

ENTERPRISE

ZONING ORDINANCE

06-05-12

City of Enterprise, Alabama

ARTICLE I: AUTHORITY, PURPOSE, AND SCOPE	5
Section 1. Statutory Authority.....	5
Section 2. Short Title.....	5
Section 3. Purpose.....	5
Section 4. Applicability and Compliance	5
Section 5. Minimum Requirements	5
Section 6. Conflict With Other Regulations	5
Section 7. Severability.....	5
Section 8. Repeal of Conflicting Ordinances.....	5
 ARTICLE II: DEFINITIONS	 6
Section 1. Interpretation.....	6
Section 2. General Definitions.....	6
Section 3. Use Definitions.....	8
 ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS	 16
Section 1. Official Zoning Map	16
Section 2. Zoning Districts	16
General Purpose Districts	16
Special Purpose Districts	17
Planned Development Districts	17
Section 3. District Boundaries	17
Section 4. Annexed Property	17
 ARTICLE IV: GENERAL PURPOSE DISTRICT REGULATIONS	 18
Section 1. Districts and Purposes	20
R-100: Residential District.....	18
R-85: Residential District.....	18
R-65: Residential District.....	18
R-75-S: Residential District.....	18
R-75-D: Residential District.....	18
R-75-M: Residential District	18
R-75-A: Residential District.....	18
B-1: General Business District	18
B-2: Downtown Business District	18
B-3: Highway Commercial District.....	19
INST: Institutional District.....	19
MED: Medical District.....	19
M-1: Light Manufacturing District	19
M-2: General Manufacturing District	19
M-3: Heavy Manufacturing District.....	19
AGR: General Agricultural and Forestry District.....	19
Section 2. General Regulations	19

ARTICLE V: SPECIAL PURPOSE DISTRICT REGULATIONS	25
Section 1. (C-O) Highway Corridor Overlay District	25
Section 2. (MHP) Manufactured Home Park District	27
ARTICLE VI: PLANNED DEVELOPMENT DISTRICT REGULATIONS	29
Section 1. General Provisions	29
Section 2. (PRD) Planned Residential District	29
Section 3. (PBD) Planned Business District.....	30
Section 4. Retention of Authority.....	31
ARTICLE VII: DISTRICT REGULATIONS	32
Section.1 Parking lots in R-75-M and R-75-A Districts.....	32
Section 2. Townhouses.....	32
Section 3. B-3 Highway Business District	34
ARTICLE VIII: SPECIAL REGULATIONS	35
Section 1. Accessory Structures	35
Section 2. Visibility at Intersections.....	35
Section 3. Fences, Walls, and Hedges	35
Section 4. Principal Structure on a Lot.....	36
Section 5. Exceptions to Height Regulations	36
Section 6. Access to Structures	36
Section 7. Major Recreational Equipment.....	36
Section 8. Parking and Storage of Certain Vehicles.....	36
Section 9. Manufactured Homes.....	36
Section 10. Existing Single Family Dwellings in Commercial Areas.....	37
Section 11. Corner Lots in Residential Districts	37
Section 12. Projections into Required Yards.....	37
Section 13. Home Occupations.....	37
Section 14. Structures in Public Rights-of-Way.....	38
Section 15. Farm Animals	38
Section 16. Wrecking and Junk Yards	38
Section 17. Cemeteries.....	39
Section 18. Front Yard for In-fill Lots.....	39
Section 19. Signs and Outdoor Advertising.....	39
Section 20. Landscape Requirements	42
ARTICLE IX: OFF-STREET PARKING AND LOADING REGULATIONS.....	43
Section 1. General Provisions.....	43
Section 2. General Parking Requirements	43
Section 3. Parking Requirements for Specific Uses.....	44
Section 4. Off-street Loading requirements.....	46
ARTICLE X: NONCONFORMITIES.....	48
Section 1. General Provisions.....	48
Section 2. Definition of Nonconformities.	48

Section 3. Nonconforming Lots of Record.....	48
Section 4. Minor Nonconformities.	49
Section 5. Major Nonconformities.	49
Section 6. General Provisions.....	49
ARTICLE XI: BOARD OF ADJUSTMENT	51
Section 1. Establishment and Membership	51
Section 2. Meetings, Procedures and Records	51
Section 3. Powers and Duties	51
Section 4. Administrative Appeals.....	51
Section 5. Variances	52
Section 6. Special Exceptions.....	53
Section 7. Abatement of Nuisance	54
Section 8. Rehearings.....	54
Section 9. Appeals From Action of the Board of Adjustment.....	55
ARTICLE XII: AMENDING THE ORDINANCE.....	56
Section 1. Petition for Change	56
Section 2. Action On Petition	56
Section 3. Fees	56
Section 4. Limit On Initiation of an Application for Ordinance Amendment.....	56
ARTICLE XIII: ADMINISTRATION, ENFORCEMENT, AND PENALTIES.....	61
Section 1. Enforcing Officer	61
Section 2. Permit Required	61
Section 3. Plans Required for Building Permit	61
Section 4. Site Plan Review	62
Section 5. Development Plans	64
Section 6. Conditional Use Procedures.....	65
Section 7. Statutory Review	66
Section 8. Certificate of Occupancy Required.....	66
Section 9. Expiration of Building Permit	67
Section 10. Unlawful Structure.....	67
Section 11. Penalties and Remedies	67

ENTERPRISE ZONING ORDINANCE

ARTICLE I: AUTHORITY, PURPOSE, AND SCOPE

Section 1. Statutory Authority

This Ordinance has been drafted, subjected to public review, recommended by the Enterprise Planning Commission, published as required by law and adopted by the Enterprise City Council under the authority of Alabama law.

