. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- D. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land or structures in the same zoning district.
- E. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
- F. The granting of the variance will be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- G. Such other factors as set out by Alabama State Law.

- 12.05.07 The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions of this Ordinance to which the variance applies. [Violations of conditions lawfully attached to any variance constitute violations of this Ordinance.](#)

**§12.06. Special Exceptions**

- 12.06.01 Special Exception applications must be filed with the Zoning Official at least 30 days before the scheduled hearing date before the Board of Adjustment.
- 12.06.02 At least five days prior to the scheduled hearing of the Board, the Zoning Official must give written notice of the proposed special exception to all adjacent property owners.
- 12.06.03 The Board reviews the application for compliance with this Ordinance and all other applicable codes and Ordinances of the City. In particular, the Board must determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:
- A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
  - B. The location and accessibility of off-street parking and loading areas.
  - C. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.
  - D. The screening and buffering of potentially adverse views and activities from surrounding properties.
  - E. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
  - F. The availability, location, and capacity of utilities.
  - G. The location and scale of signs and lighting with reference to traffic safety, glare, and visual compatibility with surrounding properties.
  - H. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.
- 12.06.04 The Board 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. Such conditions apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception are deemed to be violations of this Ordinance.
- 12.06.05 The Board may grant special exceptions to allow the location and usage of a manufactured home for human habitation in any zoning district permitting residences. Applicants must apply in writing showing justification and provide a list of all adjacent property owners showing mailing addresses as well as a scale drawing of the proposed site with the desired manufactured home location shown. Such special exception may be granted only if all of the following conditions are met:
- A. If located within a single-family residential district, the owner of the manufactured home must reside on the premise.
  - B. The property owner must demonstrate extenuating circumstances such as family hardship, practical difficulty, economic or other reasons deemed to be acceptable by the Board.
  - C. Special exceptions may be granted for no more than five years. At the termination of the granted period, the property owner must either remove the manufactured home from this location, or apply for another special exception.

- D. Such special exceptions are not transferable. If there is a change of land ownership, the new property owner must apply for a new special exception if desired.
- E. Before granting or denying any such request the Board, after conducting a public hearing, must consider the justifications or circumstances involved as well as the objections or lack of objections of adjacent property owners, and the possible effects on neighborhood property values or qualities of life.

12.06.06 The Board may also grant special exceptions for business use of a manufactured building in a business or industrial zone upon showing of catastrophic circumstances created by Act of God or casualty damage. Such special exceptions will be valid for a period not exceeding one year and are not transferable.

#### **§12.07. Public Notice**

Prior to a hearing before the Board regarding an administrative appeal, variance or special exception, the Zoning Official must give written notice of the appeal or request to all owners of property adjoining the property which is the subject of the hearing. Notice is deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice must state the name of the applicant, the location of the property, the nature of the appeal or request, and the time, date and location of the Board's hearing.

#### **§12.08. Abatement of Nuisance**

The Board 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.

12.08.01 An abatement hearing may be held by the Board either upon petition signed by any person affected by the nuisance or upon its own initiative. Notice of the hearing must be sent by registered mail to the owners and/or operator of the property on which the use is conducted in addition to due notice or advertisement in a newspaper of general circulation.

12.08.02 Only after a public hearing on the matter and after having been presented with reasonable evidence of the nuisance, the Board may direct the Zoning Official to issue an abatement order. The order will specify the date by which the hazard or nuisance must be abated.

#### **§12.09. Rehearings**

12.09.01 All decisions of the Board are final and binding upon all parties. No administrative appeal or decision on a variance or special exception will be reheard, and no further application will be accepted once a decision has been rendered except under one or more of the following conditions:

- A. 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.
- B. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Zoning Official, or any other City Officials.
- C. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

12.09.02 Any applicant wishing a rehearing must first appear before the Board to present one or more of the qualifying conditions listed in this Section. Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant will not constitute grounds for a rehearing by the Board.

12.09.03 If the Board finds that one or more of the qualifying conditions exist, the applicant will be permitted to submit a new application. This new application will be heard at a subsequent Board meeting subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

**§12.10. Appeals From Action of the Board of Adjustment**

Any party aggrieved by any final judgment or decision of the Board may, within 15 days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board will 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*.

