

City of Alexander City

Zoning Ordinance

Revised 2016

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ALEXANDER CITY, ALABAMA, PROVIDING FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF ALEXANDER CITY, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND: TO PROVIDE FOR OFF-STREET LOADING AND UNLOADING OF TRUCKS AND OTHER MOTOR VEHICLES: TO PROVIDE FOR METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF: TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT: TO ASSIST IN CERTAIN PHASES OF THE ADMINISTRATION OF THE ORDINANCE: AND TO REPEAL EXISTING ZONING ORDINANCES AND CONFLICTING LAWS.

ARTICLE I: PREAMBLE**SECTION 1 - AUTHORITY**

This ordinance is established in pursuance of the authority conferred unto the City of Alexander City by Title 11, Chapter 52, Article 4, Sections 70 to 84 inclusive, Code of Alabama 1975, as amended, and for the general purposes of:

- promoting the health, safety, morals, public peace, order, or general welfare of the City of Alexander City, Alabama;
- lessening congestion in the streets;
- securing safety from fire, panic, and other dangers;
- providing adequate light and air;
- preventing the overcrowding of land;
- avoiding undue concentration of population;
- facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- conserving the value of buildings; and
- encouraging the most appropriate use of land and buildings throughout the City;

all in accordance with a comprehensive plan, the City Council of the City of Alexander City, Alabama, does hereby ordain and enact into law this Zoning Ordinance. This ordinance has been designed to protect and accommodate competing interests in the use, enjoyment and development of land within the City of Alexander City. Every possible consideration has been given to the public interest, individual property rights and the impacts, or externalities, associated with the development of land in Alexander City. It is the goal of this ordinance that both the burdens and the benefits it implies be rationally and fairly distributed among the citizens and property owners of Alexander City.

SECTION 2 - SHORT TITLE

This Ordinance shall be known and may be cited as the "Alexander City Zoning Ordinance". The "Official Zoning Map of the City of Alexander City," which shall be further identified by the *ALEXANDER CITY ZONING ORDINANCE* signature of the Mayor of Alexander City and attested by the City Clerk, along with all explanatory matter thereon shall be made a part of this Ordinance by reference. This map may be known and cited as the "Alexander City Zoning Map." Such map shall be filed in the Office of the City Clerk, and shall show thereon the date of adoption and dates of amendment by the Alexander City City Council.

SECTION 3 - INTERPRETATION

In this interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. The standards and requirements of this ordinance should be applied and enforced to balance public and private interests in the development of land in a manner that promotes mutual understanding and respect, and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.

SECTION 4 - JURISDICTION OF ORDINANCE

The requirements and standards contained in this Ordinance shall apply to all areas within the corporate boundaries of the City of Alexander City.

ARTICLE II: DEFINITIONS

SECTION 1 - GENERAL INTERPRETIVE GUIDELINES

1.1 Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "lot" includes the words "plot" or "parcel." The word "shall" is mandatory. The word "may" is permissive. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

1.2 Where any word specifically defined in the Alexander City Subdivision Regulations is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Alexander City Subdivision Regulations shall apply. If a word used and defined in the Alexander City Subdivision Regulations bears a different or conflicting definition within this Zoning Ordinance, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.

1.3 Any words specifically defined in a subsequent section or article of this Ordinance shall carry that meaning within the context of the specific section or article within which it is defined.

1.4 Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Board of Adjustment.

SECTION 2 - SPECIFIC DEFINITIONS

When used in these regulations, the following words and phrases shall have the meaning given in this section, unless specifically defined in a subsequent section or article:

2.1 Abutting. Possessing a common boundary with, or being separated from such common boundary by a dedicated public or private right-of-way, easement, drainageway, river, or stream. However, individual lots separated or divided by the waters of a natural or impounded lake shall not be considered abutting under the spirit and intent of this ordinance, unless otherwise specified herein.

2.2 Access. A means of entry or egress from an individual lot to a dedicated street or public right-of-way.

2.3 Accessory Structure or Use. A detached or freestanding structure, building, or land use activity that satisfies all of the following criteria:

- A. The subject structure or use is subordinate to and serves a principal structure or a principal use.
- B. The subject structure or use is subordinate in area, scale, nature, and purpose to the principal structure or use served.
- C. The subject structure or use is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provision of this ordinance.
- D. The subject structure or use is customarily incidental to the principal structure or use.
- E. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure. (See also "use," "use, principal," and "use, temporary.")

F. An accessory structure or use shall not have separate utility meters.

2.4 Alley. A dedicated public service way which affords only a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation.

2.5 Alteration and Altered. The word "alteration" shall include any of the following:

- A. Any addition to the height, width, or depth of an existing building or structure;
- B. Any change in the location of any of the exterior walls of an existing building or structure;
- C. Any change in the position or placement of an existing structure or building on a lot;
- D. Any increase in the interior accommodations of a building or structure;
- E. Any repairs, renovation, remodeling, or rebuilding to a building or structure which costs, in total, more than fifty (50) percent of the fair market value of the building or structure prior to the commencement of said activity. (See also "structural alteration.")

2.6 Apartment. A single dwelling unit contained within a multi-family dwelling.

2.7 Attic. That portion of a building that is immediately below and either wholly or partially within the roof framing. Alternatively, it is the interior portions of a building above the roof line.

2.8 Automobile Filling and Service Station. A place of business which conducts routine and incidental maintenance, inspection, and repair services for malfunctioning, excessively worn, or broken parts and components on otherwise operable motor vehicles and/or which has pumps and underground storage tanks through which motor vehicle fuels, oils, fluids, or lubricants are dispensed, sold, or offered for sale. Such facilities may offer certain automobile and travel related commodities and services generally limited to the following:

- A. The sale and servicing of spark plugs, batteries, distributors and distributor parts;
- B. Maps, atlases, and other travel guides;
- C. Tire/wheel servicing and repair, but not recapping or re-grooving;
- D. The replacement and servicing of mufflers and tail pipes, water hoses, fan belts, fuel pumps, oil pumps, carburetors, alternators, hoses, wiring, and lines, brakes, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, filters, wheel bearings, mirrors, tune-ups and the like, but not including exclusive auto parts sales where no repair or maintenance service is offered, full vehicle restoration, body painting or repainting (other than incidental touch-up associated with permitted repair and servicing work), whole engine replacement, the on-site storage and salvaging of inoperable motor vehicles, and other similar major vehicle body and restoration work or overhauls;
- E. Radiator cleaning and flushing;
- F. Greasing and lubrication;
- G. Washing, polishing, and the sale of automobile washing and polishing products;
- H. Food or soft drink vending machines dispensing pre-packaged food products, including brewed coffee by the cup;
- I. Incidental small souvenir items and similar retail items of interest to the traveling public. (See also "body shop" and "convenience store.")

2.9 Awning. A shelter attached to and hanging from a vertical surface of a building without any other support from the ground. (See also the definition of a "canopy" contained in Article IV, Section 7.2 of this Ordinance.)

2.10 Bed and Breakfast Inn. A lodging facility having the exterior appearance of a single family

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house and providing short-term (less than one month per visit) rental sleeping accommodations. Such structure shall contain at least two (2), but not more than ten (10) bedrooms for rent. Individual bedrooms within a Bed and Breakfast Inn shall not contain any kitchen facilities, and must be accessed through a central internal lobby, foyer, or office. The lodging facility shall also contain the primary living facilities for the resident manager or owner of the facility. Breakfast shall be the only meal served to paying guests of the facility, which shall be prepared in a central kitchen facility and served in a central dining room. A Manufactured Home shall not be used as a Bed and Breakfast Inn. (See also "boarding or rooming house," "hotel," and "motel.")

2.11 Bedroom. A room marketed, designed, or otherwise likely to function primarily for sleeping.

2.12 Board of Adjustment or Board. The Zoning Board of Adjustment of Alexander City, Alabama.

2.13 Boarding or Rooming House. A building other than a hotel or motel where lodging or lodging and meals is provided to non-institutionalized persons (persons capable of independent living) for compensation over a long-term period (at least month-to-month). The structure shall contain at least two (2), but not more than ten (10), private rooms for rent and shall provide either shared or common kitchen facilities or shared bathroom facilities. Individual lodging rooms within the building must be accessed through a central internal lobby or office. The rooms contained within the structure shall not constitute independent dwelling units under the terms of this Ordinance. (See also "bed and breakfast inn," "dwelling, multi-family," "hotel," and "motel.")

2.14 Body Shop. A motor vehicle repair and restoration facility or garage that conducts minor and major vehicle repairs, including but not limited to: full vehicle restoration work, body painting or repainting, whole engine replacement, and other similar major vehicle body and restoration work or overhauls, but not including the on-site storage and salvaging of inoperable motor vehicles. Such facilities may offer for sale motor vehicle fuels on an incidental basis. (See also "automobile filling and service stations" and "Junkyard.")

2.15 Buffer. A densely planted strip of evergreen shrubs or trees, solid brick or wood fencing, earthen berm, a natural drainage way, or a similar condition, or any combination thereof intended to serve as a physical and visual divider between different uses or lots. No buffer shall be less than fifteen (15) feet in width at any point. Each buffer shall be improved and regularly maintained to provide an effective, year-round, visual screen between adjoining uses and structures that is natural in appearance and enhances or complements the aesthetic appearance of the subject property from adjoining properties.

2.16 Building. Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by partly walls, each unit is a building; whether on the same lot or separate platted lots. (See also "structure.")

2.17 Building, Accessory. See definition for "Accessory Use or Structure."

2.18 Building Area or Envelope. The interior portion of a lot located inside the required front, rear, and side yard setbacks within which the main structures, including porches, carports, and accessory buildings, may be constructed or erected.

- 2.19 Building front.** That exterior wall of a building that faces a front lot line of the lot or lakefront.
- 2.20 Building frontage.** The developed length of that portion of a building that faces a right-of-way or lakefront.
- 2.21 Building Height.** The vertical distance measured from the average elevation of the proposed or actual finished grade at the front of the building to the highest point of the roof for pitched roofs or, for buildings with flat roofs, to the mean height level between eaves and ridges for gable, hip and gambrel roofs, and to the deck line of mansard roofs. The highest point of the roof shall include a cupola or other decorative extension of the roof, except chimneys, weathervanes, flagpoles, and antennas.
- 2.22 Building, Principal.** A structure within which the primary or dominant use of the applicable underlying lot is conducted.
- 2.23 Building Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any structure and the fronting right-of-way line of the abutting street. For purposes of measuring the building setback line, the exterior of the structure shall include porches, landings, bay or bow windows, and decks, but not steps, gutters, flagpoles, awnings, and similar protruding fixtures on a building.
- 2.24 Business, Retail.** A commercial establishment that generally sells finished products or personal services in varying quantities directly to the final consumer. These commodities or services are primarily for direct use or consumption by the purchaser.
- 2.25 Business, Wholesale.** A commercial establishment that primarily sells commodities or services in large quantities or by piece to retailers, contractors, other wholesale businesses or manufacturing establishments. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a retail or personal service business.
- 2.26 Camper.** Any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term occupancy, for dwelling or sleeping, or other purposes. Camper shall include the terms "travel trailer," "recreational vehicle," and "trailer."
- 2.27 Campground.** A lot or area of land divided into commercial sites which may be improved to accommodate cabins, campers, or tents for temporary rental occupancy by transient persons for recreational purposes and which retains an open air or natural character.
- 2.28 Child Care Center.** Any non-residential center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents whether for compensation, reward, or otherwise, during the day only, and in full compliance with all applicable State requirements and/or certifications. Also includes and encompasses the term "day care center." (See special requirements for child care facilities contained in Article IV, Section 11 of this ordinance.) (See also "child care facility, in-home" and "nursery school.")
- 2.29 Child Care Facility, In-Home.** A custodial care business, conducted as an accessory home occupation use in a residential dwelling, where not more than twelve (12) children, not related to the operator are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable State requirements and/or certifications. (See special

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requirements for child care facilities contained in Article IV, Section 11 of this ordinance.) (See also “child care center” and “nursery school.”)

2.30 Church. A building or structure used exclusively for religious worship, education, or other related ceremonies or practices (not including living quarters) by the congregation or members thereof. The term “church” shall include and encompass any other term for an exclusive religious structure, including synagogue, chapel, mosque, temple, and the like. A lot containing a church as the principal use also may contain a cemetery/graveyard and/or parsonage as accessory uses, provided that any accessory parsonage uses do not exceed the permitted residential intensity (in terms of the number of families housed) of any applicable residential zoning district, should the church be located within a residential zone. No structure designed to serve as a residence as it’s primary use shall be classified as a church, even if portions of the structure or lot are used, altered, or designed to be used for religious worship, education, or ceremonies. However, the prohibition of a church as a principal use in a specific zoning district shall not preclude or prohibit religious worship, education, expression, or other related practices as an accessory use associated with any permitted residential or public assembly use or structure. (See also “parsonage” and “monastery.”)

2.31 City. The City of Alexander City, Alabama.

2.32 City Council. The City Council of the City of Alexander City, Alabama. (See also “governing body.”)

2.33 Commercial parking lot, garage, or structure. An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use, whether or not a fee is charged.

2.34 Comprehensive Plan. The most current or recently adopted land use or master plan for the City of Alexander City, together with all amendments and associated maps, reports, or technical studies.

2.35 Condominium. A multi-unit residential structure where it is possible to acquire exclusive legal ownership of a unit without title to the land on which it is located or with the purchase of a partial or shared interest in the land on which it is located. (See also “dwelling, multi-family” and “townhouse.”)

2.36 Construction, Actual. The commencement of continuous, uninterrupted (not to include delays caused by inclement weather conditions or construction material or labor shortages beyond the control of the developer) construction work for the purpose of permanent placement and fastening of materials to the land or to an existing structure, said purposes for which a permit has been issued. Construction includes filling, grading, the installation of drainage facilities, and the substantial demolition, clearing, excavation, or removal of an existing structure preparatory to new construction, provided that work shall be reasonably continuous until completion of the approved construction.

2.37 Convenience Store. A business use that sells motor vehicle fuels through pumps and underground storage tanks in combination or conjunction with general grocery and sundry goods primarily targeted to travelers or designed to serve quick-stop (generally ten item sales or less) shoppers, including but not necessarily limited to: packaged and prepared food products, grocery items, magazines, newspapers, maps and atlases, tobacco products, over-the-counter (but not prescription) drugs, health and beauty products, and video rentals. A convenience store may contain a car wash facility as an acces-

sory use. Such businesses also may include, if permitted within the applicable zoning district, not more than three (3) distinct business operations in a single structure with internal public access between each business. Any multiple business operations shall be limited to grocery stores, fast food restaurants or pizza pallors, video rental stores, ice cream shops, souvenir shops, tobacco stores, and news stands. (See also “automobile filling and service station.”)

2.38 Convent. See definition of “Monastery.”

2.39 Cottage Industry. An incidental accessory business use or activity which is conducted within a building accessory to the permanent principal dwelling unit of the business owner. All cottage industries shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “home occupation”).

2.40 Crosswalk. A public right-of-way four (4) feet or more in width along or between property lines, which provided pedestrian access through the block to adjacent properties.

2.41 Dedication. The transfer to property interests, including fee-simple interests, less-than-fee interests, and easements, from private to public ownership for a public purpose. A property dedicated for a public purpose does not become public property until it has been accepted by the governing body.

2.42 Density, gross. The quotient of the total number of dwelling units divided by the base area of the site.

2.43 Developable Land Area. That portion of a lot that is NOT classified as:

- A. Areas of special flood hazard (100 year floodplain), as delineated on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
- B. Soils with severe limitations for septic systems, as delineated on the Soil Survey for Tallapoosa County published by the Soil Conservation Service, now known as the Natural Resource Conservation Service.
- C. Steep natural slopes in excess of twenty-five (25) percent grade, as determined by a survey of the development site, or if no such survey was required, by special interpretation using the twenty (20) foot contour intervals delineated on the applicable U.S.G.S.. 7.5 minute quadrangle.
- D. Wetland areas at least one (1) acre in area, as delineated on the National Wetland Inventory prepared by the U.S. Fish and Wildlife Service.

2.44 Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any use or change in use of any buildings or land; any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this ordinance; or any man-man change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

2.45 Domiciliary. A group residence for the elderly where meals are provided and limited care provided by professional staff, which is licensed by the state of Alabama as a domiciliary. (See also “nursing home.”)

2.46 Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control to runoff to minimize erosion and sedimentation during and

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after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding. (See also "sedimentation.")

2.47 Drainage way. Minor watercourses, natural or man-made, that are defined either by soil-type or the presence of intermittent or perennial streams. (See also "drainage.")

2.48 Dwelling. A permanent building or portion thereof designed, arranged, or used principally for permanent residential occupancy, but not including boarding or rooming house, camps, campers, hotels, inns, motels, tents, or other similar structures designed or used to housing transient persons only.

2.49 Dwelling, Multi-Family. A building containing two or more functionally independent dwelling units accessed exclusively by independent exterior entrances or through a shared foyer or stairwell on a commonly-shared lot, such as a duplex or apartment. (See also "apartment.")

2.50 Dwelling, semi-detached. Two dwelling units, each of which is attached side to side, sharing only one common wall or a portion of one common wall with the other. Such dwelling also may be referred to as a duplex when placed on a single lot or a townhouse when each is on a lot.

2.51 Dwelling, Single Family. A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, not including manufactured homes or mobile homes.

2.52 Dwelling Unit. A dwelling or a portion thereof providing complete and separate facilities for one or more persons living as a single housekeeping unit. (See also "apartment.")

2.53 Easement. Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

2.54 Erect. To build, construct, install, attach, hand, place, inscribe, suspend, affix, paint, or repaint.

2.55 Essential services. Something necessary, indispensable, or unavoidable, or contribution to the welfare of others.

2.56 Exterior storage. Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards and similar activities, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

2.57 Family. One or more persons occupying a dwelling or manufactured home, who live and function as a single housekeeping unit.

2.58 Filling. The deposition on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

2.59 Flea Market. An occasional or periodic sales activity held within a building, structure, or open area, where groups of sellers offer goods, new and used, for sale to the public, not to include private garage sales.

2.60 Flood. An overflow of water onto lands not normally covered by water, resulting in significant

adverse effects in the vicinity.

2.61 Flood Hazard Area. All the land encompassed by the floodway and the floodway fringe areas.

2.62 Floodplain. Any land area susceptible to being inundated by water from any source (see definition of “flood”).

2.63 Floodway. The channel of a river or other water course and the adjacent land areas within the floodplain that required in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

2.64 Floodway Fringe Areas. Areas lying outside the floodway but within the area subject to inundation by the 100-year flood, which is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may actually occur in any year.

2.65 Floor. Depending upon the context of use, either an improved (in accordance with any applicable building code requirements) surface within a structure to support people and objects, or an area between two adjoining levels or stories of a building or structure (including a basement) usable for living purposes, which may include working, sleeping, eating, cooking, nonresidential use storage of materials or supplies, recreation, or a combination thereof. (See also “story.”)

2.66 Floor Area, Gross or Total. The total useable area contained within a building as measured by the cumulative total of the outside dimensions of the building at the base of each story improved in accordance with applicable building code requirements for habitable use and intended for occupancy or storage. The term does not include unfinished attics, unfinished basements, cellars, and unenclosed porches or any floor space in an accessory building or in the principal building which is designed and used for the parking of motor vehicles in order to meet the parking requirements of this ordinance.

2.67 Frontage. The distance along the boundary line of a lot which coincides with the public or approved private street right-of-way that provides primary vehicular access to the lot.

2.68 Garage (carport). A structure, building, or part thereof, consisting of one or more covered floors, used or intended to be used for the parking and storage of motor vehicles.

2.69 Garden center. A place of business, which may include a nursery and/or greenhouses, where retail and wholesale products and produce are grown and/or sold to the retail customer. Such products may include plants, nursery products, and stock, fertilizers, potting soil, hardware, power equipment, and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils. (See also “nursery.”)

2.70 Governing body. The city council of Alexander City, Alabama. (See also “city council.”)

2.71 Greenhouse. See definitions of “nursery” and “garden center.”

2.72 Group Home. A dwelling housing individuals who are not necessarily related by blood or marriage and who live and function as a single housekeeping unit under the supervision of one or more resident manager or resident manager teams. A resident manager team may include more than one resident care provider, as may be necessary, to provide around-the-clock staff support and coverage to

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serve the specific developmental or rehabilitation needs of the client population. Each resident manager or team and all associated individuals that are functionally or programmatically served by that resident manager or team shall constitute an individual and separate family residing within the group home. Specific individual living facilities shall be provided within the home for each family residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally retarded or mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager, but do not otherwise represent a danger to society. Group homes shall comply with the relevant standards contained in Article IV, Section 2 of this Ordinance.

2.73 Hazardous Materials. Any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a threat to human health or welfare. Such substances do not include common household products and cleansers which may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use. (See also "hazardous waste" and "solid waste.")

2.74 Hazardous Waste. Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- A. cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed. (See also "hazardous materials" and "solid waste.")

2.75 Height of structure. The vertical distance measured from the lowest ground elevation at the exterior face of a structure to the highest point on such structure plus the vertical distance measured from the highest ground elevation at the exterior face of such structure to the highest point on such structure, divided by two.

2.76 Home Occupation. A business activity for gain or support incidental to the use of the premises for residential purposes, conducted only by members of a family residing on the premises, and conducted entirely within a dwelling. All home occupations shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also "cottage industry").

2.77 Hotel. A commercial boarding and lodging facility offering sleeping accommodations to the public on a daily or weekly basis. Such facilities shall contain not less than ten (10) bedrooms. Individual lodging rooms within a hotel shall not contain full kitchen facilities for exclusive use, and must be accessed through a central internal lobby or office which is supervised at all times. Accessory uses permitted within a hotel building may include: a restaurant, conference facility, laundry facilities, meeting rooms, banquet rooms, gift shops, and recreational and exercise facilities. (See also "bed and breakfast inn," "boarding or rooming house," "dwelling, multi-family," and "motel.")

2.78 Impervious Surfaces. Any exposed bedrock or improvement to land that substantially reduces or prevents the natural infiltration of stormwater into the underlying soil layers and causes increased runoff, including, but not necessarily limited to: paved surfaces, buildings, sidewalks, swimming pools, and any compaction of the surface layers of soil to an intensity of at least ninety-five (95%).

2.79 Junkyard. Any lot or parcel of land upon which discarded or nonfunctional articles, products, and materials are kept, compacted, burned, stored, cannibalized, bought, or sold, but not actively repaired or used for their original purposes or as originally manufactured units. Such articles shall include, but may not be limited to: household appliances, scrap metal (ferrous or nonferrous), demolition materials or debris, worn or used rags, used furniture, scrap paper or glass, used or flat tires, and inoperable automobile bodies and parts. Any lot containing, for a period exceeding thirty (30) consecutive days, two (2) or more inoperable motor vehicles that are unregistered or are incapable of fully operating (start and move) under their own power shall constitute minimum prima-facie evidence of a Junkyard. (See also “body shop” and “vehicle, inoperable.”)

2.80 Kennel. A lot or commercial enterprise or facility where four (4) or more animals are boarded or kept for any purpose whatsoever, with exception of on-site major medical treatment. (See also “veterinary clinic,” “veterinary hospital,” “pet store,” and “pet grooming establishment.”)

2.81 Lake or Pond. Natural or artificially impounded bodies of water that retain water year-round. Within the context of this Ordinance, the shoreline of such bodies of water shall be determined by the mean high water level for natural water bodies or the maximum pool for artificially impounded bodies of water.

2.82 Laundromat. A business containing washing machines and usually drying machines, which are operated directly by the customer. It may or may not have an attendant. This term also includes businesses commonly referred to as “self-service laundries.”

2.83 Loading Space, Off-Street. A designated space outside a public right-of-way that is designed and used as a convenient temporary parking location for motor vehicles upon which bulk goods or materials are to be placed for shipping or from which bulk goods or materials are to be removed for delivery. A required off-street loading space shall not be treated as an off-street parking space in the computation of required off-street parking spaces. (See also “parking space, off-street.”)

2.84 Lot. A parcel or portion of land or legal lot of record, undivided by any public street or private road, occupied or intended to be occupied by a building or group of buildings, uses, and open spaces belonging to the same. The word includes the terms “plot” and “parcel.” The establishment of lease or rental lines shall not define separate lots for purposes of this Ordinance. After adoption of this Ordinance, every new lot created shall comply with all applicable requirements of the zoning district within which it is located. (See also “lot of record.”)

2.85 Lot, Corner. A lot adjoining an intersection of two street rights-of-way such that it possesses frontage along the right-of-way lines of both intersecting streets. A lot located along a curved street shall be considered a corner lot if street frontage opposes both the rear and one side yard of the lot and the interior angle formed by the intersecting front street line and the side street line is less than one hundred thirty five (135) degrees. (See also “lot, double frontage, and “lot, interior.”)

2.86 Lot Depth. The longest distance between any point along the frontage line of a lot and the opposing rear property line as measured by a line drawn perpendicular to the building setback line. (See also “building setback line” and “lot width.”)

2.87 Lot, Double Frontage. A lot, other than a corner lot, possessing frontage on two (2) or more streets that do not intersect at any point along the subject lot boundaries. (See also “lot, corner,”

and "lot, interior.")

2.88 Lot, Interior. A lot, other than a corner lot, possessing frontage on only one (1) street. (See also "lot, corner," and "lot, double frontage.")

2.89 Lot Line. A surveyed and/or recorded boundary line dividing one lot from another or from any street or other public or private space.

2.90 Lot Line, Front. That lot line across which the lot is afforded primary access to a street. If access to a street is afforded across more than one lot line, then the front lot line shall be determined by the lot line that adjoins the street with the highest functional classification or the street which the main entrance of the principal use building on the property faces, in that order of succession. (See also "lot line, rear" and "lot line, side.")

2.91 Lot Line, Rear. That lot line which is parallel to and most distant from the front lot line of a lot or, in the case of an irregular lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line. (See also "lot line, front" and "lot line, side.")

2.92 Lot line, side. Any lot line other than a front or rear lot line. (See also "lot line, front" and "lot line, rear.")

2.93 Lot of Record. Any validly recorded unsubdivided parcel of land which, at the time of its recording at the office of the Probate Judge, complied with all applicable laws, ordinances, and regulations. (See also "lot.")

2.94 Lot Width. The distance between the side lines of a lot, measured by a line drawn along the building setback line establishing the minimum distance between the opposing side lines. (See also "building setback line" and "lot depth.")

2.95 Lounge. Any place or business establishment in which liquor or wine is offered for sale either by the glass or bottle for consumption within the building in which the establishment is located and which meets the minimum requirements of the Alabama alcoholic beverage and control board. (See also "package store.")

2.96 Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which is connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. All manufactured homes shall comply with the relevant and applicable standards contained in Article IV, Section 3 of this Ordinance. (See also "mobile home" and "modular home.")

2.97 Manufactured Home Park. A tract of land in single ownership having multiple spaces for lease which are used or designed to accommodate manufactured homes.

2.98 Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD). (See also "National Geodetic Vertical Da-

tum.”)

2.99 Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

2.100 Mini-Warehouse. A commercial building or compound of buildings divided into individual, small, self-contained units or lockers leased primarily for the storage of personal household belongings, office equipment, or office furniture. The storage of hazardous materials, solid waste, live animals, or materials normally associated with manufacturing uses shall not be permitted within a mini-warehouse facility. No sales, service, or repair facilities or services shall be permitted within a mini-warehouse. The term mini-warehouse shall be interpreted to include and encompass “personal storage facility” and “self-storage facility.”

2.101 Mobile Home. A structure which complies with the definition of “manufactured home” but which was manufactured prior to June 15, 1976. After the effective date of this Ordinance, mobile homes shall be a nonconformity subject to the regulations established in Article IV, Section 1 of this Ordinance. (See also “manufactured home” and “modular home.”)

2.102 Modular Home. A dwelling transported in pre-manufactured sections or components to the construction site and assembled and inspected in accordance with a national building code and bearing an insignia issued by the Alabama Manufactured Housing Commission verifying compliance of the structure’s components with all applicable requirements of the 1975 Code of Alabama, as amended. (See also “manufactured home” and “mobile home.”)

2.103 Monastery. A religious building, structure, or compound occupied by monks residing and worshiping within the structure under religious vows and in seclusion. The term “monastery” shall also include convents. (See also “church” and “parsonage.”)

2.104 Motel. A commercial boarding and lodging facility offering sleeping accommodations to the public on a daily, weekly, or monthly basis. Such facilities shall contain not less than (10) bedrooms. Individual lodging rooms within a motel may be accessed directly from the outdoors and may contain partial kitchen facilities, such as a sink, small refrigerator, and a microwave oven, but not a stove, convection oven or dishwasher. Accessory uses permitted within a motel building may include: a restaurant, laundry facilities, meeting rooms, gift shops, and recreational and exercise facilities. Guest rooms also may be provided in the form of separate cottages on the motel premises, as long as any bathroom facilities are connected to municipal sewer or a sanitary on-site septic system approved for such use by the Health Department. (See also “bed and breakfast inn,” “boarding or rooming house,” “dwelling, multi-family,” and “hotel.”)

2.105 Mural. A singular work of art in which all text and graphics are related to the artistic design. Types of murals include aesthetic, architectural, historical, inspirational, and ghost signs.

2.106 National Geodetic Vertical Datum (NGVD). National Geodetic Vertical Datum as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplains. (See also “mean sea level.”)

2.107 Net Area. The total area of a site minus the street area.

Article II: Definitions

- 2.108 Nonconformity.** A lot of record, structure, use of a lot or structure, or combination thereof, that legally existed at the time of enactment of this Ordinance or of subsequent amendment to this Ordinance, but which no longer conforms to all applicable provisions of the district in which it is located.
- 2.109 Nursery.** An enterprise that conducts the wholesale and/or retail sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance, such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, hoes, and shovels. (See also "garden center.")
- 2.110 Nursing Home.** A home for aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured, and which is licensed by the State of Alabama as a nursing home. (See also "domiciliary.")
- 2.111 Nursery School.** A place for the day care and instruction of children not remaining overnight; includes child care centers. (See special requirements for child care facilities contained in Article IV, Section 11 of this ordinance.) (See also "child care center" and "child care facility, in-home.")
- 2.112 Office.** A building or portion of a building dedicated to professional, administrative, clerical, or similar uses, but not involving a manufacturing or production process or the sale of finished products.
- 2.113 Open Space.** Space which is not occupied by a building or structure and is maintained in a natural state or has been developed at a low intensity to support outdoor recreational uses.
- 2.114 Owner.** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land. (See also "owner's engineer.")
- 2.115 Owner's engineer.** A professional engineer or land surveyor registered and in good standing with the state board of registration of Alabama, who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided. (See also "owner.")
- 2.116 Package store.** A place or premises for the principal purpose of selling, at retail, alcoholic beverages by the keg, bottle, can, pack, or case, for off-premises consumption. (See also "lounge.")
- 2.117 Parking Space, Off-Street.** A designated space outside a public right-of-way that is designed and used for temporary parking of motor vehicles that complies with all applicable requirements of this Ordinance. (See also "loading space, off-street.")
- 2.118 Parsonage.** An attached or detached dwelling used as a domicile for a church clergyman and his/her family. A parsonage also may be used as a temporary housing facility for visiting clergy. A parsonage may be an accessory structure on a church property or a principal use on an adjoining lot to a church. (See also "monastery" and "church.")
- 2.119 Pawn Shop.** Pawn shop means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.
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2.120 Payday Loan Establishment. Payday loan establishment means an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

2.121 Performance Guarantee or Bond. A financial assurance or security posted by a person to insure that all improvements, facilities, maintenance, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development. This term shall include and encompass the term "maintenance guarantee."

2.122 Permanent Foundation. A solid masonry wall, constructed in accordance with all applicable building code requirements, which provides a load bearing support for any structure possessing sufficient strength and thickness to resist all lateral pressures from the structure it is designed to support.

2.123 Pet Grooming Establishment. Any commercial enterprise in a totally enclosed building where animals are groomed, but where overnight boarding or medical treatment are not permitted. (See also "kennel," "pet store," "veterinary clinic," and "veterinary hospital.")

2.124 Pet Store. A commercial enterprise in a totally enclosed building, where common domestic animals are temporarily housed for retail sale only and where extensive medical treatment is not provided. Such an enterprise also may offer pet products, canned or packaged food, and other associated supplies for retail sale. (See also "kennel," "pet grooming establishment," "veterinary clinic," and "veterinary hospital.")

2.125 Planning Commission or Commission. The City Planning Commission of the City of Alexander City, Alabama.

2.126 Public Improvement. Any construction, facility, or service, together with customary appurtenances thereto, necessary to provide for public needs, such as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

2.127 Public Land Use. Any land use operated by or through a unit or level of government, either through lease or ownership, such as: municipal administration and operation; county buildings and activities; state highway offices and similar land uses; and Federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.

2.128 Public Works Manual. The document which contains all construction and improvement specifications and standards, including a drainage manual for control and disposal of all water. This is the document which has been adopted by the City of Alexander City and is administered by the Public Works Administrator.

2.129 Recreational Vehicle. See definition of "camper."

2.130 Recreational Vehicle Park. See definition of "campground."

2.131 Regular Zoning District. A zoning district which is delineated on the base zoning map.

(See also "special zoning district.")

2.132 Restaurant. A commercial dining facility serving food prepared or cooked on the premises to patrons who will primarily consume the prepared food on the premises or within the dining facility. Under the terms of this definition, a restaurant shall include and encompass establishments commonly known as delis, cafes, and ice cream parlors. (See also definition of "restaurant, drive through.")

2.133 Restaurant, Drive Through. A commercial dining facility serving food prepared or cooked on the premises and specifically packaged to afford patrons the option of dining on the premises or taking the prepared food away for off-site consumption. Such dining facilities are distinguished by the provision of a drive-through lane or service window or the absence of seating or parking facilities for on-site dining. (See also definition of "Restaurant.")

2.134 Roadside Stand. A permanent or temporary structure for the display and sale of products located in close proximity and visible from a street, with no space for customer traffic or circulation within the structure itself.

2.135 Sedimentation. The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion. (See also "drainage.")

2.136 Self-Service Laundry. See definition of "laundromat."

2.137 Semipublic Building or Use. Any structure owned or operated by a private organization for the use of the public or a group, the membership of which is open to the public, such as churches, YMCA and YWCA facilities, Boy or Girl Scout facilities, private schools, hospitals and nursing homes, colleges, and health clubs, country clubs, tennis clubs, etc.

2.138 Service Station. See definition of "automobile filling and service station."

2.139 Shopping Center. A retail business development consisting of a group of commercial establishments designed as a unit and having shared off-street parking and driveway facilities.

2.140 Solid Waste. Any non-liquid or non-gaseous refuse materials or products generated by residential, commercial, industrial, or institutional uses for disposal. (See also "hazardous materials" and "hazardous waste.")

2.141 Solid Waste Facility. Any land or structure used for the long-term disposal, storage, transfer, collection, treatment, utilization, processing, incineration, or any combination thereof, of solid waste. This term also includes and encompasses facilities commonly known as dumps or landfills. (See also "Junkyard.")

2.142 Special Zoning District. A zoning district that overlays one or more regular zoning district identified on the zoning map. (See also "regular zoning district.")

2.143 Stable, Commercial. A building, corral, or land where horses are kept for remuneration, hire, sale, boarding, riding, or show. (See also "stable, private.")

2.144 Stable, Private. Any building (including associated corral or pen), incidental to an existing

residential principal use, that shelters horses for the exclusive use of the occupants of the premises. (See also “stable, commercial.”)

2.145 Stockyard. Any fenced or walled pen or corral within which transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market, or shipping. A stockyard shall include any associated shed, barn, or shelter directly or freely accessed by the animals residing within the contained yard for feeding and/or protection against the elements. However, a stockyard shall not be confused with pasture land, where similar animals are contained by a fence or wall in a low density setting or a large field with natural grass or ground vegetation to permit sustainable casual grazing. In a stockyard, animals are confined at such high intensities that the natural growth of ground vegetation is retarded by the persistent trampling of the contained animals.

2.146 Story. That portion of a building included between the surface of any floor and the surface of the floor of the level immediately above, or if there be no floor above it, then the space between such floor and the ceiling or roof above it. (See also “floor.”)

2.147 Street. A linear right-of-way within which an improved surface has been constructed to support vehicular traffic, which is opened to the general public and which affords the principal means of access to abutting property. A public street is a street that has been dedicated for public use, improved according to City standards, and accepted by the City as a public right-of-way. A private street is a street that has been dedicated for public use, improved according to City standards, and is owned and maintained by an individual or an association of property owners served by the street and has not been accepted by the City as a public street.

2.148 Street, Arterial. As defined in the Comprehensive Plan.

2.149 Street Centerline. A line formed by the midpoint between the inside edges of the curbs or the drainage ditches along the improved roadway within a street right-of-way.

2.150 Street, Collector. As defined in the Comprehensive Plan.

2.151 Street, Cul-de-sac. A short street designed to have one end permanently closed. The closed end terminated by a vehicular turnaround.

2.152 Street, Cul-de-end. A street having no outlet at one end.

2.153 Street Line. A surveyed and recorded line separating private or public property from a public right-of-way line that has been improved or is intended for improvement as a street.

2.154 Street, Local. As defined in the Comprehensive Plan.

2.155 Street, Major. All arterials and collectors.

2.156 Streets, Minor. All local streets.

2.157 Street, Parallel Access. A (service) street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting property and provides control of access to the major street.

Article II: Definitions

2.158 Street Centerline. A line surveyed and monumented or accepted by the City of Alexander City as the centerline of the street, or in the event no centerline has been so determined, a line running midway between and generally parallel to the outside right-of-way lines of the street.

2.159 Structural Alteration. Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. See also (alteration and altered.)

2.160 Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, storage sheds, manufactured homes, mobile homes, monuments, statutes, and signs, but shall not include telephone and other utilities poles, individual dog houses, overhead wires, retaining walls, and terrace walls, wire fences, and any other accessory thing less than three (3) feet in height. (See also "building.")

2.161 Subdivision. Any division or redivision of land into two or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries.

2.162 Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

2.163 Theater, Drive-In. An open-air performance facility specifically designed to allow patrons to view a performance or motion picture while seated in a parked motor vehicle.

2.164 This Ordinance. The City of Alexander City Zoning Ordinance.

2.165 Title Loan Establishment. Title loan establishment means an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle

2.166 Townhouse. Buildings containing only one- (1) or two-family (2) dwelling units, with three (3) or more dwelling units attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached dwellings. In districts where permitted, the lot area of each building must be at least equal to the minimum lot area of that district. (See also "condominium" and "dwelling, multi-family.")

2.167 Travel Trailer. See definition of "camper."

2.168 Use. The purpose or activity for which land or a building or other structure is designed, arranged, or intended, or the purpose or activity for which land is or may be occupied or maintained. (See also "accessory structure or use," "use, principal," and "use, temporary.")