Section 2. Short Title

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

Section 3. Purpose

The specific purpose of this Ordinance is to influence the use of property within the City of Enterprise in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended and applicable law; and generally to implement and support the Comprehensive Plan and the Developmental Policies of the City Council of the City of Enterprise.

Section 4. Applicability and Compliance

The provisions of this Ordinance shall apply to all property located within the Corporate boundary of the City of Enterprise. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

Section 5. Minimum Requirements

The provisions of this Ordinance shall be considered minimum requirements to promote the public health, safety, and welfare. The provision of this Ordinance shall not lower the restrictions of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance, i.e., that which is more restrictive shall apply.

Section 6. Incorporation of Amendments; Ratification

The provisions of this Ordinance include and incorporate zoning amendments and changes which have not been previously and duly repealed by the Enterprise City Council including, but necessarily limited to, those which have been previously proposed, acted upon and approved by the Enterprise City Council since June 1, 2007, and said previous amendments and changes which are included and incorporated herein are hereby confirmed, approved and ratified.

Section 7. Conflict with Other Regulations

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

Section 8. Severability

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

Section 9. 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA that the body and the text of the ENTERPRISE ZONING ORDINANCE which is included herein and attached hereto be adopted by reference and be included in the entirety in the City of Enterprise, Alabama Code of Ordinances.

ARTICLE II: DEFINITIONS

Section 1. Interpretation

Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot*, *parcel* and *tract*. The word "*shall*" is mandatory and not directory. The word "*may*" is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine. Except as defined herein or in the *Subdivision Regulations of Enterprise, Alabama*, all other words used in this Ordinance shall have their customary dictionary definition.

Section 2. General Definitions

Accessory Structure and Use. Any detached minor building or structure. Accessory use is one that is reasonable, customary and incidental to a permitted use of the premises. A sign shall be considered only as accessory to a permitted use.

Alteration, Altered. Any addition to the height, width or depth of a building or structure; any change in the location of any of the exterior walls of a building, structure or sign; or any increase in the interior accommodations of a building or structure.

Awning. A shelter attached to and hanging from a vertical surface or a building without any other support from the ground.

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.

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.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

Building, Height of. The vertical distance from the lowest ground elevation to the highest point of the coping 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.

Dwelling Unit. Any portion of a building used, intended or designed as a separate abode for a family.

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.

Facade. The front of the principal building.

Facility. A place, structure or item that is built, installed, or established to serve a particular purpose.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Grade, Finished. The final elevation of the ground surface after development. Or, the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Grading. The preparation of a site for development, usually by leveling off to a smooth horizontal or sloping surface.

Gross Floor Area. The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

Loading, Off-Street. Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a street.

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot Width. The width of the lot at the front building setback line.

Nonconforming Use. The use of any building or land which was lawful at the time of passage of this Ordinance, or amendment thereto, but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.

Parcel. A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner.

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 a minimum area of not less than one hundred sixty-two square feet, a minimum width of nine feet, and a minimum length of eighteen feet, exclusive of driveways and maneuvering area.

Plot. A measured piece of land.

Plot Plan. A scale drawing indicating the location of all existing and/or proposed structures in relation to the site.

Setback Line. A line parallel to the property line between which line and the property line no structure may be erected.

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.

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.

Story. That portion of a building included between the surface of the floor next above, or if there be no floor surface above it, then the space between such floor and the ceiling next above it.

Street. A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

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.

Subdivision. The division of a lot, tract or parcel of land, into two or more lots, tracts, parcels or other divisions of land by means of platting of boundaries.

Tract. A lot, piece, or parcel of land of greater or less size; the term not meaning in itself any precise dimension, but generally referring to a larger piece of land.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used.

Yard, Required. A yard the depth of which is specified in the district regulations. In the case of a corner lot, the rear and side yards shall be determined by defining the front yard as the narrower of the street frontages regardless of the location of the main entrance to the structure.

Yard, Front. A yard extending across the full width of the lot between the side lot lines, and extending from the street right-of-way line to the front building line. On corner lots, the narrow side shall be considered the front regardless of the main entrance of the dwelling. Where both frontages are equal, the front yard shall be considered the side which the majority of the lots front in the block.

Yard, Rear. 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 shall be in the rear of the front yard.