Draft: November 7, 2023

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## ARTICLE 13: ADMINISTRATION

### §13.01. Enforcement

- 13.01.01 Enforcing Officer. The provisions of this Ordinance are administered and enforced by the Zoning Official, who has the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy to inspect buildings or premises as necessary to enforce this Ordinance.
- 13.01.02 Permit Required. It is unlawful to commence excavation for the construction of any structure, including accessory structures, signs or pools; or to commence the demolition of any structure; or to store building materials or erect temporary field offices; or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures; until the Zoning Official has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this Ordinance. Application for permits required under this Ordinance must be made to the Zoning Official on forms provided for that purpose. The Council may from time to time set fees it finds appropriate to various types of permits.
- 13.01.03 Plans Required for Building Permit. The Zoning Official may not approve any plans or issue any building permit until such Official has reviewed such plans and found them in conformity with this Ordinance. Permit applications must be accompanied by the materials listed in the Appendix and in sufficient detail to enable the Zoning Official to ascertain whether the proposal conforms to this Ordinance:
- 13.01.04 The Zoning Official forwards copies of the plans to the Fire Chief, Street Superintendent, Water Board, and Police Chief for review and comment. The Zoning Official must provide the applicant with a decision on the application within two weeks of submittal. The reasons for disapproval, along with all review comments, will be stated in writing to the applicant.
- 13.01.05 A reproducible set of the final approved site plan must be submitted by the applicant and retained on file by the Zoning Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the final approved site plan.
- 13.01.06 An approved site plan becomes null and void if significant development does not commence within 12 months of approval.
- 13.01.07 Expiration of Building Permit. Any permit under which no construction work has been done above the foundation wall or other foundation support within six months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable, subject, however, to the provisions of any Ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.
- 13.01.08 Certificate of Occupancy
- A. No land or structure or part thereof hereafter erected, moved or altered in its use may be used until the Zoning Official has issued a certificate of occupancy stating that such land or structure or part thereof conforms to this Ordinance.
  - B. Within three days after the owner or his agent has notified the Zoning Official that a building or premises or part thereof is ready for occupancy or use, the Zoning Official must make a final inspection thereof, and issue a certificate of occupancy if the building or premises or part thereof is found to conform to this Ordinance or, if the certificate is refused, to state the refusal in writing with the cause.

- C. The Board of Adjustment hears appeals from the decision of the Zoning Official. One copy of the signed statement by the owner or owner's agent regarding the intended use of the premises, and a signed refusal (if any) is kept on file with the records of the Zoning Official.

### **§13.02. Fees**

A schedule of fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance may be established by the Council. Such fees are set to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees.

### **§13.03. Development Plans**

- 13.03.01 Development Plans in the Planned Business District must be reviewed by the Commission and approved by the Council. Development Plans for multifamily, townhouse and other residential developments involving subdivision or resubdivision must be reviewed and approved by the Commission as part of the plat approval process.
- 13.03.02 Applications for Development Plan approval must be submitted to the Zoning Official and accompanied by the application fee and a conceptual plan showing the entire development site and all stages or phases and illustrating the overall development concept. The Development Plan must be prepared by an engineer or architect registered in the State of Alabama and must include the materials listed in the Appendix.
- 13.03.03 Once approved, a Development Plan is binding on the development of the site, and each phase or stage must be substantially consistent with the Plan. The Zoning Official will cause work on the development to stop if it substantially deviates from the approved Plan. Before work may recommence, the Development Plan must be resubmitted to the approving authority for review and approval. Any of the following constitutes a substantial deviation:
  - A. An increase or reduction in the land area of the project site.
  - B. A change in the total number, or in the type, of dwelling units approved.
  - C. Provision of less than the approved percentage of resource protection, recreation or open space land.
  - D. Any significant addition, removal, or rearrangement of land uses or streets.
- 13.03.04 Approval of a Development Plan expires 24 months after approval unless significant progress has been made toward implementation of the development.

### **§13.04. Amendments**

The provisions of this Ordinance and the Zoning Map may be amended or repealed by the City Council in accordance with the procedure stated herein.

- 13.04.01 Amendments may be initiated by the owner of the subject property or their authorized agent, the Commission or the Council.
- 13.04.02 Action On Petition
  - A. A zoning amendment application and application fee must be submitted to the Zoning Official at least 15 working days prior to the next regularly scheduled meeting of the Commission to be considered at that meeting.
  - B. After holding its public hearing on the matter, the Commission has 60 days to make recommendations to the Council. The recommendations of the Commission are advisory only. Failure

of the Commission to make its recommendation within the prescribed time constitutes a favorable recommendation.

- C. Following receipt of the Commission’s recommendation, a public hearing will be held by the Council, after which the Council will render its decision.
- D. Notice of the time and place of public hearings will be given as required by state law. Written notice will be given to all owners of adjoining property and owners of property within 500 ft of the subject property. An additional notice will be posted on or as near the site as possible to serve as visual notification to the public.