2.169 Use, Principal. The specific primary use for which land or any building thereon is used. (See also "accessory structure or use," "use," and "use, temporary.")

2.170 Use, Temporary. Any use established for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time. (See also “accessory structure or use,” “use,” and “use, principal.”)

2.171 Variance. Permission granted by the Board of Adjustment to depart from the literal requirements of this ordinance granted in accord with due process and pursuant to a showing of just cause as established in this ordinance.

2.172 Vehicle, Inoperable. A motor vehicle (including motorcycles, boats, and personal water crafts) which does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or in whole and is unable to move under its own power. (See also “junk yard.”)

2.173 Veterinary Clinic. A satellite facility of an existing vet hospital that is located in Tallapoosa County for the outpatient treatment of small domestic animals, which is staffed by at least one doctor of veterinary medicine and which does not have facilities or provide for the overnight stay of animals. A veterinary clinic may offer pet grooming services. (See also “kennel,” “pet grooming establishment,” “pet store,” and “veterinary hospital.”)

2.174 Veterinary Hospital. A facility for the medical treatment and boarding of small domestic animals, which is staffed by a least one doctor of veterinary medicine. A veterinary hospital may offer pet grooming services. (See also “kennel,” “pet grooming establishment,” “pet store,” and “veterinary clinic.”)

2.175 Wetland. An area of one-quarter acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area; to include all areas designed as “marsh” in the Hydrologic Investigation Atlas of the U.S. Geological Survey and/or the Soil Survey of Tallapoosa County, Alabama of the Soil Conservation Service, U.S. Department of Agriculture.

2.176 Yard. A required space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

2.177 Yard, Front. A yard extending the full width of the lot, and situated between the right-of-way line of the abutting street and the nearest point of the principal building.

2.178 Yard, Rear. A yard extending the full width of the lot from the rear of the lot to the nearest point of the principal building.

2.179 Yard, Side. A yard situated between the nearest point of the principal building and any side line of the lot, generally extending from the rear line of the front yard to the front line of the rear yard.

2.180 Zoning Administrator. An official of the City of Alexander City designated by the mayor as the enforcement officer of this ordinance. Also referred to as “administrative official” and/or “enforcement officer.”

2.181 Zoning District. A section of the City of Alexander City for which the zoning regulations are uniform, as delineated on the Zoning Map.

Article III: General Requirements

2.182 Zoning Map. The “Official Zoning Map of the City of Alexander City” which includes a base map or maps of the regular zoning districts and an overlay or overlays of the special zoning districts.

ARTICLE III GENERAL REQUIREMENTS**SECTION 1 - USES**

Zoning affects every property, building, and use. Unless otherwise provided herein, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use expressly permitted within the zoning district in which it is located. All uses not specifically permitted within a zoning district shall be prohibited. Uses classified as "permitted" within a zoning district shall be approved by the Enforcement Officer, subject to compliance with the terms and conditions specified in the Zoning Ordinance. Uses classified as "special exceptions" shall be permitted only by the Board of Adjustment, as outlined in Article VII of this Ordinance, subject to such special conditions as the Board of Adjustment may be authorized to impose to preserve and protect the character of the applicable zoning district.

SECTION 2 - STRUCTURES

It is the intent of this Ordinance that no more than one principal use structure shall be located on any single lot of record, plus any permitted accessory structures. Accessory structures shall not include functionally independent living quarters.

SECTION 3 - HEIGHT AND DENSITY

3.1 Height of Structures. In each district, each structure hereafter erected or altered shall not exceed the height limits specified in this Ordinance. Height limitations shall not apply to church steeples, belfries, cupolas and domes (not intended for human occupancy), barns, silos, windmills, farm structures, chimneys, flag poles, public utility poles, monuments, radio and television towers and all such structures specifically exempted from local zoning regulations by applicable federal law, cooling towers, water tanks, smoke stacks, derricks, conveyors, and similar structures required to support manufacturing and industrial processes.

3.2 Intensity of Use. Each building and lot shall not be used or occupied hereafter by more families or for a higher intensity of use than permitted in the zoning district in which it is located.

SECTION 4 - ACCESSORY STRUCTURES

Accessory buildings may be erected on any lot and shall be located so as to comply with the following requirements:

4.1 No accessory building shall be erected in any required front or side yard and shall not occupy more than (30) percent of any required rear yard. Accessory buildings shall be sited at least five (5) feet from all lot lines and from any other building on the same lot, and no accessory building shall be taller than the principal building on the lot.

4.2 No accessory building that is not an integral part of the principal building shall be located less than sixty (60) feet from the front lot line.

4.3 In the case of a corner lot adjoined in the rear by a lot facing the side street, the accessory structure shall be located in such a manner as to conform with the front and side yard requirements of the adjoining lot.

Article III: General Requirements

4.4 No clothesline shall be erected in a front or side yard. Clotheslines shall be set back at least ten (10) feet from any interior or rear lot line.

4.5 Satellite receiving dishes. Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this ordinance. In any district, the dish antenna shall be located to the rear of the front building line and must be set back ten feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed 15 feet. When roof-mounted, it must conform to the zoning district's height limits and its installation must be checked for safety by the building inspector. Installation and construction must also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturer's small identification plates.

4.6 Radio and television antennas. Private radio and television antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roofs or in rear or side yards but may not come closer than five feet to any right-of-way or property line. Antennas in excess of the normal height limitations for the district in which they are located are subject to approval and permit by the Building Official, and a site plan showing location of the antenna must be submitted to the Building Official.

4.7 Heat pumps, air conditioner compressors, and other mechanical equipment shall not be located in front yards.

4.8 Prefabricated carports. All prefabricated carports are regulated as accessory structures and shall be submitted on a site plan to the Building Official for approval before installation.

SECTION 5 - LOTS

5.1 Minimum lot size. All lots created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the zoning district within which they are located.

5.2 Lot reduction. Except as herein provided, no lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of this Ordinance are not maintained.

5.3 Minimum frontage. All lots shall have a minimum frontage of not less than fifty (50) feet along a public street or a private street dedicated for public use and constructed in accordance with all applicable City street standards. The minimum required frontage shall be reduced to thirty-five (35) feet for lots fronting on the round-about at the end of a permanent cul-de-sac.

SECTION 6 - YARDS AND OPEN SPACE

6.1 Required yards and open spaces. In each district, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in this Ordinance. No 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. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this Ordinance shall hereafter be included as a part of a yard or other open space, or the off-street parking or loading spaces, for any other building.

6.2 Yards and open spaces on substandard lots. Where the owner of a property, at the time of adoption of this Ordinance, has a lot or lots of official record which are substandard to the requirements of the district in which they are located according to this Ordinance, the building and its accessory structures may be built, provided:

- A. The yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the district in which the property is located.
- B. That neither side yard shall be reduced to less than five (5) feet.
- C. No building shall be required to set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof, but in no case shall the front yard setback of any building hereafter erected or altered be less than twenty (20) feet.

SECTION 7 - BUILDING SETBACK LINES

7.1 Properties abutting existing improved public streets. When any required yard abuts a street or roadway with an existing public street right-of-way of forty (40) feet or more, the setback shall be the standard setback required in that zoning district. The setback shall be measured from the property line.

7.2 Properties abutting street or roadways without dedicated rights-of-way. When any required yard abuts a street or roadway (public or private) without a dedicated right-of-way, the setback shall be not less than twenty (20) feet, plus any additional setback required by the minimum dimensional requirements for the applicable zoning district. The setback shall be measured from the centerline of the existing improved street or roadway.

7.3 Special Exemption from Front Yard Setback Requirements. The City of Alexander City recognizes that existing development in older sections of the community have established a street frontage line that may not fully comply with the specific front yard setback requirements of this ordinance. Although compliance with required front yard setbacks is desirable to protect buildings from potential future street widening projects and to ensure adequate front yards for landscaping and/or the provision of on-site parking, the City does not wish to casually destroy the character and appeal of a street by radically altering long-established street facades. Therefore, the City shall permit special front yard setback exemptions for buildings on lots that possess frontage on a street where the majority of the established, pre-existing buildings do not comply with the applicable front yard setback requirements of this ordinance. In accordance with this exemption provision, no building shall be required to set back more than the average of the setbacks of the existing buildings within one hundred (100) feet each side thereof, but in no case shall the front yard setback of any building hereafter erected or altered be less than twenty (20) feet.

7.4 Future Street Lines. On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment, may be reduced in area by widening a public street to a future street line as indicated in the duly adopted comprehensive plan, or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width, and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

7.5 Traffic Visibility. Additional setback distances may be imposed to any lot or property as required to maintain clear traffic visibility (as determined by the City Engineer and/or Building Official). The additional setback distances may be applied to regulate any obstruction, including, but not necessarily limited to: buildings, trees, shrubs, decorations, wall or fences, and signs.

SECTION 8 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS

On lots having frontage on more than one street, the side or rear yard setback along the secondary street shall not be less than the required front yard setback for the applicable zoning district. When the rear yard of a lot abuts a public street, all buildings or structures in that rear yard shall observe the same setback from the street right-of-way line as required for adjacent properties which front on that street. In addition, any structure located within 25 feet of that setback line shall observe the side yard requirements of the adjoining properties fronting on that street.

SECTION 9 - ACCESS TO STREETS

No building for human occupancy shall be erected without unrestricted vehicular access to a public street or a private street dedicated for public use and constructed in accordance with all applicable City street standards. Furthermore, In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulation shall apply:

9.1 A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width, but if the street is a major street and freeways, or arterial street, the width shall not exceed fifty (50) feet.

9.2 There shall be no more than two points of access to any one public street on a lot of any width, unless required by the Board of Adjustment to provide adequate access to lots with more than four hundred (400) feet of continuous street frontage. Lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

9.3 No point of access shall be allowed within fifty (50) feet of the right-of-way of any public street inter-section. However, a lesser distance may be authorized by the City Engineer, where conditions at the intersection or the constraints of the property may so warrant, and where such adjustment shall not compromise traffic safety or contribute to traffic congestion.

9.4 The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.

SECTION 10 - FENCES AND WALLS

10.1 Height on residential properties. Fences or walls that divide the front yard of a house from the adjoining street shall not exceed a height of four (4) feet. In the case of a corner lot, fences or walls that divide the front and adjoining side yard of the house from the adjoining streets shall not exceed a height of four (4) feet.

10.2 Building permit required. Fences that exceed eight (8) feet in height shall require a building permit and shall be subject to any and all applicable requirements of the Building Department.

10.3 Appropriate materials. Fences and walls shall be constructed of a durable material such as treated lumber, brick, chain link or equal materials and be attractive in appearance. Barbed wire fencing shall be allowed only in the RR - Reserve Residential District. Razor wire shall not be permitted as part of any wall or fence, except by special exception of the Board of Adjustment within a manufacturing district, where special measures are clearly required to secure the property from public intrusion.

10.4 Fences near roadways. No fence or wall may be erected in the public right-of-way or within twenty

(20) feet of the edge of a street or curb.

SECTION 11 - NOISE STANDARDS

Any use to be located within the City of Alexander city shall satisfy the following noise standards:

11.1 On any lot or tracts within residential districts, noise levels shall not exceed 60 dBA between 7:00 a.m. and 7:00 p.m. and 55 dBA between 7:00 p.m. 7:00 a.m.

11.2 On any lot or tract within commercial, industrial and floodway districts, noise levels shall not exceed 70 dBA between 7:00 a.m. and 7:00 p.m. and 65 dBA between 7:00 p.m. and 7:00 a.m.

11.3 For any use with questionable noise levels, a plan of compliance shall be required by the building official. The plan shall show how the above specific standards will be met.

11.4 Measurements shall be taken with an American National Standards Institute (ANSI) type I or type 2 sound level meter using the a-weighted scale.

11.5 Reasonable flexibility and application of noise regulations shall be allowed for short time periods, however, noises in excess of 90 dBA shall not be allowed at any time.

SECTION 12 - STORMWATER MANAGEMENT

Stormwater runoff from construction sites and urban development is a significant source of surface water contamination. Since the clean ground and surface waters are important economic resources to Alexander City, new development and construction activity must be designed to minimize on-site erosion and the resulting sedimentation of off-site water resources that can be generated by stormwater runoff. Therefore, no final inspection of a development site shall be conducted by the City until the developer has complied with all applicable requirements of this Section. The City may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

12.1 Exempt activities. The following activities shall be exempt from these stormwater management requirements:

- A. Minor land disturbing activities normally associated with single family uses, such as home gardens, landscaping, building repairs or alterations, swimming pool installation, or other related, low-impact activities.
- B. Agricultural practices or the construction of farm buildings, when conducted in full compliance with all applicable Best Management Practices.
- C. Private and commercial forestry activities, when conducted in full compliance with all applicable Best Management Practices.

12.2 ADEM permit required. It shall be the developer's responsibility to secure compliance with all applicable Alabama Department of Environmental Management (ADEM) Construction Stormwater Management Administrative Code rules, as amended, and/or any applicable ADEM construction site permit requirements, which are designed to prevent/minimize, to the maximum extent practicable, the discharge of sediment and other pollutants in construction stormwater runoff to ensure the protection of water quality in accordance with applicable Federal and State law. Applicants subject to this requirement shall provide evidence that a stormwater discharge permit has been issued by ADEM prior to the

issuance of a zoning permit by the Enforcement Officer.

12.3 Tie-in required. All proposed drainage improvements shall tie into any existing man-made or natural drainageways along the existing public streets adjoining the development site. Under no conditions shall stormwater drainage be emptied into the sanitary sewer system or vice-versa.

12.4 Basic guidelines. Stormwater management measures shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. Appropriate short-term (during construction) and long-term (after construction is complete) measures shall be applied to minimize potential erosion of disturbed soils on the development site. All slopes on the development site in excess of ten (10) percent grade shall be permanently stabilized through the use of natural vegetation (preferably native vegetation), retaining walls, terracing, or a combination, as may be appropriate. Development sites which will contain more than twenty thousand (20,000) square feet of impervious surfaces or upon which more than fifty (50) percent of the total lot area will consist of impervious surfaces shall contain adequate stormwater management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state. However, if the site is located within the FH: Flood Hazard Area Zone, the stormwater management facilities shall be designed to accommodate on-site and safely release or transmit the runoff that would be generated by a one hundred (100) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state.

12.5 Creative and innovative polluted runoff management practices. Where feasible and appropriate, proposed developments may incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainageways, maximum retention of existing mature trees on building lots, the use of seeded shallow "V" drainage swales (with stabilized cut slopes not to exceed a ten [10] percent grade) rather than concrete curb and gutter, the use of porous pavement surfaces for parking lots, service roads, alleys, and cul-de-sacs, the use of crushed gravel or turf parking areas for small parking lots or spillover parking areas, and the creation of wetlands for stormwater detention and retention, and other practices as may be appropriate to address on-site stormwater drainage needs. Such creative and innovative design features should be used in the following development settings;

- A. where they will be compatible with existing off-site stormwater management infrastructure improvements serving the drainage basin, and
- B. where appropriate to adequately and safely accommodate the stormwater runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.

12.6 Lot Drainage Standards. The following design requirements for lot drainage shall be satisfied in each Stormwater Management Plan:

- A. A positive slope of finish grade shall be provided around each structure to direct water away from all foundations, slabs, or footings;
- B. Side lot swales shall be utilized, as necessary, to direct lot drainage into public drainage improvements or easements;
- C. Roof drains shall be utilized to prevent soil erosion and to prevent the accumulation of stormwater runoff along structure foundations and footings. Such drains shall be directed away from structures and into swales or other drainage facilities;

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- D. Driveway culvert pipe shall be the proper size to safely transmit design storm event drainage waters. The inside diameter of such culvert pipe shall be at least fifteen (15) inches, and shall consist of a double wall plastic or concrete pipe;
 - E. All driveway and service drive piping shall be installed on an appropriate grade to prevent standing water.

12.7 Erosion and Sediment Control. The following erosion and sediment control measures shall be observed for the construction and maintenance of all stormwater management facilities:

- A. Roadside ditches, swales, and embankments within each dedicated right-of-way or drainage easement shall be properly stabilized in accordance with applicable Best Management Practices to prevent excessive erosion from cut slopes;
- B. It shall be the developer's responsibility to provide the necessary measures to ensure that clearing, grubbing, grading, landscaping, and other construction activities do not adversely affect the drainage structures that are essential to overall stormwater management and control;
- C. It shall be the developer's responsibility to ensure proper implementation, regular inspection, and continual maintenance of effective Best Management Practices for construction site erosion and sediment control;
- D. It shall be the developer's responsibility to promptly remove and/or remediate, to the extent practicable, any off-site sediment from the development site that is washed or deposited into municipal stormwater drainage facilities.

12.8 Stormwater management on privately owned common open space lands. Where any stormwater management improvements are to be constructed on common open space lands within the development, such improvements shall be subject to special maintenance provisions as required in Article IV, Section 10 (Common Open Space Requirements) of this Ordinance. The City of Alexander City shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned stormwater management facilities.

12.9 Stormwater management plan required. A maintenance plan and schedule for stormwater facilities for any commercial structures and subdivisions with greater than 50 lots shall be approved by the City Engineer and Building Official before any permits shall be issued.

ARTICLE IV SPECIAL USE PROVISIONS

SECTION 1 - NONCONFORMING USES AND STRUCTURES

1.1 Purpose of provisions. Within the zoning districts established by this Ordinance or by subsequent amendments to this Ordinance, there exist lots, structures, uses of land and structures, and characteristics of use which were lawfully created, established, or constructed before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or of subsequent amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or discontinued, but not to actively encourage their survival. It is further the intent of this Ordinance to ensure that nonconformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming status runs with the land; i.e., a change in ownership or tenancy does not terminate the nonconforming status of a lot and/or structure.

1.2 Incompatibility of nonconforming uses. Nonconforming uses are declared by this Ordinance to be incompatible with the permitted uses in the zoning districts in which they are located. A nonconforming use of land, of structure, or of land and structure in combination shall not be extended, enlarged, moved, or otherwise intensified after passage of this Ordinance either by additions to any existing structure or by the addition of other uses of the property which would be generally prohibited in the district in which such use is located.

1.3 Vested rights. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance.

1.4 Abatement of noise, smoke, gas, vibration, fumes, dust, and fire and explosion hazard or nuisance. The Enforcement Officer may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, radio interference, or explosion hazard or nuisance to surrounding properties to be modified or changed to abate such hazards to health, comfort, and convenience. The Enforcement Officer may issue an abatement order, but such order may be directed only after a public hearing has been conducted by said Enforcement Officer, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted, in addition to due notice by advertisement in a newspaper of general circulation in the community. A hearing to consider the issuance of an abatement order shall be held by the Enforcement Officer either upon petition signed by any person affected by the alleged hazard or nuisance or upon the Enforcement Officer's initiative. An abatement order shall be directed by the Enforcement Officer only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

1.5 Single nonconforming lots of record. A lawfully created lot of record which does not meet the minimum space and height requirements of the zoning district in which it is located at the effective date of adoption of or amendment to this Ordinance may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:

- A. Minimum space and height requirements of the lot shall conform as closely as possible to the applicable standards for the district.
- B. Requirements for yards and setbacks, accessory buildings and uses, and off-street parking and loading spaces shall conform as closely as possible to the applicable standards for the district.
- C. Variance for area, dimensional, and other requirements shall be obtained only through action of the

Board of Adjustment as authorized in Article VII, Section 5.3 of this Ordinance. A variance shall only be required where the proposed structure cannot be designed to comply with the applicable dimensional requirements of the zoning district.

1.6 Creation of Nonconforming Lots of Record Prohibited. No existing lot of record (whether conforming or nonconforming) shall be divided in a way that would create a lot that does not comply with the applicable minimum space and height standards of this Ordinance. Nothing in this provision shall be interpreted to prevent the adjustment of an adjoining lot line or the resubdivision of a lot so combined, where sufficient land area exists to establish more than one conforming lot.

1.7 Nonconforming Structures. Where, at the effective date of adoption of or amendment to this Ordinance, a lawful structure exists that could not be built under the terms of this Ordinance by reason of not complying with minimum dimensional requirements or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. A nonconforming structure which has been partially damaged by fire or other causes may be reconstructed and used as before if it is completely repaired within twelve (12) months of such damage. However, should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than sixty percent (60%) of its fair market value immediately prior to damage, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C. Should such structure be voluntarily relocated or moved for any reason for any distance whatsoever, no permit shall be issued unless and until it fully conforms (in regards to location, construction, and use) to the requirements or standards for the district in which it is located after it is moved. This provision shall not be interpreted to prohibit the replacement of a pre-existing, nonconforming manufactured or mobile home, as long as it is replaced with a conforming manufactured home, the unit is placed in the exact location of the previous home or a more conforming location on the lot, and the replacement manufactured home does not create any new dimensional nonconformities.
- D. No building permit shall be issued for the remodeling or renovation of a building or structure which contains a use that does not conform to the provisions of the district in which it is located, except as provided in Section 1.7-B above. Only routine maintenance for which no building permit is ordinarily required shall be allowed.

1.8 Nonconforming Uses of Land/ Structure or Land and Structure in Combination. Where, at the time of adoption of or amendment to this Ordinance, lawful uses of land, structure, or land and structure in combination exist which, under the terms of this Ordinance, would not be permitted in the zoning district in which they are located, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of the Ordinance or subsequent amendment that created the nonconformity.
- B. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption of or amendment to this Ordinance, unless approved by the Board of Adjustment as a special exception to specifically reduce or minimize the overall nuisance or impact generated by the nonconforming use on all neighboring properties or to reduce or to specifically eliminate one or more pre-existing dimensional nonconformities. Where such a special exception is requested, the Board of Adjustment shall also determine that the proposed relocation shall create no

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opportunities for expansion or intensification of the nonconforming use and will create no additional or new dimensional nonconformities.

- C. No additional structures (primary or accessory) shall be erected in connection with nonconforming uses, unless approved by the Board of Adjustment as a special exception to specifically enclose a pre-existing open air and essential activity of the use in a way that will significantly enhance the exterior appearance of the property and screen, reduce, or eliminate the overall nuisance or impact generated by the nonconforming use on all neighboring properties. Where such a special exception is requested, the Board of Adjustment shall also determine that the proposed new structure shall create no opportunities for expansion or intensification of the nonconforming use and will create no additional or new dimensional nonconformities. Any such new structure permitted by special exception shall not be classified as or permitted as a pre-existing, nonconforming structure.
- D. If any such nonconforming uses are discontinued for a period of more than twelve (12) months, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards specified by this Ordinance for the zoning district in which such land and/or structure is located.
- E. If any nonconforming use is replaced by a permitted use, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards for the district in which it is located, and the nonconforming use may not thereafter be resumed.
- F. A nonconforming use may change to a new nonconforming use as a special exception (subject to appropriate conditions as warranted in this Ordinance for a special exception), where the Board of Adjustment has determined that the new use is more consistent with the permitted uses of the district in which it is located and is less objectionable and generates fewer external impacts on neighboring uses and properties than the previous nonconforming use. However, once the pre-existing nonconforming use has been replaced by a more conforming use, the prior nonconforming use may not thereafter be resumed under any circumstances. To determine whether the new use would be in greater conformity with this Ordinance, the Board of Adjustment shall consider the six criteria listed below. In finding that the proposed use change will be in greater conformity, the Board of Adjustment shall conclude that at least one of the six criteria will be satisfied and that the proposed new use shall cause no adverse impact under all of the remaining applicable criteria.
 - 1. The proposed use will reduce the amount of traffic generation and congestion generated by the property, including truck, passenger car, and pedestrian traffic.
 - 2. The proposed use will reduce or eliminate external noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration caused by the original nonconforming use.
 - 3. The nature of the proposed new use or business activity will be more consistent or compatible with other uses permitted in the district.
 - 4. The scale and intensity of the new use or business activity will be clearly less or smaller than the original nonconforming use.
 - 5. For all nonresidential uses, the proposed new use or business activity will be conducted during a shorter time period and more reliably during regular weekday business hours (8:00 a.m. to 5:00 p.m.) than the original nonconforming use.
 - 6. The proposed new use or business activity will be conducted entirely within existing structures on the premises, thereby eliminating pre-existing, nonconforming open air activities associated with the original nonconforming use.
- G. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure to the extent of more than sixty percent (60%) of its fair market value immediately prior to damage shall terminate the nonconforming status of the structure but shall not terminate the nonconforming status of the land.

1.9 Repairs and Maintenance.

- A. On any structure devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, including remodeling, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided the maintenance, remodeling, or repair work shall not result in an increase in the cubic content of the structure, as it existed at the effective date of the Ordinance or subsequent amendment that created the nonconformity.
- B. On any lot devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, repair, or replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities, provided the extent of those amenities shall not be increased or rearranged.
- C. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 2 - GROUP HOMES

Group homes shall be conducted within a building that is consistent or compatible with the character of the district in which it is located.

2.1 No exterior changes incompatible with residential character. A group home located in a single or two family residential district shall be conducted within a building that shall maintain the exterior appearance of a typical dwelling unit in that district or neighborhood, with no separate external doors to individual bedrooms.

2.2 Group homes in multi-family and nonresidential districts. A group home in a multi-family or business district may be conducted in a building other than a single family dwelling, provided that the group home conforms to the characteristics described in the definition of "group home" in Article II of this Ordinance.

2.3 Compliance with all applicable State laws. Where applicable, the group home shall provide evidence that it will operate in compliance with any applicable State licensing requirements.

SECTION 3 - MANUFACTURED HOMES

All manufactured homes shall comply with the following requirements prior to occupancy:

3.1 H.U.D. seal required. Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any lawfully existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be treated as a nonconforming structure and use in accordance with the regulations established in Section 1 of this Article.

3.2 Anchoring requirements. All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of stormwater runoff beneath the manufactured home.

3.3 Skirting required. All manufactured homes shall be skirted with a weather-resistant material

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which resembles siding materials commonly found on a single family dwelling. Exterior siding should not have a high-gloss finish and should be residential in appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. Concrete block or brick and mortar foundation walls, constructed in compliance with all applicable building code requirements, shall be the preferred method of skirting. The exterior siding material must extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting. All skirting shall be adequately vented.

3.4 Axles and tow bars removed. Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and stored in a location on the lot where they cannot be seen from the street, neighboring homes, or adjoining properties.

3.5 Access to exterior entrances. Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway (not less than three feet in width) leading to a landing or porch not narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length (centered along the entranceway) and containing a railing along all exterior edges of the landing and stairway. A stairway (not less than three feet in width) with exterior railings shall be erected at all other exterior entrances to the manufactured home. All required stairways and landings/porches shall be constructed of pressure treated wood or brick materials, or some combination of both. Required railings may be constructed of pressure treated wood or metal materials.

3.6 Sanitary facilities. Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.

3.7 Landscaping. All manufactured homes located on individual lots (not in a manufactured home park) shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each manufactured home.

3.8 Orientation. When sited on an individual lot (not in a manufactured home park) each manufactured home shall be oriented on the lot so that it meets all setback and area requirements of the zoning district. Wherever possible, the unit shall be located with its long axis parallel with the street.

3.9 Minimum width. When sited on an individual lot (not in a manufactured home park) each manufactured home shall be at least twelve (12) feet in width.

3.10 Fuel storage facilities. All fuel oil supply systems serving a manufactured home that is sited on an individual lot (not in a manufactured home park) shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety codes, except that any bottled gas tanks may be fenced or screened so as not to be clearly visible from the street or abutting properties.

3.11 Number allowed. Not more than one (1) manufactured home shall be permitted on any individual lot that is not located within a manufactured home park.

3.12 Use limitations. No manufactured home may be used for any purpose other than as regulated for residential use herein except in a nonresidential zoning district as provided below:

- A. As an office and storage for parts at a legally licensed manufactured home sales lot by the owner, real estate office, or sales office.
- B. A temporary construction office or a temporary residence at a construction job site provided that such use shall cease when a certificate of occupancy is issued.
- C. Campaign headquarters, to be removed immediately after election day.
- D. Showing of exhibits or special products for a period not to exceed fourteen (14) days.
- E. For special sales or promotions by civic or nonprofit organizations, to be removed on a specified date.

3.13 Compatibility With Adjoining Residential Properties. While the City of Alexander City acknowledges and accepts its responsibility to promote a wide range of affordable housing styles for its residents, it also must recognize that manufactured homes are a distinct type of housing that can, under certain circumstances, alter or disrupt the stability of property values and character of established residential neighborhoods that consist predominantly or exclusively of site-built single family detached dwellings. Such disruptions can be especially severe in neighborhoods that consist of historic homes that represent and reflect a specific architectural style and character or that consist of uniformly high value dwellings, relative to the value of a standard manufactured home. In these special neighborhoods, the City's responsibility to provide siting flexibility for manufactured homes must be reasonably tempered and balanced by the City's competing responsibility to maintain the character, architectural integrity, and property value stability of established single family residential neighborhoods. Therefore, manufactured homes may be permitted only in full compliance with the following special conditions:

- A. the proposed manufactured home will not be located on a vacant lot that is within a designated local, state, or federal historic district or a vacant lot that is adjacent to one or more structures that have been listed on or are eligible for addition to the National Register of Historic Places;
- B. the combined value of the proposed manufactured home and the property upon which it will be sited shall not be less than ninety (90) percent of the average fair market value of all adjoining properties that have been improved for single family residential use, according to the property value records maintained by the County Tax Assessor's Office;
- C. no manufactured home shall be utilized as a parsonage on or adjacent to a lot containing a church; and
- D. each manufactured home shall comply with all applicable dimensional requirements and minimum standards for dwellings required for the subject zoning district in which it will be located.

SECTION 4 - HOME OCCUPATIONS AND COTTAGE INDUSTRIES

4.1 Home Occupations. A home occupation may consist of any permitted accessory business use that fully complies with all of the standards contained in this section. No home occupation shall be allowed in any multi-family dwelling.

4.2 Cottage Industries. A cottage industry may consist of any permitted accessory business use, except solid waste facilities, junkyards or scrap metal shops, automobile repair shops, body shops, or food processing/packing operations, that fully complies with all of the standards contained in this section. Cottage industries may be permitted only within the RR, Reserve Residential Zoning District.

4.3 Standards Applicable to Home Occupations. The following standards shall apply to only home occupations.

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- A. The home occupation must be owned and operated by the owner of the dwelling within which or property upon which such business use is to be located, or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.
- B. All business operations, activities, and transactions associated with the home occupation shall be conducted entirely within the dwelling unit. No business operations, activities, or transactions shall be conducted in an accessory building on the property or in any portion of the dwelling not approved for home occupation use by the City.
- C. The home occupation shall be operated only by the members of the family residing in the principal dwelling located on the lot upon which such business use will be located. No more than three (3) residents of the dwelling shall be involved in the operation of the business use.
- D. The home occupation shall not generate any business or customer traffic (either by the business operators or customers) between the hours of 7:00 PM and 7:00 AM..
- E. Customary home occupations shall be limited to an office or a business of a personal service nature. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at any point in time.
- F. The home occupation shall not occupy more than 15% of the total floor area of the principal dwelling. In no instance shall the total floor area devoted to a home occupation exceed five hundred (500) square feet.
- G. The home occupation shall not cause or result in any change in the outside appearance and residential character of the dwelling unit.
- H. At least two (2), but not more than five (5), off-street parking spaces shall be provided for the home occupation.
- I. No home occupation shall require the use of more than one vehicle for exclusive use of the business. Any vehicle used for such business that has attached to its surface a trademark, business advertisement, or other device that represents the business use shall not be parked along the street or within the required front yard setback of the property.
- J. The home occupation shall not generate more customers to the home at any point in time can be accommodated in the improved off-street parking area on the property.
- K. The home occupation shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
- L. The home occupation shall not produce any vibrations, noises, or odors that may be discernable by the average person outside of the dwelling unit.
- M. The home occupation shall not generate smoke, glare, vibrations, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area. The home occupation shall not involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on the premises or that causes fluctuations in line voltage off the premises.
- N. All equipment, materials, and products of the home occupation, with the exception of one vehicle intended for business use, shall be safely and securely stored inside the dwelling unit at all times.
- O. The home occupation and dwelling unit shall comply with all applicable building and fire codes. Home occupations will not be permitted in any dwelling unit located within a residential zoning district where the primary residential use does not fully comply with the applicable requirements for that zoning district.
- P. No sign shall be allowed to advertise the home occupation. No public displays of goods or commodities sold on the premises shall be permitted.

4.4 Standards applicable to cottage industries. The following standards shall apply to only cottage industries.

- A. No cottage industry shall be permitted on a lot smaller than two (2) acres in total land area.
- B. The cottage industry must be owned and operated by the owner of the dwelling within which or

property upon which such business use is to be located, or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.

- C. All business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building on the same lot. No activities associated with a cottage industry, including materials storage, shall be located or conducted within an accessory building that is more than fifty (50) feet from the closest part of the principal dwelling or less than fifty (50) feet from an adjoining property line. No business operations, activities, or transactions shall be conducted in any portion of the dwelling or lot not specifically approved by the City for cottage industry use.
- D. The cottage industry shall be operated only by the members of the family residing in the principal dwelling located on the lot upon which such business use will be located. No more than three (3) residents of the dwelling shall be involved in the operation of the business use.
- E. The cottage industry shall not generate any business or customer traffic (either by the business operators or customers) between the hours of 7:00 PM and 7:00 AM..
- F. The cottage industry operation or activities shall not occupy a total area greater than 30% of the total floor area of the principal dwelling or eight hundred (800) square feet, whichever is less.
- G. The cottage industry shall not cause or result in any change in the residential appearance or character of the lot.
- H. At least two (2), but not more than five (5), off-street parking spaces shall be provided for the cottage industry.
- I. No cottage industry shall require the use of more than one vehicle for exclusive use of the business. Any vehicle used for such business that has attached to its surface a trademark, business advertisement, or other device that represents the business use shall not be parked along the street or within the required front yard setback of the property.
- J. The cottage industry shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the property.
- K. The cottage industry shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
- L. The cottage industry shall not produce any vibrations, noises, or odors that may be discernable by the average person beyond the boundaries of the lot.
- M. The cottage industry shall not generate smoke, glare, vibrations, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area. The cottage industry shall not involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on the premises or that causes fluctuations in line voltage off the premises.
- N. All equipment, materials, and products of the cottage industry, with the exception of one vehicle intended for business use, shall be safely stored inside a secured structure on the lot.
- O. The cottage industry and dwelling unit shall comply with all applicable building and fire codes. Cottage industries will not be permitted in any structure which does not fully comply with all applicable requirements for the zoning district within which it is located.
- P. No sign shall be allowed to advertise the cottage industry. No public displays of goods or commodities sold on the premises shall be permitted.

4.5 Expiration of permit. A permit for a home occupation or cottage industry shall expire under the following conditions:

- A. Whenever the applicant ceases to occupy the structure or lot for which the home occupation or cottage industry permit was issued (including any pre-existing, nonconforming home occupation or cottage industry). No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued for the proposed business activity. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.

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- B. Whenever the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety (90) or more consecutive days.
- C. When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcing officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within fifteen (15) days of the date that the notice of violation was issued, the home occupation or cottage industry permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.

SECTION 5 - OFF-STREET PARKING REQUIREMENTS

5.1 Basic design requirements for parking lots. Required parking spaces, as set forth below, shall provide not less than two hundred fifty (250) square feet of total parking lot area per space and shall be located entirely outside of the street right-of-way. Each individual standard (non-handicap) parking space or stall shall be at least nine (9) feet in width and eighteen (18) feet in length. Required spaces shall have an all-weather surface, an unobstructed maneuvering space, and access lanes of adequate width leading to a street or alley. Overflow or reserve parking areas in excess of the minimum spaces required herein may be constructed of permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to serve the anticipated intensity or frequency of overflow parking and to prevent excessive soil erosion. Porous pavement surfaces may be applied to required parking areas, provided the pavement is adequately designed to serve the anticipated traffic load and the surface is properly cleaned and maintained. Except for one and two-family dwellings, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy required parking spaces. All off-street parking lots located in the B-2, General Business zoning district shall provide a buffer between the parking lot/facility and any adjoining street.

5.2 Definitions. Within the context of this Section, the following definitions shall apply:

- A. Reference herein to "employee(s) on the largest work shift" means the maximum number employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- B. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

5.3 Off-street parking spaces required. This section identifies the minimum number of off-street automobile parking spaces required for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply, as deemed appropriate by the Enforcement Officer. Where more than one type of use will be conducted on a specific site, the site shall satisfy the combined requirements of all specified uses. Required parking spaces shall include spaces designated for people with disabilities, the number and design of which shall be in accordance with the standards set forth by the Americans with Disabilities Act.

A. Agriculture support uses: One space per employee on the largest shift, plus one space per 200 square feet of gross floor area provided for customer sales and service operations.

B. Commercial and entertainment uses:

- 1. Banks:** One space per 200 square feet of gross floor area of customer sales and service, plus five

spaces off-street waiting (loading) spaces per drive-in lane, plus one space per employee on the largest work shift.