Yard, Side. The yard extending along the side lot line from the front yard to the rear yard, and extending from the side lot line to the side building line. In the case of corner lots, the yard extending along all established or future street rights-of-way shall be considered a front yard and shall meet all requirements as defined herein for such.

Section 3. Use Definitions

Animal Hospital. A place where small household pets are given medical or surgical treatment and short term boarding of pets.

Animal Shelter. Non-profit (e.g., SPCA) or public organization providing shelter for small domestic animals.

Assisted Living Facility, Domiciliary. A permanent building, portion of a building, or a group of buildings in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.

Bank or Financial Service. 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.

Bed and Breakfast Inn. A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for definite periods of time up to thirty (30) days.

Boarding House. See *Rooming House*.

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.

Business or Professional Office. A place where the administrative affairs of a business or profession are conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

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.

Car Wash. A commercial establishment engaged in washing, cleaning, and/or detailing of automobiles and other light vehicles.

Community Center. Building(s) arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Building(s) 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.

Construction Service. A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

Convenience Store. A one story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including automotive fuel service islands.

Country Club. Land and buildings containing recreational facilities and club house for private club members and their guests.

Day Care Center. A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

Day Care Home. A licensed service operated from a dwelling by the resident as a home occupation, providing day care on a regular basis to six or less persons.

Dwelling. Any building or portion thereof in which people live.

Dwelling, Apartment. Four or more attached, multi-family dwellings within a building.

Dwelling, Combination. A dwelling (other than a manufactured home, mobile home or trailer) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial, or industrial establishment. Such unit shall not be available for general rental purposes.

Dwelling, Duplex. A detached or single building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiplex. Three or four attached dwellings within a building of three or less stories.

Dwelling, Single Family. A detached or single building designed for or occupied exclusively by one family.

Dwelling, Townhouse. A single-family dwelling constructed in a series or group of attached units with property lines separating each unit as defined by the code adopted by the City.

Dwelling, Upper-Story. A dwelling located in the upper story of a building wherein the ground floor is devoted to commercial uses.

Emergency Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters and playhouses; and art centers and similar indoor cultural facilities.

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.

Family Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multi-family zones*, Code of Alabama, 1975 as amended.

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.

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.

Farming, 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

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

Garden Center or Nursery. 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.

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

Home Instruction. Instruction in the arts, music, or academic subjects given from a dwelling by the resident to a maximum of four students at a time, except in the case of musical instruction, which shall be limited to a maximum of two students at a time.

Home Occupation. A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops, and medical offices for the treatment of patients, conducted for gain or support and located entirely or operated from the living area of a dwelling.

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, cafeterias and staff offices.

Hotel. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public as opposed to a rooming house or boarding house, which are separately defined.

Junk Yard. See *Salvage Yard*.

Kennel. Any facility in or at which cats, dogs, or similar household pets are brought or kept for care, boarding, or breeding; and for which such services are charged a fee.

Landfill, Inert. A State-approved site for the controlled disposal of brush, yard waste, construction debris, etc.

Landfill, Sanitary. A State-approved site for the controlled disposal of solid waste and garbage.

Laundry Service. A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

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 lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments that sell or serve only beer or wine as an incidental activity on the premises or establishments that sell liquor, beer, or wine in packages for off-premise consumption.

Livestock Sales. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

Maintenance Service. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services to include incidental covered storage only.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; a structure that meets all the requirements of the definition hereinabove except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

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.

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.

Manufacturing, Heavy. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

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.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

Medical Support Service. A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

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.

Modular Structures. A dwelling constructed on-site, in accordance with adopted City code, of components substantially assembled in a manufacturing plant and transported to the building site for final assembly upon a permanent foundation.

Motel. A building or group of buildings used for the temporary occupancy of transients.

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.

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.

Parking, Commercial. Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

Personal Service. A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

Place of Worship. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, living such as a parsonage or rectory, and other integrally related activities.

Public Assembly Center. Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

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.

Public Utility Facility. Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

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.

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.

Rehabilitation Facility. An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

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.

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.

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.

Restaurant, Standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

Restaurant, Take-Out Only. An establishment where food and drink are prepared, but not served or consumed on the premises.

Retail Business, General, Enclosed. 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, variety stores, and similar retail businesses.

Retail Business, General, 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 food service, outdoor tire sales, and outdoor display or sales.

Rooming House, Boarding House. Any building or portion thereof that contains not less than three (3) or more than nine (9) 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 a definite period of time longer than thirty (30) days.

Salvage Yard. 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.

School, Commercial. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

School, Not-for-Profit. School operated by a non-profit organization.

School, Public. School or college or similar institution operated by a public school authority.

Shopping Center, Major. A group of commercial establishments (as permitted in the district) located on a lot of ten (10) or more acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

Shopping Center, Minor. A group of commercial establishments (as permitted in the district) locate on a lot of fewer than ten (10) acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

Sign. Any name, identification, description, display, illustration, and/or structure that is recognizable from a street or adjacent parcel and that is affixed directly or indirectly upon a building, structure, or the ground that directs attention to an object, product, place, activity, service, person, institution, organization, or business. This definition excludes all public signs designed, constructed, and placed in accord with the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.