13.04.03 No action may be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.

**§13.05. Statutory Review**

In accordance with §11-52-11 of the Code of Alabama, 1975, as amended, the Commission is authorized to review the character, location and extent of any public street, square, park or other public way, ground, open space or structure, or any major utility project, whether publicly or privately owned. The purpose of this review is to determine whether or not such projects are consistent with the goals and policies of the Comprehensive Plan. The Commission’s findings and recommendations are transmitted to the Council.

**§13.06. Penalties and Remedies**

13.06.01 Any person, firm, corporation, or other organization which violates any provisions of this Ordinance will be fined, upon conviction, not less than \$25.00 nor more than \$500.00 plus court costs for each offense. Each day the violation continues constitutes a separate offense. The conviction of a violation and imposition of any fine does not constitute an exemption from compliance with this Ordinance. In case any structure is constructed, reconstructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this Ordinance, the Zoning Official may seek an injunction or writ of *mandamus* or take other appropriate action or proceedings to stay or prevent occupancy of such structure or land.

13.06.02 Unlawful Structure. Any uses of land or dwellings or construction or alteration of structures erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance *per se*. The Zoning Official is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by unlawful use of a structure or land. When the Zoning Official has declared a structure to be in violation of this Ordinance, the owner or occupant must, within 72 hours from receipt of notification from the Zoning Official to vacate the premises, until the structure or premises has been made to conform to this Ordinance. Such notification will be provided:

- A. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- B. By depositing the notice in the United States as first class certified mail; or
- C. By posting and keeping posted for 72 hours, a copy of the notice in a conspicuous place on the premises to be repaired.





**Building Permit Application Requirements**

1. Cover sheet with:
  - a) Name and location of the development; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;
  - b) Vicinity map;
  - c) Zoning and existing and proposed land use of the site; and
  - d) Date, scale, north arrow, and number of streets.
2. The actual shape, proportion, and dimensions of the lot to be built upon.
3. The shape, size, and location of all structures to be erected, altered, or moved, and of any structures already on the lot, both above and below grade.
4. The existing and intended use of all buildings or other structures.
5. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
6. The setback and side lines of buildings on adjoining lots and such other information concerning adjoining lots as necessary for determining conformance with this Ordinance.
7. The location of fire lanes and fire hydrants with adequate water flow.
8. Deed restrictions and covenants pertaining to the subject property.
9. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
10. Public and private utilities, including sewage disposal system and water system.

**Development Plan Submittal Requirements**

1. Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map
2. Site Plan, drawn to scale and showing (as applicable):
  - a) Existing and proposed topography of the site and the surrounding area at least two-foot contour intervals and showing the location of existing woodlands, streams, and other significant land features
  - b) Existing land uses and development adjoining the project site.
  - c) Rights-of-way and pavements, including dimensions of all streets and common drives within the development and access to the surrounding public street system.
  - d) The type, location, and dimensions of all existing and proposed structures
  - e) Location and dimensions of existing and proposed curb cuts, driveways, off-street parking and loading areas, walkways
  - f) The location, extent, and approximate acreage of all resources protection, recreation, and open space lands and other common areas.
  - g) Location of all common amenities such as clubhouses, swimming pools, laundries, etc.
  - h) Landscape plan showing the location and dimensions of buffers, screening, landscaping, walls and fences

- i) Location of all utilities and surface water drainage facilities.
- j) Location and proposed manner of illumination of signs
3. Drawings showing the appearance of principal buildings or typical dwellings and grounds
4. A written narrative, illustrated as appropriate, addressing the following (as applicable):
  - a) A general description of the proposal
  - b) Number of acres and percentage designated for each proposed land use
  - c) Total number of dwelling units proposed and the proposed density in units per acre
  - d) Total floor area of proposed commercial or other nonresidential use
  - e) Percentage of the site to be covered by buildings
  - f) Number of employees expected per shift
  - g) Area proposed to be devoted to open space and description of all common amenities
  - h) The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants
  - i) A plan for the provision of utilities and storm drainage facilities
  - j) Plans for parking (including total number of parking spaces for the use proposed), loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts
  - k) Method for dedicating or reserving land or facilities for public use or for the use of the property owners in the project
5. Proposed restrictive covenants or other restrictions on the use of the property
6. Description of any exceptions or variances, if any are being requested of the Board of Adjustments.
7. A statement defining the manner in which the City is to be assured that all improvements are to be installed and maintained.