2. **Funeral home:** One space per four patron seats or 25 spaces per chapel unit, whichever is greater.
 3. **Grocery or supermarket:** One space per 100 square feet of gross floor area of customer sales and service.
 4. **Hospital:** Two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift.
 5. **Hotel or motel:** One space per room or suite, plus one space per every three employee on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50 percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars).
 6. **Private clubs:** One space per three persons to the maximum capacity of the facility.
 7. **Repair services:** One space per 300 square feet of gross floor area of customer sales and service, plus one space per employee on the largest work shift.
 8. **Restaurant, standard:** One space per three patron seats or one space per 100 square feet of gross floor area of customer sales and service, whichever is greater, plus one space per employee on the largest work shift.
 9. **School, commercial or trade:** One space per three students, plus one space per employee (including faculty) at capacity class attendance period.
 10. **Shopping center:** Five spaces per 1,000 square feet of gross floor area of customer sales and service.
 11. **Theaters and auditoriums:** One space per three patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by a facility's providing written proof that it has the use of a nearby parking lot available to its patrons (e.g., by contractual arrangement).
- C. Commercial/recreational uses:** Except as designated below: One space per four patrons to the maximum capacity of facility, plus one space per two employees on the largest work shift.
- D. Other commercial/recreational uses:**
1. **Bowling alley:** five spaces per lane, plus one space per employee on the largest work shift.
 2. **Drive-in theater:** One space per automobile station, plus one space per employee.
 3. **Golf driving range:** One space per tee, plus one space per employee on the largest work shift.
 4. **Miniature golf:** One and one-half spaces per hole, plus one space per employee on the largest work shift.
 5. **Outdoor theater:** One space per three patrons to the maximum capacity of the facility, inclusive of both indoor and outdoor capability.
 6. **Skating rink, ice or roller:** One space per 300 square feet of gross floor area of customer sales and service.
- E. Manufacturing:** One space per employee on the largest shift, plus one space per company vehicle normally left on the premises.
- F. Other industrial uses:**
1. **Truck terminal:** One space per employee on the largest shift, plus one space per truck normally parked on the premises, plus one space per 300 square feet of gross floor area of customer sales and service. All spaces where trucks will be parked and associated drives must be surfaced.
 2. **Junkyard:** One space per 10,000 square feet of gross land area, plus one space per employee on the largest work shift.
 3. **Warehouse:** One space per employee on the largest shift, plus one space per 4,000 square feet of gross floor area.
- G. Institutional, indoor, recreational, and special residential uses:** Except as specifically designated below: One space per three patrons to the maximum capacity, plus one space per employee on the largest shift.
- H. Other indoor institutional, indoor recreational, and special residential uses:**

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1. **Church:** One space per four seats of maximum capacity.
2. **Community and recreation center:** One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, plus one space per employee on the largest shift.
3. **Child Care Facility or nursery school:** One space per teacher/employee on the largest shift, plus one off-street loading space per three students.
4. **Group dwellings:** One space per bedroom or sleeping room.
5. **Libraries and museums:** One space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest shift.
6. **Nursing homes:** One space per six patient beds, plus one space per employee on the largest shift, plus one space per staff member and visiting doctor.
7. **Schools:**
 - a. **Elementary and junior high:** One space per teacher and staff member, plus one space per two classrooms.
 - b. **Senior high:** One space per teacher and staff member on the largest shift, plus one space per five non-bused students.
 - c. **College:** One space per staff member on the largest shift, plus one space per three students of the largest class attendance period.
8. **Swimming facility:** One space per 75 square feet of gross water area, plus one space per employee on the largest shift.
9. **Tennis, racquetball, handball courts:** Four spaces per court, plus one space per employee on the largest shift.
10. **Commercial support uses:** One space per employee on the largest shift, plus one space per company vehicle regularly stored on premises.
11. **Veterinary office with enclosed kennels and/or pens:** Three spaces per doctor, plus one space per employee on the largest shift.
12. **Nursery uses:** One space per each 500 square feet of display and sales area both indoor and outdoor, excluding areas used exclusively for the storage or propagation of plants, but not less than five spaces for each such use.
- I. **Office uses:** Except as designated below: One space per 250 square feet of gross floor area of customer sales and service and office area.
- J. **Other office uses:**
 1. **Beauty and barber shops:** three spaces per stylist or barber or open space per 100 square feet of gross floor area of customer sales and service, whichever is larger, plus one space per employee on the largest shift.
 2. **Medical offices:** One space per each 200 square feet of gross floor area, including pharmacies and other retail uses, but excluding corridor and lobby areas, plus one space per each separate medical or dental treatment room or laboratory.
- K. **Outdoor recreational uses:** Except as designated below: One space per four expected patrons at capacity.
 1. **Golf course (nine-and 18-hole):** Fifty spaces per nine holes, plus one space per employee on the largest shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurants).
 2. **Golf, par three:** Thirty spaces per nine holes, plus one per employee on the largest shift.
 3. **Outdoor swimming pool:** One space per 75 square feet of gross water area.
 4. **Tennis court:** Three spaces per court.
- L. **Other uses:**
 1. **Public services uses:** One space per employee on the largest work shift, plus one space per company vehicle normally stored on the premises.

2. **Recreational vehicle park:** One and one-half spaces per each recreational vehicle site, plus one space per employee on the largest shift.
 3. **Convenience (7-Eleven) grocery:** One space per 100 square feet of gross floor area of customer sales and service.
 4. **Fast-food restaurant:** One space per 50 square feet of gross floor area of customer sales and service, plus one space per employee on the largest work shift.
 5. **Tavern, dance hall, nightclubs, and lounges:** One space per 50 square feet of gross floor area of customer sales and service, plus one space per employee on the largest shift.
 6. **Truck stop:** One space per each 2,500 square feet of gross site area, but not less than eight spaces per each such use.
 7. **Vehicle sales and service:** One space per 1,500 square feet of gross floor area of customer sales and service. In addition, all areas used for outside display of automobiles must be hard-surfaced.
 8. **Vehicle repair and maintenance services:** One space per 400 square feet of gross floor area of customer sales and service, plus one space per employee on the largest work shift.
 9. **Mini-warehouse:** One space per ten storage cubicles, plus two spaces per manager's residence, plus one space per 25 storage cubicles located at the warehouse.
- M. Residential uses:** Two (2) spaces per each dwelling unit for single family and two family (duplex) uses. One and one half (1.5) spaces per dwelling unit for multi-family uses.
1. Residential parking spaces shall be provided in driveways and parking spaces paved with concrete, gravel, asphalt, or other paving materials.

5.4 Special off-street parking adjustments. The off-street parking requirements specified in Article IV, Section 5.3 above may be adjusted in compliance with the following procedures and conditions:

- A. Minimum off-street parking requirements for properties zoned B-3, Central Business District may be reduced by not more than twenty (20) percent where the subject property abuts a street where dedicated on-street diagonal parking is available or by ten (10) percent where the subject property abuts a street where dedicated parallel parking or a combination of parallel and diagonal parking is available.
- B. The board of adjustment may authorize a reduction of, or waiver, any of the off-street parking or loading-unloading regulations when it can be demonstrated clearly to the satisfaction of the board that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal application of the regulations is required. Hardship shall not be deemed economic, but shall be evaluated in terms of the use of the parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the board of adjustment. Under all these circumstances, the only reduction or modification that shall be authorized is that necessary to overcome the evidenced difficulty; and in no case shall the requirements be reduced by more than 25 percent.

5.5 Handicap Parking Guidelines. Handicap parking and access facilities for new construction and changes in occupancy for existing construction shall be provided, designed, and constructed in accordance with Chapter 11, Accessibility for People with Physical Disabilities of the City's building code, as may be amended. In addition, such facilities should be designed and constructed in conformance with the Accessibility Guidelines for Buildings and Facilities (dated July 26, 1991) promulgated by the Americans with Disabilities Act (ADA), as may be amended. To the extent that conflicts between the requirements of these two codes may arise, the applicant shall be responsible for satisfying the City's building code. Although the City of Alexander City encourages property owners to afford the maximum possible accessibility for persons with disabilities, the City shall not assume any liability for any individual private property owner's failure to comply with the standards and requirements promulgated by the ADA. All handicap parking provided by a property owner should, to the maximum extent feasible, achieve the

following objectives:

- A. Afford sufficient visibly dedicated handicap parking to adequately satisfy customer and employee needs.
- B. Site designated handicap parking spaces in an area of the property that affords the most convenient and safe access to the main entrances of the principal use building on the property.
- C. Incorporate adequate handicap access to and within the principal use building on the property and any additions thereto.

5.6 Plans and Specifications Required for Off-Street Parking Spaces. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.

5.7 Location of Parking Spaces.

- A. Except for one and two family dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjoining off-street property, provided that the required spaces are located no farther than four hundred (400) feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- B. Parking spaces designated for use by people with disabilities shall be located in close and convenient proximity to the main entrance of the building with which they are associated, in accordance with the standards set forth by the Americans with Disabilities Act. All required handicapped parking spaces shall be provided on-site.

5.8 Truck Parking Restrictions. No trucks larger than one (1) ton pick-up trucks shall be permitted to park in any residential district, except that a truck or commercial vehicle not greater than one and one quarter (1.25) tons may be parked in an off-street accessory structure within a residential district, provided the vehicle is not parked for more than sixty (60) consecutive hours. This restriction also applies to street parking.

5.9 Joint Use of Off-Street Parking Areas. Nothing in this Ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

5.10 Landscaping. All paved surface parking lots containing more than thirty (30) parking spaces shall incorporate, within the paved area, landscaped islands constituting not less than ten (10) percent of the total paved portions of the parking lot. The area of any required islands shall not be counted as part of the required minimum parking area for the off-street parking lot. Landscaped islands shall be distributed broadly throughout the parking lot and designed to provide sufficient unpaved area to support healthy plant growth and root structures. Each landscaped island shall also be designed to accommodate at least one shade tree, which shall be not less than ten (10) feet tall at planting. Shrubs, flowers, and other ornamental plants or ground cover shall be incorporated into the landscaping on each island. Special consideration shall be given to native plants and trees when selecting vegetation and additional consideration shall be given to the location of trees and tall shrubs with respect to above ground power lines, light poles, and other possible obstructions, to prevent the need for excessive pruning as the trees and shrubs grow and mature.

5.11 Plans and Specifications Required for Off-Street Loading and Unloading Spaces. Plans

and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.

5.12 Off-Street Loading and Unloading.

- A. All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled, or rented by such establishment.
- B. Where any commercial or industrial structure is enlarged, or any such use is expanded in any way, the full amount of off-street loading space shall be provided and maintained for the structure or use in its enlarged size.
- C. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be provided and maintained to comply with this Section.
- D. Off-street loading space shall be an area at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one half (14-1/2) feet of vertical clearance. Each off-street loading space or alley shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
 - 1. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant, or similar use which has an aggregate floor space of:
 - a. Over 10,000 square feet but not over 25,000 square feet: One space.
 - b. Over 25,000 square feet but not over 60,000 square feet: Two spaces.
 - c. Over 60,000 square feet but not over 120,000 square feet: Three spaces.
 - d. Over 120,000 square feet but not over 200,000 square feet: Four spaces.
 - e. Over 200,000 square feet but not over 290,000 square feet: Five spaces.
 - f. For each additional 90,000 square feet over 290,000 square feet or fraction thereof: One space.
 - 2. For each apartment building having over 50 dwelling units: Two spaces.
 - 3. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium, or similar use which has an aggregate gross floor area of:
 - a. Less than 10,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure;
 - b. 10,000 square feet to less than 40,000 square feet - One (1) space of off-street parking is required;
 - c. For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet - One (1) additional off-street loading space is required.
- E. For any use not specifically mentioned herein, the off-street loading requirements specified above for the most similar use shall apply.
- F. Off-street loading facilities supplied to meet needs of one use shall not be considered as meeting the off-street loading needs of any other use.
- G. No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
- H. Nothing in this article shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located

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and arranged as to be usable thereby.

- I. Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.
- J. Storage of refuse: All space required for the accumulation and out-loading of garbage, trash, scrap, waste products, and empty containers shall be provided entirely within a building and shall not be include as a part of loading and unloading space requirements.

5.13 Emergency Vehicle Access. The enforcing officer shall require, at the specific request of the Police Chief or Fire Chief, separate additional emergency vehicle access lanes, where deemed necessary to provide for adequate emergency vehicle access to the principal structures on the property. Where required, emergency vehicle access lanes (fire lanes) shall be located as close as possible to the main entrance of the principal structures of the property, and shall be established as required by the Standard fire Prevention Code s adopted and amended by the city, and at other locations as deemed necessary by the fire chief. It shall be the responsibility of the building owner to paint, sign, and mark all required fire lanes in a manner approved by the fire department. Fire lanes shall be marked with approved yellow painting on the pavement and curbing, and approved signs indicating "Fire Lane" shall be installed adjacent to the fire lane.

5.14 Continuing character of obligation. Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring such parking or loading facilities continues. Apart from the discontinuance, sale, or transfer of the building or use, it shall be unlawful for said owner to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this Ordinance; or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

5.15 Parking lot illumination.

- A. Every parking lot accessible to the public and constructed or improved subsequent to date of enactment of this ordinance shall provide a minimum illumination of two foot-candles per squar foot (2.0 fc/ft2) measured eighteen (18) inches above the parking surface, with a uniformity ratio of not more than five to one (5:1).
- B. All lighting shall be certified by a qualified electrical engineer registered in the State of Alabama, verifying that the parking lot is in compliance with subparagraph A of this subsection. Proof of said verification shall be provided to the Building Official.
- C. All lighting fixtures shall be properly shielded and/or directed to focus lighting on the parking area and to prevent excessive glare on neighboring properties.

SECTION 6 - ACCESSORY RESIDENTIAL UNITS

Technological and medical advances have made it possible for people to live longer lives and to live more independently than ever before. At the same time, a declining number of young adults must provide care and support for an expanding elderly population, despite increased work demands to make ends meet. The City of Alexander City understands the demands faced by working adults, and seeks to provide an option for families to provide special and convenient care for elderly and handicapped members. However, the City must also preserve the character and integrity of single family neighborhoods and exercise appropriate reg-

ulatory constraints to guard against the potential proliferation of rental apartments in such neighborhoods. The purpose of this Section is to establish basic standards for the development of accessory residential units to provide a semi-independent living environment for family members who require special care and support from the primary household. Such a unit would provide greater privacy and personal freedom than an added bedroom within the primary dwelling, but would not create an additional independent living unit that would alter the character of the original single family structure and the surrounding neighborhood. However, nothing in this section shall be interpreted to require the creation of an accessory residential unit to provide in-home care for an elderly or handicapped family member. Accessory residential units shall be allowed only for single family dwellings, excluding manufactured homes. Where permitted, all accessory residential units must comply with all of the following requirements.

6.1 Incomplete facilities for exclusive personal use. The purpose of this provision is to provide opportunities for families to provide essential on-site care and support for elderly and handicapped members, not to provide opportunities for families to create independent rental units for general leasing. Therefore, accessory residential units must be designed to prevent independent use. All accessory residential units must lack either complete kitchen facilities or bathroom facilities for exclusive personal use. An incomplete kitchen must lack either a convection oven/stove or a kitchen sink. An incomplete bathroom must lack either a toilet or shower/bathtub. The remaining kitchen or bathroom facilities necessary to serve the accessory residential unit must be provided within the primary dwelling unit. The applicant shall provide evidence that the sewage disposal needs of the additional accessory bedroom(s) can be satisfied by the existing sewage service. No separate meters for utility service shall be established or provided for any accessory residential unit.

6.2 Maximum floor area. Accessory residential units shall contain not more than five hundred (500) gross square feet or twenty-five (25) percent of the total improved floor area of the primary residential dwelling, whichever is less.

6.3 Leasing agreement prohibited. No accessory residential unit shall be leased to a tenant through any formal leasing agreement or contract. Any reimbursement arrangements for use of the unit or support services provided to the tenant shall be on an informal and incidental basis.

6.4 Contained within primary dwelling. An accessory residential unit must be attached to (by a common wall) or contained within the primary dwelling unit on a property. No accessory structure or outbuilding on the lot may be used or modified to serve as an accessory residential unit. Not more than one (1) exterior entrance to an accessory residential unit shall be permitted.

6.5 Limit on number of units. Where permitted, no more than one (1) accessory residential unit shall be allowed per primary dwelling.

6.6 No change in character of structure. An accessory residential unit shall be designed to cause no apparent change in the exterior residential character or appearance of the primary dwelling unit.

6.7 Documentation of need. Accessory residential units are intended to serve specific family or household needs that would be better satisfied by the creation of a semi-independent living environment. Applicants who desire to construct an accessory residential unit shall submit a written statement to the enforcement officer describing the need that will be served by the accessory residential unit.

7.1 Purpose of Sign Regulations. The public has a legitimate interest and concern in the construction, maintenance, and regulation of outdoor advertising within the City. While Alexander City acknowledges the legitimate public need for business visibility, local businesses must also recognize the legitimate public need for a beautiful and uncluttered community and the City's legitimate need to ensure safe traffic circulation on City streets. Local experience within Anniston, Gadsden, Atlanta, and Birmingham generally supports the contention that excessive, competing signage along public streets can create visual clutter, which makes it difficult for motorists to see traffic control and highway safety signs and to quickly judge where entrances to adjoining businesses are located. The City also has determined that excessive, competing signage can divert motorist attention from the highway, which contributes to traffic accidents. The City also wishes to protect its established historic small city character and scale from the appearance of cluttered and excessive signage. Therefore, Alexander City has determined that it is desirable to prescribe the manner of sign construction and to compel the use of safe materials; limit the number, type, surface area, height, and location of signs; and require clean and sanitary maintenance of signs in order to protect and promote the public health, safety, and welfare of the community. Further, these sign regulations are intended to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon the community; and, in general, preserve the character and aesthetic quality of the various zones within the City.

7.2 Sign terms defined. The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.

- A. Advertiser.** Any person, corporation, or other entity that seeks to convey a visual or audio message to the public.
- B. Animated sign.** Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever.
- C. Balloon sign.** Any device which is inflated by gas or air and intended to serve as a sign or to direct attention to a specific property or location.
- D. Banner.** A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope. Banners generally possess letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banners shall include pennants, but shall not include official flags of a government entity or political subdivision.
- E. Beacon or searchlight.** Any light with one or more beams (including laser beams), which may be stationary, moving, or rotating, directed into the atmosphere or directed at one or more points not on the same property as the light source.
- F. Building nameplate.** A small memorial plaque, usually composed of metal or wood, affixed flush to an exterior wall near the main entrance of a building and bearing the name of the building or occupant, the date of construction, and/or the persons, entities, or corporations that financed its construction.
- G. Billboard.** Any sign owned by a person, corporation, or other entity that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser.
- H. Canopy.** Any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements. A canopy shall include all structures commonly known as awnings and marquees.
- I. Canopy sign.** Any sign attached to or made part of the front, top, or side of a canopy.
- J. Copy.** The permanent or removable wording and/or graphics placed upon, painted upon, or bonded to the display surface of a sign.
- K. Digital sign.** Signs consisting of any moving, rotating, flashing, or otherwise animated light or com-

ponent, except for time and temperature displays, traditional barber poles, and electronic reader boards whose message changes no more often than once every fifteen (15) seconds and is static during the display.

- L. Erect a sign.** To build, construct, attach, hang, place, suspend, paint, or affix a sign.
- M. Exempt sign.** A sign not subject to a sign permit, in accordance with Subparagraph 7.4 (Signs Exempt from Sign Permits) of this Section.
- N. Face.** That portion of a sign upon which the copy is placed, attached, bonded, or painted.
- O. Flashing sign.** Any lighted sign or sign containing a reflective surface which changes color, twinkles, or flashes regularly or intermittently. Flashing signs shall not include signs displaying the current time and temperature, as permitted by the City Council, or traffic control signs.
- P. Freestanding sign.** Any permanent sign that is either mounted independently upon the ground or supported by one or more columns or poles, and independent of support from any other building or structure on the site. Freestanding signs shall include, but shall not be limited to, all signs commonly known as ground signs, pole signs, pylon signs, A-frame signs, sandwich signs, and billboards.
- Q. Hanging sign.** Any sign which is attached to and projects down or dangles from a roof, canopy, or projecting brace that is attached to the face of an exterior building wall.
- R. Historic marker.** A sign prepared in accordance with National Trust for Historic Preservation guidelines and approved by the City Council which identifies an historic landmark or district on the property. Such sign may contain a narrative describing the historic significance of the landmark or district.
- S. Number of signs.** For the purpose of determining the number of signs, each sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. Where copy is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A multi-sided sign shall be considered one sign.
- T. Off-premise sign.** Any sign erected for commercial advertising purposes but not located on the same lot as the commercial use advertised. Billboards are not considered off-premise signs.
- U. Permanent sign.** Any sign, other than a temporary sign, designed with a permanent display face. If a sign face is permanent but the copy displayed is subject to periodic changes, that sign shall still be regarded as permanent.
- V. Portable sign.** Any sign that is not mounted upon a stationary object or structure that has a footing or that is not implanted beneath the surface of the soil. Such signs are commonly mounted on wheels or a frame that rests upon the ground. Portable signs shall include vehicles or portions of vehicles upon which signs or sign copy have been affixed that are permanently parked or displayed in one or more locations to serve exclusively as a business advertisement.
- W. Projecting sign.** Any sign containing not more than two (2) faces, that is affixed directly to the exterior wall of a building or structure or to a solid brace or frame that is attached to the exterior wall of a building or structure in such a manner that the sign face extends outward from the wall surface.
- X. Reader Board.** Permanent sign containing messages in the form of removable letters or copy that is changed electronically. A reader board may be a building sign or an integral part of freestanding sign. Changing messages on the electronic reader board shall not scroll, flash, or move. A reader board message shall not contain a commercial message other than one relating to the business on which it is located. No electronic reader board may be placed within 300 feet of another electronic reader board.
- Y. Roof sign.** Any sign that is mounted upon, affixed to, or painted upon the roof of a building or structure or that extends above the building or structure roof line.
- Z. Sign.** Any identification, structure, illustration, or device, illuminated or non-illuminated, that is visible to the general public and directs attention to a product, message, service, place, activity, person, institution, business, or solicitation. A sign shall also include any emblem, painting, flag, statue, banner, pennant, balloon, or placard designed to advertise, identify, or convey information to the public.
- AA. Sign area.** That gross area, in square feet, of the advertising copy surface of a sign, as delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation,

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or other display. Where a sign contains multiple faces, only one (1) face of the sign shall be used in computing the sign area.

AB. Sign structure. Any construction used or designed to support a sign.

AC. Snipe sign. A sign of any material that is attached in any way to a utility pole, tree, fence, rock, or other similar object located on public or private property. Snipe signs shall not include real estate, political, yard sale, "beware," "keep out," "posted," "private property," or "no trespassing" signs.

AD. Temporary sign. Any sign fabricated of paper, plywood, fabric, window whitewash, or other light, impermanent material and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

AE. Traffic control sign. A sign or electronic device, such as a traffic signal or signs denoting stop, danger, handicap parking, one-way traffic, no parking, fire lane, etcetera, for the purpose of directing or regulating the movement of traffic and/or pedestrians.

AF. Vehicle sign. A sign depicting or identifying name, business, product, service, logo, and similar information painted, strapped, or otherwise affixed to a registered vehicle or trailer attachment that is in operating condition and is used regularly for business transportation.

AG. Wall sign. Any sign displaying only one (1) face that is mounted flat upon, affixed flat to, or painted upon an exterior wall surface of a building or structure and is located entirely below the roof line.

AH. Window sign. A temporary sign placed inside or upon a building or structure window and intended to be seen from the exterior of the building or structure.

7.3 Required Permits, Fees, and Inspections.

A. Except where this chapter explicitly exempts a sign, all signs erected shall require a sign permit issued by the Enforcement Officer. In addition, whether a sign is exempt under the terms of this ordinance or not, City building and electrical codes may require additional permits which must be obtained prior to erection or construction of any sign that falls within the jurisdiction of said building or electrical codes. All permits issued for a sign shall be clearly and conspicuously displayed on the site where the sign will be erected until construction is completed.

B. Each application for a sign permit shall include the following items:

1. Name, signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
2. Address of the property where the sign is to be erected.
3. Lot area, zoning, and principal land use(s) on the lot subject to erection of a sign.
4. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
5. A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot.
6. Other details sufficient for the Enforcement Officer to determine compliance with the requirements of this chapter.

C. An application fee shall accompany each application for a sign permit. A building permit and associated fee also may be required, depending upon the type of sign.

D. The Enforcement Officer shall inspect each sign authorized by permit to determine compliance with the permit application.

7.4 Signs exempt from sign permits. Any changes to the copy of a sign or routine maintenance or replacement of a sign or components of a sign shall not require a sign permit, provided that said changes or maintenance work shall not alter the physical dimensions (including height and sign area) of the sign or the number of sign faces in any way. In addition, the following signs are exempt from required sign permits and all associated fees, and are permitted in accordance with the standards contained within this

section and any other applicable provisions of these sign regulations. All exempt signs are permitted in any district, if related and applicable to a permitted land use activity on a lot.

- A. Historic markers.** Where approved by the City Council.
- B. Traffic control signs.** Such sign may include legal notices required by law; warning signs and no trespassing signs; identification, informational, or directional signs erected by any governmental agency or public utility. This exemption shall also apply to travel information plazas or welcome centers, if publicly owned or maintained.
- C. Directional signs.** Such sign may indicate bus stops, taxi stands, off-street parking or loading facilities; other signs required for the control of vehicular or pedestrian traffic; restroom identification and direction; drive-thru window direction; telephone identification; and similar directional information. Such signs shall not exceed four (4) square feet in total sign area. When such signs are located within five (5) feet of a public right-of-way line, they shall not stand higher than two and one-half (2.5) feet above the grade of the adjacent street.
- D. Flags.** Any official flag of a government entity and banners of a religious, charitable or fraternal organization. This exemption shall include the supporting device or flag pole. However, no property shall display more than one (1) flag per each fifty (50) feet of street frontage adjacent to the property without prior approval from the City Council.
- E. Artistic displays.** Such displays may include decorative ornamentation or architectural features of a building; public art works, murals, displays, statues, and signs of historic value or significance; and similar artistic displays which have been approved by the City Council as a work of public art.
- F. Real estate or rental signs.** Each property may have up to one (1) non-illuminated real estate or rental sign, containing a maximum of two (2) sign faces in compliance with the following requirements:
 1. The maximum sign area shall not exceed six (6) square feet and the maximum height shall not exceed two and one-half (2.5) feet above the grade of the adjacent street for signs in a residential zone. In a non-residential zoning district, the maximum sign area shall not exceed twenty (20) square feet.
 2. Real estate sale or rental signs shall not be located within the public right-of-way.
 3. Multiple listing strips, sale pending, and sold signs shall be allowed when attached to the real estate sign, as long as the combined sign area does not exceed the maximum allowed in subparagraph "1" above.
 4. One (1) on-premise 'open house' or 'open for inspection' sign, not exceeding three (3) square feet in sign area, may be allowed per property. Similar off-premise signs for directional purposes shall be allowed within the public right-of-way at subdivision entrances or on other private properties with the consent of the property owner. These signs must be removed when the premises are no longer open for inspection.
 5. All real estate signs shall be removed when ownership or occupancy of the property has changed and the property is no longer listed for sale, lease, or rent.
- G. Construction site identification sign.** Each construction site shall be allowed to erect not more than one (1) non-illuminated, single face, temporary construction sign on a property which has been authorized for construction by the issuance of a zoning permit. Construction site signs shall not be allowed on properties where only one (1) single family or duplex home is to be constructed. Said sign shall be freestanding, and the sign area shall not exceed twenty (20) square feet within any residential zone or thirty-two (32) square feet within any non-residential zoning district. Construction signs must be set back at least ten (10) feet from all property lines. The sign may include the names of the persons and firms performing services or labor, or supplying materials for the construction project. Any temporary construction sign shall be removed before any building or structures built on the property may be occupied. Temporary construction signs for residential developments shall be allowed to remain erect until seventy-five (75) percent of the total residential lots or units have been sold, or until a permanent identification sign has been erected, whichever occurs first.

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- H. Window signs.** Properties not located within a residential zoning district (RR, R-1, R-2, R-3, MHP, and R-3M) may display window signs, provided that the sign area of any individual window sign shall not exceed six (6) square feet and no more than twenty (20) percent of the total surface area of any window may be obscured by window signs.
- I. Political signs.** Temporary political signs advertising campaigns of candidates for political offices or advertising, proposing, opposing, or relating views or positions upon a political question appearing or to appear upon an official election ballot may be erected in connection with elections or political campaigns. No political signs shall be allowed within or upon a public right-of-way. Within residential districts (RR, R-1, R-2, R-3, MHP, and R-3M) only one (1) sign per candidate or political issue may be placed upon any single lot of record. Within all other regular zoning districts, not more than two (2) signs per candidate or political issue may be placed on any single lot of record. The total sign area for any political sign shall not exceed four (4) square feet. Political signs shall not be erected more than ninety (90) days prior to the date of the election, whether general or special, for which the person or issue advertised will appear on the ballot. Such signs must be removed within five (5) days after the date of the election or run-off election (if necessary) has occurred.
- J. Garage or yard sale sign.** A temporary sign advertising the sale of personal property on a lot may be erected on the lot where the sale is to take place. Such signs shall not exceed four (4) square feet in sign area and shall be displayed only on the day immediately prior to and day(s) during which the sale is conducted.
- K. Special event sign and decorations.** A temporary sign indicating a special event such as a grand opening, traveling public exhibits, major convention, fair, carnival, circus, festival, commemoration, personal announcements of births, marriages, birthdays, or similar events may be erected on the lot where the event is to take place, provided that such signs do not exceed the maximum applicable height and surface area requirements for the type of sign used and the sign is installed not more than thirty (30) days prior to the event and removed not more than ten (10) days after the event has occurred. Decorative flags, banners, and bunting shall be allowed only for City-wide celebrations, conventions, and commemorations when specifically authorized by the Mayor and City Council. This exemption also shall apply to decorative lights and displays celebrating any legal holiday.
- L. Entrance/exit signs.** Entrance and/or exist signs which have a maximum sign face length of three (3) feet, a maximum sign face height of one-and-one-half (1.5) feet, and a total maximum sign height of two (2) feet. Only one (1) entrance/exit sign shall be allowed per curb cut. Entrance/exit signs shall not be allowed in residential zones or for any single or two-family residential uses located within any zoning district.
- M. Farm information sign.** Such sign may include farm logos or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar non-freestanding agricultural displays.
- N. Vehicle signs.** This exemption shall not apply to vehicles or portions of vehicles that are permanently parked in one or more locations to serve exclusively as a business advertisement. Such vehicles or portions thereof shall constitute a portable sign under the context of these regulations.
- O. Building nameplates.** Not more than one (1) nameplate per non-residential building, which shall not exceed two (2) square feet in total sign area.
- P. Legal notices and official instruments.** Legal notices and instruments required by a government or public regulatory entity to be posted or displayed shall be exempt from all aspects of these regulations.
- Q. Church bulletin boards.** Not more than (1) non-illuminated bulletin board or reader board not to exceed fifteen (15) square feet in area.
- R. Gas pump logos and pricing information.** Where land uses engaging in the sale of motor vehicle fuels are permitted, signs may be placed on gasoline pumps in order to identify the company logo or brand and provide required information to the public regarding price per gallon or liter, type of fuel and octane rating. Such signs shall not exceed three (3) square feet in surface area and six (6) square feet in total area per pump.

7.5 Sign Prohibitions. Except where qualified below, the following signs are specifically prohibited throughout Alexander City:

- A. Any sign or advertising structure which, by reason of location, position, shape, or color, interferes with, obstructs the view of, resembles, or can be confused with an authorized traffic control sign, signal, or device, or which incorporates the words "stop," "look," "danger," "turn back," or any other word, phrase, or symbol or character that would interfere with, mislead, or confuse motorists.
- B. Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.
- C. Any sign of any type or support thereof placed, extending, or projecting into or upon a public right-of-way, except as expressly authorized.
- D. Signs consisting of any moving, rotating, flashing, or otherwise animated light or component (except for time and temperature displays, traditional barber poles, and electronic reader boards whose message changes no more often than once every fifteen (15) seconds and is static during the display) are not permitted. Changing messages on the electronic reader board shall not scroll, flash or move. A reader board message shall not contain a commercial message other than one relating to the business on which it is located. No electronic reader board may be placed within 300 feet of another electronic reader board.
- E. Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- F. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- G. Any sign that blocks another sign, fire escape, door, window, parking or loading aisle or space.
- H. Any sign that is damaged or not in a structurally safe condition and good state of repair.
- I. Roof signs.
- J. Snipe signs, including signs attached to, painted upon, or otherwise affixed to any public bench, trash receptacle, or other street furniture located within a public right-of-way.
- K. Portable signs.
- L. Beacons or searchlights.
- M. Banners, unless approved by the Mayor for a grand opening or a City-wide celebration, convention, or legal holiday.
- N. Balloon signs.
- O. Off-premise advertising signs. Any sign used for a commercial purpose not located on the same lot as that commercial purpose is prohibited. Billboards are not included in the definition of off-premise signs.

7.6 Treatment of abandoned signs and signs advertising abandoned uses, products, or services.

- A. Any sign copy or billboard copy identifying or announcing a use or business activity that has been abandoned, closed, or relocated, or which advertises a product, service, or entertainment the production, sale, or provision of which has been discontinued or canceled, shall be removed within three (3) calendar months of the date of abandonment or discontinuance.
- B. If a sign face is left blank (without any copy) or the sign copy has been left in a state of disrepair and is, for all intents and purposes, illegible (missing or broken letters, torn, shredded, or vandalized advertising copy or graphics, etc.), unattractive, or generally ineffective as an advertising tool for a continuous period of one hundred twenty (120) days, that sign shall be considered abandoned, and within fifteen (15) days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or immediately replace the sign face or copy with an appropriate display or advertisement and otherwise make the sign fully compliant with the requirements of this ordinance.
- C. Any pre-existing, nonconforming portable sign that is moved or relocated from its original conform-

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ing location upon the effective date of these regulations (without prior approval from the City Council) shall be deemed abandoned and no longer grandfathered under Article IV, Section 1 or Section 7.7 of this Ordinance. Any portable sign which is located partially or wholly within a public right-of-way not more than one hundred twenty (120) days after the effective date of these regulations also shall be deemed abandoned and no longer grandfathered under Article IV, Section 1 or Section 7.7 of this Ordinance.

7.7 Nonconforming signs

- A. Grandfather status.** Any permanent sign legally existing on or before the date of adoption of these regulations, or any future amendment thereto, that does not conform with the requirements of these regulations may be continued and maintained. Portable signs which fall under the scope of Article IV, Section 7.6 (C) of this Ordinance shall not be deemed grandfathered.
- B. Alterations.** A nonconforming sign shall not be rebuilt, expanded, moved, or altered in a way that would increase the degree of nonconformity as it existed at the time the grandfather status was conferred. This requirement shall not be interpreted so as to prohibit proper maintenance of a nonconforming sign or changes to the copy of the sign that do not increase the existing degree of nonconformity.
- C. Expiration.** A nonconforming sign shall not be rebuilt or re-established after its use has been discontinued or abandoned under the terms of Article IV, Section 7.6, unless approved by the City Council.
- D. Damage repair.** A nonconforming sign shall not be reconstructed or repaired to a nonconforming status if it has sustained damage exceeding sixty percent (60%) of its fair market value immediately prior to damage, unless approved by the City Council. Fair market value shall be determined by the City Council.
- E. Additional signs on lots with nonconforming signs.** No permits for additional signs shall be issued for any premises upon which any nonconforming signs are located.

7.8 Dimensional requirements for permitted signs. All permitted signs requiring the issuance of a sign permit shall comply with the applicable requirements below for each type of sign. No signs shall be located within five feet of the intersection of a street right-of-way and the nearest edge of a driveway or entranceway to the property. In addition, no sign shall be located in such a way as to prevent, obstruct, or hinder free access to or egress from any door, window, or fire escape.

- A. Canopy signs.** In zoning districts where permitted, canopy signs shall be allowed on the vertical faces of any canopy, awning, or marquee that is located directly above a building entranceway. Under no circumstances shall the sign face or copy of any canopy sign be allowed to extend beyond the edges of the vertical face of a canopy, awning, or marquee. In addition, the following absolute dimensional requirements shall apply.
 - 1. Maximum sign area per single canopy face: Ten (10) square feet.
 - 2. Total cumulative sign area for all sign faces on an individual canopy, awning, or marquee: Twenty-five (25) square feet.
 - 3. Maximum sign face or copy height: Two (2) feet.
 - 4. Maximum sign face or copy width: Five (5) feet.
- B. Freestanding signs.** In zoning districts where freestanding signs are permitted, each lot of record may have not more than one (1) freestanding sign as an accessory structure to a principal use structure on the property. Freestanding signs shall be securely fastened to the ground or to some other metallic or concrete supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. The Building Official may approve one (1) additional freestanding sign for any existing lot of record that is accessed by more than one collector or arterial street on opposing sides of the

property. Furthermore, if a development is located on a corner lot that has at least two hundred-fifty (250) feet of frontage on each of the two intersecting public streets, then the Building Official may allow not more than one (1) freestanding sign along each side of the development bordered by such streets. When approving additional freestanding signs, the Building Official may increase the maximum cumulative sign area allowed for the property as needed to permit the intended additional freestanding sign. Freestanding signs shall be located as close a possible to the main traffic access to the property, but shall not be located closer than five (5) feet to the right-of-way of a public street. In addition, no freestanding sign shall be located less than fifty (50) feet from another freestanding sign on the same side of the street or less than one hundred (100) feet from another freestanding sign on the same property.

C. All freestanding signs shall comply with the following dimensional requirements:

- 1. Maximum sign area:** One hundred (100) square feet. However, the City Council may increase the maximum sign area to a total sign area of not more than one hundred fifty (150) square feet for a freestanding sign that will serve all businesses in a shopping plaza or office park containing more than three (3) businesses.
- 2. Maximum sign height, including the supporting structure and sign face:** Thirty (30) feet. However, the City Council may increase the maximum height of a freestanding sign to ensure sign visibility from an adjoining public street, where the elevation of the street exceeds the elevation of the property by more than five (5) feet at the point where the freestanding sign will be erected. In no instance shall the increased height allow the top of the freestanding sign face or copy to extend more than twenty-five (25) feet above the nearest surface elevation of the paved street.
- 3. Maximum sign face or copy height:** Ten (10) feet. A greater maximum sign face height may be granted by the City Council for a freestanding sign that will serve all businesses in a shopping plaza or office park containing more than three (3) businesses.
- 4. Maximum sign face or copy width:** Ten (10) feet. A greater maximum sign face width may be granted by the City Council for a freestanding sign that will serve all businesses in a shopping plaza or office park containing more than three (3) businesses.

D. Hanging and projecting signs. In zoning districts where hanging and/or projecting signs are allowed, each building may have not more than one (1) hanging or projecting sign per building wall that has an exterior entrance. Hanging or projecting signs may extend into a public right-of-way, but shall not extend any more than five (5) feet from the building face to which it is attached and shall not extend beyond the inside face of a street curb or the outer edge of the paved travel lane of a street, whichever is applicable. Hanging or projecting signs shall be located as close as possible to said exterior building entrance in accordance with the following requirements:

- 1. Maximum sign area:** Ten (10) square feet.
- 2. Maximum sign face or copy height:** Five (5) feet.
- 3. Maximum sign face or copy width:** Five (5) feet.
- 4. Minimum elevation from the bottom of the sign face or copy (including all supporting frames or braces) to the finished ground level directly beneath the sign:** Nine (9) feet.

E. Wall signs. In zoning districts where wall signs are allowed, no portion of a wall sign shall extend above the building roof line or beyond the edges of the wall. In addition, no portion of a wall sign shall obscure any portion of a window or entranceway to the building. Each wall sign shall be affixed flush to the wall, and shall not project more than twelve (12) inches away from the wall surface, exclusive of any approved lighting fixtures. Where wall signs are to be placed on a building of historical significance (especially if located within the downtown area or an older neighborhood), the wall sign shall be sized and positioned in a way that will complement the historic character and charm of the building. The following dimensional requirements also shall apply to all permitted wall signs:

- 1. Maximum sign area of any individual wall sign:** Two (2) square feet per one (1) linear foot of facade on which the sign will be placed.
- 2. Maximum cumulative sign area of all wall signs on a single building:** Sixty (60) square feet,

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or not more than ten (10) percent of the surface area of an affected wall, whichever is less.