Sign, Attached. Any sign that is permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

Sign, Building Wall. A sign painted upon the front or side exterior wall of a building, or affixed to the front or side exterior wall of a building, but not extending more than twelve (12) inches from the face of the building wall or above the top of the building wall.

Sign, Canopy. A sign directly painted on or otherwise directly affixed to a building canopy or awning.

Sign, Detached. Any sign that is not permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

Sign, Ground. Any sign that is directly mounted on the ground or attached to or part of an upright support that stands on the ground, removed from any building.

Sign, Off-Premise. Any sign advertising a person, business, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

Sign, On-Premise. Any sign advertising a person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

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.

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.

Telecommunication Facilities. Any cables, wires, lines, wave guides, antennas, structures, and any other facilities or equipment associated with the transmission or reception of electronic communication located near or installed upon a tower or antenna support structure.

Transmission Tower. A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

Vehicle and Equipment Repair, Major. A place of business engaged in the repair and maintenance of heavy trucks (one ton or more), construction equipment, tractors and farm implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

Vehicle and Equipment Sales, Major. A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

Vehicle Repair Service. A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Sales or Rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

Vehicle Sales and Service. A commercial establishment engaged in the sale and service, repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Service Station. A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

Warehousing, Wholesaling, and Distribution, Enclosed. A place of business engaged in warehousing, wholesaling, or distribution services within a building.

Warehousing, Wholesaling, and Distribution, Unenclosed. A place of business engaged in open air warehousing, wholesaling, or distribution services.

ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS

Section 1. Official Zoning Map

The City is hereby subdivided into General Purpose, Special Purpose and Planned Development 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. This map shall be kept in the office of the Building Department.

The Official Zoning Map shall be signed by the Mayor and attested by the City Clerk, and shall show the number and date of adoption of this Ordinance.

Any changes made in district boundaries, or any other matter portrayed on the map, shall be entered on the map by Ordinance number and date of adoption within ten (10) days of such adoption.

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 shall result in amending the map.

Section 2. Zoning Districts

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

General Purpose Districts

R-100 Residential District

R-85 Residential District

R-65 Residential District

R-75-S Residential District

R-75-D Residential District

R-75-M Residential District

R-75-A Residential District

TH-1 Townhouse District

TH-2 Townhouse District

TH-3 Townhouse District

B-1 Business District

B-2 Central Business District

B-3 Highway Commercial District

INST Institutional District

MED Medical District

M-1 Light Industry District

M-2 Industrial Park District

M-3 General Industry District

AGR Agriculture District

Special Purpose Districts

HC Highway Corridor Overlay District

HP Historic Overlay District

MHP Manufactured Home Park District

Planned Development Districts

PBD Planned Business District

PRD Planned Residential District

Section 3. District Boundaries

The boundaries of the Zoning Districts as shown on the Official Zoning Map are intended, as far as possible, 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 Planning Commission first shall make recommendation to the City Council as to the location of such boundary and thereafter, the City Council shall determine where such boundary is officially located.

Section 4. Annexed Property

Following the adoption of this Ordinance, any property annexed into the City shall be zoned in accordance with the Comprehensive Plan. Any subsequent rezoning of such property shall follow the procedures for map amendments set forth in this Ordinance.

ARTICLE IV: GENERAL PURPOSE DISTRICT REGULATIONS

Section 1. Districts and Purposes

R-100: Residential District

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

R-85: Residential District

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

R-65: Residential District

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

R-75-S: Residential District

The purpose of this District is provide and preserve land for use for single family dwelling and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

R-75-D: Residential District

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

R-75-M: Residential District

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

R-75-A: Residential District

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

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.

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.

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 these Districts shall minimize traffic hazards and adverse impacts on adjoining areas.

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. If a building permit is sought for any use included within this zoning district, the applicant must comply with Article XIII, Section 2 ("Permit Required") and seek rezoning for the property before any permit may be approved and issued.

MED: Medical District

The purpose of this District is to encourage the concentration of medical facilities and services in accessible locations.

M-1: Light Manufacturing 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.

M-2: General Manufacturing 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.

M-3: Heavy Manufacturing District

This District is intended to accommodate manufacturing, processing, and assembly operations that are relatively large in terms of employment and space requirements and which may adversely affect surrounding property by generating noise, dust, odor or glare.

AGR: General Agricultural and Forestry District

This District is intended in part to provide space within the city to continue agricultural and forestry operations and in part 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.

Section 2. General Regulations

Use and dimensional regulations applying to the several Districts shall be as specified in Table 4-1 and Table 4-2, respectively, of Article IV. In each district, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot no less than the area and width specified.

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.

Height restrictions shall not apply to steeples on places of worship, hospitals, farm structures, chimneys, flag poles, utility poles, communications towers, cooling towers, water towers, and industrial structures when required by the manufacturing process.