#### **PRD Development Plan Submittal Requirements**

1. Preliminary Development Plan. Drawings must be approximately to scale and include the following:
  - a) Vicinity map showing the location of the proposed project.
  - b) Site map showing the property boundaries and ownership of abutting property.
  - c) Existing zoning map, indicating the zoning classification of the tract and all properties within 500 ft
  - d) Existing site conditions map
  - e) Development plan showing the total project including:
    1. Conceptual circulation plan, including whether streets will be public or private, shown in relationship to external streets (with street name and existing right-of-way width noted)
    2. Conceptual drainage plan
    3. Conceptual open space plan showing common areas to remain in private ownership and proposed public dedication sites, if any
    4. A proposed use plan showing the location of acreage of distinct use areas including:
      - Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
      - Density of each residential development area calculated in gross acres

- f) Phasing plan, if involving multiple phases of development
2. Preliminary Development Plan Narrative:
    - a) Evidence that the proposal is compatible with the Comprehensive Plan
    - b) Evidence that the proposal meets the purpose for PUD development and community objectives and description of community benefits to be achieved as described in §6.03
    - c) Preliminary information regarding normally required zoning and subdivision standards to be modified and alternative standards to be proposed
    - d) A general description of any community facilities to be provided, such as school sites, fire stations or recreation facilities, if any
    - e) Preliminary information regarding restrictive covenants and form of ownership and maintenance of any common open spaces and facilities
  3. PRD Development Plan. Drawings must be to scale and show the following:
    - a) Total project plans and conditions:
      1. The property boundaries, including metes and bounds
      2. An area map showing the applicant's entire holding and all properties, streets, rights-of-way and easements within 300 ft of the property.
      3. Topographic map with five-foot contour intervals
      4. Phasing plan, if applicable, showing areas already developed, areas for which development approval is being requested, and areas for future development with approximate timetable for completion.