3. Maximum sign face or copy height: Four (4) feet.

4. Maximum sign face or copy width: Eight (8) feet.

7.9 Signs Allowed Within Residential Zoning Districts. Within residential zoning districts (RR, R-1, R-2, R-3, MHP, and R-3M) the only signs that shall be allowed are those classified as exempt from these regulations under Subparagraph 7.4 of this Section and residential subdivision entrance signs in accordance with the following requirements:

- A. Permanent freestanding ground signs to residential subdivision, manufactured home park, or multi-family (including townhouse and condominium) developments containing ten (10) or more lots or units may be erected at principal entrances to the project. One sign shall be permitted at each principal entrance to the development. An entrance sign may be attached to the wall of a multi-family apartment building.
- B. Entrance signs shall not exceed fifteen (15) square feet in sign area and three (3) feet in height as measured from the base of the sign. Where an entrance sign is attached to the wall of a multi-family apartment building, it shall not exceed six (6) square feet in sign area and two (2) feet in height as measured from the base of the sign.
- C. Entrance signs shall be securely fastened to the ground or to some other substantial supportive structure in accordance with applicable building codes, so that there is no danger that either the sign or the supportive structure may be accidentally toppled or moved by the wind or other forces of nature and cause injury to persons or property.
- D. Residential subdivision entrance signs shall not be illuminated, unless indirect illumination is afforded by a street light or shielded ground spotlight positioned at the entranceway.
- E. Development entranceways, and, specifically, the area adjoining the entrance sign, should be appropriately landscaped and maintained to provide an attractive and inviting entrance to the subdivision.
- F. Institutional uses (public or semi-public) allowed within residential districts (including churches, schools, parks, etc.) shall be permitted to establish not more than one (1) non-illuminated freestanding or wall sign (which may include or contain a bulletin board) with a total sign area of not more than twenty-four (24) square feet.

7.10 Signs allowed within non-residential zoning districts. All signs that are exempt from these regulations shall be permitted in any non-residential zoning district in accordance with the conditions specified in Subparagraph 7.4 of this Section. In addition, owners of land within a non-residential zoning district may erect any sign identified in Subparagraph 7.8 of this Section in accordance with all dimensional requirements prescribed therein. However, in no instance shall the cumulative total sign area for all signs permitted under Subparagraph 7.8 of this Section that are erected on a single lot of record exceed the limits specified below for the applicable non-residential zoning district. Where a lot of record is divided by two or more non-residential zoning districts, the cumulative total sign area limitation of the more restrictive zoning district shall apply to the entire non-residentially zoned area of the subject lot of record.

- A. B-1 - Neighborhood Business District.** Forty (40) square feet of cumulative total sign area.
- B. B-2 - General Business District.** One hundred thirty (130) square feet of cumulative total sign area (not including billboards).
- C. B-3 - Central Business District.** Fifty (50) square feet of cumulative total sign area.
- D. I-1 - Light Industry District.** Fifty (50) square feet of cumulative total sign area (not including billboards).
- E. I-2 - General Industry District.** Fifty (50) square feet of cumulative total sign area (not including billboards).

- F. **PO - Parks and Open Space District.** Fifty (50) square feet of cumulative total sign area.
- G. **FH - Flood Hazard District.** The total permitted cumulative sign area allowed shall be determined by the underlying zoning district requirements.
- H. **PD - Planned Development District.** Sign dimensional requirements for specific nonresidential building sites within a Planned Development shall be determined in accordance with the applicable requirements for the B-1 Zoning District.

7.11 Traffic Visibility Provisions. No permanent or temporary sign shall be located in a way that it will create an obstruction to traffic visibility, as governed by the traffic visibility provisions of Article III, Section 7, or within five (5) feet of any right-of-way line for a street or railroad, except where specifically authorized in this section. However, in no event, shall any sign, regardless of size, height, or design, extend into any right-of-way.

7.12 Construction and Maintenance of Signs.

- A. All signs shall conform with applicable City building codes, which provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring.
- B. All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
- C. The area immediately surrounding the base of any freestanding sign shall be kept clear of all debris and undergrowth, unless the undergrowth is established to serve as decorative plantings adjacent to a monument sign.
- D. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by this chapter.

7.13 Billboards. Billboards shall be permitted only within areas zoned B-2 - General Business, I-1 - Light Industry, or I-2 - Heavy Industry that are not more than one thousand (1,000) feet from the right-of-way of U.S. Highway 280 or a controlled access freeway. No billboard or portion of a billboard shall be placed upon or project over public land or a public right-of-way. In addition, all billboards shall comply with the following requirements:

- A. **Minimum spacing between any two or more billboards:** eight hundred (800) feet.
- B. **Maximum sign area:** two hundred (200) square feet.
- C. **Maximum sign face or copy height:** ten (10) feet.
- D. **Maximum sign face or copy width:** twenty (20) feet.
- E. **Maximum elevation from the top of the sign face or copy (including all supporting frames or poles) to the finished ground level directly beneath the sign:** the maximum height shall not exceed the structure height limitation for the applicable zoning district. In addition, the lowest portion of any billboard sign face must be at least twelve (12) feet above grade.
- F. **Maximum number of sign faces:** Each sign structure may support not more than two (2) sign faces, each of which must be oriented in opposing directions, either through the construction of a double-sided sign face or a V-type design. Billboard sign faces shall not be double-stacked on a sign structure.
- G. **Lighting:** The use of flashing lights or moving beacons to illuminate a billboard shall be prohibited. All lighting used to illuminate a billboard shall be properly directed and shielded as necessary to prevent glare on adjoining properties and to prevent the blinding of motorists on the adjacent highway.
- H. **Setback from Residential Zones and Properties:** No billboard shall be sited less than one hundred (100) feet from the boundaries of any residential zoning district (RR, R-1, R-2, R-3, MHP, and R-3M), or

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any lot or property actively used for residential purposes.

- I. **Construction materials:** All billboards shall be constructed of all metal, either steel beams or steel single-pole construction, except for the sign face and trim, which may be of other durable materials in accordance with all applicable building code requirements.
- J. **Compliance with special requirements:** In addition to the requirements contained in this Section, all Billboards shall comply with all applicable zoning district dimensional requirements specified in Article V of this Ordinance and with all applicable requirements imposed by the Alabama Department of Transportation.

SECTION 8 - TELECOMMUNICATION TOWERS, ANTENNAS, AND SATELLITE DISHES

8.1 Purpose of Regulations. The public has a legitimate interest and concern in the placement and appearance of telecommunication towers, antennas, and satellite dishes under the Telecommunications Act of 1996, where such control does not conflict with or unreasonably constrain the legitimate right of businesses to exercise free trade. Alexander City desires access to advanced technology to serve its businesses and citizens, but not at the expense of the community's overall appearance and public image. Alexander City seeks to impose sensible controls on telecommunication facilities, in order to maintain the aesthetic character and charm of the community and its neighborhoods against the insensitive and uncontrolled proliferation and placement of steel lattice towers and other telecommunications facilities. New telecommunications towers should not create a cluttered landscape or dominate the community's skyline as it is viewed from the primary highway entrances to Alexander City. To that end, the City desires to partner with telecommunications firms to ensure expansion of the existing telecommunications infrastructure that will provide effective advanced communications services throughout the City and surrounding environs, commensurate with local needs, with a minimal visual impact on the character and charm of the community, and without creating impediments to free competition among wireless telecommunications providers seeking to serve the City. These regulations have been developed by the City to achieve the aforementioned objectives.

8.2 Definitions. The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.

- A. **Antenna.** An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. "Antenna" includes devices commonly known as "whips," "panels," and "parabolic dishes." "Antenna" shall include an antenna used in conjunction with microwave, cellular, or personal communication service systems and any other type of telecommunications systems now or hereafter in use.
- B. **Applicant.** A party or parties who apply for a permit to construct a tower, to install an antenna on a proposed or existing tower, or to locate equipment on a proposed or existing tower compound.
- C. **Co-Location Site.** A parcel of land or other site on which the antennas and related equipment of more than one party are located.
- D. **Communication Facilities.** Towers, antennas, and associated equipment collectively.
- E. **Equipment.** All equipment and facilities used in conjunction with one (1) or more towers and/or antennas, including, but not limited to, electronic systems, generators, fuel tanks, and fuel.
- F. **FAA.** The U.S. Federal Aviation Administration.
- G. **FCC.** The U.S. Federal Communications Commission.
- H. **Fiber-Optics.** Light transmissions through very fine flexible glass, by internal reflection.
- I. **Monopole.** Any self-supporting wooden pole, metal, or concrete pole designed to support an antenna; provided, that the word "monopole" shall not include a latticed steel or metal tower, a tower which requires guy wires for support, or a tower which has more than one (1) source of support, such as a tower with more than one (1) leg.

- J. Residential Property.** Any land which is located in a Residential Zoning District– RR, R-1, R-2, R-3, MHP, and R-3M.
- K. Surveyor.** A person who is registered with, and licensed by, the State of Alabama as a surveyor.
- L. Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and any other like structure used to support wireless telecommunications transmission facilities now or hereafter in use. As used in this Section, “tower” shall include 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.
- M. Tower Compound.** A parcel of land or a building on which communication facilities are located.

8.3 Jurisdiction of Regulations. All communication facilities or structures greater than one (1) meter in size, including but not limited to those facilities known as “cellular”, “personal communication system (PCS)”, “paging services”, and similar services, shall comply with these regulations. However, the following shall be exempt from these regulations under the specified conditions:

- A. Public Property.** Antennas or towers located on property owned, leased, or otherwise controlled by the City of Alexander City, provided a license or lease authorizing such antenna or tower has been approved by the City Council.
- B. Amateur Radio or Receive-Only Antennas.** Any tower, or the installation of any antenna that does not exceed the maximum height restriction of the applicable zoning district or seventy (70) feet–whichever is less–and is owned and operated by a federally-licensed amateur radio station operator, or is exclusively for receive-only antennas.
- C. Pre-Existing Communication Facilities or Towers.** Any communication tower or antenna which was constructed prior to the effective date of these regulations and which complied with all applicable State, Federal, and Local codes, laws, and regulations in effect at the time of construction, provided, however, that all pre-existing communication facilities or towers shall submit a written request of exemption to the Enforcement Officer within six (6) months of the effective date of these regulations. The written request shall state the name, mailing address, business and home telephone numbers of the owner, the street address and tax parcel identification number of the property upon which the communication facilities are located, and the date upon which construction of the facilities was complete. All written requests containing the required information shall be automatically approved if received within the above specified deadline.

8.4 Basic Requirements and Design Considerations. All proposed communication facilities (towers and antennas) governed by these regulations shall comply with the following requirements and guidelines.

- A. Compliance with FAA Regulations.** All proposed communication facilities shall comply with all applicable FAA requirements, including but not limited to, Part 77 of the Federal Aviation Regulations (FAR), as amended.
- B. Compliance with FCC Regulations.** All proposed communication facilities shall comply with all applicable FCC requirements, including but not limited to, the Telecommunications Act of 1996, as amended.
- C. Structural Safety.** All proposed communication facilities shall comply with wind loading and other applicable structural standards contained in local building and technical codes, as they may be in effect and amended from time to time, including, without limitation, the Southern Standard Building Code and the Electronic Industries Association Code and any amendments thereto or replacements

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thereof, as may be adopted by the City Council. The City's Building Inspector or his/her designee shall determine whether a proposed communication facility will comply with this requirement.

- D. Appearance and view protection.** All proposed communication facilities, with the exception of proposed antennas that will be co-located on a pre-existing tower, shall be attractively camouflaged, disguised, or hidden in a manner that it will blend into the surrounding environment to the greatest extent possible. Examples of proper camouflaging include: designing a tower to resemble a tree, designing a monopole to look like and function as a flag pole or freestanding sign support, hiding an antenna within a church steeple, or any other effective means of disguising the appearance of a tower or antenna that may be appropriate for the setting in the area surrounding the proposed communication facility site. It shall be the burden of the applicant to document and prove that a proposed communication facility cannot be effectively camouflaged, before approval of a non-camouflaged structure may be permitted by the City. In such instances, the applicant shall explore alternative means of minimizing the visual impact of the antenna, such as installing it onto an existing telephone pole, streetlight, or building rooftop, rather than erecting a new tower specifically for the proposed antenna. However, in no instance shall a non-camouflaged communication facility be approved for a residential property.
- E. Signs prohibited.** No signs or other forms of advertising, including signs displaying the name of the owner or user of the tower or antenna, may be attached to or depicted on a communication facility, unless the proposed facility is a new monopole specifically camouflaged and approved to serve as a permitted freestanding sign support. This prohibition shall not apply to any required warning or private property posting signs.
- F. Construction materials.** Where applicable building codes, technical codes, and federal regulations permit flexibility in the choice of construction materials and where the selection of alternative construction materials will not compromise the structural integrity of the proposed communication facility, proposed new towers and monopoles shall be constructed of materials that have a composition, texture, and color that will most closely resemble structures and natural features that exist on and adjoining the facility site.
- G. Health Effects.** All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent detrimental health effects from the proposed communication facilities. Under the Telecommunications Act of 1996, the City cannot deny a request to construct a communication facility on the grounds that its radio frequency or electromagnetic emissions would be harmful to the environment or the health of residents, if those emissions meet FCC standards.
- H. Interference with Existing Communication Facilities.** All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent interference with existing communication facilities serving the area.
- I. Siting Requirements for Whip Antennas.** Whip antennas shall not be allowed on a wall mounted antenna structure.
- J. Co-location.** No new tower or monopole shall be erected on a proposed communication facility site unless the applicant can document and prove that an existing co-location site is not available or is not technically capable of serving the specific telecommunication need in the area of the proposed site. This co-location requirement may be waived by the City where the proposed antenna would create an excessively cluttered appearance on the available co-location site (thereby drawing greater visual attention to the existing antenna site or creating a more imposing obstruction to scenic views and vistas from the area) and the proposed new antenna would be less visible or intrusive on the surrounding area if effectively camouflaged on an alternate site.
- K. Setback Requirements.** All proposed communication facilities and structures, including guys and accessory facilities shall satisfy the minimum setback requirements of the zoning district in which they will be sited. However, all proposed tower compounds that will be located on a residential property shall be subject to an additional setback from all property boundaries of the site equal to

the height of the tower structure as measured from the finished ground level at the base or pad surface to the tallest point of the structure. If the tower compound abuts a property with an existing or approved (but not yet constructed or completed) residential use, the residential property setback requirement shall be satisfied for all property boundaries of the site that abut said existing or approved residential uses.

- L. Lighting.** Towers may not be artificially lighted, except where required to satisfy applicable FAA regulations. Lights for security and to assist in making emergency repairs may be installed on buildings within the tower compound which contain equipment essential to the operation and maintenance of the tower. Such lights shall be shielded and directed in a downward direction from a height of not more than ten (10) feet, and no such light may exceed a maximum of one hundred fifty (150) watts. Such lights shall be located and directed so that they do not shine, reflect, or generate excessive glare onto or toward any residential property or adjoining property upon which a residential use exists or has been approved for construction.
- M. Security Fence.** All communication facilities to be located within a proposed tower compound shall be secured by the construction of an eight (8) foot high security fence or wall constructed, at a minimum, using chain link fencing.
- N. Landscaping.** All proposed tower compounds must be surrounded by a landscaped buffer which shall provide an effective year-round screen to a height of at least eight (8) feet upon planting in order to screen views of the tower compound from adjacent public ways, residential properties, and properties upon which a residential use exists or has been approved for construction. The buffer shall include a landscaped strip at least four (4) feet in depth located outside of the security fence or wall. The landscaped strip shall be planted with a combination of trees, shrubs, vines, and grown covers which are capable of attaining, at maturity, a height as high as the security fence or wall and which will enhance and screen the outward appearance of the security fence. The use of native species of plants and trees are encouraged to the extent that they will satisfy the requirement for adequate year-round screening. The applicant shall provide documentation to show what forms of vegetation will be planted within the landscaped area and how the area will be effectively maintained to ensure the long-term health of the plantings. Such documentation shall include the name, mailing address, and business telephone number of the party who shall be responsible for the maintenance and repair of the communication facilities and any fences, walls, and landscaped buffer areas. If the person or party responsible for such maintenance and repair changes any time after approval has been issued, the owner of the tower must provide the City's Enforcement Officer with written notice of the new party's name, mailing address, and business telephone number and the date upon which the change will become effective.
- O. Communication Facility Siting Priorities.** When selecting sites within the City to locate proposed communication facilities or tower compounds, priority shall be given to locations in non-residential zoning districts. Residential property sites shall be given the lowest possible consideration for new sites.
- P. Access and Parking.** A driveway and parking area with a surface appropriate for the intensity of use shall be provided for each proposed tower compound to provide adequate access to the tower compound for the maintenance and repair of the communication facilities and for vehicle providing emergency services. Subject to the approval of the City Council and to an appropriate agreement with the owner thereof, access and parking for the tower compound may be provided on an adjoining property or along one or more public streets adjoining the tower compound.

8.5 Levels of Review and Approval. In recognition of the high standards for proposed communication facilities established by this Ordinance, allowances have been made for an efficient and, in certain instances, expedited review process, where the applicant can demonstrate that a good faith effort to embrace and comply with the spirit and intent of these guidelines has been made in the design of the proposal. The three levels of review and approval and the types of projects that can be considered within

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each level are as follows:

A. Review and Approval by Enforcement Officer. The following types of communication facilities shall be reviewed and approved by the Enforcement Officer without the need for a public hearing, provided the proposed improvements fully comply with all requirements specified in Section 8.4 of this Article:

1. Any antenna (and associated cables and equipment) that will be co-located on an existing approved or registered pre-existing tower, as long as the proposed antenna(s) will not protrude at any point from the exterior surface of said tower by a distance of more than four (4) feet and the tower will contain no more than five (5) antennas if the application is approved. In addition, the supporting equipment for the proposed antenna(s) shall not require the construction of any new freestanding structures on the tower compound.
2. Any antenna (and associated cables and equipment) that will be sited in an existing structure that fully conforms with all applicable requirements of this Ordinance (not a non-conforming structure) and where, after installation, the antenna and all supporting equipment will be completely enclosed by the exterior walls of the structure or completely screened from public view at any point on the land within two (2) thousand feet of the proposed antenna. An example of such a scenario would be the placement of an antenna within the steeple of a church or the dome of a farm silo. The addition of the antenna and supporting equipment to the existing conforming structure shall not require the construction of an addition to house the communication facilities. However, interior modifications to the structure may be permitted as part of the approval by the Enforcement Officer.

B. Review and Approval Exclusively by City Council. The City Council shall have the authority to review and approve the following specific types of communication facilities and tower compounds, subject to the conduct of a public hearing, but without the need for a formal recommendation from the Planning Commission:

1. Any antenna (and associated cables and equipment) that will be installed on a co-location site that does not fall within the approval authority of the Enforcement Officer, as specified in Subparagraph A. 1. of this Section.
2. Any new antenna (not including a tower) that will be attached to an existing structure that fully conforms with all applicable requirements of this Ordinance (not a non-conforming structure), but that would not otherwise fall within the approval authority of the Enforcement Officer as specified in Subparagraph A. 2. of this Section.
3. Any new monopole not greater than thirty (30) feet in height and located in a non-residential zoning district that is camouflaged or disguised in such a way that it cannot be immediately recognized as an antenna support.
4. Any new antenna or tower to be located on property owned, leased, or otherwise controlled by the City of Alexander City and located within a non-residential zoning district.

C. Review and Approval by City Council Upon Recommendation From Planning Commission. All applications not subject to review and approval by the Enforcement Officer in accordance with Subparagraph A of this Section or review and approval exclusively by the City Council in accordance with Subparagraph B of this Section shall be subject to review and public hearings by both the Planning Commission and the City Council. The Planning Commission shall review the application and issue a recommendation for approval or denial to the City Council. Final review and approval or denial of the application shall be issued exclusively by the City Council.

8.6 Approval Procedures. Review and approval of an application shall be conducted in accordance with the following procedures.

A. Pre-Application Consultation. Any applicant seeking to develop communication facilities or tower compounds that fall within the jurisdiction of these regulations may request an informal consultation

with the Enforcement Officer and/or Building Inspector prior to the preparation and submission of a formal application. The purpose of this voluntary consultation shall be to answer specific questions about the process or applicable design requirements, discuss possible camouflaging or co-location options, or discuss application format options and/or potential supporting documentation submission needs. Any such consultation discussions must occur before a formal application is submitted to the City, shall be non-binding on the applicant and the City, and shall not in any way constitute or be interpreted to constitute a decision to approve or deny an application.

- B. Receipt of Application.** All required applications shall be submitted to the Enforcement Officer. Upon submission, the Enforcement Officer shall determine that the application contains all submission requirements specified in Section 8.7 of this Article and is, therefore, complete. No incomplete application shall be received by the City for review and approval. Once the Enforcement Officer determines the application is complete, the application shall be determined to have been received by the City on that date.
- C. Enforcement Officer Review.** The Enforcement Officer and/or Building Official shall review a complete application within thirty-one (31) days of the date of receipt. At the end of that review, the Enforcement Officer shall issue approval or denial for those aspects of the application that fall within the approval authority of the Enforcement Officer, as specified in Section 8.5, Subparagraph A of this Article. If the application or any part of the application is denied, the Enforcement Officer shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the City as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations and/or the failure of the application to satisfy specific basic requirements and design considerations outlined in Section 8.4 of these regulations. If the Enforcement Officer fails to render a decision on the application within the required thirty-one (31) days, then aspects of the application subject to review and approval by the Enforcement Officer shall be deemed to be automatically approved without further consideration by the City. However, the City Council may grant an extension to the thirty-one (31) day deadline not to exceed an additional thirty-one (31) days, due to extended illness or absence of the Enforcement Officer during the required review and approval period or the submission of an application that is too large or extensive to be reviewed by existing staff resources within the prescribed time frame. On the date that the Enforcement Officer's review period ends, any remaining portions of the application not subject to approval or denial by the Enforcement Officer shall be submitted to the City Council and/or Planning Commission for action, as may be applicable. The forwarded application shall be accompanied by a written report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section 8.4 of this Article.
- D. Planning Commission and City Council Review.** All applications or portions of applications requiring review and approval of the City Council and/or Planning Commission in accordance with Section 8.5, Subparagraphs B or C of this Article shall follow the same general guidelines as for an amendment to this Ordinance as specified in Article VIII (Amendments) of this Ordinance, with the specific exception that Planning Commission review shall not be required for applications that may be approved exclusively by the City Council, in accordance with Section 8.5, Subparagraph B of this Article.
- E. Public Hearing.** The City Council and, if necessary, Planning Commission shall each conduct one public hearing on the application at the earliest regular meeting date that will satisfy the public hearing notice requirements following the date of submission by the Enforcement Officer. The required public hearing shall be noticed in the same manner prescribed in the applicable Sections of Article VIII of this Ordinance (Section 4 for the Planning Commission and Section 5 for the City Council). At the hearing, the presiding body shall entertain a report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section 8.4 of this Article. A written copy of the Enforcement Officer's report shall be incorporated into the minutes of the public hearing, along with a written synopsis of

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all public comments received and an attendance sheet identifying the names and mailing addresses of every person who attended the public hearing.

- F. Decision.** The presiding body shall render a decision on the application within thirty-one (31) days from the date that the public hearing is closed. For the Planning Commission, such decision shall be in the form of a written recommendation, along with a list of the findings of fact upon which the recommendation was based, to the City Council for final action. If the Planning Commission fails to render a formal recommendation on the application within the required thirty-one (31) days, then the application shall be transmitted to the City Council for final decision with an automatic or implied recommendation of approval. If the City Council fails to render a decision on the application within the required thirty-one (31) days, then the application shall be deemed to be automatically approved without further consideration by the City. If the application or any part of the application is denied, the City Council shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the City Council as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations or specific basic requirements and design considerations outlined in Section 8.4 of these regulations that the application fails to satisfy.

8.7 Submission Requirements. All applications to construct communication facilities that fall within the jurisdiction of these regulations shall provide adequate documentation to demonstrate compliance with all applicable basic requirements and design considerations specified in Section 8.4 of these regulations. A single application may include any number of proposed tower compounds that will be located within the jurisdiction of this Ordinance, even though some of the proposed tower compounds may be subject to expedited review procedures as provided in Section 8.5 of this Article. Where an application includes tower compounds subject to different levels of review, the application may be divided into sections for each review category, within which all necessary supporting information for each proposed tower compound shall be provided. Whenever portions of an application have been approved or denied through an expedited review process, that information and any terms of said approval or denial shall be noted and considered in the subsequent review procedures for the remaining portions of the application. The Enforcement Officer shall determine the number of application copies that must be submitted by the applicant, based on the number of parties who must review the application. One (1) copy of the application shall be required for each of the following review agents, as may be required: the Enforcement Officer, Building Inspector (if such person is not the Enforcement Officer), Planning Commission (as a body), and the City Council (as a body). At a minimum, each required application shall contain the following:

- A. A completed zoning permit application form, including the required application fee.
- B. A site plan of the tower compound, prepared by a surveyor, at a scale not less than one (1) inch to fifty (50) feet, showing the location, street address, tax parcel identification number, and dimensions of the parcel of land that will contain the tower compound, the location of all required setback lines, driveways, parking areas, buffers, fencing, landscaping, stormwater management improvements, fuel tanks (both above and below ground), and structures that exist or will be constructed on the property. If the property upon which a proposed tower compound will be located exceeds one hundred (100) acres in size, then the scale of the site plan shall be increased to one (1) inch to one hundred (100) feet, or the Enforcement Officer may grant authority to the applicant to limit the site plan coverage to a specified area around the proposed tower compound.
- C. Written proof of ownership of the proposed tower compound or authorization to use it.
- D. A written report including a description of the proposed tower or antenna with the technical reasons for its design, a certificate from the project engineer documenting the structural integrity of the tower or antenna support for its proposed use including any co-located communication facilities that may already exist at the site, and an affidavit signed by the owner of the proposed communication fa-

cilities and the project engineer attesting compliance of the proposed communication facilities with all applicable FCC requirements with regard to any potential detrimental health effects that could be generated by the proposed facilities.

- E. A silhouette and elevation view of the proposed tower (or the existing tower, if the applicant is seeking permission to install an antenna on an existing tower) and all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any security fence, decorative fence, and decorative wall. 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. The elevation view shall portray the general context and compatibility of the proposed facilities with respect to surrounding structures and natural features.
- F. Copies of any proposed easements, where applicable to the project.
- G. Documentation of the frequency band and wattage of the proposed communication facilities.
- H. For each new monopole, tower, or antenna that is not otherwise located on a co-location site, a written report documenting the attempts made by the applicant to secure a suitable co-location site both within the city and in the adjoining unincorporated areas and any supporting technical reasons supporting the need for a new independent site.

8.8 Inspection/Fee. To determine whether tower compounds are in compliance with the requirements of this Ordinance, the City shall make, or have made on its behalf, an annual inspection of the communication facilities on each tower compound and the walls, fences, and landscaping around each tower compound, for which an annual inspection fee of \$200.00 shall be imposed. If more than one antenna is located on a tower, the annual inspection fee shall be \$300.00. The fee shall be due on January 1 of each year and shall be delinquent if not paid by January 31 of such year. To help defray the cost of collecting delinquent fees, an additional fee, in the amount equal to ten (10) percent of the fee shall be payable for each month, or portion of a month, after January in which the fee remains unpaid. If the fee is not paid within three (3) months of its due date, the City may withdraw its permission for the location of communication facilities on the tower compound, in which event, all communication facilities must be removed from the tower compound within three (3) months of the day on which the owner or owners of the tower receive notice of such withdrawal of permission. The fee shall be payable by, and shall be the responsibility of the owner or owners of the tower, even if additional antennas located on the tower are owned by other parties. If there is more than one owner of the tower, each owner shall be jointly and severally liable for the entire amount of the fee and any additional fees due because of delinquency in payment. Any inspection conducted in accordance with these regulations shall not be relate to the safety or structural soundness of the communication facilities or tower. The purpose of the inspection shall be limited to determining whether such communication facilities and tower compound are in compliance with the provisions of this Ordinance. Any violation of the provisions of the Ordinance that are discovered through said inspection shall be processed and resolved in accordance with the procedures specified in Article VI, Section 4 of this Ordinance.

8.9 Removal of Obsolete Towers. Any tower that is no longer serving an active communication use shall be removed at the owner's expense. The owner shall provide the Enforcement Officer with a copy of the notice to the FCC of intent to cease operations and remove the tower and all associated communication facilities from the site within three (3) months from the date that all operations ceased. Where a tower serves as a co-location site, this provision shall not apply until all active users cease operation. If the owner of the tower fails to remove the tower as required, the responsibility for removal shall then apply to the owner of the land upon which the obsolete tower is located. Once the responsibility for removal has shifted to the property owner, the property owner shall remove the obsolete tower within one (1) month of the date that tower owner's removal deadline lapsed. If neither the owner of the tower nor the owner of the land removes the obsolete tower within the time prescribed herein, the City may,

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but shall not be obligated to, remove the obsolete tower. If the City removes the obsolete tower, it shall be entitled to recover the cost of removal from the owner of the tower and/or the owner of the land upon which the tower is located.

8.10 Satellite Dishes. All satellite dishes exceeding one (1) meter in diameter shall be considered structures required to be installed in accordance with all applicable provisions of this Ordinance, the Standard Building Code, and any other applicable regulations enforced by the City of Alexander City. All such dishes shall be located in the rear yard of the property, and shall be set back from all property lines a distance equal to the height of the dish.

8.11 Appeals. All appeals from a decision by the Enforcement Officer or City Council shall be to the Circuit Court or FCC as prescribed by the Telecommunication Act of 1996.

8.12 Section 6409(a) of the Federal Communications Commission Report. Nothing in this section shall be construed to conflict with Section 6409(a) of the Federal Communications Commission Report and Order of 2014, which states that a local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The term "eligible facilities request" means any request or modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Nothing in this subsection shall be construed to relieve the FCC from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Substantial change occurs when the proposed eligible facilities request:

- A. Increases the height more than:
 - 1. Ten (10) percent or one additional antenna array not more than twenty (20) feet higher for towers on private property, or
 - 2. Ten (10) percent or ten (10) feet (whichever is greater) for towers in the public rights-of-way and all base stations; or
- B. Increases the width more than:
 - 1. Twenty (20) feet or the tower width at the level of the appurtenance (whichever is greater) for towers on private property, or
 - 2. Six (6) feet for towers in the public rights-of-way and all base stations; or
- C. Involves any excavation outside either:
 - 1. The lease or license area on private property, or
 - 2. The proximity to the ground-mounted equipment in the ROW; or
- D. Defeats the existing concealment elements of the tower or base station; or
- E. Violates a prior condition of approval that does not conflict with the FCC's standards for a substantial change.

SECTION 9 -TEMPORARY USE BUILDINGS AND OFFICES

Nothing in this ordinance shall be construed to prohibit the use of a trailer for a temporary construction office in accordance with the building code of the City of Alexander City, nor shall this ordinance be deemed to prohibit the parking of only one unoccupied camper-trailer, not exceeding ten (10) feet in width and thirty-five (35) feet in length, in an accessory private garage building or in a rear yard of any district, so long as no living quarters are maintained and no business is practiced in such camper-trailer while it is so stored or

parked.

SECTION 10 - CHILD CARE CENTER REQUIREMENTS

All child care facilities, whether conducted within a home or in a nonresidential building, shall be established in compliance with the following requirements.

10.1 In-Home Child Care Facilities. Any in-home child care facility that was lawfully established and licensed by the State of Alabama prior to the effective date of this ordinance shall be allowed to remain in operation without further approval from the City (subject to any conditions imposed by the Planning Commission at the time of approval). Any new in-home child care facility (serving **five [5]** or fewer children) will only be permitted by the Board of Adjustment as a Special Exception within a residential zone (RR, R-1, R-2, R-3, R-3M, and MHP) subject to the applicable requirements of a home occupation, as specified in Article IV, Section 4 of this ordinance, and subject to any additional mitigating conditions that the Board of Adjustment is authorized to impose under Article VII, Section 5.2 of this ordinance. No signs advertising an in-home child care facility shall be located on the property. An in-home child care facility shall be classified as a residential based facility and must satisfy all applicable requirements imposed by the State of Alabama Department of Human Resources.

10.2 Non-Residential Child Care Centers. Child care centers serving **six (6)** or more children shall not be allowed in any residential zone or residential use building. All such child care centers shall fully comply with all requirements of the building code for an educational occupancy. Architectural plans also may be required to document compliance. Any child care center that was lawfully established prior to the effective date of this ordinance, but does not comply with the requirements specified herein, shall be classified as a pre-existing, nonconforming use, subject to the requirements contained in Article IV, Section 1 of this ordinance. Such uses shall be allowed to continue operation as previously permitted, only as long as the facility does not increase the number of children it serves and it does not expand the area of the facility (both indoors and outdoors) dedicated to child care services. Any such change in the intensity of use shall require the issuance of a new zoning permit, and the facility shall fully comply with all requirements of this ordinance.

SECTION 11 - CEMETERIES

Within all zoning districts that cemeteries are permitted, the following requirements shall apply:

11.1 The site proposed for a cemetery shall not interfere with the development of a system of streets classified as collector or higher in the vicinity of such site. In addition, such site shall have direct access to a major street.

11.2 Any new cemetery shall be located on a site containing not less than 20 acres.

11.3 All structures shall be set back no less than 25 feet from any property line or minor street right-of-way.

11.4 All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way lines, and not less than 50 feet from any collector or arterial street.

11.5 The entire cemetery property shall be landscaped and maintained. All applications for cemeteries must be approved by the Tallapoosa County Health Department.

12.1 Townhouses and Condominiums. The design, review, and approval of Townhouse or Condominium development projects within any regular zoning district that such uses may be permitted, shall be governed by this guidelines and requirements contained in this section.

A. Statement of intent. The purpose of this Section is to establish special standards for the design and review of development projects containing Townhouse and Condominium dwellings. It is expected that Townhouse and Condominium developments will offer a higher standard of amenity than a traditional residential subdivision to compensate for the higher residential density opportunities afforded by these special development standards. In addition, the development design flexibility created by these standards should be used to protect sensitive natural features within or adjacent to the development site, such as rivers and streams, lakes or lake shoreline, rare or endangered species colonies or habitats, or large stands or tracts of mature trees or forest areas. Such natural features or resources would be difficult to protect under traditional subdivision practices. Although architectural design of individual buildings is not specifically regulated by this Ordinance, the City expects developers of Townhouse and Condominium projects to design buildings and utilize exterior materials and color schemes that will help the project blend with or complement the predominant architectural style of the surrounding neighborhood and to minimize the appearance and intrusion of the higher permitted residential densities on the natural environment, neighboring properties, and the overall setting of the project.

B. Basic Development Requirements for all Townhouses and Condominiums. The following basic design requirements and dimensional standards shall be incorporated into each Townhouse and Condominium development:

- 1. Minimum development site area for Townhouse and Condominium projects.** Each lot or development site that will be designed to accommodate Townhouse or Condominium dwelling units and buildings shall contain not less than five (5) acres within an RR, Reserve Residential Zone or R-1, Low Density Residential Zone and not less than two and one half (2.5) acres in any other permitted zoning district. At least seventy-five (75) percent of the land area contained within the entire development site shall consist of developable land area.
- 2. Maximum number of dwelling units.** The maximum number of Townhouse and/or Condominium dwelling units that may be constructed on any given acre of land contained with the development site shall not exceed the number specified below, unless approved by the Planning Commission in accordance with the density bonus provisions of Section 13.1, Subparagraph C: RR, Reserve Residential Zone: Ten (10) units. R-1, Low Density Residential Zone: Twelve (12) units. All other zones: Eighteen (18) units.
- 3. Maximum and minimum number of dwelling units allowed in a single building.** No townhouse or condominium building shall contain fewer than four (4) nor more than twelve (12) independent dwelling units.
- 4. Maximum percentage of development site covered by impervious surfaces.** The maximum percentage of an entire development site that may be covered by impervious surfaces at project build-out shall not exceed fifty (50) percent in the RR or R-1 zone or sixty (60) percent in all other zoning districts, unless approved by the Planning Commission in accordance with the density bonus provisions of Section 13.1, Subparagraph C.
- 5. Common lands required.** All areas of Townhouse or Condominium development site that are not divided into Townhouse lots, condominium buildings, or dedicated public street rights-of way shall be dedicated for development and perpetual maintenance as common lands, subject to the requirements contained in Article IV, Section 10 of this Ordinance. Common lands may be used for parking, driveways, recreation, stormwater management, and buffers. At least twenty-five (25) percent of the common lands shall be dedicated to either passive or active recreational uses,

and at least forty (40) percent of said common recreational lands shall consist of developable land area. Recreational improvements shall be designed to cater to the target market population of the development.

6. **Setback from dedicated street rights-of-way.** All buildings containing townhouse or condominium units shall comply with the applicable minimum front yard setback for the regular zoning district within which it will be located, but in no case shall a townhouse or condominium building be set back more than thirty-five (35) feet from a dedicated street right-of-way line.
7. **Separation between buildings.** On any townhouse or condominium development site, individual buildings or complexes of attached and semi-detached units shall be spaced according to the following guidelines:
 - a. Not less than forty (40) feet between the front facade (where the main entrances to the building or units are located) of a building and any other opposing building facade, or between the back facades of opposing buildings.
 - b. Not less than twenty (20) feet between the side facades of two neighboring buildings.
8. **Minimum floor area for each dwelling unit.** For one story dwellings, one thousand (1,000) square feet per unit. For two story dwellings, one thousand one hundred (1,100) square feet per unit with a minimum of five hundred fifty (550) square feet on the first floor.
9. **Dimensional requirements for Townhouse development lots.** All individual lots in a development containing townhouse units (including any lots containing single family attached or semi-detached units) shall comply with the following requirements. These requirements shall not apply to condominium structures or developments.
 - a. Minimum required lot area for each Townhouse unit. One thousand, two hundred fifty (1,250) square feet.
 - b. Minimum required lot width. Twenty (20) feet.
 - c. Minimum required front and rear yards. Two and one half (2.5) feet.
 - d. Minimum required side yards. None.
 - e. Maximum percentage of lot covered by impervious surfaces. Ninety-six (96) percent.
 - f. Minimum separation distance between Townhouse lot and street right-of-way line. No portion of a lot containing a townhouse unit shall be located within twenty-five (25) feet of a dedicated street right-of-way line.
10. **Off-street parking requirements.** All townhouse lots shall contain adequate parking for a single family residential use, as specified in Article IV, Section 5 of this Ordinance. Each building containing condominium units shall contain an off-street parking lot providing the number of spaces required for a multi-family building, as specified in Article IV, Section 5 of this Ordinance.
11. **Maximum height.** No buildings or structures subject to height restrictions within a Townhouse or Condominium development shall exceed twenty-five (25) feet or two and one half (2.5) stories.
12. **Minimum roof pitch.** All Townhouse buildings shall have a minimum roof pitch of 3:12. No minimum roof pitch shall apply to Condominium buildings
13. **Required buffers.** All Townhouse and Condominium developments shall be effectively buffered and attractively landscaped along the exterior boundaries of the development site. All buffer areas shall be owned and maintained as common open space within each development. Each buffer area shall be dedicated and improved (at a minimum) in accordance with the description of a buffer in Article II (Definitions) of this Ordinance.
14. **Required infrastructure.** All proposed Townhouse and Condominium buildings shall be served by municipal water, sewer, and natural gas.
15. **Household rubbish containers.** Each townhouse and condominium development shall provide adequate on-site containers for the collection of household garbage generated by the residents of the development. All garbage containers shall be placed and kept within three- or four-sided enclosures with walls at least four (4) feet high to provide proper screening of the containers.
16. **Fire suppression facilities.** Every townhouse and condominium development shall be served or

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equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the development as to satisfy applicable regulations of the City. Each dwelling unit in a townhouse or condominium development shall be located not more than one thousand (1,000) feet away from a fire hydrant. No open fires, except barbecue grills, shall be permitted within a townhouse or condominium development. All townhouse and condominium developments shall be subject to the rules and regulations of the Alexander City Fire Department.