General and special requirements and/or regulations that may apply to some or all Districts and/or uses shall be as specified in Articles VII and VIII.

Off-street parking and loading requirements shall be as specified in Article IX.

Permits and plan submittals and statutory review as may be required in various Districts and/or for certain uses shall be as specified in Article XIII.

Accessory uses that are reasonable and customary to the District and the permitted use may also be permitted by the Building Official.

ARTICLE V: SPECIAL PURPOSE DISTRICT REGULATIONS

Section 1. (C-O) Highway Corridor Overlay District

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, this section sets forth regulations that will help ensure that development in these critical areas is visually pleasing and economically viable. This section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base district zoning regulations in the corridor unless the zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped along designated corridors, the following buffer yard, landscape and sign requirements shall apply. The Planning Commission and the City Council shall treat all developments in this District as subject to review using the procedures outlined for Conditional Uses in Article XIII, Section 5.

These regulations shall apply to all B-3 (Highway Business Districts) and to all lots, parcels and tracts that have frontage upon the following Highways: 27, 84, 134, 167, 192 and 248.

- a. *Building Materials.* All building cladding materials on facades visible to pedestrian and vehicular traffic shall incorporate natural materials such as wood or stone and/or manufactured materials such as brick and stucco.
- b. *Buffer yards and Setbacks.* A fifteen (15) foot buffer yard shall be installed along the front property line. This buffer yard shall contain ten (10) understory trees and fifteen (15) shrubs per every one hundred (100) feet of frontage. In addition, five (5) canopy trees shall be planted throughout the balance of the site for every one hundred (100) feet of frontage.

Buffer yards of a minimum width of five (5) feet shall be installed along all side and rear property lines. Each such buffer yard shall contain four (4) understory trees and six (6) shrubs per every one hundred (100) feet of property line.

All structures shall be set back at least twenty (20) feet from the right-of-way line. All garages, car washes or other service bays shall be located at least forty (40) feet from the front property line; and all garage, car wash, or service bay openings shall be oriented at not less than ninety (90) degrees to the primary street frontage.

Dumpsters and all other refuse collection devices shall be located behind the front plane of the principal structure and shall be fully screened from public view.

- c. *Landscaping.* All developments in this District shall provide general landscaping on the site in addition to that required in the buffer yards. A minimum of three (3) canopy, three (3) understory, and fifteen (15) shrubs shall be provided for every three hundred (300) total linear feet of perimeter of buildings on the site.

No more than twenty (20) contiguous (side-by-side) parking spaces shall be constructed without a landscaped island. At least half of such islands shall be at least nine (9) feet wide; the remainder shall be at least four and one half (4.5) feet wide. All such islands shall contain at least one (1) understory or canopy tree. The Planning Commission may count such trees against the general landscaping requirement.

All sites shall be developed in such a way that significant existing vegetation is preserved and incorporated into the landscaping of the site.

- d. *Signs.* All signs shall be coordinated as to design and materials with the design and materials of the structures on the site.

All freestanding signs shall have any metallic structural elements (i.e., poles) covered entirely in masonry, stone, wood, decorative metal or similar non-structural cladding material. For the purposes of this section, paint alone shall not qualify as a cladding material.

Freestanding business signs on any individual development site shall not exceed one hundred (100) square feet in area, unless specifically allowed by this section. Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this section. Such signs shall have a minimum setback of ten (10) feet from any side lot line. Freestanding signs may be mounted on a base not exceeding four (4) feet in height. This base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed sixteen (16) feet in height. Those electing to erect signs no more than twelve (12) feet in height, may increase their allowable sign area to one hundred twenty (120) square feet.

Corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

The height measurement of signs on property lying below the finished grade of the street shall be taken from the adjacent curb elevation.

For the purposes of this Section, a development site consisting of at least two (2) individual businesses and a minimum of 10,000 square feet of gross building area may be considered a shopping center.

Shopping Centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign not to exceed one hundred twenty (120) square feet in area. Such Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

Shopping Centers consisting of at least 20,000 square feet and less than 65,000 square feet shall be allowed two (2) signs. The aggregate total area of such signs shall not exceed two hundred (200) square feet.

All freestanding shopping center signs may be mounted on a base not exceeding four (4) feet in height. Said base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed twenty-five (25) feet in height and shall be set back a minimum of ten (10) feet from any side lot line.

Shopping Centers with at least 65,000 square feet in gross building area shall be afforded the following increases in allowable freestanding sign area:

Shopping Center Gross Building Area (Square feet)	Permitted Freestanding Sign Area	Permitted Sign Height
65,000 - 200,000	400 sq. ft.	40'
200,000 and over	500 sq. ft.	40'

The height measurement of signs on property lying below the finished grade of the street shall be taken from the adjacent curb elevation.

Wall signs on any single development site shall not exceed a total of two (2) square feet per front foot of the main or entry facade. Wall signs projecting above the building roof or parapet line are prohibited. Signs applied directly to roofs, including painted signs, are prohibited.