    - b) Development Plan showing the total project including:
      1. Proposed use plan showing the location and acreage of distinct land use areas including:
        - Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
        - Density of each residential area calculated in net acres
      2. Site plan showing location, use, scale and orientation of all buildings other than detached single-family dwellings
      3. Conceptual lotting plan for attached and detached single-family dwellings
      4. The internal street network shown in relationship to external streets with street name and existing right-of-way width noted
      5. Conceptual drainage and utilities plan, including method of sewage disposal and location of such facilities
      6. Open space plan, including identification of improved and unimproved open spaces and area and overall dimensions of each required open space
      7. Parking master plan, including location and circulation pattern of all nonresidential and common parking areas
      8. Signage master plan, including location, height and size of all freestanding signs
      9. Landscaping plan, including location, overall dimensions and design approach to parking lot landscaping, screening, buffers and open spaces

10. Location and design of lighting facilities

4. PRD Development Plan Narrative

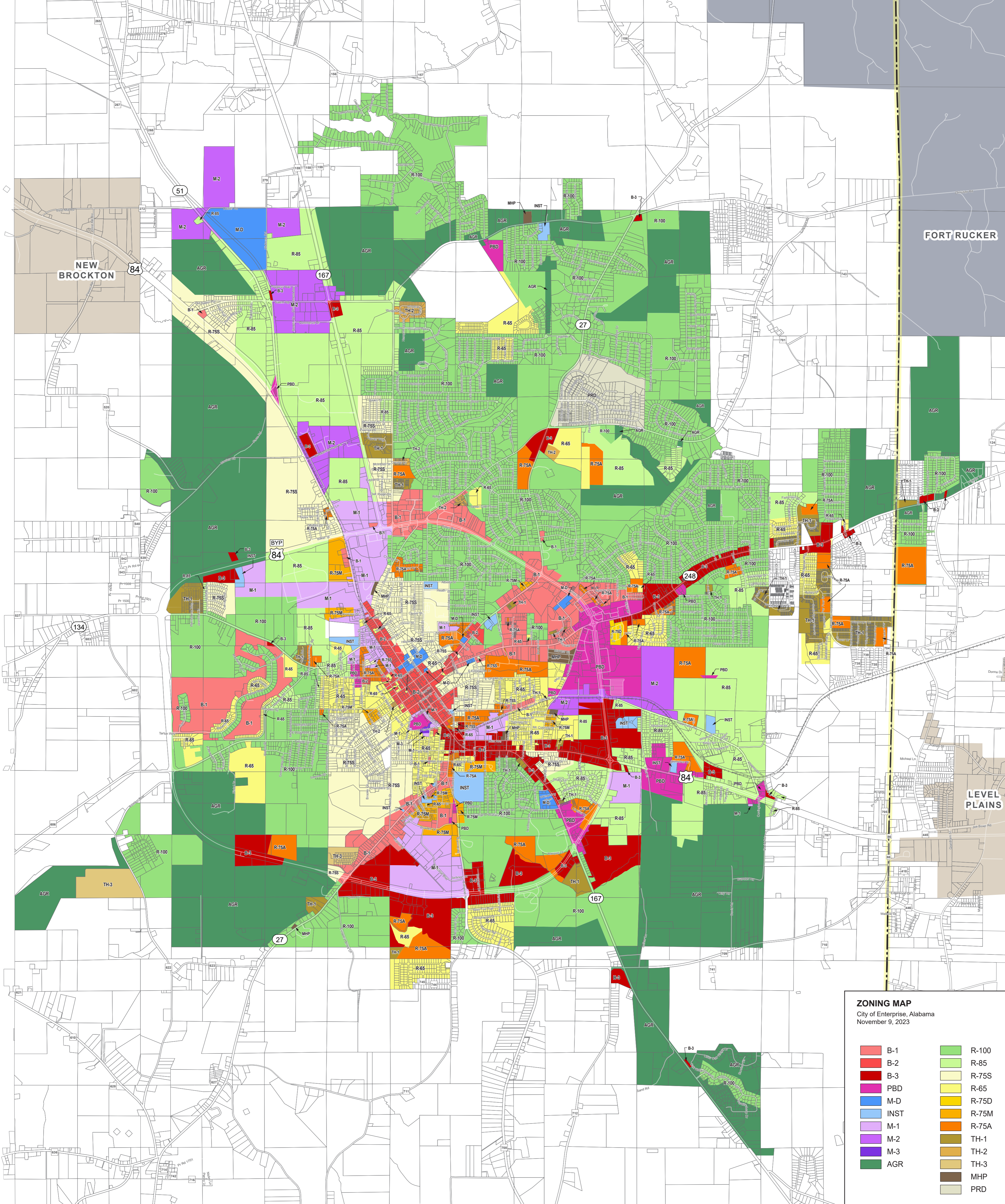
- a) Evidence that the proposal is compatible with the Comprehensive Plan
- b) Evidence that the proposal meets the purpose for PRD development and community objectives and description of community benefits to be achieved as described in §6.03
- c) Prototype development plans and schedule to show lot sizes, setbacks, typical structure arrangements, access and parking provisions
- d) Complete description of all normally required zoning and subdivision standards to be modified and proposed alternative standards
- e) Description of community facilities to be provided, such as school sites, fire stations or recreation facilities, or statements on which existing facilities will be used by the proposed residents of the project
- f) Proposed restrictive covenants including how any common open spaces and facilities are to be owned and maintained; design standards and method of implementation