17. Resident manager. At least one dwelling unit in each townhouse or condominium development containing twenty (20) or more dwelling units shall be designated or reserved for a paid or volunteer resident manager, who shall represent the development owner or homeowner's association and shall be responsible for ensuring proper maintenance of all facilities and improvements in the development. Where a townhouse or condominium development contains sixty (60) or more dwelling units, the required resident manager unit may be improved and utilized as an administrative office for the development.

C. Review and approval. Since both Townhouse and Condominium developments result in the subdivision of land into parcels or units for sale or transfer of ownership, they must be approved as subdivisions. Therefore, all Townhouse and Condominium developments must be reviewed and approved by the Planning Commission in accordance with the review and approval procedures of the Alexander City Subdivision Regulations, prior to the issuance of a zoning permit. To the extent that the development standards and/or review considerations of this Section conflict with the corresponding requirements of the Alexander City Subdivision Regulations (as they may be applied to Townhouse or Condominium projects), the requirements contained in this Ordinance shall supercede and govern. All other procedures and requirements of the Alexander City Subdivision Regulations shall apply. During its review of a Townhouse or Condominium development, the Planning Commission shall evaluate the following review considerations, and may issue such conditions of approval as may be reasonably necessary to correct specific design deficiencies under these considerations.\

1. The consistency of the proposed development scheme with the Comprehensive Plan.
2. The traffic impacts of the proposed development on adjoining public streets in terms of access and circulation and congestion on neighborhood streets.
3. The extent to which the layout and design of the development will retain and protect sensitive and enhancing natural features of the site that would otherwise be lost under a traditional subdivision design.
4. The extent to which the architectural design and style of the buildings will complement the predominant architectural styles present in the surrounding neighborhood. All townhouse and condominium buildings within a development should be designed and/or painted to be aesthetically compatible with each other. Where the building exteriors or trim are to be painted, earth tones shall be preferred. To the greatest extent feasible, all townhouse and condominium buildings should be designed to be compatible with or reflective of the predominant architectural style(s) represented in the neighborhood surrounding the development site (if the neighborhood is clearly characterized by a particular architectural style).
5. The extent to which the proposed buildings will be designed and oriented to take advantage of scenic views and or to maximize solar access.
6. The extent to which the higher development densities on the site are visually screened from any adjoining properties developed for traditional single family detached homes.
7. The extent to which recreational improvements and amenities, designed to serve the target market population for the project, will be incorporated into the common open space within the development. As an additional incentive to advance the provision of recreational improvements within a Townhouse or Condominium development, the Planning Commission may authorize the developer to construct an additional four (4) dwelling units or lots per acre over and above the maximum number of units allowed in Subparagraph B above and an increase of not more than

twenty (20) percent in the maximum percentage of impervious surfaces for Townhouse developments or thirty (30) percent for Condominium developments in exchange for the provision of any two of the following recreational amenities, as may be appropriate for the specific development:

- a. An outdoor, in-ground, Olympic-size swimming pool with a diving platform.
- b. A children's playground area with not less than three play stations offering a range of play activities.
- c. A walking trail around the development with not less than six (6) exercise stations.
- d. A common boat launch facility and dock.
- e. A hard surface tennis facility providing not less than two (2) separate courts.
- f. A central clubhouse building designed for social events or gatherings.
- g. Improved sidewalks, not less than four (4) feet in width connecting all residential buildings, common recreational facilities, and (where available) public sidewalk facilities adjoining the development site.

12.2 Garden Home Subdivisions. For the purposes of this Ordinance, a Garden Home shall be defined as a single or two family detached dwelling unit (excluding manufactured homes) designed and sited on a lot to maximize rear yard or rear and side yard access and utility, through the construction of an exterior patio or first floor deck, rear patio doors, large rear and/or side windows, and the incorporation of intensive ornamental landscaping (which may include ornamental fencing) surrounding the exterior patio/deck to enhance rear/side yard privacy and visual appeal. Garden homes are designed to create a high value single family residential environment in a high density setting. All garden home developments shall comply with the following requirements:

- A. Residential dwelling types permitted. Single family dwellings, excluding manufactured homes.
- B. Infrastructure requirements. All garden homes shall be served by municipal water, sewer, and gas.
- C. Siting. Garden home structures shall be sited as close as possible to the front setback line and one of the side yard setback lines to maximize utility of the remaining rear and opposing side yard for patio/garden development. Such units may be designed as a zero lot line development in accordance with the provisions of Article IV, Section 14 of this Ordinance.
- D. Accessory structures. No accessory structures shall be permitted on a garden home lot. Exterior storage units and garages must be attached to the dwelling unit.
- E. Landscaping. Intensive ornamental landscaping shall be provided in the rear and side yard of all garden homes to ensure visual privacy and to create an attractive garden environment. Ornamental walls not taller than four (4) feet in height and terraces may be incorporated into the landscaping scheme to provide additional privacy and visual interest.
- F. Windows. Windows within garden homes shall be designed to favor (in terms of size, number, or both) views of the landscaped rear and/or side yards of the property.
- G. Special infill development incentives for garden home subdivisions. The City of Alexander City desires to encourage high quality infill residential development within the developed core of the City. Infill development promotes efficient growth by utilizing existing infrastructure and breathing new life into established neighborhoods, thereby stabilizing property values and strengthening established neighborhoods. To help encourage quality infill residential development, the City has developed the following development incentives or intensity bonuses for any garden home subdivision in areas of the City identified by the Alexander City Comprehensive Plan as "potential infill residential development sites." These areas have been identified by the Planning Commission as desired locations for the development or redevelopment of high-value urban residential environments, where supporting infrastructure and community services are available and accessible. Any applicant that either develops or rezones and develops an area identified in the Comprehensive Plan as a "potential infill residential development site" in accordance with the garden home subdivision provisions of this Ordinance, shall be entitled to develop the site in accordance with the modified dimensional requirements listed

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below. All other dimensional requirements imposed by the applicable zoning district that are not otherwise modified by the standards listed below shall be applied as specified in that district.

1. Modified Minimum Lot Size: Six thousand (6,000) square feet for each lot designed to accommodate a single family detached dwelling.
2. Modified Front Yard Setback: Twenty (20) feet. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
3. Modified Minimum Lot Width: Sixty (60) feet for each lot designed to accommodate a single family detached dwelling. All lots must comply with the minimum lot width to length ratio specified in Article III, Section
4. Minimum Side Yard Setbacks: Five feet (5) feet.
5. Minimum Rear Yard Setback: Twenty-five (25) feet.
6. Modified Maximum Impervious Surface Area: Fifty (50) percent.

SECTION 13 - ZERO LOT LINE DEVELOPMENTS

A zero lot line development is a single family subdivision within which the standard side yard setback requirements are modified to allow the individual dwelling units to be sited along one side yard lot line with a corresponding increase in the opposing side yard. The modified setback requirements authorized by this Section of the Zoning Ordinance must be approved by the Planning Commission as part of a preliminary subdivision plan for the proposed zero lot line development. The Zero Lot Line concept may be applied to any residential subdivision in the RR, R-1, R-2, and R-3 residential zoning districts. All zero lot line developments shall comply with the following requirements:

13.1 Zero lot line zoning modifications allowed only for subdivisions. The zoning modifications stipulated in this Section for zero lot line developments shall be approved only for a subdivision that satisfies all special requirements for zero lot line developments. No zero lot line zoning modifications shall be authorized for an individual dwelling building lot that is not part of a zero lot line subdivision plat approved by the Planning Commission.

13.2 Infrastructure requirements. All dwelling units in a zero lot line development shall be served by municipal water, sewer, and gas.

13.3 Residential dwelling types permitted. Any single family dwelling, including garden homes, but excluding manufactured homes, shall be permitted within a zero lot line development, as long as the proposed units satisfy all applicable dimensional requirements of this zoning district.

13.4 Minimum size of a zero lot line development site. All zero lot line development sites shall contain not less than three (3) acres. At least eighty (80) percent of the development site shall consist of developable land area.

13.5 Side yard setback modification. Within any zero lot line subdivision approved by the Planning Commission, the minimum side yard setback on one side of each lot shall be reduced to one (1) foot, resulting in a corresponding increase in the minimum side yard setback requirement for the opposing side yard on the lot. In no instance shall a reduced side yard on one lot abut a reduced side yard on an adjoining lot. One exterior wall of each dwelling unit constructed on a zero lot line property shall be sited along the reduced side yard setback.

13.6 Maintenance easement required. For each zero lot line property, a permanently dedicated four (4) foot wide maintenance easement shall be imposed on the side yard of the adjoining property that abuts a zero side yard, to allow the zero lot line property owner adequate access to the neighboring

property to maintain the exterior wall of the dwelling along the zero lot line. The easement shall prohibit the construction of any fence, landscaping, or other access obstruction with the required maintenance easement.

13.7 No windows or doors allowed along the zero side yard. No exterior windows or doors shall be permitted along any dwelling wall that is located along a zero side yard.

13.8 Consistency within blocks. Side yard setbacks shall not be modified for an individual lot, unless it is part of a block within the development in which all lots will possess zero side yards.

13.9 Common open space and recreation improvements. All commonly owned lands shall be subject to the Common Open Space Requirements specified in Article IV, Section 10 of this Ordinance. All zero lot line developments containing fifty (50) or more dwelling units shall provide one or more improved outdoor recreational area(s) for the tenants of the development utilizing not less than ten (10) percent of the gross development site area. At least half of the land dedicated to such recreational improvements shall be developable land area, and the recreational area or areas must be afforded public access from every dwelling unit in the development. Recreational improvements shall be designed to serve the specific recreational needs of the target population for the development (if the development has been designed to serve a specific market segment of the population), and may include:

- A. A hard surface walking trail with exercise stations.
- B. A swimming pool facility.
- C. Tennis/basketball courts.
- D. Athletic fields (but no bleachers or stands).
- E. A playground with playground equipment.
- F. A recreational lake with at least one of the following facilities: a community boat launch, fishing pier, and/or a beach. The improvement of an existing water amenity adjacent to or within the development shall satisfy this recreational option.
- G. A community picnic area with picnic tables, barbecue stations, and/or pavilions.
- H. A skateboard track.
- I. A perpetually maintained ornamental garden with walking paths and a gazebo.
- J. Golf putting greens or a miniature golf course.

13.10 Buffer requirements. A landscaped and perpetually maintained buffer shall be provided along any property line of a zero lot line development that adjoins a property zoned RR, R-1, R-2, B-2, B-3, I-1, I-2, or MHP and along any road classified as an arterial or collector highway in the Alexander City Comprehensive Plan.

SECTION 14 - LIVESTOCK PROVISIONS

See Sec. 10-20 through 10-23 of the Code of Alexander City for regulations regarding livestock within the City limits. All permitted livestock enclosures shall be a minimum of fifty (50) feet from any adjoining residential property line and all livestock shall be kept within such enclosures. Enclosures are defined as structures for the containment of livestock, but do not include fences.

ARTICLE V: ZONING DISTRICT REQUIREMENTS

SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the City of Alexander City is hereby divided into the type of districts designated as follows:

1.1 Regular Districts

- RR Reserve Residential District**
- R-1 Low Density Residential District**
- R-2 Medium Density Residential District**
- R-3 High Density Residential District**
- R-3M High Density Residential Manufactured Home District**
- MHP Manufactured Home Park District**
- B-1 Neighborhood Business District**
- B-2 General Business District**
- B-3 Central Business District**
- I-1 Light Industry District**
- I-2 Heavy Industry District**
- PO Parks and Open Space District**

1.2 Special Districts

- FH Flood Hazard District**
- PD Planned Development District**
- CAB Central Alabama Business Park District**
- LS Lee Street Overlay District**

SECTION 2 - ZONING DISTRICT BOUNDARIES

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map includes a base map which identifies the location of the regular districts and an overlay to the base map which outlines the boundaries of the special districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance by reference. Official copies of the Zoning Map shall be on file in the office of the City Clerk.

SECTION 3 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 3.1 Where boundaries are indicated as approximately following jurisdictional limits or platted lot lines or other property lines, such lines shall be construed to be such boundaries.
- 3.2 Where boundaries are indicated as approximately following streets, alleys, rights-of-way, or railroads, such boundaries shall be construed to follow the center lines of such streets, alleys, rights-of-way, or railroads.
- 3.3 Where boundaries are indicated as approximately following shorelines of lakes or ponds, such boundaries shall be construed to follow the mean high water lines of such lakes or ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean

high waterline.

3.4 Where boundaries are indicated as approximately following streams, rivers, or other perennial water courses, such boundaries shall be construed to follow the centerline of such waterways as determined by the mean high water mark along opposing banks. In the event of a natural change in the location of such waterways, the district boundary shall be construed as moving with the centerline.

3.5 Where boundaries are indicated as being separate from but approximately parallel to any features listed in Subparagraphs 3.1 through 3.4 of this Section, such boundaries shall be construed as being parallel to and at such distance as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

3.6 Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.

3.7 Where a public road, street, or alley shown on the Zoning Map is officially vacated or abandoned, the regulations applicable to the property to which the right-of-way reverts shall apply to the vacated or abandoned road, street, or alley.

3.8 In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the City which will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

SECTION 4 - INTERPRETATION OF USES

Where doubt exists as to whether a new or previously unclassified use is similar in nature to the permitted uses identified in this Ordinance, the Board of Adjustment shall approve or deny the location of the unclassified use in question. In making such a determination, the Board of Adjustment shall consider the extent to which the proposed use is consistent with the intent of the zoning district and determine the specific permitted use within the zoning district that is most similar in impact and characteristics to the proposed new use. However, in no instance shall the Board of Adjustment interpret a proposed use as being permitted in one district, when the use is more similar in impact and characteristics to a use permitted in another district. The following procedures to establish consistency of unclassified uses shall be observed.

4.1 Determination by Board of Adjustment. If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval of and subject to the conditions set by the Board of Adjustment. Such conditions of approval shall be established to prevent undue impacts of the new use on surrounding uses, and shall be limited to:

- A. Special setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility);
- B. Special buffer, landscaping, or fencing requirements (to screen potentially conflicting uses);
- C. Special lighting or light shielding requirements (to prevent excessive glare on neighboring properties);
- D. Special parking requirements (to address special traffic or parking needs);
- E. Special limitations on signage (to enhance or soften the appearance of the proposed use);
- F. Special limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation);

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- G. Special traffic connection requirements between the property to be developed and adjoining properties (to help improve internal traffic circulation and to mitigate turning movement impacts on adjoining highways);
- H. Special restrictions on operating hours (to reduce potential use and noise conflicts);
- I. Special soundproofing requirements (to prevent potential noise impacts); and
- J. Special stormwater management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).

4.2 Rezoning required. If the unclassified use is deemed to be incompatible with the existing zoning district intent, the Enforcement Officer shall recommend the most appropriate district classification and shall require the property in question to be rezoned before the proposed use can be conducted on the property. In addition, the unclassified use shall be permitted by special exception in the district to which the property was rezoned, upon approval of and subject to the conditions set by the Board of Adjustment.

4.3 Amendment of permitted uses. Following the final action on the unclassified use, as Sections 4.1 or 4.2 may require, the Planning Commission shall initiate an amendment to this Ordinance to add the newly permitted use to the list of permitted uses or uses allowed by right or by special exception (whichever may be deemed appropriate) in the applicable zoning district(s).

SECTION 5 - RR: RESERVE RESIDENTIAL ZONING DISTRICT

5.1 District Intent. Within Alexander City, extensive rural areas exist on the outskirts of the established neighborhoods and urbanized areas. These rural areas are characterized by a mix of open space uses, including small farms and forested lands, and low intensity developed uses. Where municipal infrastructure has been extended into these areas, pockets of suburban residential development have emerged. However, where minimal infrastructure is available, development intensities are generally constrained by natural resources and constraints. The primary purpose of this district is to allow existing rural land use patterns, including agriculture and forestry, to continue until the City extends the municipal infrastructure necessary to support more intensive development. In areas where such infrastructure is provided, this district shall afford opportunities for low density residential development to emerge, thereby allowing opportunities for the managed growth and expansion of the City. To that end, this district shall act as a reserve district to maintain existing rural land uses until such time as the City is prepared for expansion. Minimum standards for all uses shall be imposed to ensure compatibility of uses within the context of a low intensity pattern of mixed uses. These standards should promote low intensity development patterns, consistent with the availability of municipal infrastructure, to help protect existing natural resources and to minimize the impact of future growth on the municipal tax base, thereby avoiding scattered and premature development.

5.2 Permitted Uses. The following uses shall be permitted in the RR - Reserve Residential Zoning District.

- A. Single family detached dwellings.
- B. Single family attached and semi-detached dwellings, including condominiums and townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- C. Accessory residential dwelling units in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- D. Single Family Group homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- E. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.

nance, including off-street parking and loading spaces.

- F. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
- G. Cottage industries, subject to the standards established in Article IV, Section 4 of this Ordinance.
- H. Commercial agricultural uses, including dairying, orchards, row crop cultivation, fish farms, and horse farms, but excluding hog farms and poultry farms or broilers, on farm properties or estates (contiguous lots under common ownership) that contain not less than five (5) acres of land and in compliance with all applicable regulations and Best Management Practices promulgated by the Alabama Department of Environmental Management and/or the U.S. Department of Agriculture. All accessory structures for the housing of animals, feed, and equipment shall not be located closer than one hundred (100) feet to any property line. The term "commercial" shall include the sale or leasing of animals and produce grown or raised on the property to the general public or to a off-site food processing facility.
- I. Roadside stand (farm stand) as an accessory use to a principal agricultural or agricultural-related use for the sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than twenty (20) feet to the street right-of-way line nor less than fifty (50) feet from any side or rear property lines.
- J. Non-commercial agriculture, including fish and horse raising as an accessory use to a single family detached dwelling only for the exclusive benefit of the occupant's household, provided that the subject lot contains not less than one (1) acre of land, all farm animals are contained by a pen or corral, and all related accessory buildings are located in the rear yard and not closer than fifty (50) feet to any property line. The term "non-commercial" shall preclude the sale or leasing of animals and produce grown or raised on the property to the general public or to a off-site food processing facility.
- K. Stables (private and commercial) and riding academies, provided that the subject lot contains not less than five (5) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.
- L. Public schools, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four (4) feet.
- M. Publicly-owned and operated and non-profit (quasi-public) recreation buildings, land, and structures and lands, including parks and swimming pools.
- N. Boat docks and boat houses, as accessory uses to a residential use.
- O. Bed and Breakfast Inns.
- P. Churches, monasteries, and cemeteries.
- Q. Private, nonprofit social clubs or lodges when located on at least one (1) acre lots, and when any building or activity related thereto is located at least thirty-five (35) feet from the nearest side or rear lot line.

5.3 Uses Permitted By Special Exception. The following uses may be permitted in the RR: Reserve Residential Zoning District by approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements, and the Board of Adjustment may impose such special conditions as may be deemed necessary to ensure compliance with the conditions or requirements specified below.

- A. Athletic fields, arenas, or stadiums, race tracks and speedways, and other private commercial outdoor recreational areas and amusement enterprises, including golf driving ranges, golf courses, swimming pools, fish lakes, and similar recreational uses, provided that the parcel contains at least five (5) acres of land, that all outdoor lighting provided for night use shall be properly directed and shielded as needed to prevent excessive glare on adjoining properties, and all activities are located at least one hundred (100) feet from any property line.
- B. Public or private fishing clubs, gun clubs, and other similar outdoor recreational activities on parcels containing ten (10) or more acres of land, provided that all outdoor activities involving the discharge of fire arms shall conducted more than one hundred fifty (150) feet from any property line and direct-

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ed away from any established adjoining residential uses.

- C. Campgrounds, provided that the parcel contains at least ten (10) acres of land and all camping spaces and other associated improvements are located at least one hundred (100) feet from any property line.
- D. Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations shall not be located closer than one hundred (100) feet from any property line and shall be conducted only during normal daylight hours.
- E. Veterinary Clinic, Commercial Kennels, and the raising of other domestic animals for sale, provided that no portion of a building, structure, outdoor run, or pens used to house or exercise such animals shall not be located closer than one hundred (100) feet from any property line.
- F. Greenhouses and nurseries on properties that are not less than one (1) acre in area and no retail sales are conducted on the premises.
- G. In-home child care facilities, subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance and further provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.
- H. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes, provided not more than three (3) clients will be served within the home, the home has adequate water and sewer capacity, no sign advertising the facility will be erected on the premises, and no changes will be made to the exterior appearance of the house.
- I. Hospitals, Clinics, Sanatoriums, Nursing or Convalescent Homes, and Charitable or Philanthropic Institutions, provided that the facilities will be served by municipal water and sewer.

5.4 Prohibited Uses. The following uses shall be specifically prohibited within the RR, Reserve Residential Zoning District:

- A. Sanitary landfills and other solid waste facilities.
- B. Junkyards.
- C. Animal stockyards, feedlots, and poultry houses.

5.5 Dimensional Requirements. The following dimensional requirements shall apply to all uses permitted by right and by special exception in the RR, Reserve Residential Zoning District, with the exception of townhouses and condominiums, which shall be governed by the standards specified in Article IV, Section 13 of this Ordinance.

- A. Minimum Lot Size:** Twenty Thousand (20,000) square feet for each lot, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. Minimum Lot Width:** One Hundred twenty-five (125) feet for any corner lot and (100) feet for all other lots.
- C. Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. Minimum Side Yard Setbacks:** Fifteen (15) feet.
- E. Minimum Rear Yard Setback:** Forty (40) feet.
- F. Maximum Structure Height:** Thirty-five (35) feet or two and one-half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. Maximum Impervious Surface Area:** Twenty-five (25) percent.

5.6 Minimum standards for all dwellings.

- A. Minimum Dwelling Unit Gross Floor Area:** One thousand five hundred (1,500) square feet.
- B. Minimum required roof pitch:** 4:12
- C. Minimum exterior width of dwelling:** 32 feet.
- D. Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.

SECTION 6 - R-1: LOW DENSITY RESIDENTIAL ZONING DISTRICT

6.1 District Intent. This zoning district is intended to preserve and protect the character of low density, high amenity, family residential areas, subdivisions, and neighborhoods. Intensive suburban development in this area should be supported by municipal infrastructure and services.

6.2 Permitted Uses. The following uses shall be permitted in the R-1: Low Density Residential Zoning District.

- A. Single-family detached dwellings.
- B. Single family attached and semi-detached dwellings, including condominiums and townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- C. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- D. Group Homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- E. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- F. Home occupations, including in-home child care facilities, subject to the standards established in Article IV, Section 4 of this Ordinance.
- G. Non-commercial agriculture and gardening as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that all related accessory buildings are located in the rear yard. The term "non-commercial" shall preclude the sale or leasing of animals and produce grown or raised on the property to the general public or to a off-site food processing facility.
- H. Public and private schools offering general education courses, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet. Such uses shall include colleges, junior colleges, and universities, and any single family or duplex residential uses necessarily associated with said colleges or universities to house students, but no multi-family residential uses, such as dormitories or apartments.
- I. Public parks, playgrounds, community buildings, semi-public recreational facilities, and similar public service facilities serving residential areas.
- J. Public governmental buildings and services, including libraries or neighborhood branches, police precinct offices, fire stations, and other essential governmental services.
- K. Boat docks and boat houses, as accessory uses to a residential use.
- L. Bed and Breakfast Inns.
- M. Cemeteries.
- N. Accessory Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored.
- O. Churches and other religious structures built prior to the effective date of this ordinance shall be treated as permitted uses under the scope of this ordinance and shall not be subject to the requirements and restrictions of a nonconforming structure or use. However, no new churches or other reli-

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gious structures shall be permitted within the R-1: Single Family Residential Zoning District after the effective date of this ordinance.

6.3 Uses Permitted By Special Exception. The following uses may be allowed by special exception in the R-1: Low Density Residential Zoning District, subject to approval by the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements, and the Board of Adjustment may impose such special conditions as may be deemed necessary to ensure compliance with the conditions or requirements specified below.

- A. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer is provided for the side and rear yards.
- B. Public or private golf course, provided that the public use facilities in the golf course development will not generate excessive traffic volumes on exclusively residential streets.
- C. In-home child care facilities, subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance and further provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.
- D. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes, provided not more than three (3) clients will be served within the home, the home has adequate water and sewer capacity, no sign advertising the facility will be erected on the premises, and no changes will be made to the exterior appearance of the house.
- E. Two-family (duplex) dwellings in pre-existing homes only in older neighborhoods or on properties that abut a non-residential zoning district.

6.4 Prohibited Uses. The following uses shall be specifically prohibited within the R-1, Low Density Residential Zoning District:

- A. Sanitary landfills and other solid waste facilities.
- B. Junkyards.
- C. Animal stockyards, feedlots, and poultry houses.
- D. Multi-family residential dwellings, including dormitories.
- E. Churches and monasteries that were not lawfully permitted and constructed prior to the effective date of this Ordinance.

6.5 Dimensional Requirements: The following dimensional requirements shall apply to all uses permitted by right and by special exception in the R-1, Low Density Residential Zoning District, with the exception of townhouses and condominiums, which shall be governed by the standards specified in Article IV, Section 13 of this Ordinance.

- A. Minimum Lot Size:** Twelve thousand (12,000) square feet for lots containing single family dwellings and fifteen thousand (15,000) square feet for all lots containing two-family or duplex dwellings and all other permitted non-residential uses. Lots not served by municipal sewer shall contain at the minimum required for the respective use, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- C. Minimum Lot Width:** Seventy-five (75) feet.
- D. Minimum Side Yard Setbacks:** Twelve (12) feet for all residential uses and thirty-five (35) feet for all non-residential uses.

- E. Minimum Rear Yard Setback:** Forty (40) feet for all residential uses and fifty (50) feet for all non-residential uses.
- F. Maximum Structure Height:** Thirty-five (35) feet or two and one half stories for all principal use structures and twenty-five feet for all accessory structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. Maximum Impervious Surface Area:** Thirty (30) percent.

6.6 Minimum standards for all dwellings.

- A. Minimum Dwelling Unit Gross Floor Area:** One thousand two hundred (1,200) square feet.
- B. Minimum exterior width of dwelling:** 24 feet.
- C. Minimum required roof pitch:** 4:12
- D. Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.

SECTION 7 - R-2: MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT

7.1 District Intent. This zoning district is intended to promote moderate density residential development for single family and duplex dwellings in areas that have access to extensive municipal infrastructure and are in close proximity to places of employment and commercial districts.

7.2 Permitted Uses. The following uses shall be permitted in the R-2 Medium Density Residential Zoning District.

- A. Single-family detached dwellings.
- B. Single family attached and semi-detached dwellings, including condominiums and townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- C. Two-family (duplex) dwellings.
- D. Garden homes, in accordance with the applicable requirements contained in Article IV, Section 13.
- E. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- F. Group Homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- G. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- H. Home occupations, including in-home child care facilities, subject to the standards established in Article IV, Section 4 of this Ordinance.
- I. Non-commercial agriculture and gardening as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that all related accessory buildings are located in the rear yard. The term "non-commercial" shall preclude the sale or leasing of animals and produce grown or raised on the property to the general public or to a off-site food processing facility.
- J. Public and private schools offering general education courses, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet. Such uses shall include colleges, junior colleges, and universities, and any single family or duplex residential uses necessarily associated with said colleges or universities to house students, but no multi-family residential uses, such as dormitories or apartments.
- K. Public parks, playgrounds, community buildings, semi-public recreational facilities, and similar public service facilities serving residential areas.
- L. Public governmental buildings and services, including libraries or neighborhood branches, police

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precinct offices, fire stations, and other essential governmental services.

- M. Boat docks and boat houses, as accessory uses to a residential use.
- N. Bed and Breakfast Inns.
- O. Churches, including parsonages.
- P. Cemeteries.
- Q. Accessory Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored.

7.3 Uses Permitted By Special Exception. The following uses may be allowed by special exception in the R-2 Medium Density Residential Zoning District, subject to approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements of the applicable use, as well as the specific dimensional requirements of the R-2 Medium Density Residential Zoning District.

- A. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer is provided for the side and rear yards.
- B. Public or private golf course, provided that the public use facilities in the golf course development will not generate excessive traffic volumes on exclusively residential streets.
- C. In-home child care facilities, subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance and further provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.
- D. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes, provided not more than three (3) clients will be served within the home, the home has adequate water and sewer capacity, no sign advertising the facility will be erected on the premises, and no changes will be made to the exterior appearance of the house.

7.4 Prohibited Uses. The following uses shall be specifically prohibited within the R-2, Medium Density Residential Zoning District:

- A. Sanitary landfills and other solid waste facilities.
- B. Junkyards.
- C. Animal stockyards, feedlots, and poultry houses.
- D. Multi-family residential dwellings, including dormitories.

7.5 Dimensional Requirements:

- A. Minimum Lot Size:** Nine thousand (9,000) square feet for single family detached dwellings and twelve thousand (12,000) square feet for all other uses. Lots not served by municipal sewer shall contain not less than the minimum required for the specific type of unit or building, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. Minimum Front Yard Setback:** Thirty (30) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- C. Minimum Lot Width:** Sixty (60) feet.
- D. Minimum Side Yard Setbacks:** The total for both side yards shall be seventeen (17) feet with a minimum of seven (7) feet for any one side yard.
- E. Minimum Rear Yard Setback:** Thirty-five (35) feet.
- F. Maximum Structure Height:** Thirty-five (35) feet or two and one half stories for all residential structures and forty-five (45) feet for all other structures that are not exempt from height requirements, as

specified in Article III, Section 3.1 of this Ordinance.

G. Maximum Impervious Surface Area: Forty (40) percent.

7.6 Minimum standards for all dwellings.

A. Minimum Dwelling Unit Gross Floor Area: One thousand, One Hundred (1,100) square feet.

B. Minimum exterior width of dwelling: 24 feet.

C. Minimum required roof pitch: 3:12

D. Landscaping: All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.

SECTION 8 - R-3: HIGH DENSITY RESIDENTIAL ZONING DISTRICT

8.1 District Intent. The purpose of this district shall be to provide opportunities for a broad range of residential environments, including single family, duplex, and multi-family (including condominium developments) housing in areas that are served by the full array of municipal facilities and services offered by the City and that are immediately adjacent to places of employment and commercial districts. This zone also may be used by the City as a transitional buffer zone between commercial and lower intensity residential zones.

8.2 Permitted Uses. The following uses shall be permitted in the R-3 High Density Residential Zoning District.

- A. Single-family detached dwellings.
- B. Single family attached and semi-detached dwellings, including condominiums and townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- C. Two-family (duplex) dwellings.
- D. Multi-family dwellings and apartments, including dormitories and group homes housing three or more institutional families, provided that all such uses are served by municipal water, sewer, and gas.
- E. Garden homes, in accordance with the applicable requirements contained in Article IV, Section 13.
- F. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- G. Group Homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- H. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- I. Home occupations, including in-home child care facilities, subject to the standards established in Article IV, Section 4 of this Ordinance.
- J. Public and private schools offering general education courses, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet. Such uses shall include colleges, junior colleges, and universities, and any single family or duplex residential uses necessarily associated with said colleges or universities to house students, but no multi-family residential uses, such as dormitories or apartments.
- K. Public parks, playgrounds, community buildings, semi-public recreational facilities, and similar public service facilities serving residential areas.
- L. Public governmental buildings and services, including libraries or neighborhood branches, police precinct offices, fire stations, and other essential governmental services.
- M. Boat docks and boat houses, as accessory uses to a residential use.
- N. Bed and Breakfast Inns.
- O. Churches, including parsonages.

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- P. Monasteries.
- Q. Cemeteries.
- R. Accessory Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored.

8.3 Uses Permitted By Special Exception. The following uses may be allowed by special exception in R-3 High Density Residential Zoning District, subject to approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements of the applicable use.

- A. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer is provided for the side and rear yards.
- B. Public or private golf course, provided that the public use facilities in the golf course development will not generate excessive traffic volumes on exclusively residential streets.
- C. In-home child care facilities, subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance and further provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.
- D. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes, provided not more than three (3) clients will be served within the home, the home has adequate water and sewer capacity, no sign advertising the facility will be erected on the premises, and no changes will be made to the exterior appearance of the house.
- E. Boarding and rooming houses, provided that all such uses are served by municipal water, sewer, and gas and no such building shall be located less than sixty (60) feet from any lot line that adjoins a lot containing a single family or duplex use.
- F. Nursing homes, including convalescence homes providing not more than fifty (50) patient rooms and provided that all such uses are served by municipal water, sewer, and gas and no such building shall be located less than fifty (50) feet from any lot line that adjoins a lot containing a single family or duplex use.
- G. Private, nonprofit social clubs or lodges provided that any building or activity related thereto is located at least fifty (50) feet from the nearest lot line.
- H. Professional offices for physicians, dentists, architects, engineers, attorneys, or other similar professionals, provided however, that the architectural design of the building is residential in character and that required off-street parking is provided to the rear of such use. Not more than one (1) wall mounted identification sign incidental to such use shall be allowed, provided the sign area does not exceed three (3) square feet.

8.4 Prohibited Uses. The following uses shall be specifically prohibited within the R-3, High Density Residential Zoning District:

- A. Sanitary landfills and other solid waste facilities.
- B. Junkyards.
- C. Animal stockyards, feedlots, and poultry houses.

8.5 Dimensional Requirements:

- A. Minimum Lot Size:** Nine thousand (9,000) square feet for single family detached dwellings and twelve thousand (12,000) square feet for all other uses. Each multi-family dwelling or apartment shall provide at least twelve thousand (12,000) square feet of lot area for the first dwelling unit, plus an additional two thousand (2,000) square feet of lot area for each additional dwelling unit. Lots not served

by municipal sewer shall contain not less than the minimum required for the specific type of unit or building, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.

- B. Maximum Density (for multi-family and apartment buildings):** Twenty-five (25) dwelling units per acre. This density standard shall not apply to Townhouses or Condominiums.
- C. Minimum Front Yard Setback:** Thirty (30) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. Minimum Lot Width:** Sixty (60) feet.
- E. Minimum Side Yard Setbacks:** The total for both side yards shall be seventeen (17) feet with a minimum of seven (7) feet for any one side yard.
- F. Minimum Rear Yard Setback:** Thirty-five (35) feet.
- G. Maximum Structure Height:** Thirty-five (35) feet or two and one half stories for all single family and duplex residential structures and forty-five (45) feet for all other structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- H. Maximum Impervious Surface Area:** Sixty (60) percent.

8.6 Minimum standards for all dwellings.

- A. Minimum Dwelling Unit Gross Floor Area:** One thousand (1,000) square feet for all single family and duplex dwellings and seven hundred (700) square feet for each apartment unit in a multi-family building.
- B. Minimum exterior width of dwelling:** Sixteen (16) feet.
- C. Minimum required roof pitch:** 3:12 for all single family and duplex dwellings. No minimum roof pitch required for multi-family dwellings.
- D. Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.

SECTION 9 -R-3M: HIGH DENSITY RESIDENTIAL MANUFACTURED HOME ZONING DISTRICT

9.1 District Intent. Alexander City seeks to encourage a pleasing, affordable, and varied housing stock. While the City already provides opportunities for manufactured housing in rental and ownership environments through its MHP (Manufactured Home Park), additional opportunities for high quality manufactured homes on scattered individual lots throughout the City may also exist. To facilitate the provision of affordable, high quality manufactured housing on such individual lots, the City has created this special zoning district. Where applied within the City, this zone shall permit the placement of single family manufactured homes on individual lots in satisfaction of the basic dimensional requirements of the R-3 High Density Residential Zoning District. Additional compatibility standards shall be applied to permitted manufactured homes to ensure that they will be consistent with the character and integrity of the surrounding residential neighborhood.

9.2 Permitted Uses. The following uses shall be permitted in the R-3M High Density Residential Manufactured Home Residential Zoning District.

- A. Single-family detached dwellings.
- B. Single family attached and semi-detached dwellings, including condominiums and townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- C. Manufactured homes in compliance with all applicable requirements specified in Article IV, Section 3 of this Ordinance.
- D. Accessory residential dwelling units in single family dwellings only and in compliance with all re-

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quirements specified in Article IV, Section 6 of this Ordinance.

- E. Group Homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- F. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- G. Home occupations, including in-home child care facilities, subject to the standards established in Article IV, Section 4 of this Ordinance.
- H. Public and private schools offering general education courses, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet. Such uses shall include colleges, junior colleges, and universities, and any single family or duplex residential uses necessarily associated with said colleges or universities to house students, but no multi-family residential uses, such as dormitories or apartments.
- I. Public parks, playgrounds, community buildings, semi-public recreational facilities, and similar public service facilities serving residential areas.
- J. Public governmental buildings and services, including libraries or neighborhood branches, police precinct offices, fire stations, and other essential governmental services.
- K. Boat docks and boat houses, as accessory uses to a residential use.
- L. Bed and Breakfast Inns.
- M. Churches, including parsonages.
- N. Cemeteries.
- O. Accessory Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored.

9.3 Uses Permitted By Special Exception. The following uses may be allowed by special exception in R-3M High Density Residential Manufactured Home Zoning District, subject to approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements of the applicable use.

- A. In-home child care facilities, subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance and further provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.

9.4 Prohibited Uses. The following uses shall be prohibited in the R-3M High Density Residential Manufactured Home Residential Zoning District.

- A. Sanitary landfills and other solid waste facilities.
- B. Junkyards.
- C. Animal stockyards, feedlots, and poultry houses.
- D. Multi-family residential dwellings, including dormitories.
- E. Mobile homes.

9.5 Dimensional Requirements:

- A. Minimum Lot Size: Nine thousand (9,000) square feet. Lots not served by municipal sewer shall contain not less than the minimum required for the specific type of unit or building, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. Minimum Front Yard Setback: Thirty (30) feet from the edge of the right-of-way line. An additional

setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.

- C. Minimum Lot Width: Sixty (60) feet.
- D. Minimum Side Yard Setbacks: The total for both side yards shall be seventeen (17) feet with a minimum of seven (7) feet for any one side yard.
- E. Minimum Rear Yard Setback: Thirty-five (35) feet.
- F. Maximum Structure Height: Thirty-five (35) feet or two and one half stories for all single family and duplex residential structures and forty-five (45) feet for all other structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. Maximum Impervious Surface Area: Thirty-five (35) percent.