When determining the allowable sign area for Shopping Centers where it cannot be determined which facade is the main or entry facade, the longest exterior elevation of the structure shall be used. When determining the allowable sign area of individual mall shops or other businesses without exterior facades, the interior facade width or the allowable minimum shall be used.

All businesses, regardless of the measurement of the main or entry facade, shall be allowed a minimum of thirty-two (32) square feet of wall sign area.

Freestanding and elevated signs that are nonconforming as to size and height at the time of adoption of this section shall be removed within a period not to exceed seven (7) years from such date.

- e. *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 (1) 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.
- f. *Fences and Screening.* Lot are as within which repair of vehicles of any type occurs, shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.

Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.

No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced.

Section 2. (MHP) Manufactured Home Park District

To receive the designation of Manufactured Home Park, a project must meet the following minimum standards:

The project site must contain a minimum area of three (3) acres, and have at least 100 feet frontage upon a public street. Obtaining designation as a Manufactured Home Park is dependent upon submission and approval of a Development Plan in accordance with Article XIII of this Ordinance.

- a. Each manufactured home shall be placed upon an individual designated space that contains at least 5,000 square feet of area, and having a width of at least fifty (50) feet. The front, rear and side yards for each such designated space shall measure at least ten (10) feet in depth. No manufactured home and/or accessory building shall cover more than forty percent (40%) of the total area of the designated space. The maximum density permitted for a manufactured home park shall be seven (7) homes per gross acre.
- b. Each designated space shall provide at least two (2) parking spaces, maintained with an all-weather wearing surface such as asphalt and concrete. All off-street parking spaces shall have access to an interior roadway within the park. No direct access shall be allowed between the designated spaces for manufactured home and any exterior street.
- c. Manufactured homes shall front upon an interior roadway having a minimum right-of-way of fifty (50) feet, and a paved surface of at least twenty-two (22) feet in width. This interior roadway shall be an all-weather surface of concrete or asphalt and built to the standards of the City. Cul-de-sacs shall have a paved surface with a minimum radius of forty (40) feet.
- d. Street lighting shall be provided throughout the manufactured home park with lighting units so spaced and equipped with luminaries placed at such heights as will provide an average luminance of four (4) lumens per square meter reaching the ground surface, and the luminance ratio shall be set at a maximum of six (6) to one (1). Light shall be directed downward
- e. A manufactured home park shall be located on a well-drained piece of property, and shall be graded to ensure adequate treatment of surface water runoff.

- f. A sanitary sewer collection system shall be extended to every designated space in the manufactured home park. The connection from the individual manufactured homes shall be made under and/or within five (5) feet of the manufactured home, and shall be equipped with a seal.
- g. Every designated space shall be provided with an individual branch service line with a minimum diameter of 3/4 inches, and delivering potable water. A cut-off shall be installed on each branch, as well as a back flow prevention device approved by a nationally recognized testing agency. All connections to the water distribution system shall be under, and/or within five (5) feet of the manufactured home. Each lot shall have a water meter; and the service line from the meter to the manufactured home shall be buried a minimum depth of twelve (12) inches in the ground.
- h. Every manufactured home lot within the park shall be provided with individual electrical service. Each such service shall be mounted on a treated wooden pole or a metal pedestal; and shall be 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 manufactured home shall be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual manufactured home. The supply cable shall be encased in metal or plastic pipe and buried to the depth required by City regulations. A primary service line shall not be located across the top of any manufactured home.
- i. In cases where gas service is provided, the installation shall conform to the adopted City codes.
- j. 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 (1) dwelling unit of conventional construction, containing at least 600 square feet of floor space and intended for the use of a resident manager.
 3. Storage areas for boats, recreational vehicles, and other types of vehicle that exceed thirty (30) feet in length shall be fenced and landscaped. Storage of such vehicle shall not be allowed upon individual home lots or on the internal roads in the park.
- k. Manufactured home parks shall 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 roads, shall be privately owned, or owned in common by the residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within the park.
- l. Manufactured housing spaces shall be clearly staked or otherwise identified; and shall have a permanent marker giving a number and/or letter of a minimum height of three (3) inches so that they may easily be read from the interior roadway. All individual utility meters shall also be numbered for easy identification by service personnel.
- m. All manufactured homes shall be blocked and tied down in conformance with the standards set forth in Section 11-49-219, Code of Alabama, 1975 Compilation, as amended.
- n. All manufactured homes shall have a skirting installed between the base of the structure and the ground. This skirting shall be made of concrete block, wood, vinyl, or other approved materials. Any opening in the skirting shall not be greater than two (2) inches square.

ARTICLE VI: PLANNED DEVELOPMENT DISTRICT REGULATIONS

Section 1. General Provisions

Planned Development districts are hereby authorized for the purpose of providing optional methods of land development to encourage imaginative solutions to environmental design issues. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment.