**Site Plan requirements for Temporary Uses**

Site plans must be drawn to a scale not less than one inch = 100 ft and must show the following:

1. North arrow and scale
2. All property lines
3. Location with dimensions and use of all proposed and existing structures and portions of the premises to be occupied by the temporary use
4. Location and dimensions of all parking areas
5. Location of all public streets, driveways, walkways and curb cuts to be used
6. Location and direction of all exterior signs and lighting
7. Location of all water and sewer taps
8. Location and type of all electrical connections
9. Location of nearest fire hydrant
10. Certification by registered traffic engineer that adequate provisions have been made for traffic management on the site. The Zoning Official may waive the certification if deemed unnecessary due to intensity of use.

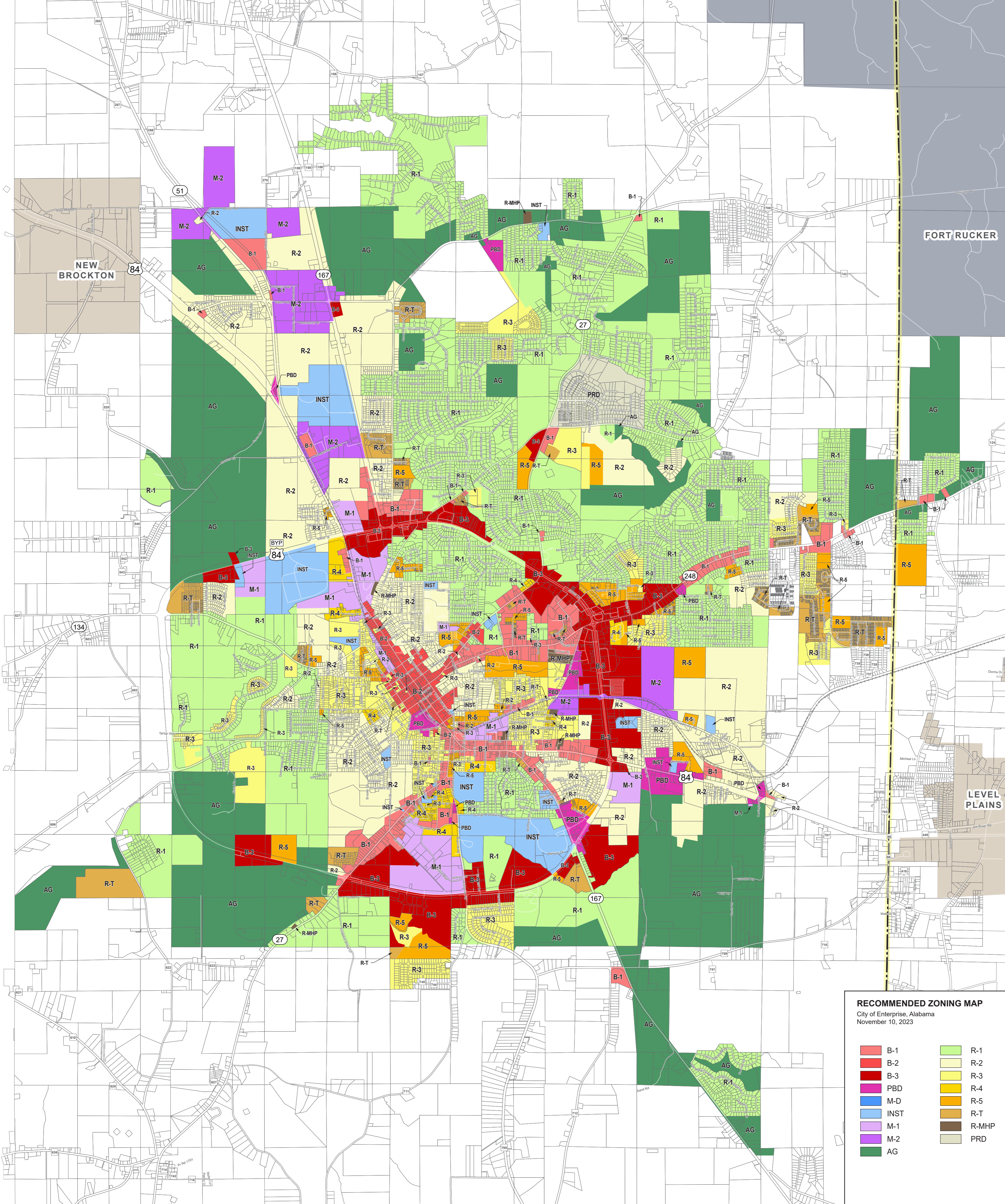




**ZONING MAP**  
 City of Enterprise, Alabama  
 November 9, 2023

<span style="color: red;">■</span>	B-1	<span style="color: green;">■</span>	R-100
<span style="color: darkred;">■</span>	B-2	<span style="color: lightgreen;">■</span>	R-85
<span style="color: magenta;">■</span>	B-3	<span style="color: yellow;">■</span>	R-75S
<span style="color: blue;">■</span>	PBD	<span style="color: orange;">■</span>	R-65
<span style="color: lightblue;">■</span>	M-D	<span style="color: yellowgreen;">■</span>	R-75D
<span style="color: purple;">■</span>	INST	<span style="color: brown;">■</span>	R-75M
<span style="color: pink;">■</span>	M-1	<span style="color: darkorange;">■</span>	R-75A
<span style="color: darkpurple;">■</span>	M-2	<span style="color: tan;">■</span>	TH-1
<span style="color: darkblue;">■</span>	M-3	<span style="color: lightbrown;">■</span>	TH-2
<span style="color: darkgreen;">■</span>	AGR	<span style="color: grey;">■</span>	TH-3
		<span style="color: darkgrey;">■</span>	MHP
		<span style="color: lightgrey;">■</span>	PRD





**RECOMMENDED ZONING MAP**  
 City of Enterprise, Alabama  
 November 10, 2023

- |   |   |
|---|---|
| <span style="color: red;">■</span> B-1        | <span style="color: lightgreen;">■</span> R-1   |
| <span style="color: darkred;">■</span> B-2    | <span style="color: yellowgreen;">■</span> R-2  |
| <span style="color: magenta;">■</span> B-3    | <span style="color: yellow;">■</span> R-3       |
| <span style="color: blue;">■</span> PBD       | <span style="color: orangeyellow;">■</span> R-4 |
| <span style="color: lightblue;">■</span> M-D  | <span style="color: orange;">■</span> R-5       |
| <span style="color: cyan;">■</span> INST      | <span style="color: brown;">■</span> R-T        |
| <span style="color: purple;">■</span> M-1     | <span style="color: darkbrown;">■</span> R-MHP  |
| <span style="color: darkpurple;">■</span> M-2 | <span style="color: grey;">■</span> PRD         |
| <span style="color: green;">■</span> AG       |   |