9.6 Minimum standards for all dwellings. All manufactured homes within the R-3M zone shall comply with all applicable requirements contained in Article IV, Section 3 of this Ordinance. In addition, the following basic standards shall apply to all manufactured homes within the R-3M zoning district.

- A. Minimum Dwelling Unit Gross Floor Area: One thousand (1,000) square feet for all manufactured homes.
- B. Minimum exterior width of dwelling: Sixteen (16) feet.
- C. Minimum required roof pitch: 3:12
- D. Landscaping: All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.

9.7 Replacement of existing manufactured home. In this district, the replacement of an existing mobile or manufactured home with a new or larger manufactured home will be permitted, where: the larger manufactured home was constructed in a later model year than the manufactured or mobile home that it will replace, no additional or new dimensional nonconformities will be created, and no additional families shall be permitted to live in the new or larger manufactured home.

SECTION 10 -MHP: MANUFACTURED HOME PARK ZONING DISTRICT

10.1 District Intent. The purpose of this district is to provide opportunities for the site development of attractive high intensity, single family manufactured home parks, where units are placed on rented lots and served by full municipal services, including water and sewer. It is the objective of this district to encourage an affordable, quality single family environment, without creating a detriment to appearance and aesthetic quality of neighboring or nearby residential areas.

10.2 Permitted Uses. The following uses shall be permitted in the MHP Manufactured Home Park district.

- A. Single Family Manufactured homes, as defined in Article II, Section 2, and subject to the minimum standards specified in Article IV, Section 3 of this Ordinance, provided that each new manufactured home placed within a manufactured home park shall have a fair market value that is at least ninety (90) percent of the average fair market value of all manufactured homes on rented lots that abut the proposed unit's rental lot.
- B. One-family dwelling for the exclusive use of a watchman, caretaker, owner, or manager of a manufactured home park.
- C. Office, maintenance, and storage buildings incidental to a manufactured home park.
- D. Personal Service facilities, such as laundromats (including coin operated dry cleaning) and refuse disposal areas, accessory to and intended to serve residents of the manufactured home park only.
- E. Recreational facilities designed and intended for use by residents of the manufactured home park

only.

- F. In addition to the manufactured home spaces, off-street parking and loading spaces for vehicles in operating condition only, subject to the standards established in Article IV, Section 5.
- G. Not more than one accessory storage or utility shed of uniform construction for each manufactured home lot or space. Said storage or utility shed shall not contain more than eight hundred (800) cubic feet of storage space.
- H. In-home child care facilities, subject to approval by the Board of Adjustment as a special exception and further subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance, provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.

10.3 Dimensional Requirements:

A. Minimum Development Site Size: Three (3) acres.

B. Maximum Development Density: No more than seven (7) manufactured homes per gross acre of land shall be permitted within a Manufactured Home Park.

C. Minimum Frontage For Development Site Along the Main Street Serving the Manufacture Home Park: Fifty (50) feet.

D. Minimum Rental Lot Size: Five Thousand (5,000) square feet.

E. Minimum Rental Lot Width: Fifty (50) feet.

F. Minimum Front Yard Setbacks:

1. Ten (10) feet from the edge of the right-of-way line of any internal street within the manufactured home park that does not provide through traffic access to more than one external public street.
2. Twenty (20) feet from the edge of the right-of-way line of any external local street or internal street within the manufactured home park that provides through traffic access to more than one external public street. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
3. For any Manufactured Home Park with frontage along a street classified as a collector in the Comprehensive Plan, all structures shall be set back at least fifty (50) feet from the centerline of the collector street.
4. For any Manufactured Home Park with frontage along a street classified as an arterial in the Comprehensive Plan, all structures shall be set back at least seventy-five (75) feet from the centerline of the arterial street.

G. Minimum Rental Lot Side and Rear Yard Setbacks: No principal use structure within the park shall be located less than ten (10) feet from any rental lot line. When lots are designed for homes to be placed at 45-degree or 60-degree angles to the street, side yard and rear yard requirements may be reduced to five (5) feet, provided that not less than thirty (30) feet of unobstructed yards will be provided between each manufactured home.

H. Minimum Frontage for Each Manufactured Home Space or Rental Lot: Fifty (50) feet for any lot or space adjacent to an internal or external street, except that the minimum frontage shall be reduced to Thirty (30) feet for any lot or space adjoining the turn-about at the end of a permanent cul-de-sac.

I. Minimum Separation Distance Between all Buildings:

1. All residential manufactured homes within the park shall be separated by not less than twenty (20) feet between opposing unit sides.
2. Accessory structures for any residential manufactured home within the park shall be sited not less than ten (10) feet from any other structure nor less than five (5) feet from any rental lot line.
3. All other buildings within the park (office, laundry facility, non-manufactured home residence) shall be located not less than thirty (30) feet from any other principal structure.

J. Minimum Buffer along all Exterior Boundaries of the Manufactured Home Park: Thirty (30) feet

along any Single and Two-Family Zoning District (R-1 and R-2) boundary and Fifteen (15) feet along all other boundaries of the Manufactured Home Park. A landscaped strip within each buffer area of not less than eight (8) feet wide shall be provided along the manufactured home park boundary lines that do not abut a public street. This landscaped strip shall be improved and regularly maintained to serve as a year-round visual screen or planing strip composed of evergreen shrubs and trees. Said shrubs shall be not less than four (4) feet tall when planted, and shall attain at least seventy-five (75) percent of their mature growth opaqueness and shall be at least six (6) feet high within eighteen (18) months of planting, at the time of original construction of the park.

- K. Maximum Percentage of Development Site Covered by Impervious Surfaces:** Forty (40) percent.
- L. Maximum Structure Height:** Twenty-five (25) feet or two (2) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- M. Minimum required roof pitch:** 3:12

10.4 Site Development Requirements. In addition to the Dimensional Requirements listed in Section 10.3 above and the applicable Manufactured Home standards contained in Article IV, Section 3 of this Ordinance, each Manufactured Home Park shall comply with the following requirements.

- A. All proposed lots and buildings in a Manufactured Home Park shall be served by municipal water and sewer. Only manufactured homes with toilet and plumbing fixtures which conform to the plumbing code of the City of Alexander City shall be permitted for occupancy. The minimum branch water line to an individual unit shall be three-quarters (0.75) of an inch in diameter. Each manufactured home space shall be provided with a cold water tap at least four (4) inches above the ground or foundation slab. In addition, a cutoff valve shall be installed for each branch water line, along with a back flow prevention device approved by a nationally recognized test agency. In manufactured home parks where gas distribution systems are installed, the installation shall conform with the requirements promulgated by the Alabama Public Service Commission and the Alexander City Gas Company.
- B. The proposed park shall located on a site graded and improved to insure proper drainage and freedom from standing water.
- C. All driveways and walkways within the park shall be paved and adequately lighted. All streets and public driveways within the park shall be lighted at night with electric lamps of not less than twenty-five (25) watts, according to a plat recommended by the Utility Board and approved by the Mayor.
- D. Each manufactured home lot shall be provided with an individual electrical service outlet supplying at least 220 volts. Each service shall be mounted on a treated pole or metal pedestal and shall have a disconnecting means consisting of 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 for service being connected and buried in the earth from the service to underneath the mobile home. If the supply cable is encased in metal or plastic pipe the minimum depth buried shall be as required by the current adopted addition of the National Electrical Code.
- E. All manufactured homes placed in the park shall be placed or erected on a poured concrete slab in compliance with all applicable building code requirements. Upon written request by the applicant, the City Council may waive the requirement for a concrete slab or pad for each manufactured housing unit, provided that such waiver is warranted to satisfy affordable housing needs in the City, the manufactured homes will be properly anchored in accordance with all State standards, a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting, and the waiver will not excuse the applicant from any other applicable anchoring requirement.
- F. One off-street parking area, a minimum of two hundred forty (240) square feet in area and twenty (20) feet in width and providing parking for at least two (2) vehicles, shall be provided for each rental lot. Said off-street parking space shall be improved with a crushed stone, asphaltic concrete, or concrete surface.

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- G. A dedicated area of not less than ten (10) percent of the gross site area of a manufactured home park shall be reserved for common open space. Such common open space shall, at a minimum, be landscaped and appropriately improved to provide an area for healthful recreational use by the intended tenants of the park only. Examples of appropriate recreational area development include, but are not limited to, a playground for parks where young children will live or a paved walking/exercise trail for parks where senior citizens will live. This recreational area shall be designed and located so as to be free of traffic and above ground utility hazards, and should, where physical conditions permit, be located as centrally and conveniently within the park as is possible. The required recreation areas may be concentrated in one location or distributed in multiple sites within the park, provided that no individual recreational site shall contain less than five thousand (5,000) square feet.
- H. No portion of a manufactured home park site that is located within a 100 year floodplain shall be improved for residential use.
- I. Each manufactured home park shall provide adequate on-site containers for the collection of household garbage generated by the tenants of the park. All garbage containers shall be placed and kept within three- or four-sided enclosures with walls at least four (4) feet high to provide proper screening of the containers.
- J. All manufactured home parks shall be located on public streets providing safe and convenient access. A manufactured home park shall possess frontage on at least one collector or arterial street, as identified in the Comprehensive Plan.
- K. All lots and/or spaces dedicated for manufactured homes within a manufactured home park shall possess frontage on an internal or external street. All internal streets within the park that provide through traffic access to more than one (1) external street shall comply with all applicable street standards for the City of Alexander City. All other streets within the park shall, at a minimum, comply with the following requirements:
 - 1. **Minimum Dedicated Right-Of-Way Width:** Thirty (30) feet.
 - 2. **Minimum Roadway or Cartway Width:** Eighteen (18) feet.
 - 3. **Roadway or Cartway Surface Type:** Streets providing access to ten (10) or fewer manufactured home lots may be constructed with a compacted gravel surface. All other streets shall be paved. All roadway surface improvements shall be constructed in accordance with applicable City standards.
 - 4. **Waiver:** The Planning Commission may authorize written approval for a reduction in the minimum width and surface requirements for internal private streets in a manufactured home park, where individual rental lots are clustered around a central common off-street parking area and served by alleys or for short cul-de-sac streets designed to serve not more than five (5) manufactured home rental lots.
- L. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations of the City. Fire hydrants shall be placed within the manufactured home park so that no mobile home shall be more than one thousand (1000) feet away from said hydrant. No open fires, except barbecue grills, shall be permitted within a manufactured home park. All manufactured home parks shall be subject to the rules and regulations of the Alexander City Fire Department.
- M. The manufactured homes may be installed within an approved manufactured home park only after at least fifty (50) percent or ten (10) of its lots or spaces (whichever is greater) have been completely improved or developed. This section shall in no way be construed to prevent development in stages of manufactured home parks, provided the total development plan is approved by the Alexander City Planning Commission and developed in increments of two (2) acres minimum.
- N. No temporary or permanent addition of any type other than an awning of aluminum, canvas, or fiberglass shall be added or attached to a manufactured home within an approved manufactured home park. The awning shall not be greater than nine (9) feet in width and shall not be enclosed with any material.

- O. The corners of each rental lot shall be marked with an iron pipe at least one-half (1/2) inch in diameter and at least twenty-four (24) inches long. The exterior boundaries of the development site shall be marked by a stone or concrete monument, not less than twenty-four (24) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on the top with a cross, brass plug, iron rod, or other durable metallic material securely embedded. Each manufactured home lot shall be plainly and permanently numbered with letters and/or numbers not less than 2½-inch numbers high, so they may be easily read from the street. The electrical service must also be permanently numbered for easy identification by meter readers.
- P. Any accessory storage structure placed on a manufactured home rental lot shall be a permanent structure providing a minimum of eighty (80) square feet of secured storage space. The design and exterior appearance of all accessory storage structures shall be uniform and approved as part of the manufactured home park plan.
- Q. All water, sewage, and garbage disposal facilities in the manufactured home park shall satisfy all standards promulgated by the Alabama Board of Health as approved by the Tallapoosa County Health Department.
- R. Each manufactured home rental lot shall contain one patio of concrete, or other suitable masonry material, having a minimum area of one hundred fifty (150) square feet.
- S. Each park may devote a maximum of five (5) off-street parking spaces to transient recreational vehicles and shall designate each parking area devoted to such use by sign or painting. This provision does not prohibit the use of any special parking area for visitor parking.
- T. Power and other utility meters must be attached to the structure.

10.5 Manufactured Home Park Plan. A manufactured home park preliminary site plan shall be submitted in triplicate to the Planning Commission for review and approval prior to the issuance of a Zoning Permit by the Enforcement Officer. No manufactured home park shall be permitted except under license of the City of Alexander City, upon approval by the Planning Commission, and in accordance with a permit issued by the Tallapoosa County Health Department. The Plan shall be drawn to scale and shall contain or include the following information. Such Plan shall be reviewed and approved by the Planning Commission only at a regular public meeting, but no specific public hearing shall be required for review and approval of the site plan only.

- A. A legend containing a site location map; the proposed name of the manufactured home park; the names of the developer, owner, and plan preparer, a north arrow; a scale; and an explanation of all symbols used on the plan.
- B. The location of all rights-of-way, streets, utility lines, hydrants, garbage containers, and other infrastructure improvements.
- C. The boundaries and dimensions of all rental lots and other required areas in the park, with topographical contours depicted at two (2) foot intervals.
- D. The locations of all properties adjoining the manufactured home park site, including the existing land use, structures, and zoning classifications of said properties.
- E. The boundaries of all buffers and common open spaces, including all proposed recreational improvements and landscaping/screening improvements.
- F. Plans and specifications for all proposed internal streets and accesses to external streets.
- G. Proposed drainage and stormwater management improvements, as required in Article III, Section 12 of this Ordinance.
- H. The boundaries of all floodplains on the site.
- I. The location of any proposed office, showroom, or personal service facilities in the park.
- J. Plans and specifications for proposed water supply, sewage collection, garbage disposal, electrical system, and other such infrastructure facilities that will be provided within the park, including all information as may be required by the Tallapoosa County Health Department to ensure compliance

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with all applicable health regulations or a permit issued by the Tallapoosa County Health Department verifying full compliance of the proposed park with all applicable health regulations.

K. The required application filing fee of two hundred dollars (\$200.00).

10.6 Operational Requirements. In addition to the Site Development Requirements specified in Section 10.4 above, each manufactured home park shall comply with the following operational requirements:

- A. The owner or designated licensee of a manufactured home park shall provide adequate on-site supervision and management to maintain the park, including its facilities, equipment, and improvements, in a clean and sanitary condition, free of litter, rubbish, and other potentially hazardous materials.
- B. All grounds and buildings within the manufactured home park shall be maintained in a manner that will not harbor insects and rodents, and will prevent accumulations of debris which provide habitat for the propagation of insects and rodents at levels that could constitute a nuisance to residents of the park or neighboring property owners. The park owner and/or operator shall be responsible for extermination measures to control pest populations in accordance with all applicable health and safety requirements.
- C. The park management shall supervise the placement of each manufactured home within the park, including the proper anchoring of the unit and its proper connection to all utility connections.
- D. The park management shall maintain a register during occupancy and for a period of twelve (12) months after departure containing the following information on each rental lot or space in the park:
 - 1. The name and mailing address of each lessee.
 - 2. Date of entrance and departure.
 - 3. License number of all manufactured home structures and other personal vehicles owned by lessee.
 - 4. The states issuing such licenses.
 - 5. Place of last location of each manufactured home and length of stay at the prior location.

10.7 Replacement of existing manufactured home. In this district, the replacement of a non-conforming mobile or manufactured home with a new or larger manufactured home will be permitted, where: the new or larger manufactured home was constructed in a later model year than the manufactured or mobile home that it will replace, no additional or new dimensional nonconformities will be created, and no additional families shall be permitted to live in the new or larger manufactured home.

10.8 Applicability To Existing Parks. The provisions of this section shall not apply to any manufactured or mobile home park that was lawfully constructed and licensed on the date this ordinance becomes effective, nor shall compliance be required as a result of change of park ownership or if any manufactured home lot is vacated and then rented for another home. A manufactured home park shall be considered to exist if a detailed development plan has been submitted to the building official and a permit has been issued and substantial progress is being made toward completion of the development. It shall be necessary however for any manufactured home when placed on a lot after the adoption of this amendment or ordinance to comply with a setback provision so that all manufactured homes thereafter placed or situated shall be located a minimum of ten (10) feet from any exterior property. This provision shall not exempt any pre-existing manufactured home park from complying with the terms of this Ordinance when submitting plans for an expansion or redevelopment.

SECTION 11 - B-1: NEIGHBORHOOD BUSINESS ZONING DISTRICT

11.1 District Intent. The purpose of this district shall be to provide opportunities for small scale, low impact, commercial business, office, and service operations utilizing less than 2,500 square feet of gross floor area, (excluding accessory residential uses for the property owner, manager, or proprietor)

and associated compatible uses that primarily serve neighborhood or local business needs. The local shopping zoning district is designed to serve small scale business opportunities in a neighborhood setting (rather than in a central business district or along a major highway corridor), where good traffic access is available (such as street corner locations where a neighborhood collector street intersects with another collector street or an arterial highway). The size of a B-1 zone should be limited to the areas immediately surrounding key neighborhood intersections, to help minimize the intrusion of commercial uses into stable residential areas.

11.2 Permitted Uses. The following uses shall be permitted in the B-1: Local Business Zoning District.

- A. Retail establishments customarily serving residential neighborhoods, such as: pharmacies or drug stores, grocery markets, clothing and apparel stores, gift shops, greeting card shops, book stores, music stores, pet stores, consignment shops, news stands, toy stores, fish and tackle shops, craft and hobby shops, florist shops, video stores, small electronic and computer retailers, and furniture stores, but not pawn shops.
- B. Personal or professional service establishments, and businesses repairing and servicing small equipment, such as: barber shops and salons, child care centers, photocopiers or print shops, coin-operated laundromats, tailors, shoe repair shops, electronic or small appliance repair shops, pet grooming establishments, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, and jewelry and watch repair shops.
- C. Professional offices such as: banks, doctors offices, dentist offices, accounting and tax preparation services, real estate offices, attorneys offices, investment offices, consulting offices, and veterinary clinics (but not veterinary hospitals).
- D. Dine-in or carry-out restaurants that do not offer drive-through services and that do not offer alcoholic beverages for sale in any form such as: cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, and other similar dining or food establishments.
- E. Family entertainment and cultural uses such as: dance studios, and other similar establishments that cater to children and families (not adults exclusively) and that do not serve or offer alcoholic beverages for sale.
- F. Clubs or lodges, public and private.
- G. Public and private educational institutions and associated accessory uses.
- H. Churches and cemeteries.
- I. Monasteries.
- J. Public and semi-public institutions and offices, including government offices, fire stations, police stations, and other similar uses.
- K. Bed and breakfast inns.
- L. Automobile Filling and Service Stations, provided that all structures, including pumps, shall comply with the setback line of any abutting street and that points of ingress and egress shall not be located closer than fifty (50) feet to each other (centerline to centerline) nor less than one hundred (100) feet to any street intersection, and shall not exceed 25 feet in width.
- M. Boarding or rooming houses.
- N. Single and multi-family Group homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- O. Nursing homes.
- P. Residential uses permitted in an adjoining residential district; however, such residential uses shall be subject to and regulated by all applicable dimensional and dwelling unit requirements of such adjoining residential district, except that in the case where more than one such district is adjoining thereto, the least restrictive district requirements for such residential use shall apply. Any building used in whole or in part for more than one dwelling unit shall also comply with minimum lot area

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requirements for each additional dwelling unit.

- Q. Condominiums and Townhouses, in accordance with Article IV, Section 13 of this Ordinance.
- R. Multi-family and loft apartments. Apartments shall be allowed only on the second or other upper floor of any building housing or containing a permitted commercial use on the first floor, provided that all of the following requirements are satisfied:
 - 1. Appropriate soundproofing or sound attenuation measures have been installed to limit noise impacts that may be generated by ground floor commercial uses.
 - 2. Adequate off-street parking for all proposed apartment units is provided in the rear or side yard of the lot.
 - 3. Separate building entrances are available for the proposed apartments.
 - 4. All exterior apartment windows and doors are secured by appropriate locks or security devices.
 - 5. Adequate fire escape ladders are available for each apartment unit and hard-wired fire alarms and sprinkler systems are provided on all floors of the building in accordance with all applicable fire and building codes.
 - 6. The lower floor commercial uses in the building will not operate between the hours of 8:00 p.m. and 6:00 a.m..
- S. Studios engaged in the manufacture of handcrafted art, pottery, clothing, glass, metal, or wood products.
- T. Public utility structures and lands, provided that there is no outside storage area and a buffer is provided for the side and rear yards.
- U. Accessory off-street parking and loading spaces, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored. Off-street parking lots shall be located in the rear or side yard of the property. If no on-street parking spaces and sidewalk have been constructed along the front of the property, the property owner may establish off-street diagonal parking within the front yard of the property. No required off-street loading space shall be established within the front yard of the property.

11.3 Prohibited Uses. The following specific uses shall be prohibited in the B-1: Local Business Zoning District.

- A. Body Shops and Junkyards.
- B. Laundry and Dry Cleaning Plants.
- C. Manufacturing uses.
- D. Pawn shops.
- E. All uses allowed in the B-2: General Business Zoning District that are not specifically allowed in this district.

11.4 Dimensional Requirements:

- A. Maximum business size:** Not more than two thousand, five hundred (2,500) square feet of gross floor area devoted to the business use, including areas used for inventory storage and administrative offices. Accessory residential uses on any property shall not exceed the gross floor area of the primary commercial use(s) on the lot. The subject lot shall be of sufficient size to accommodate the proposed commercial building and all accessory uses, including on-site parking.
- B. Minimum Lot Size:** No specific minimum area required. It is the intent of the ordinance that lots of sufficient size be used for any business or service permitted, provided, however, that such use shall have adequate space for normal operations plus required space for off-street parking and loading, and yard requirements.
- C. Minimum Front Yard Setback:** Twenty (20) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.

However, every effort should be made to site commercial structures as close to the required front yard setback as is possible. Where a sidewalk exists along the front yard, the building storefront shall be located along the front yard setback line. Commercial buildings that will be located on a vacant lot between two pre-existing, structurally sound buildings shall not be located closer to or farther from the right-of-way line than the buildings on the immediate adjoining side lots.

- D. Minimum Side Yard Setbacks:** Ten (10) feet. Where the side yard of a non-residential use property adjoins a residential zoning district, a side yard buffer along the residential zoning district line shall be provided. If the adjoining property is zoned and developed for a business or commercial use, interior side yards may on that side of the property may be reduced to zero (0) feet; however, if the adjoining structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.
- E. Minimum Rear Yard Setback:** Twenty-five (25) feet. Where the rear yard of a non-residential use property adjoins a residential zoning district, a rear yard buffer along the residential zoning district line shall be provided.
- F. Maximum Percentage of Lot Covered by Impervious Surfaces:** Sixty-five (65) percent.
- G. Maximum Structure Height:** Thirty-five (35) feet or two and one-half (2.5) stories, except that principal public and semi-public use buildings may have a height not to exceed forty-five (45) feet or three (3) stories.
- H. Vehicular Access:** Vehicular approaches to the property shall be so designed and located that they will create minimum interference with traffic on the surrounding public street. To this end, no more than two driveways, each not to exceed thirty (30) feet in width at the property line, shall be permitted on each street frontage of the property. No portion of an access curb cut shall be closer than fifty (50) feet from the closest right-of-way line of an intersecting street or railroad. A design requiring backing of vehicles into a public street or highway shall be prohibited.

SECTION 12 - B-2: GENERAL BUSINESS ZONING DISTRICT

12.1 District Intent. This zoning district is intended to provide development opportunities for large scale, auto-oriented commercial uses requiring large lots and good highway access, and which typically serve a broader retail market that may extend well beyond the City's corporate limits.

12.2 Permitted Uses. The following uses shall be permitted in the B-2: General Business Zoning District.

- A. Clubs or lodges, public and private.
- B. Hotels and convention centers (which may include a commercial restaurant and/or gift shop).
- C. Motels.
- D. Automobile Filling and Service Stations, provided that all structures, including pumps, shall comply with the setback line of any abutting street and that points of ingress and egress shall not be located closer than fifty (50) feet to each other (centerline to centerline) and shall not exceed 25 feet in width.
- E. Body Shops.
- F. Hospitals (which may include a commercial cafeteria and/or a commercial pharmacy), medical clinics, laboratories, sanitariums, and nursing homes.
- G. Research and testing laboratories.
- H. Public utility structures and lands, provided that there is no outside storage area and a buffer is provided for the side and rear yards.
- I. Public and private primary, elementary, or secondary educational institutions, and other associated accessory uses.
- J. Public and private colleges and universities, trade schools, community colleges, business and technical schools, universities and other post-secondary educational and training facilities. College dormi-

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tories and other associated accessory uses are also permitted

- K. Package stores.
- L. Automobile, motorcycle, water craft, and small truck sales, including marinas.
- M. Retail establishments, such as: pharmacies or drug stores, grocery stores, convenience stores, supermarkets, department stores, discount retail stores, furniture stores, hardware stores, small and major appliance retailers, clothing stores, gift shops, greeting card shops, jewelry stores, pet stores, book stores, music stores, consignment shops, electronics and computer retailers, office supply stores, news stands, toy stores, fish and tackle shops, craft and hobby shops, florist shops, video stores, auto parts stores (not including Junkyards), pawn shops, and other similar establishments.
- N. Personal or professional service establishments, and businesses repairing and servicing small equipment, such as: barber shops and salons, photocopiers or print shops, laundromats and cleaners, tailors, shoe repair shops, funeral homes and mortuaries, equipment/furniture/appliance rental stores, electronic or small appliance repair shops, post offices, pet grooming establishments, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.
- O. Professional offices such as: banks, doctors offices, dentist offices, accounting and tax preparation services, real estate offices, attorneys offices, investment offices, consulting offices, and other similar establishments.
- P. Public and semi-public institutions and offices such as: government offices, parks and recreational facilities, churches, cemeteries, utility company offices, and other similar establishments.
- Q. Dine-in, carry-out, and drive-through restaurants such as: fast food restaurants, pubs, formal restaurants, cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, and other similar dining or food establishments.
- R. Family entertainment and cultural uses such as: theaters and cinemas, civic centers, museums, video arcades, dance studios and dance halls, pool halls, bowling alleys, and other similar establishments.
- S. Product or inventory storage for a permitted commercial use. In the basement level or in a special storage room or area in the rear sections (most removed from the street front) of the ground floor of a building that has no basement.
- T. Lounges.
- U. Public and private colleges and universities, trade schools, community colleges, business and technical schools, universities and other post-secondary educational and training facilities.
- V. Farm and construction implement, and mobile home sales and service (not including parts yards and junkyards).
- W. Body Shops.
- X. Shopping Centers, Shopping Malls and office parks.
- Y. Motels.
- Z. Veterinary hospitals and kennels, provided that all animals are kept within suitable designed, sound-proofed, and air conditioned buildings.
- AA. Public or private fishing clubs, gun clubs, golf courses and country clubs, and other similar outdoor recreational activities on parcels containing ten (10) or more acres of land, provided that all outdoor activities involving the discharge of fire arms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established adjoining residential uses.
- AB. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses, provided that the parcel contains at least ten (10) acres of land, that all outdoor lighting provided for night use shall be properly directed and shielded as needed to prevent excessive glare on adjoining properties, and all activities are located at least one hundred (100) feet from any property line.
- AC. Truck terminals and other transportation distribution centers.
- AD. Commercial and public entertainment and recreation facilities, including parks, playgrounds, play fields, roller skating rinks, miniature golf courses, amusement parks, fairgrounds, and other similar

facilities.

AE. Campgrounds and Recreational Vehicle parks.

AF. Public utility structures and lands.

AG. Wholesale business and distribution establishments not involving over twenty thousand (20,000) square feet of area for storage of ware to be wholesaled or distributed.

AH. Mini-warehouses.

AI. Building contractor's office, except outside storage of heavy equipment, and building materials.

AJ. Marinas.

AK. Video Arcades, not to include video gambling machines and only as an accessory use to another permitted principal use specifically allowed within the B-2: General Business Zoning District.

AL. Outside storage of equipment of materials (permitted upon appeal to the Planning Commission and City Council). All outside storage areas approved shall be fenced and screened on all sides. Additional requirements may be made at the discretion of the Council to prevent visual clutter from adjoining properties and streets.

AM. Garden centers, greenhouses, and nurseries.

AN. Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored. Not more than one third (1/3) of all required off-street parking spaces may be located within the front yard of the property. No required off-street parking or loading spaces shall be established within the front yard of the property.

12.3 Uses Permitted by Special Exception. The following uses may be allowed by special exception in the B-2: General Business Zoning District by approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements, and the Board of Adjustment may impose such special conditions as may be deemed necessary to ensure compliance with the conditions or requirements specified below.

A. Dry cleaners and other non-coin operated laundries, provided the use shall be served by municipal sewer.

B. The manufacturing or final assembly of articles sold at retail, provided that such manufacturing is incidental to the retail business or service and occupies less than thirty (30) percent of the gross floor area of the commercial building. All sales, storage, and service of incidental manufacturing activities shall be conducted within the building.

12.4 Prohibited Uses. The following identifies the uses that are explicitly prohibited in the B-2: General Business Zoning District.

A. Junkyards.

B. Stockyards.

C. Live animal sales.

D. Coal yards.

E. Lumber yards or mills

F. Auto wrecking.

G. Above ground storage tanks for gasoline, oil, kerosene, alcohol, or other petroleum product with volumes in excess of five hundred (500) gallons.

H. Grist or flour mills.

I. Wholesale businesses or warehousing operations.

J. Open storage of parts, material, equipment, or machinery.

K. Multi-family apartments.

12.5 Dimensional Requirements:

A. Minimum Front Yard Setback:

1. Twenty (20) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance. However, every effort should be made to site commercial structures as close to the required front yard setback as is possible. Where a sidewalk exists along the front yard, the building storefront shall be located along the front yard setback line. Not more than one third (1/3) of all required off-street parking spaces may be located within the front yard of the property.
2. For any lot with frontage along a street classified as a collector in the Comprehensive Plan, all structures shall be set back at least forty-five (45) feet from the centerline of the collector street.
3. For any lot with frontage along a street classified as an arterial in the Comprehensive Plan, all structures shall be set back at least sixty (60) feet from the centerline of the arterial street.

B. Minimum Side Yard Setbacks: Fifteen (15) feet. Where the side yard of a property adjoins a residential zoning district, a side yard buffer along the residential zoning district line shall be provided.

C. Minimum Rear Yard Setback: Twenty (20) feet. Where the rear yard of a property adjoins a residential zoning district, a rear yard buffer along the residential zoning district line shall be provided in addition to the required rear yard setback.

D. Maximum Percentage of Lot Covered by Impervious Surfaces: Fifty (50) percent for all lots not fronting on Lake Martin and forty (40) percent for all lots with frontage along the mean high water mark of Lake Martin. However, the percentage of impervious surfaces shall be increased to seventy (70) percent for all lots not fronting on Lake Martin and sixty (60) percent for all lots with frontage along the mean high water mark of Lake Martin if all of the following improvements are incorporated into the stormwater management plan for the proposed development:

1. Trash receptacles shall be placed in convenient locations throughout the parking lot and at the main entrance(s) of the principal use building to help reduce the accumulation of waste debris on the development site. In addition, a sign shall be posted adjacent to or affixed upon each trash receptacle clearly stating, "please do not litter."
2. All stormwater retention basins necessary to control the release of stormwater runoff from impervious surfaces on the site shall be designed, improved and properly managed to serve as artificial wetlands.
3. Proposed landscaped islands within paved parking areas shall be improved to serve as bioretention zones, with appropriate vegetation to facilitate the absorption of stormwater runoff from adjoining or surrounding paved surfaces.
4. The establishment of grass buffers not less than ten (10) feet in width between the outer edges of any paved or impervious surface and the adjoining drainageways and not less than fifty (50) feet adjoining the Lake Martin shoreline. Said buffers shall be designed and graded to filter stormwater runoff from adjoining impervious surfaces prior to release into public drainageways.
5. In developed areas where excessive flooding problems occur with increasing frequency during major storm events and have been documented by the City, the establishment of a performance bond in an amount to be mutually agreed upon by the City and the property owner to ensure that costs incurred by the City to remediate any additional flooding problems that may be caused by the addition of new impervious surfaces on the property will be reimbursed.

F. Maximum Structure Height: Forty-five (45) feet or three (3) stories.

G. General Use Requirements: No use in this district shall produce any objectionable noise, odor, smoke, fumes, heat, glare, or vibration that is discernable by an average person beyond its lot lines.

SECTION 13 - B-3: CENTRAL BUSINESS ZONING DISTRICT

13.1 District Intent. The purpose of this district shall be to create and promote an economically

viable, compact, intensively developed central business district consisting of mixed commercial, cultural, entertainment, and institutional uses, with limited accessory residential apartment uses, under special conditions.

13.2 Permitted Uses. The following uses shall be permitted in the B-3: Central Business Zoning District.

A. Permitted “stand-alone” uses. The following uses shall be permitted on an individual lot or in an individual building within the B-3: Central Business Zoning District as exclusive uses or in the combination specified below:

1. Clubs or lodges, public and private.
2. Churches and/or cemeteries.
3. Public and semi-public institutions and offices, including government offices, fire stations, police stations, parks and recreation facilities and other similar uses.
4. Bed and breakfast inns.
5. Hotels and convention centers (which may include a commercial restaurant and/or gift shop).
6. Automobile Filling and Service Stations, provided that all structures, including pumps, shall comply with the setback line of any abutting street and that points of ingress and egress shall not be located closer than fifty (50) feet to each other (centerline to centerline) and shall not exceed 25 feet in width.
7. Convenience Stores.
8. Boarding or rooming houses.
9. Hospitals (which may include a commercial cafeteria and/or a commercial pharmacy), medical clinics, laboratories, sanitariums, and nursing homes.
10. Research and testing laboratories.
11. Public utility structures and lands, provided that there is no outside storage area and a buffer is provided for the side and rear yards.
12. Public and private primary, elementary, or secondary educational institutions, and other associated accessory uses.
13. Public and private colleges and universities, trade schools, community colleges, business and technical schools, universities and other post-secondary educational and training facilities. College dormitories and other associated accessory uses are also permitted
14. Veterinary clinics or hospitals and kennels.
15. Package stores.
16. Automobile, motorcycle, water craft, and small truck sales.
17. Any other permitted non-residential land use specifically identified elsewhere in Subparagraphs B, C, or D of this Section.

B. Permitted basement level and first floor uses. The following uses shall be permitted in the basement and ground level stories of any building in the B-3: Central Business Zoning District that possesses two or more stories and is designed to accommodate multiple land uses or businesses:

1. Retail establishments, such as: pharmacies or drug stores, grocery stores, supermarkets, department stores, discount retail stores, furniture stores, hardware stores, small and major appliance retailers, clothing stores, gift shops, greeting card shops, jewelry stores, pet stores, book stores, music stores, consignment shops, electronics and computer retailers, office supply stores, news stands, toy stores, fish and tackle shops, craft and hobby shops, florist shops, video stores, auto parts stores (not including Junkyards), and other similar establishments, but not pawn shops.
2. Personal or professional service establishments, and businesses repairing and servicing small equipment, such as: barber shops and salons, photocopiers or print shops, laundromats and cleaners, tailors, shoe repair shops, funeral homes and mortuaries, equipment/furniture/appliance rental stores, electronic or small appliance repair shops, post offices, pet grooming estab-

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lishments, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.

3. Professional offices such as: banks, doctors offices, dentist offices, accounting and tax preparation services, real estate offices, attorneys offices, investment offices, consulting offices, and other similar establishments.
4. Public and semi-public institutions and offices such as: government offices, churches, utility company offices, and other similar establishments.
5. Dine-in, carry-out, and drive-through restaurants such as: fast food restaurants, pubs, formal restaurants, cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, and other similar dining or food establishments.
6. Family entertainment and cultural uses such as: theaters and cinemas, civic centers, museums, video arcades, dance studios and dance halls, pool halls, bowling alleys, and other similar establishments.
7. Product or inventory storage for a permitted commercial use. In the basement level or in a special storage room or area in the rear sections (most removed from the street front) of the ground floor of a building that has no basement.
8. Lounges.
9. Public and private colleges and universities, trade schools, community colleges, business and technical schools, universities and other post-secondary educational and training facilities.
10. Studios engaged in the manufacture of handcrafted art, pottery, clothing, glass, metal, or wood products.

C. Permitted upper story uses. The following uses shall be permitted on any floor about the ground level or first floor of any building in the B-3: Central Business Zoning District that possesses two or more stories and is designed to accommodate multiple land uses or businesses:

1. Any permitted basement level and first floor use specified in Subparagraph B of this Section. Product or inventory storage shall be allowed in any upper story floor of a building that is not devoted to other permitted uses.
2. Loft, efficiency, and studio apartments, as accessory uses to a primary commercial use, provided that all of the following requirements are satisfied:
 - a. Appropriate soundproofing or sound attenuation measures have been installed to limit noise impacts that may be generated by ground floor commercial uses. Upper floor product or inventory storage may be used as a sound attenuation measure between any commercial and residential uses in a multiple three or more story building.
 - b. Adequate off-street parking for all proposed apartment units is provided in the rear yard of the lot.
 - c. Separate building entrances are available for the proposed apartments.
 - d. All exterior apartment windows and doors are secured by appropriate locks or security devices.
 - e. Adequate fire escape ladders are available for each apartment unit and hard-wired fire alarms and sprinkler systems are provided on all floors of the building in accordance with all applicable fire and building codes.
 - f. The lower floor commercial uses in the building will not operate between the hours of 10:00 p.m. and 6:00 a.m.

D. Off-street parking facilities, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored. Off-street parking lots shall be located in the rear or side yard of the property. No required off-street parking or loading spaces shall be established within the front yard of the property.

13.3 Uses Permitted By Special Exception. The following uses may be allowed by special excep-

tion in the B-3: Central Business Zoning District by approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements, and the Board of Adjustment may impose such special conditions as may be deemed necessary to ensure compliance with the conditions or requirements specified below.

- A. Single or two-family residences only in an existing building that was designed and used for such use prior to the effective date of this ordinance and provided that the building is eligible for or has been awarded status as an historic landmark on the National Register of Historic Places.
- B. Single or two-family group homes only in an existing structure approved for such residential use under Subparagraph A of this Section.
- C. Multi-family apartment buildings at a density not to exceed twenty-five (25) units per acre of land and that the proposed lot adjoins a public street with an improved sidewalk that provides protected pedestrian access to the rest of the downtown area. In addition, multi-family apartment complexes shall provide adequate recreational areas for children which shall be fenced and shall comprise not less than ten (10) percent of the project site area.
- D. Shopping Centers or Malls, provided that any new buildings constructed will maintain the uniformity of the front yard setback or street facade formed by existing buildings on either side of the subject property and that the majority of the required off-street parking will be provided along the sides or in the rear yard of the property.