The procedure to be followed in the creation of a Planned Development District shall conform to the regulations for any other zone change with the following exceptions:

- a. Any petition for the establishment of a Planned Development District in the form of a proposed Development Plan as prescribed in Article XIII shall be submitted to the Enterprise Planning Commission for its review and recommendation. The recommendation, which shall be in writing, shall state the Commission's consideration of the following:
 1. That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.
 2. That the proposed development is consistent with the intent and purpose of the Comprehensive Plan and of this Ordinance to promote public health, safety and the general welfare.
 3. That the final plan for the proposed development meets the requirements of all other regulating bodies.
 4. That an approved method of sewage disposal is available to the tract under consideration.
- b. The establishment of a Planned Development District will be for the express purpose of improving the tract of land for uses and in accordance with an approved Development Plan for the particular tract of land.
- c. The owner or owners of a tract of land may petition the Enterprise City Council for an amendment to the official zoning map creating a Planned Development District only at or following such time as the Development Plan has been approved and favorable recommendation on the zone change has been rendered by the Enterprise Planning Commission.
- d. If, within three hundred sixty-five (365) days from the effective date of the amendment, the Building Inspector has not received an application for a building permit, the City Council may, by appropriate action, repeal the amendment establishing the Planned Development District. Once a building permit is issued, the improvements set forth in the plan of development must be completed within twelve (12) years from date of issuance; otherwise, the City Council may repeal the amendment establishing the Planned Development District.

The Building Official may not issue a building permit unless the proposed improvements are substantially as shown in the Development Plan approved as a prerequisite to the amendment establishing the Planned Development District.
- e. Unless specific variations are noted on the development plan and approved by the Enterprise Planning Commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use as provided in this Ordinance shall be applicable to the Planned Development District.

Section 2. (PRD) Planned Residential District

In addition to the requirements outlined in Section 1 of this Article, the following shall apply to all Planned Residential Districts:

- a. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.
- b. The uses permitted are those prescribed in Table 4-1 of Article IV. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of an adjacent property is afforded by the plan.
- c. The following requirements are minimums and are intended to serve as a guide in plan formulation.

All buildings shall be set back from the street right-of-way lines and from the periphery of the project to comply with the following requirements:

- 1. There shall be a front yard for all detached single-family dwellings of not less than fifteen feet (15'). The front yard setback for all other structures shall be as determined by the Enterprise Planning Commission.
 - 2. Unless indicated elsewhere, all buildings shall have a setback of not less than fifteen feet (15').
 - 3. In no case shall a lot, for a single-family detached structure, be created with an area of less than 6,500 square feet or a frontage of less than sixty feet (65') at the building line unless approved by the Enterprise Planning Commission.
- d. In addition to the applicable regulations the following rules shall be observed.
 - 1. The Enterprise Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of other zoning districts shall not apply except as set forth herein. The Enterprise Planning Commission may impose conditions regarding layout, circulation and other physical improvements.
 - 2. Where the planned residential developments provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.
 - 3. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.
 - 4. Subsequent applications for plat approval and building permits shall include a site plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development is compatible with the approved the Development Plan.

Section 3. (PBD) Planned Business District

- a. A planned development district created for the purpose of establishing planned commercial may be allowed adjacent to any district, provided, that adjoining property is protected.
- b. The Planned Commercial District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this Article in order to provide for modern retail commercial facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land may request that such tract of land be zoned as a Planned Commercial District by proceeding under the provisions of this Article, but the failure of such owner or owners to apply under this Article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping

Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

- c. The uses permitted are those prescribed in Table 4-1 of Article IV. The use of each building or premises shall be in accordance with the Development Plan. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.
- d. The Development Plan shall comply with all requirements of this Article and shall be accompanied by evidence concerning the feasibility of the project and the effect of this proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:
- e. Application for plat approval and building permits shall include a site plan defining the areas wherein buildings may be constructed, the areas that will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walkways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the locations, size and character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

Section 4. Retention of Authority

The Enterprise Planning Commission and /or Enterprise City Council retain the authority to waive any provisions in this Article or to impose requirements greater than herein stated in any Planned Development District.

ARTICLE VII: DISTRICT REGULATIONS

Section 1. Parking Lots in R-75-M and R-75-A Districts.

Off-street parking space shall be maintained in accordance with the following specifications for all structures in R-75-M and R-75-A districts containing three or more dwelling units:

- a. Shall be used only by: (1) passenger vehicles, or (2) vehicles up to one ton manufacturer's (3) not to be used for the parking or storage of trailers or similar equipment;
- b. Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;
- c. Shall be graded for proper drainage and provided with a paved surface maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris;
- d. Shall be provided with entrances and exits so located as to minimize traffic congestion;
- e. Shall be provided with wheel guards or bumper guards so located that no parking or parked vehicles will extend beyond the parking space;
- f. Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential property nor interfere with traffic;
- g. May have not more than one attendant shelter building conforming to all setback requirements for structures in the district and which shelter building shall contain not more than 50 square feet of gross floor area;
- h. Yards: Along any street the lot shall provide a front yard not less than 20 feet in depth nor less than the front yard of any existing residential structure immediately adjacent and on either side of the lot. The front yard space shall not be used or occupied for any purpose except as permitted or required in this section.
- i. Sign for identification of the use, provided:
 - (1) Such sign shall not exceed 20 square feet in area or five feet in height.
 - (2) Such sign may, be illuminated by a non-oscillating concealed light source.