# City of Enterprise

Department of Engineering Services & Public Works

501 S Main Street

Enterprise, Alabama 36330

Phone (334) 348-2671

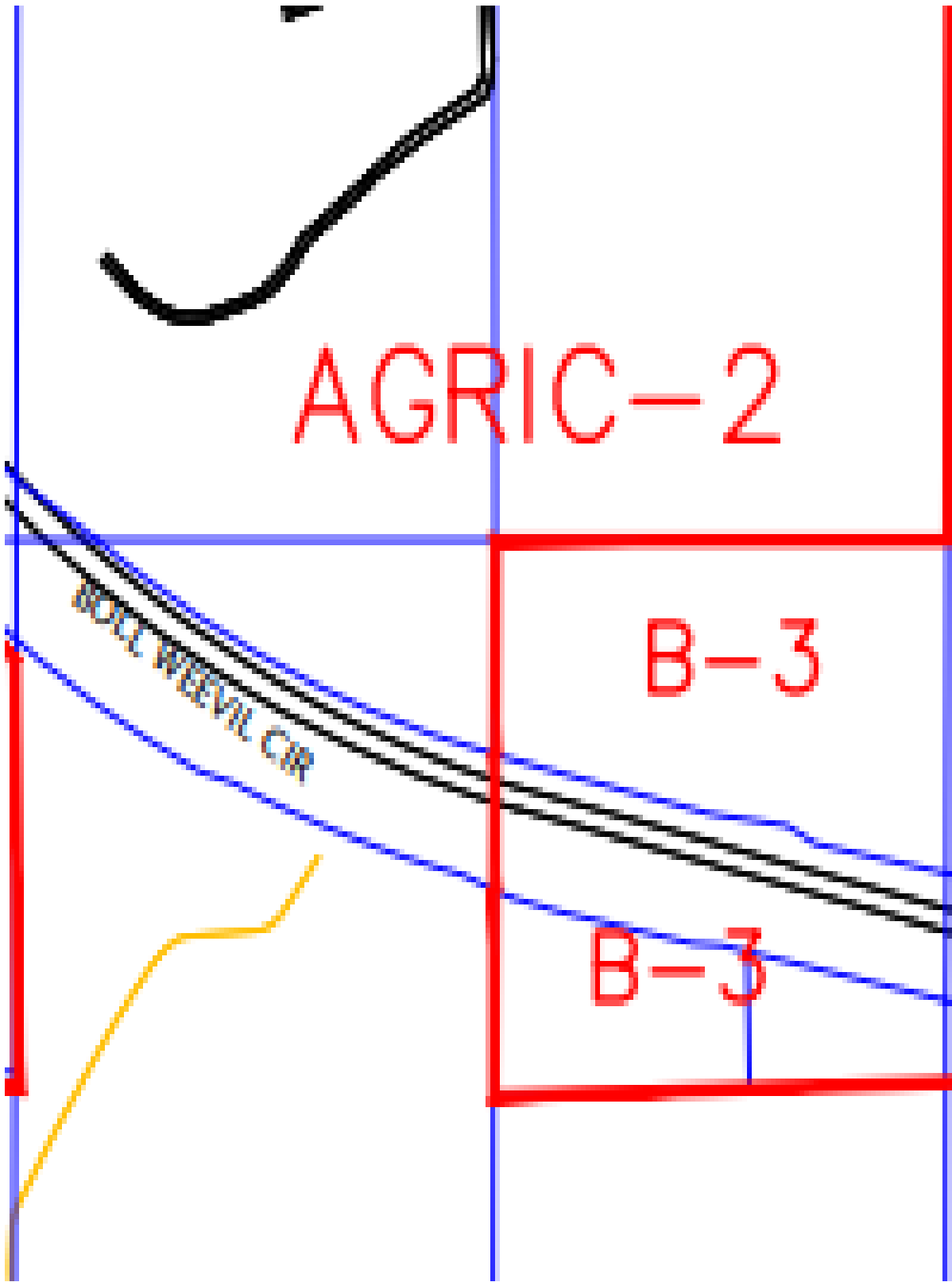
Email: [engineering@enterpriseal.gov](mailto:engineering@enterpriseal.gov)

## Staff Review for 11/14/2023 Planning Commission

### New Business:

1. A request by Graceland Holdings LLC. on behalf of Robert Paschal, for the rezoning of 7.24 acres of land from AGR (Agriculture District), as shown on Map A, present, to B-3 (Highway Commercial District) as shown on Map B, proposed, located at 4437 Boll Weevil Circle.
  - Current Zoning is AGRIC-2
  - Adjoining zoning: B-3 and ARGIC-2
  - Staff recommends the proposed rezoning.