13.4 Prohibited Uses. The following specific uses shall be prohibited in the B-3: Central Business Zoning District.

- A. Body Shops and Junkyards.
- B. Heavy manufacturing uses.
- C. Open storage of parts, material, equipment, or machinery.
- D. Wholesale business or services and warehousing.
- E. All uses allowed in the B-2: General Business Zoning District that are not specifically allowed in this district.

13.5 Dimensional Requirements:

- A. Minimum Front Yard Setback: None required. Commercial buildings that will be located on a vacant lot between two pre-existing buildings shall not be located closer to or farther from the right-of-way line than the buildings on the immediate adjoining side lots.
- B. Minimum Side Yard Setbacks: None required. Where the side yard of a property adjoins a residential zoning district, a side yard buffer along the residential zoning district line shall be provided. Where a building will be constructed to share a common wall with a building on an adjoining lot, a protective fire wall shall be installed within the common wall in compliance with all applicable Fire Codes.
- C. Minimum Rear Yard Setback: Ten (10) feet. Where the rear yard of a property adjoins a residential zoning district, a rear yard buffer along the residential zoning district line shall be provided.
- D. Maximum Percentage of Lot Covered by Impervious Surfaces: Eighty (80) percent.
- E. Maximum Structure Height: Sixty-five (65) feet or five (5) stories.
- F. General Use Requirements: No use in this district shall produce any objectionable noise, odor, smoke, fumes, heat, glare, or vibration that is discernable by an average person beyond its lot lines.

SECTION 14 - I-1: LIGHT INDUSTRY ZONING DISTRICT

14.1 District Intent. The purpose of this district is to provide opportunities for the development of

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large industrial operations that will have minimal impacts on the natural environment or surrounding properties and that will be located in areas served by all necessary municipal facilities and services. Such uses shall not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) minor or major operating discharge permit or an ADEM air quality control permit for the primary production process. Light Industry uses also shall not generate vibrations or noise that could impact neighboring properties. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use.

14.2 Permitted Uses. The following uses shall be permitted in the I-1: Light Industry Zoning District.

- A. Any industrial enterprise engaged in a manufacturing, assembly, or processing activity that does not produce vibrations, noise, or glare discernable beyond the boundaries of the property, does not release surface water discharges requiring the issuance of a National Pollutant Discharge Elimination System (NPDES) minor or major discharge permit, and where the primary production process does not emit fumes, odors, or other airborne pollutants that would require issuance of an air quality control permit by ADEM. Such uses may include, but are not necessarily limited to:
 1. Electronic parts assembly, toy manufacturing, and sign manufacturing.
 2. Ice plant.
 3. Bottling works and control distribution plants.
 4. Furniture manufacturing, garment or apparel manufacturing, textile products manufacturing, and mill work.
 5. Bakeries.
 6. Tire retreading and recapping establishments.
 7. Certain low intensity dyeing plants.
 8. Metal fabrication shops.
 9. Newspaper print shops.
- B. Accessory commercial activities limited to the sale or servicing of products manufactured by the primary industrial use, provided such commercial activities occupy not more than twenty-five (25) percent of the total floor area of the principal use building. All commercial activities shall be conducted entirely within the principal use building. Such uses may include, but shall not be limited to:
 1. a factory outlet store for an apparel or merchandise manufacturer;
 2. a gift shop selling company souvenirs or products to people or groups touring a plant;
 3. an ice cream stand at an ice cream plant;
 4. a commercial film developing lab associated with a plant producing camera film; or
 5. a tire service center for a tire manufacturer.
- C. Airports, aircraft landing fields and strips, hangars, and accessory equipment and facilities, provided that the applicant can document that the potential aircraft noise impacts on surrounding uses and properties will not exceed 65 Ldn (day-night average sound level as measured by an A-weighted sound-level meter) and that no residential uses, hospitals, shopping malls or centers, stadiums, or other public assembly uses will be located within the aircraft approach and takeoff zones associated with the proposed runway(s).
- D. Not more than one accessory single family residence for a night watchman or custodian.
- E. Indoor and outdoor gun clubs and shooting ranges, provided that all activities involving the discharge of fire arms shall be conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
- F. Warehousing and storage facilities, including cold storage plants.
- G. Truck terminals and shipping facilities.
- H. Railroad yards.
- I. Lumber yards and mills.

- J. Body shops.
- K. Kennels, Veterinary Hospitals, and Veterinary Clinics.
- L. Hospitals and medical clinics.

14.4 Dimensional Requirements:

- A. Minimum Lot Size:** None specified. It is the intent of the ordinance that lots of sufficient size be used for any industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
- B. Minimum Front Yard Setback:**
 - 1. Twenty-five (25) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
 - 2. For any lot with frontage along a street classified as a collector in the Comprehensive Plan, all structures shall be set back at least forty-five (45) feet from the centerline of the collector street.
 - 3. For any lot with frontage along a street classified as an arterial in the Comprehensive Plan, all structures shall be set back at least sixty (60) feet from the centerline of the arterial street.
- C. Minimum Side Yard Setbacks:** Ten (10) feet. Where the side yard of a property adjoins a residential zoning district, a side yard buffer not less than twenty (20) feet in width shall be provided along the residential zoning district line.
- D. Minimum Rear Yard Setback:** Twenty (20) feet. Where the rear yard of a property adjoins a residential zoning district, a rear yard buffer not less than forty (40) feet in width shall be provided along the residential zoning district line.
- E. Minimum Setback From Railroad Right-Of-Way:** No minimum setback shall be required from a railroad right-of-way line.
- F. Maximum Percentage of Lot Covered by Impervious Surfaces:** Forty (40) percent. However, the percentage of impervious surfaces shall be increased to seventy (70) percent for all lots not fronting on Lake Martin and sixty (60) percent for all lots with frontage along the mean high water mark of Lake Martin if all of the following improvements are incorporated into the stormwater management plan for the proposed development:
 - 1. Trash receptacles shall be placed in convenient locations throughout the parking lot and at the main entrance(s) of principal use building to help reduce the accumulation of waste debris on the development site. In addition, a sign shall be posted adjacent to or affixed upon each trash receptacle clearly stating, "Please do not litter."
 - 2. Stormwater retention basins as required to meet the Standards in Article III, Section 12.
 - 3. Proposed landscaped islands within paved parking areas shall be improved to serve as bioretention zones, with appropriate vegetation to facilitate the absorption of stormwater runoff from adjoining or surrounding paved surfaces.
 - 4. The establishment of grass buffers not less than ten (10) feet in width between the outer edges of any paved or impervious surface and adjoining drainageways and not less than fifty (50) feet adjoining the Lake Martin shoreline. Said buffers shall be designed and graded to filter stormwater runoff from adjoining impervious surfaces prior to release into public drainageways.
 - 5. In developed areas where excessive flooding problems occur with increasing frequency during major storm events and have been documented by the City, the establishment of a performance bond in an amount to be mutually agreed upon by the City and the property owner to ensure that costs incurred by the City to remediate any additional flooding problems that may be caused by the addition of new impervious surfaces on the property will be reimbursed.
- G. Maximum Structure Height:** Forty-five (45) feet or four (4) stories.

14.5 General Requirements:

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Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, provided that within one hundred (100) feet of any other district all storage shall be in completely enclosed buildings or shall be effectively screened by a wall or fence, which shall in no case be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under 1 ½ tons rated capacity.

SECTION 15 - I-2: HEAVY INDUSTRY ZONING DISTRICT

15.1 District Intent. The purpose of this district is to provide opportunities for the development of major industrial operations that do not fall within the scope of a light industrial operation, as specified in the I-1, Light Industry Zoning District. Where allowed, such uses shall comply with all applicable state and federal requirements to minimize potential adverse impacts on the natural environment and the community. To the greatest extent possible, general industry uses should be located in areas served by all necessary municipal facilities and services.

15.2 Permitted Uses. The following uses shall be permitted in the I-2: Heavy Industry Zoning District.

- A. Any industrial or manufacturing use that is not specifically prohibited, subject to and in full compliance with any and all applicable permit requirements promulgated by the Alabama Department of Environmental Management, including, but not necessarily limited to:
 1. Electronic parts assembly, toy manufacturing, and sign manufacturing.
 2. Ice plant.
 3. Bottling works and control distribution plants.
 4. Furniture manufacturing, garment or apparel manufacturing, textile products manufacturing, and mill work.
 5. Bakeries.
 6. Tire retreading and recapping establishments.
 7. Certain low intensity dyeing plants.
 8. Metal fabrication shops.
 9. Newspaper print shops.
 - B. Accessory commercial activities limited to the sale or servicing of products manufactured by the primary industrial use, provided such commercial activities occupy not more than twenty-five (25) percent of the total floor area of the principal use building. All commercial activities shall be conducted entirely within the principal use building. Such uses may include, but shall not be limited to:
 1. a factory outlet store for an apparel or merchandise manufacturer;
 2. a gift shop selling company souvenirs or products to people or groups touring a plant;
 3. an ice cream stand at an ice cream plant;
 4. a commercial film developing lab associated with a plant producing camera film; or
 5. a tire service center for a tire manufacturer.
 - C. Airports, aircraft landing fields and strips, hangars, and accessory equipment and facilities, provided that the applicant can document that the potential aircraft noise impacts on surrounding uses and properties will not exceed 65 Ldn (day-night average sound level as measured by an A-weighted sound-level meter) and that no residential uses, hospitals, shopping malls or centers, stadiums, or other public assembly uses will be located within the aircraft approach and takeoff zones associated with the proposed runway(s).
 - D. Not more than one accessory single family residence for a night watchman or custodian.
 - E. Indoor and outdoor gun clubs and shooting ranges, provided that all activities involving the discharge of fire arms shall be conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
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- F. Warehousing and storage facilities, including cold storage plants.
- G. Truck terminals and shipping facilities.
- H. Railroad yards.
- I. Lumber yards and mills.
- J. Body shops.
- K. Kennels, Veterinary Hospitals, and Veterinary Clinics.
- L. Hospitals and medical clinics.
- M. Construction and demolition landfills.

15.3 Prohibited Uses. The following identifies the uses that are explicitly prohibited in the I-2: Heavy Industry Zoning District.

- A. Residences and apartments, excepting quarters for a watchman or custodian and his family.
- B. Junkyards or scrap yards.
- C. Sanitary or hazardous waste landfills or incinerators.

15.4 Dimensional Requirements:

- A. Minimum Lot Size: None specified. It is the intent of the ordinance that lots of sufficient size be used for any industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
- B. Minimum Front Yard Setback:
 - 1. Thirty (30) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
 - 2. For any lot with frontage along a street classified as a collector in the Comprehensive Plan, all structures shall be set back at least fifty (50) feet from the centerline of the collector street.
 - 3. For any lot with frontage along a street classified as an arterial in the Comprehensive Plan, all structures shall be set back at least seventy-five (75) feet from the centerline of the arterial street.
- C. Minimum Side Yard Setbacks: Twenty (20) feet. Where the side yard of a property adjoins a residential zoning district, a side yard buffer not less than fifty (50) feet in width shall be provided along the residential zoning district line.
- D. Minimum Rear Yard Setback: Twenty-five (25) feet. Where the rear yard of a property adjoins a residential zoning district, a rear yard buffer not less than fifty (50) feet in width shall be provided along the residential zoning district line.
- E. Minimum Setback From Railroad Right-Of-Way: No minimum setback shall be required from a railroad right-of-way line.
- F. Maximum Percentage of Lot Covered by Impervious Surfaces: Thirty (30) percent. However, the percentage of impervious surfaces shall be increased to seventy (70) percent for all lots not fronting on Martin Lake and sixty (60) percent for all lots with frontage along the mean high water mark of Lake Martin if all of the following improvements are incorporated into the stormwater management plan for the proposed development:
 - 1. Trash receptacles shall be placed in convenient locations throughout the parking lot and at the main entrance(s) of principal use building to help reduce the accumulation of waste debris on the development site. In addition, a sign shall be posted adjacent to or affixed upon each trash receptacle clearly stating, "Please do not litter."
 - 2. Stormwater retention basins as required to meet the Standards in Article III, Section 12.
 - 3. Proposed landscaped islands within paved parking areas shall be improved to serve as bioretention zones, with appropriate vegetation to facilitate the absorption of stormwater runoff from adjoining or surrounding paved surfaces.
 - 4. The establishment of grass buffers not less than ten (10) feet in width between the outer edges of

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any paved or impervious surface and adjoining drainageways and not less than fifty (50) feet adjoining the Lake Martin shoreline. Said buffers shall be designed and graded to filter stormwater runoff from adjoining impervious surfaces prior to release into public drainageways.

5. In developed areas where excessive flooding problems occur with increasing frequency during major storm events and have been documented by the City, the establishment of a performance bond in an amount to be mutually agreed upon by the City and the property owner to ensure that costs incurred by the City to remediate any additional flooding problems that may be caused by the addition of new impervious surfaces on the property will be reimbursed.

15.5 General Requirements:

Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, provided that within one hundred (100) feet of any other district all storage shall be in completely enclosed buildings or shall be effectively screened by a wall or fence, which shall in no case be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under 1 ½ tons rated capacity.

SECTION 16 - PO: PARKS AND OPEN SPACE DISTRICT

16.1 District Intent. The intent of this district is to provide accommodations for existing and future park and open space within the City limits. This district may be applied to both existing parks and properties that the City may intend for a park in the future.

16.2 Permitted Uses.

- A. Parks and recreational facilities, both indoor and outdoor.
- B. Gardens, nurseries, and greenhouses intended for public use and with no retail sales.
- C. Public or private fishing clubs, gun clubs, golf courses and country clubs, and other similar outdoor recreational activities on parcels containing ten (10) or more acres of land, provided that all outdoor activities involving the discharge of fire arms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established adjoining residential uses.
- D. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses, provided that the parcel contains at least ten (10) acres of land, that all outdoor lighting provided for night use shall be properly directed and shielded as needed to prevent excessive glare on adjoining properties.

16.3 Prohibited Uses. Any uses not specifically listed as permitted in the PO district are prohibited.

16.4 Dimensional Requirements.

- A. **Minimum Lot Size.** None specified.
- B. **Minimum Front Yard Setback:** None specified.
- C. **Minimum Side Yard Setback:** Ten (10) feet.
- D. **Minimum Rear Yard Setback:** Twenty (20) feet.
- E. **Maximum Structure Height:** Sixty-five (65) feet or five (5) stories.
- F. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Forty (40) percent. Parking may be provided in areas paved with pervious materials, such as gravel or pavers. Parking areas utilizing pervious materials shall not be included in the calculation of impervious surfaces.

SECTION 17 - PERMITTED USE TABLE

The permitted use table is intended to serve as a quick reference for uses permitted in each of the zoning districts. All uses listed in these districts are still subject to the conditions listed with the requirements of the district in question. Refer to the specific district section when determining conditions of the use.

P	Permitted
C	Conditional
S	Special Exception Required
A	Permitted as an accessory use
-	Not Permitted

Sec. 17: PERMITTED USE TABLE	B-1	B-2	B-3	R-1	R-2	R-3	R-3M	RR	I-1	I-2	MHP	PO
RESIDENTIAL												
Single-family detached dwelling	C	-	C	P	P	P	P	P	A	A	-	-
Duplex	C		C	S	P	P	-	-	-		-	
Single-family attached dwellings	C	-	P	P	P	P	P	P	-	-	-	-
Single-family group homes	C	-	P	-	P	P	P	-	-	-	-	-
Manufactured homes	C	-	-	-	-	-	P	-	-	-	P	-
Multi-family dwellings and apartments	C	P	C	-	P	P	-	-	-	-	-	-
Boarding or rooming house	P	-	P	-	-	P	-	-	-	-	-	-
Accessory residential dwelling unit	C	-	-	P	P	P	P	P	-	-	-	-
Mobile home park	C	-	-	-	-	-	-	-	-	-	P	-
Group home	P	P	-	P	P	P	-	P	-	-	-	-
Rehabilitation center	-	P	P	-	P	P	-	-	-	-	-	-
Residential care home	-	P	P	-	S	S	-	S	-	-	-	-
Nursing home	P	-	-	-	-	S	-	-	-	-	-	-
Home occupation	-	P	P	P	P	P	P	P	-	-	P	-
Cottage industries	-	-	P	-	-	-	-	-	-	-	-	-
Home day care	-	P	P	S	S	S	S	S	-	-	S	-
Boat docks and boat houses	-	-	-	-	A	A	A	A	-	-	-	-
CIVIC/INSTITUTIONAL												
Cemetery	P	-	P	P	P	P	P	P	P	P	-	P
Outdoor recreation, nonprofit	P	P	P	-	-	P	-	P	P	P	P	P
Monasteries	P	-	-	-	-	P	-	P	-	-	-	-
Police or fire station	P	P	P	P	P	P	-	P	P	P	-	-
Public building, government office	P	P	P	P	P	P	P	P	P	P	-	P
Public or non-profit park or recreation	P	P	P	P	P	P	P	P	P	P	P	P
Place of worship	P	P	P	-	P	P	-	P	P	P	-	-
Public utilities, minor	P	P	P	S	S	S	-	P	P	P	-	-
School, public or private	P	P	P	P	P	P	P	P	-	-	-	-
LODGING												

Article V: Zoning District Requirements

Sec. 17: PERMITTED USE TABLE	B-1	B-2	B-3	R-1	R-2	R-3	R-3M	RR	I-1	I-2	MHP	PO
Bed and breakfast	P	-	P	P	P	P	-	P	-	-	-	-
Hotel, motel, extended stay	P	P	P	-	-	-	-	-	-	-	-	-
RETAIL SALES, SERVICE, ENTERTAINMENT												
Arts studio, gallery, instruction	P	P	P	-	-	P	-	-	-	-	-	-
Bar, tavern, lounge	-	P	P	-	-	-	-	-	-	-	-	-
Country club	P	P	-	S	-	P	-	P	-	-	-	-
Club, public or private	P	P	P	-	S	S	-	P	-	-	-	-
Day care center	P	P	-	-	-	-	-	-	-	-	-	-
Financial or lending institution	P	P	P	-	-	-	-	-	P	-	-	-
Firing range - indoor	P	P	-	-	-	-	-	-	P	P	-	-
Firing range - outdoor	-	-	-	-	-	-	-	S	P	P	-	-
Funeral home	P	P	P	-	-	-	-	-	-	-	-	-
Laundry, dry cleaning	P	S	P	-	-	-	-	-	P	P	-	-
Package liquor store	-	P	P	-	-	-	-	-	-	-	-	-
Pawn shop	-	P	-	-	-	-	-	-	-	-	-	-
Payday loan/Title loan establishment	-	P	-	-	-	-	-	-	-	-	-	-
Personal service	P	P	P	-	-	-	-	-	-	-	P	-
Recreation facility - indoor	P	P	P	-	-	-	-	-	-	-	-	P
Recreation facility - outdoor	-	P	-	-	S	S	-	S	P	P	P	P
Restaurant with bar	-	P	P	-	-	-	-	-	-	-	-	-
Restaurant without bar	P	P	P	-	-	-	-	-	-	-	-	-
Restaurant with drive-thru	P	P	P	-	-	-	-	-	-	-	-	-
Retail sales or service	P	P	P	-	-	-	-	-	A	A	-	-
Shopping centers, shopping malls, and office parks	-	P	C	-	-	-	-	-	-	-	-	-
Special events center	-	P	P	-	-	-	-	-	-	-	-	-
Television or other production studio	-	P	P	-	-	-	-	-	-	-	-	-
Temporary festival or special event	P	P	P	-	-	-	-	-	-	-	-	-
Theater (live or cinema)	P	P	P	-	-	-	-	-	-	-	-	-
Sexually-oriented adult use	-	L	-	-	-	-	-	-	-	-	-	-
Tattoo parlor	L	L	L	-	-	-	-	-	-	-	-	-
Tobacco shop	L	L	L	-	-	-	-	-	-	-	-	-
GENERAL BUSINESS												
Ambulance or emergency service	P	P	-	-	-	-	-	-	P	P	-	-
Artisanal	P	P	P	-	-	-	-	-	-	-	-	-
Business, vocational school	P	P	P	-	-	-	-	-	P	-	-	-
Commercial kennel	-	P	-	-	-	-	-	S	P	P	-	-
Hospital	-	P	P	-	-	-	-	S	P	P	-	-
Marina	-	P	-	-	-	-	-	-	-	-	-	-
Medical or dental office, clinic	P	P	P	-	-	S	-	-	-	-	-	-

Sec. 17: PERMITTED USE TABLE	B-1	B-2	B-3	R-1	R-2	R-3	R-3M	RR	I-1	I-2	MHP	PO
Office, professional services	P	P	P	-	-	S	-	-	-	-	A	-
Radio, television, etc. broadcasting	-	P	-	-	-	-	-	-	P	P	-	-
Research and testing laboratories	-	P	P	-	-	-	-	-				
Self-storage, indoor	-	P	-	-	-	-	-	-	-	P	-	-
Service or repair (except automobile)	P	P	-	-	-	-	-	-	P	P	-	-
Storage (product or inventory)	A	A							P	P		
Veterinary office, clinic	P	P	P	-	-	-	-	-	P	-	-	-
Wholesale trade	-	P	P	-	-	-	-	-	P	-	-	-
VEHICLE ACCOMMODATIONS												
Parking garage, structure (public or private)	P	P	P	-	-	-	-	-	P	P	-	-
Car wash	P	P	-	-	-	-	-	-	P	P	-	-
Fuel station	P	P	P	-	-	-	-	-	P	P	-	-
Passenger transportation terminal	P	P	P	-	-	-	-	-	P	P	-	-
RV Park	-	P	-	-	-	-	-	-	P	-	-	-
Surface parking lot	A	P	P	A	A	A	A	-	P	P	A	-
Vehicle repair, minor	-	P	-	-	-	-	-	-	P	P	-	-
Vehicle repair, major	-	P	-	-	-	-	-	-	P	P	-	-
Vehicle sales, leasing, rentals	-	P	-	-	-	-	-	-	P	P	-	-
INDUSTRIAL												
Airport, aircraft landing fields/strips	-	-	-	-	-	-	-	-	P	P	-	-
Armory	-	-	-	-	-	-	-	-	P	P	-	-
Construction contractor	-	-	-	-	-	-	-	-	P	P	-	-
Electrical substation	-	-	-	-	-	-	-	-	P	P	-	-
Equipment or machinery sales, leasing, repair	-	-	-	-	-	-	-	-	P	P	-	-
Laboratory - medical, analytical	-	-	-	-	-	-	-	-	P	P	-	-
Landfill - C&D	-	-	-	-	-	-	-	-	-	P	-	-
Lumber yards and mills	-	-	-	-	-	-	-	-	P	P	-	-
Manufacturing/processing - heavy	-	-	-	-	-	-	-	-	-	P	-	-
Manufacturing/processing - medium	-	-	-	-	-	-	-	-	P	P	-	-
Manufacturing/processing - light	-	S	-	-	-	-	-	-	P	P	-	-
Public utility, major	-	P	P	-	-	-	-	-	P	P	-	-
Railroad yard	-	-	-	-	-	-	-	-	P	P	-	-
Recycling - large collection facility	-	-	-	-	-	-	-	-	P	P	-	-
Recycling - small collection facility	-	P	-	-	-	-	-	-	P	P	-	-
Recycling - processing facility	-	-	-	-	-	-	-	-	P	P	-	-
Research and development	-	-	-	-	-	-	-	-	P	P	-	-
Scrap and dismantling or salvage yard	-	-	-	-	-	-	-	-	-	P	-	-
Sewer and waste facility	-	-	-	-	-	-	-	-	-	P	-	-
Storage - outdoor	-	C	-	-	-	-	-	-	P	P	-	-

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Sec. 17: PERMITTED USE TABLE	B-1	B-2	B-3	R-1	R-2	R-3	R-3M	RR	I-1	I-2	MHP	PO
Storage, warehousing, and distribution	-	-	-	-	-	-	-	-	P	P	-	-
Truck terminal or transportation distribution center	-	P	-	-	-	-	-	-	P	P	-	-
Water supply facility	-	-	-	-	-	-	-	-	P	P	-	-
Wireless transmitter	-	-	-	-	-	-	-	-	P	P	-	-
AGRICULTURAL												
Commercial agricultural uses	-	-	-	-	-	-	-	P	-	-	-	-
Dairy	-	-	-	-	-	-	-	P	-	-	-	-
Greenhouse/nursery with retail sales	-	P	-	-	-	-	-	-	P	P	-	-
Greenhouse/nursery without retail sales	-	P	-	-	-	-	-	S	P	P	-	-
Livestock farms	-	-	-	-	-	-	-	P	-	-	-	-
Orchards	-	-	-	-	-	-	-	P	-	-	-	-
Row crop cultivation	-	-	-	-	-	-	-	P	-	-	-	-
Roadside stand	-	P	-	-	-	-	-	A	-	-	-	-
Sawmill (temporary or portable)				-			-	S				
Stable and/or riding academy	-		-	-	-	-	-	P	-	-	-	-
Timber harvesting	-		-	-	-	-	-	P	-	-	-	-
Non-commercial agriculture/livestock	P	P	P	A	A	C	-	A	-	-	-	P

SECTION 18 - FH: FLOOD HAZARD AREA ZONE

18.1 District Intent. Within floodplain areas, special land use restrictions are desired to: minimize human exposure to flood hazards, prevent excessive pollution or contamination of surface water resources and flooded properties during floods, provide maximum transmission and absorption of flood waters by restricting the intensity of impervious surfaces and man-made obstructions within floodplains, ensure that structures built within floodplains are properly floodproofed, to minimize private investment losses due to flooding, and ensure the City’s continued participation in the National Flood Insurance Program. The purpose of this “overlay zone” is to impose special development standards and restrictions in areas identified by the Federal Emergency Management Agency as subject to special flood hazard to serve the aforementioned objectives. An “overlay zone” imposes special development requirements and restrictions in addition to the provisions of the underlying regular zoning district. Where the requirements of this district conflict with the requirements of an underlying regular zoning district or with other applicable ordinances and regulations, the more restrictive requirements shall be followed. All land use and development activities on lands within the FH: Flood Hazard Area Zone shall also comply with all requirements of the City of Alexander City Flood Damage Prevention Ordinance.

18.2 Boundaries. The boundaries of the Flood Hazard Area Zone shall encompass all areas of Alexander City lying within a Special Flood Hazard Area or 100-year floodplain, as shown on the latest published Flood Hazard Boundary Map or Flood Insurance Rate Map for the subject property, prepared for the National Flood Insurance Program by the Federal Emergency Management Agency.

18.3 Prohibited Uses. The following uses shall be prohibited within the FH: Flood Hazard Area Zone.

- A. On-site septic system leach fields and temporary sewage holding tanks.
- B. Open air storage or holding pits, bunkers, or ponds for the storage of animal manure or wastes.
- C. Sanitary landfills and other solid waste facilities.
- D. Junkyards.
- E. Animal corrals, stockyards, and poultry houses.
- F. Multi-family residential structures.
- G. Mini-warehouse facilities.
- H. Group homes, nursing homes, and other congregate care facilities.
- I. Public and private schools or educational buildings.
- J. Hotels, motels, and boarding houses.
- K. Warehouse facilities used for the storage of hazardous waste or materials.
- L. Residential uses not otherwise prohibited within the FH: Flood Hazard Area Zone shall not be permitted within the floodway, nor shall any such residential structure encroach upon the floodway.

18.4 Dimensional Requirements:

- A. Development activities and land uses within the FH: Flood Hazard Area Zone shall comply with all requirements contained in the City of Alexander City Flood Damage Prevention Ordinance in addition to the specific requirements contained in this Zoning Ordinance.
- B. Maximum Percentage of Lot Covered by Impervious Surfaces: Twenty (20) percent, or the maximum permitted by the underlying regular zoning district, if such maximum is less.

SECTION 19 - PD: PLANNED DEVELOPMENT

19.1 District Intent. The purpose of the PD - Planned Development district is to encourage the development of innovative and creative land use designs in a mixed use environment. The district is intended to allow the unified planning and development of large tracts of land suitable in location, area, and character for the uses and structure proposed. A mix of uses and housing types is encouraged, provided that the proposed project is consistent with the Comprehensive Plan and the land uses proposed along the external boundaries of the development site will be compatible in intensity, character, and design with the neighboring uses.

19.2 Permitted Uses. Any uses allowed in the RR, R-1, R-2, R-3, and B-1 zoning districts shall be permitted, provided that the uses are laid out and buffered to minimize potential noise, traffic, and aesthetic conflicts and the overall development scheme is consistent with the goals, objectives, and future land use map contained in the Comprehensive Plan. Proposed land uses along the boundaries of the development site shall be compatible in intensity, character, and design with the land uses allowed in the immediately adjoining regular zoning district(s). All proposed land uses shall be shown and designated clearly on the master plan of the development.

19.3 Design Requirements and Considerations. In order to change the regular district designation of a tract of land to PD - Planned Development, and subsequently thereby use such as tract of land, the following conditions shall be met:

- A. A master plan of development showing the exact manner in which the whole tract will be improved and used must accompany the request for change of zoning. Said master plan must be approved by the City Council after review and recommendation by the Planning Commission, and must be retained in the file of the City Clerk as a part of the city's records. The required master plan shall contain, at a minimum, the following information:

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1. Information to show and describe the location of the site to be developed as PD, including its legal description and a current perimeter survey prepared and certified by a surveyor who is licensed by the State of Alabama. The survey must show all streets and street rights-of-way which are adjacent to the parcel, all easements and rights-of-way on the development site, the boundary lines of any and all lots of record that comprise the entire development site, and the locations of any existing buildings or structures which shall be incorporated into the proposed development.
 2. A vicinity map showing the parcel in relation to surrounding property and a general description of the surrounding area, including the current zoning and land uses of all adjoining lands.
 3. A statement of the planning objectives to be achieved by the proposed development. The statement should include a description of the proposed development and the rationale behind the assumptions and projections made by the applicant.
 4. The density of land use to be allocated to all parts of the development site, together with tabulations by acreage and percentage of the parcel to be occupied by each proposed use to show compliance with all applicable dimensional requirements.
 5. The location, size, and character of any common open space or any commonly owned facilities and the type of organization which will own and maintain any commonly owned open space or facilities. Such explanation shall document the applicant's intent to comply with all requirements for common open space, as specified in Article IV, Section 10 of this Ordinance.
 6. The number, location, and layout of parking spaces and attendant driveways, handicap parking areas, off-street loading and unloading areas, and emergency vehicle parking areas as may be required of the proposed development under Article IV, Section 5 of this Ordinance. Information regarding the type, thickness, and imperviousness of surfacing materials to be used to improve all parking areas, driveways, and pedestrian ways shall also be provided.
 7. The location, design, and dimensions of all proposed curb cuts that will provide access to the site and all proposed temporary cul-de-sacs that will be constructed to reserve future street access to abutting undeveloped properties.
 8. A landscaping plan, which shall show all proposed improvements to required buffers and other common open space lands, including the location of existing mature tree stands that will be retained and incorporated into the overall development plan.
 9. Typical facade sketches of the outside appearance of any proposed commercial buildings, townhouse and condominium buildings, and multi-family dwellings. The architectural style and design of such buildings should be compatible, if not reflective of a common design theme that is generally compatible or complementary of (and, at a minimum, not inconsistent with) the predominant architectural styles in any established areas or neighborhoods surrounding the development site.
 10. Detailed dimensional plans for any and all proposed signs within the development in compliance with the applicable requirements of Article IV, Section 7 of this Ordinance.
 11. A detailed stormwater management plan showing the location(s) of all 100-year floodplains on the site in compliance with all applicable requirements of Article III, Section 12 of this Ordinance.
 12. Information to show the location and design of all proposed utility lines, including any required easements.
 13. The substance of any proposed covenants, easements, or other restrictions which will be imposed upon the use or maintenance of the site and any buildings or other structures that will be constructed within the site.
 14. A traffic impact study, if required under Article VI, Section 2.4-B of this Ordinance.
 15. A general statement or demographic profile of the intended target market of the proposed development.
- B. Before any building or zoning permit for the construction of a planned development in any portion of a PD zoning district can be issued, a subdivision plat or plats, for the whole tract shall have been approved by the Planning Commission and recorded in accordance with the Subdivision Regulations,

such plat or plats any information shown thereon shall correspond in all respects to the approved master plan of development, and the information recorded along with the subdivision plat to plats shall include the master plan of development. Where any information required by Subparagraph A of this Section to be included in the master plan of development would also be required to be included in a required preliminary plat, reference on the preliminary plat to the specific portions or pages of the master plan of development containing said information shall be sufficient to satisfy the corresponding preliminary plat content requirements of the Subdivision Regulations. No permit of any type shall be issued for any use, activity, building, or site improvement that is not in accordance with the approved and recorded master plan of development.

- C. The master plan of development for a tract may be amended at any time by the City Council, upon the recommendation of the Planning Commission, provided a notice is given and a public hearing held thereon in the same manner as for the original approval of the change of zoning for the subject tract to a PD zoning district classification.
- D. Landscaping and open space shall be essential part of the master plan. At least twenty-five (25) percent of the gross area shall be dedicated to open space/recreational uses (such as landscaping, bike paths, walkways [with or without exercise stations], swimming areas, and recreational courts). At least half of the required open space area shall consist of developable land area. Existing trees and natural features shall be preserved wherever possible. Said open spaces shall be integrated into the overall development design (not relegated to a corner of the site) to provide maximum access to the residents and workers of the development. At no point shall an open space area be less than twenty (20) feet in width.
- E. Insofar as possible, vehicular traffic shall be separated from pedestrian traffic. Sidewalks should be provided along all internal streets providing through traffic access and between all residential and non-residential use areas within the development.
- F. The vehicular traffic generated by the proposed development shall not exceed the capacity of access streets, and shall not disrupt established residential areas.
- G. The capacity of existing or scheduled public utility systems, streets, or schools to serve the potential number of families, businesses, and workers in the proposed development shall be considered during the review and approval process. The City of Alexander City may deny a proposed PD master plan or require phasing of the project as may be needed to avoid public facility capacity shortfalls caused by a premature development project. Each PD master plan shall include letters from the Superintendent of Education, the Fire Chief, the Police Chief, the Street/Sanitation Superintendent, and the Parks and Recreation Director confirming that they have considered the scale of the proposed development and have determined that it will not exceed the capacity of the specific public facilities and services within their authority to serve the needs of the proposed development and the community at large. Where such finding cannot be made by the aforementioned officials, the letter shall state, to the best of the official's knowledge, the nature of any potential infrastructure or service deficiencies and the prospective date by which the City can address the deficiencies, if specific improvements have been planned or envisioned.
- H. Every effort shall be made to maximize energy efficiency. Energy conservation measures which should be employed include:
 - 1. orienting buildings to maximize solar access,
 - 2. utilization of landscape design techniques and species that maximize protection from excess heat in the summer and allow solar exposure in the winter,
 - 3. minimizing the amount of roads and streets needed to serve the development,
 - 4. utilizing "green" site design to minimize thermal stress on surface waters from stormwater runoff and to minimize potential storage and release of excess heat from impervious surfaces, and
 - 5. dedication of areas for community gardens.
- I. Every Planned Development shall include management agreement provisions for the control and maintenance of all areas within the development under common ownership as prescribed in Article

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IV, Section 10.4 of this Ordinance.

- J. Access shall be provided to each separately platted building site by way of a publicity dedicated street plus a driveway or clearway of at least ten (10) feet in width for residential uses, and twelve (12) feet in width for nonresidential uses.
- K. Each Planned Development shall satisfy the off-street parking and loading space requirements for the specific proposed land uses as specified in Article IV, Section 5 of this Ordinance.

19.4 Dimensional Requirements:

- A. Minimum Planned Development Site Size:** The minimum size of the Planned Development site shall be five (5) acres. Not less than eighty (80) percent of the gross land area of the proposed development site shall consist of developable land area.
- B. Minimum Lot Size Within a Planned Development:** No minimum building site is required, provided that the land used for building coverage and off-street parking and loading spaces as required in Article IV, Section 5, does not preclude adequate open spaces for landscaping, and for recreation facilities for the occupants of dwellings. The proposed minimum and average building sites, the resulting average net density (families per acre of residential land use), the total land used for every purpose (including right-of-way), the number of off-street parking and loading spaces for each use area, and the total and average land area covered by the building in each use area, shall be calculated and shown on the master plan of development. Specific minimum lot sizes may be imposed by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities, where municipal sewer access is not available.
- C. Minimum Building Setback Line:**
 - 1. Thirty (30) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
 - 2. For any lot with frontage along a street classified as a collector in the Comprehensive Plan, all structures shall be set back at least fifty (50) feet from the centerline of the collector street.
 - 3. For any lot with frontage along a street classified as an arterial in the Comprehensive Plan, all structures shall be set back at least eighty (80) feet from the centerline of the arterial street.
- D. Minimum Yards:** No building shall be closer than fifteen (15) feet to any PD zoning boundary line, providing that no entrance of any building shall be closer than twenty-five (25) feet to any such line.
- E. Minimum Spacing Between Buildings:** For dwellings, the open space between buildings shall not be less than ten (10) feet for one story buildings, twenty (20) feet when either building is a two story building, thirty (30) feet when either building is a three story building and forty (40) feet plus an additional ten (10) feet for each story over three stories when either building is over three stories in height. The minimum dimension of the yard upon which any entrance or exit of a dwelling faces shall be ten (10) feet; such space shall not be counted as a yard for any other building.
- F. Maximum Structure Height:** Forty-five (45) feet.
- G. Maximum Percentage Of Site Covered By Impervious Surfaces:** Forty (40) percent of gross area of Planned Development site area. Fifty (50) percent for any individual lot within the Planned Development.

19.5 General Review and Approval Procedures. The potential complexity of a Planned Development demands an extensive review and approval process. To help ensure a smooth and efficient administrative process, the following steps shall be observed:

- A. Preliminary Conceptual Review.** Prior to submission of a formal rezoning petition for a proposed Planned Development, the applicant or developer shall meet informally with the Enforcement Officer to discuss the development concept and to ensure that the applicant procedures and requirements are understood. Such review shall not require detailed plan specifications, but any sketch plans pre-

pared shall be sufficient to clearly convey the overall design scheme, the intended land uses, and the overall intensity of development that will be proposed. A preliminary conceptual review shall be conducted in accordance with the provisions for a pre-application conference as specified in Article V, Sections 2 and 3 of the Alexander City Subdivision Regulations.