Section 2. Townhouses

Townhouse developments shall be considered residential subdivisions and shall be subject to and comply with the provisions of the City of Enterprise subdivision regulations as applicable. Development plans for any proposed townhouse development must be approved by the Enterprise Planning Commission prior to submission of construction plans for issuance of a building permit.

It is the intent of this section that townhouses in areas where they are or may be permitted:

- a. Should be located near major thoroughfares and collector streets where good 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 "buffer" use between single-family residences and other high density or incompatible land uses.

- d. Shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by providing alternative means to conventional arrangements of yards and building areas.
- e. Shall be high quality living units offering the maximum residential environmental amenities, including preservation of natural landform and foliage and the grouping of usable open space.

The following general requirements will apply to all townhouse dwelling units:

- a. Townhouses constructed in a TH-1, TH-2 and TH-3 districts may be offered for sale.
- b. Each townhouse shall be located on a separate platted lot.
- c. No townhouse complex shall contain more than ten townhouses.
- d. Minimum dimensional requirements shall be as shown in Table 4-2 of Article IV.
- e. No side yard shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be ten feet or as specified, except where abutting a street, it shall be greater.
- f. Each townhouse shall have its own yard containing not less than 400 square feet, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- g. Off-street parking shall be provided as shown in Table 4-2 of Article IV. Insofar as practicable, off-street facilities shall be either provided on the individual townhouse lots, or grouped in bays in the interior of blocks. In any case, parking arrangements will be made so as to discourage on-street parking on public streets. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- h. All lots shall abut their full frontage on a publicly dedicated street on at least one end of the platted lot. An exception can be made to this requirement for condominium type development where commonly owned land lies between the dedicated street and where the intent of the requirement is upheld.
- i. Attached townhouse dwellings shall be separated from each other by a fire and noise reduction partition wall which complies with building, fire and other applicable codes adopted by the City of Enterprise.
- j. If a townhouse development contains any common area, common building, common off-street parking area, or common recreational facility, provisions satisfactory to the Enterprise City Council and approved by the city attorney shall be made to assure that common areas, common buildings, common off-street parking areas and common recreational facilities for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the city or the general public. In addition, the developer of a townhouse development or homeowners association created by the developer, by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such common area, common buildings, common off-street parking areas, and common recreational facilities established for the developer.

The following specific requirements apply to detached townhouses only.

- a. Each detached townhouse shall 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 square feet with a minimum of 24 feet at the building line. Additionally each lot shall have one yard containing at least 600 square feet, reasonably secluded from view of streets or 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 (ensuring that there will be no infringement on the property rights of owners of adjacent property). Additionally a five-foot easement for water

drainage and wall maintenance must be established on the yard adjacent to the zero setback. This easement shall 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 shall not:
 - (1) On the zero side, project over the 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.

Section 3. B-3 Highway Business District

- a. Joint access easements and stub outs shall be provided at adjoining property boundaries.
- b. Access or frontage roads shall be required along the entire property frontage. All frontage roads shall be for two-way traffic, parking shall not be allowed. Such frontage roads may be constructed on Alabama Department of Transportation right-of-way, subject to ALDOT approval.
- c. All frontage roads shall be constructed to Alabama Department of Transportation specifications and, in addition, shall meet the following minimum standards and requirements:
 - 1. The right-of-way shall be a minimum of 40 feet and shall lie parallel and adjacent to the thoroughfare right-of-way unless the Planning Commission determines another alignment to be more appropriate. Alternate layouts may be required at corners and intersections.
 - 2. Minimum paved roadway width shall be 24 feet from face to face or curb, and shall be constructed with a standard curb and gutter and the face of the curb to be not less than six inches in height.
 - 3. The paved roadway shall lie in the center of the frontage right-of-way unless otherwise specified. In no case shall the separation between the thoroughfare and the frontage road be less than eight feet.
 - 4. Temporary access may be allowed from the access road to the main thoroughfare until permanent access points can be constructed or connections can be made to existing access points.
 - 5. Driveway curb cuts from the frontage road to the adjoining thoroughfares shall begin or end no closer than 800 feet from the beginning or ending of another. Likewise, no such curb shall begin at a point closer than 800 feet from the point of curvature of the curb return at an intersection with another street.
 - 6. Driveway curb cuts for frontage roads shall not begin at a point closer than 150 feet from the right-of-way of the main thoroughfare along any secondary road intersecting with the main thoroughfare.
 - 7. At the option of the Planning Commission, developers may be relieved from providing frontage roads across drainage ditches, creeks and other natural features where due to the topography or terrain completion would not be feasible.
- d. Visibility at an entrance or exit shall not be impaired in any way by display, landscaping or parked vehicles.