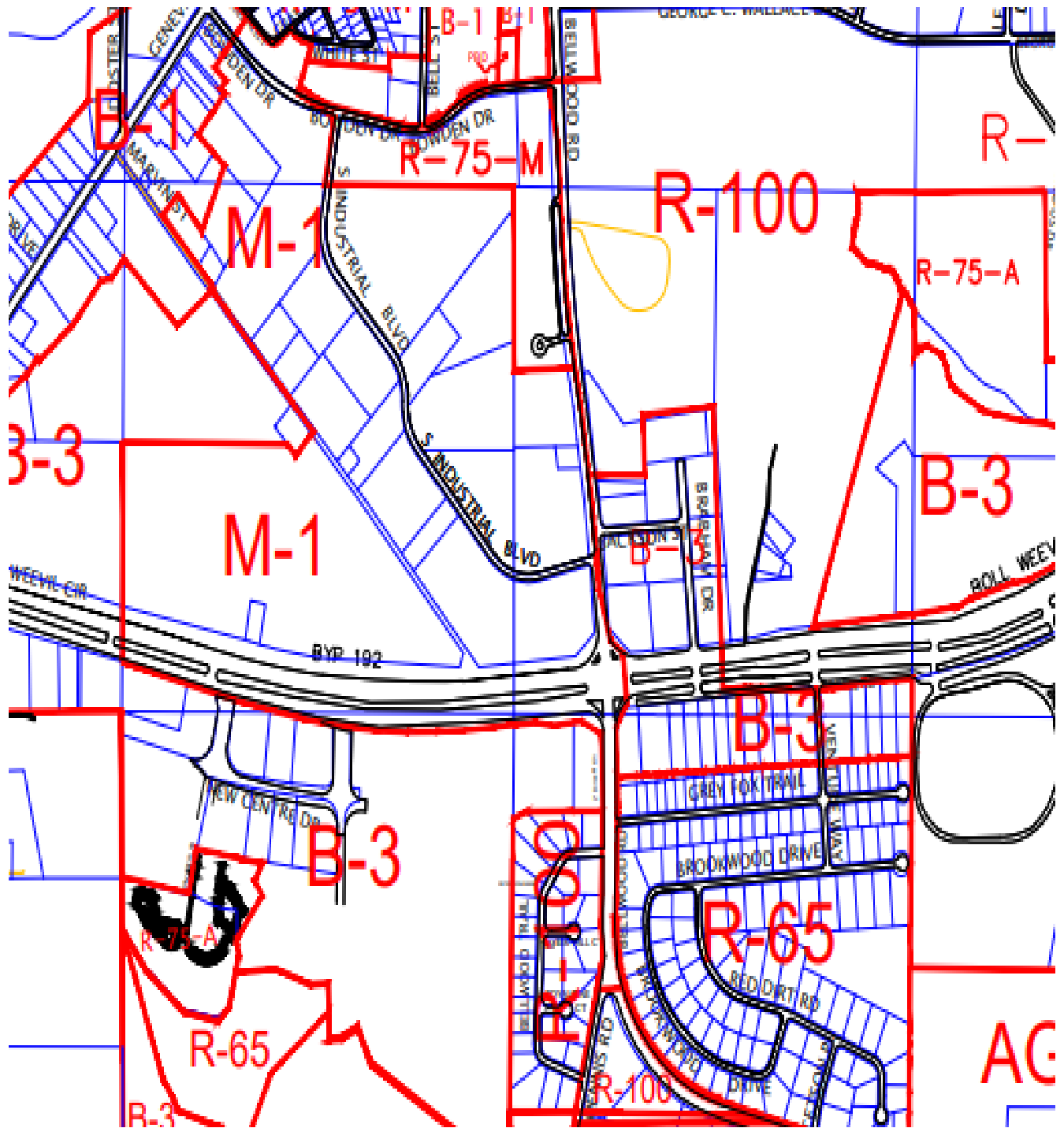




2. A request by Keith Laney, for the rezoning of 1.85 acres of land from M-1 (Light Industry District), as shown on Map A, present, to B-3 (Highway Commercial District) as shown on Map B, proposed, located at 131 S. Industrial Blvd.
- Current zoning is M-1
  - Adjoining zonings are B-3 and M-1
  - Staff recommends the proposed rezoning.







3. A request by Keith Laney, for site plan approval of a retail development, located at 131 S. Industrial Blvd.
- Current Zoning M-1
  - Shopping Centers are not an allowed use in M-1
  - Staff recommends approval of the site plans contingent on the entrance being located on S. Industrial Blvd and the rezoning request for this property being approved.





4. A request by Northstar Engineering Services on behalf of Kevin Axton, for the rezoning of 93.98 acres of land from R-85 (Residential District), as shown on Map A, to R-75-A (Residential District) as shown on Map B, proposed, located on the southside of Porter Lunsford Rd.
- Current zoning is R-85
  - Adjoining zonings are R-75-A, R-100 and AGRIC-1.
  - Staff plans make a recommendation at the meeting. Staff is gathering information concerning traffic, density and any possible adverse effect to the surrounding community.