- B. Rezoning Petition.** After a preliminary conceptual review has been conducted, the applicant or developer may submit a formal petition for rezoning to the Planning Commission. Said petition shall be accompanied by a master plan for development as required by Section 19.3, Subparagraph A of this Article. Review and approval of the rezoning petition and master plan of development shall be conducted concurrently in accordance with the procedures specified in Article VIII of this Ordinance. Approval by the City Council of a rezoning petition and master plan of development shall not authorize construction of the proposed development, if approval of a subdivision plan is required.
- C. Subdivision Approval.** Once a petition for rezoning and the master plan for development has been approved by the City Council, the applicant or developer may proceed with the preparation, submission, and approval of a preliminary subdivision plat for the proposed development. Such preliminary plat submission, review, and approval shall be conducted by the Planning Commission in accordance with the procedures and requirements specified in Article V, Sections 2 and 4 of the Alexander City Subdivision Regulations.
- D. Expedited and Consolidated Planning Commission Review Procedures.** To help minimize the impact of a complicated review process, the City of Alexander City shall make provisions for an expedited and consolidated review process by the Planning Commission. If requested in writing by the applicant or developer and approved by the City Council prior to submission of a formal rezoning petition, special provisions for the Planning Commission's review of the rezoning petition, master plan of development, and preliminary subdivision plat to be conducted simultaneously and in accordance with the review procedures for a Preliminary Plat under Article V of the Alexander City Subdivision Regulations may be allowed. Such approval by the City Council shall specifically waive the 30 day reporting deadline for the Planning Commission's decision regarding the rezoning petition as specified in Article VIII, Section 4 of this Ordinance. Such a waiver is necessary to permit the longer review time that may be required for the joint review of a Preliminary Plat, the master plan of development, and the rezoning petition. If an expedited and combined review is requested by the applicant or developer and approved by the City Council in accordance with this provision, the Planning Commission's review and public hearing process shall be conducted in accordance with the Preliminary Plat review procedures specified in Article V, Sections 2 and 4 of the Alexander City Subdivision Regulations. However, construction work on the proposed development in accordance with the approved preliminary subdivision plat shall not occur unless and until the City Council has approved the required rezoning petition and master plan of development, and the Planning Commission shall condition any approval of the preliminary plat on said rezoning approval by the City Council.

SECTION 20 - CAB: CENTRAL ALABAMA BUSINESS PARK DISTRICT

20.1 Intent. The intent of the Central Alabama Business Park (CAB) development approval process is to facilitate the development of land in a manner that conforms to City plans (including the Alexander City Community Plan and plans for the former Russell property) but also provides flexibility on the development of the site, promoting high standards in layout and construction and ensuring development is harmonious with existing topographical and historic features and surrounding land uses.

20.2 General procedure. In the CAB district, all development is conditional based on the submittal and approval of a development plan, reviewed and approved by the Alexander City Planning and Zoning Commission. The application and approval process is described in detail in Section 20.5. All development shall meet the guidelines in this section.

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20.3 Conditional Uses. The uses that may be conditionally approved in the CAB district are listed below. The approval of these uses is at the discretion of the Planning Commission based on an approved development plan; however, these uses are deemed to be the most appropriate uses for this district and shall be approved if the development plan meets all development requirements and guidelines.

Conditional Uses - CAB District	
Retail Sales, Service, Entertainment	
Arts studio, gallery, instruction	Recreation facility – outdoor
Country club	Restaurant with bar
Club, public or private	Restaurant without bar
Day care center	Restaurant with drive-thru
Financial or lending institution	Retail sales or service
Funeral home	Television or other production studio
Laundry, dry cleaning	Temporary festival or special event
Personal service	Theater (live or cinema)
Recreation facility - indoor	
General Business	
Ambulance or emergency service	Office, professional or real estate
Artisanal	Radio, television, etc. broadcasting
Business, vocational school	Service or repair (except automobile)
Medical or dental office, clinic	Veterinary office, clinic
	Wholesale trade
Light Industrial	
Construction contractor	Recycling - small collection facility
Electrical substation	Research and development
Equipment or machinery sales, leasing, repair	Storage and distribution
Laboratory - medical, analytical	Water supply facility
Manufacturing/processing - medium	Wireless transmitter
Manufacturing/processing - light	
Residential	
Townhouse	Personal care home
MF 4 units or fewer	Home occupation
MF 5 units or more	
Lodging	
Hotel, Motel, Extended Stay	
Civic/Institutional	
College/University	Public park or recreation
Outdoor recreation, nonprofit	Place of worship
Police or fire station	Public utilities, minor
	School, public or private

20.3 All development in the CAB district must meet the following standards:

- A. Must be compatible with the Alexander City Community Plan
- B. Must be compatible with the topography of the land
- C. Shall preserve any sensitive, unusual, or significant topographic, natural, or historic features
- D. Development shall conform to the guidelines set forth herein. The Planning Commission shall not approve a development proposal that does not align with these guidelines.

20.4 Development Guidelines. All development in the CAB district shall conform to the following guidelines:

A. Site/Building Standards.

CAB District Site/Building Standards	
Lot Dimensions	
Minimum Lot Area	7,500 s.f.
Minimum Lot Width	75'
Building Setbacks	
Primary Street	10'
Side Street	5'
Side, Interior	10'
Rear	10'
Rear, abutting protected area	30'
Building Height	
Max (feet/stories)	35'/3
Parking Setbacks/Requirements	
Primary street (min)	10'
Side street (min)	10'
Side, interior (min)*	0' or 5'
Rear (min)*	0' or 5'
Abutting protected area (min)*	10'

*If cross-access is provided, parking shall not have a setback where it abuts the adjoining property with cross-access.

- B. Building standards.** Buildings shall be faced with high-quality materials and shall provide an interesting and architectural façade. If on a corner lot, both street facing facades shall be faced with high-quality materials.
- C. Landscaping standards for parking areas.** Parking areas shall be landscaped according to the following table:

Landscaping for Parking Areas	
Primary street buffer strip (min)	5'
Side street buffer strip (min)	5'
Side interior (min)*	5'

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Landscaping for Parking Areas	
Rear (min)*	5'
Abutting protected area (min)	10'
Distance between trees in buffers (max)	50'
Max # of spaces between landscape islands	10

*If cross-access is provided, landscape buffers are not required where parking abuts the adjoining property with cross-access.

20.5 Development approval process. In order to gain approval for development in the CAB District, an applicant shall submit a CAB Development Application to the Planning Department.

- A. A complete application shall include the following:
 1. Site plan scaled to not less than 1:100 showing all proposed improvements to include buildings, landscaping, paving, parking, sidewalks, open spaces, signs, etc. as well as all information required by the Alexander City Subdivision Regulations for a preliminary plat.
 2. Representative drawings of proposed structures including elevations of each façade, material call-outs, landscaping, etc.
 3. Representative drawings of all proposed signage.
 4. Proposed uses and/or tenants for each structure or part of a structure.
 5. Evidence of ownership or control of the tract proposed for development.
 6. Names and addresses of persons/firms/partnerships/corporations showing a financial interest in the project.
 7. A fee, which shall be in accordance with the schedule of fees established the Planning Department.
- B. Upon receipt of a complete application for approval, the Planning Commission shall conduct a public hearing within 15 days of the receipt of the application.

SECTION 21 - LS: LEE STREET OVERLAY DISTRICT

21.1 Intent. The intent of the Lee Street overlay development approval process is to facilitate the development of land in a manner that conforms to City plans (including the Alexander City Community Plan) but also provides flexibility on the development of properties fronting Lee Street, promoting high standards in layout and construction and ensuring development is harmonious with existing topographical and historic features and surrounding land uses. As Lee Street is the primary gateway to the City of Alexander City, development along it should reflect the City's character and be constructed of high quality materials with quality design.

21.2 Permitted Uses. The permitted uses shall be those of the underlying zoning district.

21.3 Prohibited Uses. The following uses are prohibited in the LS overlay district:

- A. Pawn shops
- B. Payday loan establishments
- C. Title loan establishments

21.4 All development in the LS district must meet the following standards:

- A. Must be compatible with the Alexander City Community Plan;

- B. Must be compatible with the topography of the land;
- C. Shall preserve any sensitive, unusual, or significant topographic, natural, or historic features; and
- D. Development shall conform to the guidelines set forth herein. The Planning Commission shall not approve a development proposal that does not align with these guidelines.

21.5 Dimensional Requirements. Dimensional requirements shall be the same as in the underlying zoning district.

21.6 Building Materials. Building facades (any side of the building facing an adjacent street) shall be constructed using masonry materials such as brick, stucco, stone, or other masonry material as approved by the Planning Commission. Sides of the building not facing a street may be constructed utilizing other materials.

21.7 Landscaping standards for parking areas. Parking areas shall be landscaped according to the following table:

Landscaping for Parking Areas	
Primary street buffer strip (min)	5'
Side street buffer strip (min)	5'
Side interior (min)*	5'
Rear (min)*	5'
Abutting protected area (min)	10'
Distance between trees in buffers (max)	50'
Max # of spaces between landscape islands	10

21.8 Signage requirements. The allowed area of permitted signage are regulated by the requirements of the underlying zoning district. Signage in this district shall be monument style, constructed of masonry materials, and is limited to ten (10) feet in height.

21.9 Development approval process. In order to gain approval for development in the CAB District, an applicant shall submit an LS Development Application to the Planning Department.

- A. A complete application shall include the following:
 - 1. Site plan scaled to not less than 1:100 showing all proposed improvements to include buildings, landscaping, paving, parking, sidewalks, open spaces, signs, etc. as well as all information required by the Alexander City Subdivision Regulations for a preliminary plat.
 - 2. Representative drawings of proposed structures including elevations of each façade, material call-outs, landscaping, etc.
 - 3. Representative drawings of all proposed signage.
 - 4. Proposed uses and/or tenants for each structure or part of a structure.
 - 5. Evidence of ownership or control of the tract proposed for development.
 - 6. Names and addresses of persons/firms/partnerships/corporations showing a financial interest in the project.
 - 7. A fee, which shall be in accordance with the schedule of fees established the Planning Department.
- B. Upon receipt of a complete application for approval, the Planning Commission shall conduct a public hearing within 15 days of the receipt of the application.

ARTICLE VI: ADMINISTRATIVE AND ENFORCEMENT GUIDELINES

SECTION 1 - ZONING PERMIT REQUIRED

No excavation, construction, renovation (except painting, wallpapering, and repairs that do not require changes to the character or use of the structure and are do not require the issuance of a building permit), reconstruction, or other development activity governed by this Ordinance shall be conducted prior to the issuance of a Zoning Permit by the Enforcement Officer. It shall be unlawful for the building official to approve any plans or issue a building permit for any such excavation or construction, until he has submitted such plans in detail to the Enforcement Officer and a Zoning Permit has been issued. The issuance of a Zoning Permit shall not constitute approval of any required building permit or other permit that may be required.

SECTION 2 - GENERAL ADMINISTRATION

2.1 Enforcement Officer. The provisions of this Ordinance shall be administered and enforced by a City official designated by the Mayor. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this Ordinance.

2.2 Planning Commission. The planning commission is hereby charged with the responsibility to review, guide, and monitor the enforcement of this ordinance in accordance with the adopted comprehensive plan or portions thereof, as may be applicable. The planning commission shall hear and recommend to the city council on all matters of zoning and the initial zoning of newly annexed land.

2.3 Invalid Permits.

- A. No zoning permit, building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by any City department, official, or employee except in full compliance with this Ordinance.
- B. Any permit or license issued by any City department, official, or employee, where issued in conflict with or violation of any terms of this Ordinance or other applicable codes or ordinances, shall hereby be declared null and void.

2.4 Approval of Plans and Issuance of Zoning Permit.

- A. The Enforcement Officer shall not issue a zoning permit for any proposed construction or development activity until an application and accompanying plans or documentation has been filed and reviewed in conformance with this Ordinance. To this end, the Enforcement Officer shall require that every application for a zoning permit for excavation, construction, use of land, moving, or alteration be accompanied by appropriate documentation of compliance with all other applicable codes, ordinances, and regulations and a map or plat drawn to scale and showing the following in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:
 - 1. The actual shape, proportion, and dimensions of the lot to be built upon.
 - 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
 - 3. The existing and intended use of all such buildings or other structures.
 - 4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or the adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

5. The locations of all existing zoning district boundaries that apply to the lot.
- B. Where a zoning permit application for a multi-family development containing in excess of twenty-five (25) units, a commercial or institutional use building containing in excess of fifteen thousand (15,000) square feet of gross floor area, or an industrial use building containing in excess of fifty thousand (50,000) square feet of gross floor area has been submitted, the applicant may be required by the Enforcement Officer to submit a special Traffic Impact Study for review and consideration by the Planning Commission prior to approval of a Zoning Permit. The preparation cost of said traffic impact study shall be borne by the applicant. The traffic impact study shall determine the number of average daily vehicle trips and peak hour trips that will be generated by the proposed development (according to the latest edition of the Institute of Transportation Engineers' Trip Generation Manual) and assess the impacts that these trips will have on traffic volumes on all streets providing access to the development and the resulting impacts on the peak hour level of service for all impacted major intersections identified by the Enforcement Officer and/or City Engineer. The study shall be prepared by a qualified consultant approved by the Planning Commission. The purpose of the study and review by the Planning Commission shall be to determine the adequacy of the surrounding street network to safely accommodate potential traffic generated by the proposed development, as well as the need for special restrictions on the scale or intensity of the development, the need for special conditions of approval, which may include special curb cut requirements, special restrictions on access to the development site from affected streets, special traffic controls at the main entrance to the development site, and the construction of special acceleration or deceleration lanes at the entrance(s) to the development site.
- C. If the proposed excavation, construction, moving, or alteration as set forth in the application are in conformity with the provisions of this Ordinance and other City codes, the Enforcement Officer shall issue a zoning permit accordingly. The issuance of a zoning permit shall, in no case, be construed as waiving any provision of this Ordinance.
- D. If the application is rejected, the Enforcement Officer shall state in writing on the application the reason for rejection.
- E. Any Zoning Permit granted under this section shall become null and void within one (1) year from the date of issuance of the permit. Exceptions may be made if the proposed development or construction has passed the first building inspection. The building official or enforcement officer shall make every reasonable effort to notify a holder of a building permit which is liable for voiding action before voidance is actually declared.

2.5 Certificate of Occupancy Required.

- A. No land or building or other structure or part thereof hereafter constructed, moved, or altered in accordance with a zoning permit shall be occupied until the Enforcement Officer has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance and with all applicable building codes.
- B. Within three (3) regular business days after the owner or his agent has notified the Enforcement Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Enforcing Officer to make final inspection of the development site, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance and other City codes.
- C. If a Certificate of Occupancy is denied, the Enforcement Officer shall state in writing the reason for rejection.

SECTION 3 - TEMPORARY LAND USES

- 3.1 Temporary uses, as set forth below, are declared to possess characteristics which require certain

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controls in order to insure compatibility with other uses in the districts within which they are proposed for location. The Enforcement Officer is authorized to issue a Temporary Certificate of Zoning Compliance for any of the following temporary uses:

- A. Carnival, circus, or fair in any commercial district, for a period not to exceed twenty one (21) days, subject to the approval of the City Council.
- B. Religious meeting in a tent or other temporary structure in any district, for a period not to exceed sixty (60) days.
- C. Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.
- D. Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is placed on the property to which it is appurtenant.
- E. Other temporary uses are subject to the approval of the City Council.

3.2 All Temporary Certificates of Zoning Compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

SECTION 4 - VIOLATION PROCEDURES

Where a violation of the requirements of this Ordinance has been identified, either by complaint or by City staff inspection, the following procedures shall be followed.

4.1 Investigation. If a complaint is received regarding an alleged violation of this Ordinance, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.

4.2 Initial notification of violation. Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be less than fifteen (15) days nor more than thirty (30) days from the date that the letter was mailed. The letter also shall state that the owner must correct the violation, or the City will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five (5) business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The City may, at the discretion of the Zoning Enforcement Officer, send a copy of the letter to the developer or tenant of the property (as the case may be) by first class mail.

4.3 Re-inspection. The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.

4.4 Notice of citation. If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including

references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten (10) days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.

4.5 Court action. If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

SECTION 5 - TEMPORARY EMERGENCY RELIEF

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

5.1 Such permit shall be temporary and not exceed six (6) months from date of issuance, or until a replacement home has been issued a Certificate of Occupancy, whichever occurs first.

5.2 Such permit shall not be transferable.

5.3 Prior to issuance of such permit, the Planning Commission shall, at its discretion, be reasonably satisfied that the applicant's requested relief is necessary and the need therefore was proximately caused by damage resulting from fire or natural disasters.

5.4 Said temporary manufactured home shall be used exclusively as the temporary domicile of the household affected by the fire or natural disasters only during the time required to reconstruct or replace the original dwelling.

5.5 Once the replacement home has been constructed and occupied, the temporary manufactured home shall be permanently removed from the property not more than thirty (30) days from the date that the Certificate of Occupancy was issued for the replacement home.

5.6 The temporary manufactured home shall comply with all applicable minimum standards for dwellings that may be prescribed by the subject zoning district.

ARTICLE VII: BOARD OF ADJUSTMENT

SECTION 1 - CREATION

A Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended.

SECTION 2 - COMPOSITION AND APPOINTMENT

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, except in the first instance as provided by law. In addition, two supernumerary members shall be appointed to serve on the Board at the call of the Chairman in the absence of regular members. Such supernumerary members shall be appointed to serve three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term become vacant.

SECTION 3 - PROCEDURES OF THE BOARD OF ADJUSTMENT

3.1 Bylaws. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.

3.2 Records. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the City Clerk.

3.3 Support Staff. The City Clerk shall designate a municipal employee to act as secretary to the Board of Adjustment, and all records of board cases shall be properly filed under the direction of the City Clerk. The city attorney shall act as legal counsel for the Board of Adjustment.

SECTION 4 - APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the enforcing officer. Such appeal and subsequent hearing of the appeal by the Board of Adjustment shall proceed as established by Section 80 of Title 11 of the Code of Alabama 1975, as amended, and by the rules of the Board.

SECTION 5 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

5.1 Administrative Review. To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance.

5.2 Special Exceptions. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance. In approving a use allowed by special exception, the Board of Adjustment may impose any of the following special conditions as may be reasonable and necessary, based on specific findings of fact, to mitigate potential negative impacts of the special

exception use on neighboring permitted uses in the neighborhood or zoning district.

- A. Special setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility);
- B. Special buffer, landscaping, or fencing requirements (to screen potentially conflicting uses);
- C. Special lighting or light shielding requirements (to prevent excessive glare on neighboring properties);
- D. Special parking requirements (to address special traffic or parking needs);
- E. Special limitations on signage (to enhance or soften the appearance of the proposed use);
- F. Special limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation);
- G. Special traffic connection requirements between the property to be developed and adjoining properties (to help improve internal traffic circulation and to mitigate turning movement impacts on adjoining highways);
- H. Special restrictions on operating hours (to reduce potential use and noise conflicts);
- I. Special soundproofing requirements (to prevent potential noise impacts); and
- J. Special stormwater management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).
- K. In authorizing or granting any conditional, temporary, or special use permit, the Board of Adjustment may require that bond of ample sum, but not to exceed five thousand dollars (\$5,000.00), be furnished by the applicant to insure compliance with the requirements, specifications, and conditions imposed with the grant of said special use permit by the stipulated period of time or terminal date.

5.3 Variances.

- A. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That special conditions and circumstances do not result from the actions of the applicants or the legal owners of the property.
 - 4. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- B. No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.
- C. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

5.4 Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, de-

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cision, or determination of the matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

SECTION 6 - APPEALS FROM ACTIONS BY THE BOARD OF ADJUSTMENT

It is the intent of the governing authority of the city that all questions of interpretation and enforcement of this ordinance shall be presented first to the enforcing officer. Other than those applications and matters upon which the terms and provisions of this ordinance may require action and decisions by the said Board of Adjustment, only the appeals taken in the manner and form as provided in this ordinance from the actions and decisions of the enforcing officer will be considered and acted upon by the Board of Adjustment. However, any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal therefrom as provided by law.

SECTION 7 - FEES

7.1 Every applicant or petitioner seeking an appeal to the Board of Adjustment, other than petitions initiated by the City Council, Enforcement Officer, or Planning Commission, shall pay a fee to the City Clerk at the time of filing such petition or application.

7.2 A flat administrative and review fee of \$50.00 shall accompany each request for appeal.

7.3 In addition, the actual costs for legal advertisement of the request and notification of parties in interest shall be paid by the applicant prior to any decision by the Board of Adjustment.

ARTICLE VIII: AMENDMENTS**SECTION 1 - PROCEDURES**

1.1 The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the City Council, but no amendment shall become effective unless and until it is first submitted to the City Planning Commission for its recommendation. The Planning Commission, upon its own initiative, shall hold public hearings, public notice of which shall be provided, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Alexander City, and report its recommendations to the City Council. The provisions of Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

1.2 Changes in zoning (rezoning) may appear to reduce the certainty of protection to owners of neighboring property and to increase the potential for adverse impacts to the City of Alexander City. However, future changes to the zoning map will be needed to provide opportunities for future growth which will sustain the City's economic vitality, provide new and better job opportunities for City residents, and fuel future appreciation in local property values. This ordinance contains standards and procedures intended to insure that neighbors, the citizenry-at-large, and the City of Alexander City are protected from adverse impacts; and that the community's general welfare is protected and enhanced. Distinctions between zoning districts are significant and are based on the policies contained in the Alexander City comprehensive plan. The districts are sized and located to meet the needs in Alexander City for preservation of stable, existing development; for improvement of declining and transitional areas; and to encourage and promote growth and long-term economic stability. This ordinance contains clear, detailed procedures for the justified change of zoning district designations, in accordance with the Alexander City comprehensive plan, as time passes.

SECTION 2 - AUTHORIZED PETITIONERS

The City Council of the City of Alexander City, Alabama, may amend, supplement, change, modify, or repeal the regulations, restrictions, boundaries of districts or any provision of this ordinance. Any member of the city council may introduce such amendment; or any official, board, commission or any other person may present a petition to the City requesting an amendment or amendments to this ordinance. Whenever a petition for amendment has been filed by an administrative or legislative body of the City or a duly authorized agent or representative of the City, all required application fees shall be waived.

SECTION 3 - PETITION FOR AMENDMENT

A petition for amendment, when initiated by a citizen, property owner, or authorized agent of such owner, shall meet the application requirements of this section.

3.1 Any persons, firm, or corporation desiring to petition for rezoning under the authority of this section must present such petition to the Enforcement Officer in writing, at least fifteen (15) days prior to the Planning Commission hearing. The petition shall be accompanied by the following information and materials:

- A. Name, signature, and address of the property owner and agent of the property owner, if any.
- B. Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
- C. Present and proposed zoning and land use of the property under consideration.

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- D. Reason for the rezoning request.
- E. A site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public right-of-ways, and the proposed use and development layout.
- F. The required application fee.

SECTION 4 - PLANNING COMMISSION ACTION

4.1 Notice of public hearing. Where a zoning amendment or rezoning petition has been properly requested, the City Clerk shall publish, at least six (6) days prior to the date of the scheduled planning commission hearing, a public hearing notice regarding the proposed amendment, in a newspaper of general circulation in the City. The notice shall state the following information:

- A. The name of the petitioner.
- B. The location of the City Hall, where a copy of the proposed zoning amendment or rezoning ordinance may be inspected prior to the hearing.
- C. A general description of the location of the property affected and the nature of the petition. If the ordinance is an amendment to the text of the ordinance that will affect the entire City, then the notice may so indicate in words without the need for a special map.
- D. The current and proposed zoning and land use of the property (if applicable to the proposed ordinance).
- E. The time, date, and location of the Planning Commission hearing of the proposed zoning amendment or rezoning petition.

4.2 Scheduling of hearing. The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.

4.3 Planning Commission recommendation. The Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment or rezoning. Once a recommendation has been approved, the Planning Commission report its recommendations and the findings thereof to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty (30) days of the hearing, unless an extension period is granted by the City Council. If the Planning Commission fails to make a formal recommendation on the petition within the required thirty (30) days, the proposed amendment shall be considered to have been recommended for approval by the Planning Commission. To obtain an extension period from the City Council, the Planning Commission shall entertain a motion to request such extension, then shall immediately forward such request to the City Council for consideration at the next regularly scheduled City Council meeting.

SECTION 5 - CITY COUNCIL ACTION

5.1 Scheduling of public hearing. Upon receipt of the recommendation of the Planning Commission, the City Council shall schedule a public hearing on the proposed amendment or rezoning petition at the next regularly scheduled City Council meeting.

5.2 Public hearing notice. At least three (3) consecutive weeks (21 calendar days) in advance of the City Council's scheduled final public hearing date, a public hearing notice for the scheduled zoning amendment or rezoning hearing shall be published in a newspaper of general circulation in the City in accordance with the provisions of Title 11, Chapter 52, Section 77 (2) of the Code of Alabama, 1975, as amended. Said notice shall be published at least once per week for each of the three weeks of the required notification period, in standard legal form, and at least one additional time during that period in the form of at least a one quarter (1/4) page advertisement. The City Council shall hold a public hearing

at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance. The required public notice shall contain the following information:

- A. The name of the petitioner.
- B. The location of the City Hall, where a copy of the proposed zoning amendment or rezoning ordinance may be inspected prior to the hearing.
- C. A general description of the location of the property affected and the nature of the petition. If the ordinance is an amendment to the text of the ordinance that will affect the entire City, then the notice may so indicate in words without the need for a special map.
- D. The current and proposed zoning and land use of the property (if applicable to the proposed ordinance).
- E. The time, date, and location of the Planning Commission hearing of the proposed zoning amendment or rezoning petition.

5.3 Approval or denial. After the public hearing on a rezoning petition or proposed amendment to the zoning ordinance, the City Council shall vote to approve or deny the amendment. Failure by the City Council to vote in favor or denial of a proposed amendment shall constitute denial of the amendment without a formal vote.

SECTION 6 - TIME LIMIT

After the City Council has voted to deny an application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance, will not be considered until a period of six (6) months has elapsed from the date of such action by the City Council. Provided, however, that the City Council may adjust this time period, if in the opinion of a majority of the City Council an unusual situation or circumstance exists.

SECTION 7 - INITIAL ZONING OF ANNEXED PROPERTY

7.1 Application for zoning. An application for zoning of property to be annexed shall accompany each petition for annexation. The application for zoning shall be made on a form available from the City Clerk and be filed with the City Clerk at least fifteen (15) regular business days prior to the Planning Commission hearing. The City Clerk shall transmit such petition and application to the Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with the notice requirements in Subparagraph 4.1 (Notice of public hearing) of this Article.

7.2 Planning Commission action. The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after submission and acceptance of the application. The Planning Commission, by majority vote, shall report its recommendations to the City Council as to whether the property to be annexed should be brought into the City in the zoning district requested by the applicant or, if the Planning Commission believes the requested zoning designation to be inappropriate, in the RR - Reserve Residential Zoning District. The Planning Commission report shall be transmitted to the City Council within thirty (30) days of the hearing date, unless the City Council grants an extension of such period. Otherwise, the zoning classification requested by the applicant shall be deemed to have been recommended by the Planning Commission.

7.3 City Council action. Upon receipt of the recommendation of the Planning Commission, the City Council shall schedule and hold a public hearing on the recommended zoning of the property to be annexed. Such hearing shall not be held until the City Council has annexed said property into the City, but may be conducted immediately following adoption of the annexation ordinances. The City Council shall give public notice of the hearing on the recommended zoning in accordance with Subparagraph

Article VIII: Amendments

5.2 (Public hearing notice) of this Article. Following such hearing, the City Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall be added to the Alexander City Zoning Map. If the recommended zoning is rejected, such ordinances shall be remanded to the Planning Commission for reconsideration.

7.4 Planning Commission reconsideration. If the City Council rejects the zoning recommended by the Planning Commission, the Planning Commission, within thirty (30) days following annexation, shall review the zoning of the newly annexed property and, if determined necessary, initiate a petition to rezone the property to the most appropriate district, in accordance with Section 3 (Petition for Amendment) of this Article. No fee shall be paid by the applicant for any reconsideration and rezoning action by the Planning Commission conducted in accordance with this Subparagraph. In determining the most appropriate zoning, the Planning Commission shall duly consider the following minimum items:

- A. The Alexander City Comprehensive Plan, as adopted by the Planning Commission, as well as other relevant land use and planning studies;
- B. The desires of the property owner subject to rezoning, as well as concerns of adjacent property owners;
- C. The purposes and considerations of zoning, as required by this ordinance and Section 11-52-72 of the Code of Alabama, as amended.

7.5 Action on Planning Commission petition. The Planning Commission and City Council shall act on the Planning Commission petition to rezone the newly annexed property in accordance with the procedures set forth in Sections 4 and 5 of this Article.

SECTION 8 - SPECULATIVE REZONINGS

The City of Alexander City discourages the use of rezonings as a strategy to increase speculative land value, where the applicant has no actual or immediate intent to develop in accordance with the rezoning. Rezoning are intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and the character of the surrounding area. The granting of this privilege by the City carries with it a good faith expectation that the proposed development will occur in a timely and deliberate manner. Therefore, when the City Council grants approval of a rezoning, the applicant should acquire a zoning permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit or approval within one (1) year of the date upon which the rezoning is approved. If such actions have not been taken within the specified time frame, the Planning Commission may initiate actions to further rezone the subject property and/or to reinstate the original zoning classification.

SECTION 9 - FEES

9.1 Every applicant or petitioner seeking an amendment to the zoning ordinance or map of the City of Alexander City, other than amendments initiated by the City Council, Enforcement Officer, Board of Adjustment, or Planning Commission, shall pay a fee to the City Clerk at the time of filing such petition or application.

9.2 A flat administrative and review fee of \$500.00 shall accompany each request for appeal or zoning amendment.

9.3 In addition, the actual costs for legal advertisement of the request and notification of parties

in interest shall be paid by the applicant prior to any decision by the Board of Adjustment, the Planning Commission or the City Council.

ARTICLE IX: LEGAL PROVISIONS

SECTION 1 - CONFLICTING REQUIREMENTS

In interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where two or more specific requirements in this ordinance conflict and the ordinance does not otherwise specify which of the conflicting requirements prevail, then the requirement imposing the higher or greater restriction shall govern. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

SECTION 2 - REPEAL OF CONFLICTING ORDINANCES

All previously adopted zoning ordinances or parts of zoning ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3 - SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not, in and of itself, invalid or unconstitutional.

SECTION 4 - VIOLATIONS AND PENALTIES

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article VI, Section 4 of these Regulations. Each day such violation continues shall constitute a separate offense.

In case any building or other structure is erected, demolished, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building official of the municipality or any other appropriate authority, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, demolition, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structures, or land.

SECTION 5 - RESTRICTIVE COVENANTS AND BYLAWS

A property owner may impose bylaws, covenants, and deed restrictions upon any private property. Once any such bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the owner of the property, and they may be enforced only by private legal action through a court of competent jurisdiction. The City of Alexander City and the Alexander City Planning Commission is in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the City prior to Final Plat approval that any such bylaws, covenants, and deed restrictions will be imposed by the land owner shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of a zoning permit for any development activity on a property for which special bylaws, covenants, or deed restrictions have been or will be imposed.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall take effect on the date of final publication by the City, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

PLANNING COMMISSION RESOLUTION

RESOLUTION

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY OF ALEXANDER CITY, ALABAMA ADOPTING THE CITY OF ALEXANDER CITY ZONING ORDINANCE, 2016 AND OFFICIAL ZONING MAP, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Alexander City, Alabama; and

WHEREAS, the City of Alexander City, Alabama desires to exercise its zoning powers in accordance with Alabama Law; and

WHEREAS, the Planning Commission has prepared a zoning ordinance for the City and revised the Official Zoning Map; and

WHEREAS, the Alexander City Planning Commission conducted a formal public hearing on March 3, 2016, to receive public comments on the proposed zoning ordinance and revised zoning map in accordance with Section 11-52-77 of the Code of Alabama, 1975, as amended;

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ALEXANDER CITY, ALABAMA:

SECTION 1. That the Alexander City Planning Commission recommends that the City of Alexander City Zoning Ordinance, 2016, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama 1975, as amended.

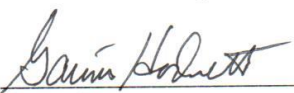
SECTION 2. That the Alexander city Planning Commission recommends that conflicting ordinances and maps adopted previously by the City Council, be repealed.

SECTION 3. That the City of Alexander City Planning Commission recommends that the aforementioned zoning ordinance and official zoning map become effective upon the date of final publication in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

ADOPTED this 3rd day of March, 2016.



Chairman
Alexander City Planning Commission



Secretary
Alexander City Planning Commission

CITY COUNCIL ACTION

ORDINANCE NO. 2016-10

AN ORDINANCE ADOPTING THE CITY OF ALEXANDER CITY, ALABAMA, ZONING ORDINANCE, JUNE, 2016, AND OFFICAL ZONING MAP, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA , 1975, AS AMENDING ; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975 , as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Alexander City, Alabama, and

WHEREAS, the City of Alexander City, Alabama , desires to exercise its zoning powers in accordance with Alabama law; and

WHEREAS, the Planning Commission has prepared a revised zoning ordinance and revised official zoning map for the City; and

WHEREAS, the Planning Commission conducted a formal public hearing on the proposed zoning ordinance on March 3, 2016, and subsequently adopted a resolution recommending adoption by the City Council of the City of Alexander City, Alabama, of the aforementioned zoning ordinance and revised official zoning map; and

WHEREAS, the City Council conducted a formal public hearing on the proposed zoning ordinance and revised official zoning map as required by Section 11-52-77 of the Code of Alabama, 1975, as amended.

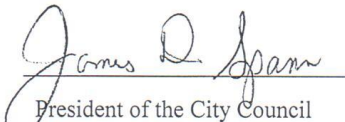
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alexander City, Alabama:

SECTION 1. That the Alexander City City Council hereby adopts the City of Alexander City Zoning Ordinance, June 6, 2016, and accompany map entitled official Zoning Map, Alexander City, Alabama, June 6, 2016, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975 , as amended

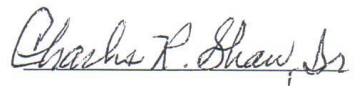
SECTION 2. That all conflicting ordinances and maps adopted previously by City Council, be repealed.

SECTION 3. That the aforementioned zoning ordinance and official zoning map becomes effective upon the date of final publication in accordance with Section 11-45-8 of the Code of Alabama, as amended.

ADOPTED this 6th day of June, 2016.


President of the City Council

APPROVED this 6th day of June, 2016.


Mayor

APPENDICES: FORMS AND DOCUMENTS

CITY OF ALEXANDER CITY BUILDING DEPARTMENT

P.O. Box 552, Alexander City, AL 35011-0552

Phone: 256-329-6712 Fax: 256-329-6711

PETITION FOR VARIANCE

Property owners in the City of Alexander City who desire relief from certain requirements of the zoning ordinance that create a specific hardship for the property owner must file a Petition for Variance. To file a petition, please complete the following form and return it with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Alexander City Enforcement Officer at (256) 329-6712 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: _____

Fax # (if available): _____

Email Address: _____

Property Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Nature of the Hardship: _____

Nature of Relief Requested by Petitioner: _____

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance. Finally, I hereby agree to reimburse the City of Alexander City, Alabama for the cost of all public hearing advertisement costs required for the processing of this application.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide and additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance.

Date

Property Owner's Signature

FOR CITY OF ALEXANDER CITY USE ONLY

Enforcement Officer's Information:

Date Filed: _____

Received by: _____

Amount of Fee Received: \$ _____ **[** **]** **Cash** **[** **]** **Check #** _____

Date Reviewed: _____

Decision: **[** **]** **Petition Approved** **[** **]** **Petition Denied**

Board of Adjustment Findings and Conclusions: _____

Specific Relief Granted: _____

Chairman's Signature: _____

Date: _____

CITY OF ALEXANDER CITY BUILDING DEPARTMENT

P.O. Box 552, Alexander City, AL 35011-0552

Phone: 256-329-6712 Fax: 256-329-6711

REZONING APPLICATION

Property owners in the City of Alexander City who request a change in the zoning classification that applies to one or more specific properties must complete a Rezoning Application form. To apply for a rezoning, please complete the following application and return the form with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Alexander City Enforcement Officer at (256) 329-6712 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: _____

Fax # (if available): _____

Email Address: _____

Property Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Current Use of Subject Property: _____

Proposed Use of Subject Property: _____

Is the Subject Property being considered for annexation? [] Yes [] No

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this

application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance. Finally, I hereby agree to reimburse the City of Alexander City, Alabama for the cost of all public hearing advertisement costs required for the processing of this application.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance.

Date

Property Owner's Signature

FOR CITY OF ALEXANDER CITY USE ONLY

Enforcement Officer's Information:

Date Filed: _____

Received by: _____

Amount of Fee Received: \$ _____ [] Cash [] Check # _____

Date Reviewed: _____

Enforcement Officer's Signature: _____

Planning Commission Action: [] Recommend Approval
[] Recommend Denial

Planning Commission Findings: _____

Planning Commission Chairman's Signature: _____

Date: _____

CITY OF ALEXANDER CITY BUILDING DEPARTMENT

P.O. Box 552, Alexander City, AL 35011-0552

Phone: 256-329-6712 Fax: 256-329-6711

SUBDIVISION APPLICATION

Property owners in the City of Alexander City who wish to subdivide property within the City and within the City's extraterritorial planning jurisdiction must complete a Subdivision Application form. To request Planning Commission approval of a proposed subdivision plan, please complete the following application and return the form with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Alexander City Enforcement Officer at (256) 329-6712 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: _____

Fax # (if available): _____

Email Address: _____

NOTE: If the applicant is NOT the owner of the subject property, then the application MUST be accompanied by a letter signed by the owner authorizing the applicant to submit the application.

Consulting Engineer Information: (if same as applicant, complete only first three lines)

Name of Lead Consultant: _____

Name of Consulting Firm: _____

Professional Trade Affiliation: [] Engineer [] Surveyor [] Architect

Mailing Address: _____

Business Hours Telephone #: _____

Fax # (if available): _____

Email Address: _____

Property Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Is subject property located within the City limits of Alexander City? [] Yes [] No

Tax Map & Lot Number of Property: _____

Zoning Classification of Subject Property: _____

Size of Subject Property in Acres: _____

Size in Acres of Smallest Lot to be Created: _____

Total Number of New Lots to be Created: _____

Is the Subject Property located within 300 feet of a City Water or Sewer Main?
[] Yes [] No

Uses to be Allowed in Subdivision: [] Residential [] Industrial [] Commercial

Is Property Located within a 100-Year Floodplain? [] Yes [] No

Supporting Information:

Please submit the following items with the Subdivision Application form:

- [] Full payment of the required Application Fee.
- [] Six prints or copies of a preliminary plat of the proposed subdivision satisfying all requirements of Article V, Section 4.3 of the Alexander City Subdivision Regulations.
- [] A listing of the names and mailing addresses of all owners of land immediately adjoining the proposed subdivision property as their names may appear upon the plats contained in the County Tax Assessor's Office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.
- [] A complete list of all local, state, and federal permits or approvals that have been applied for or secured by the applicant for the proposed subdivision as of the date of filing of this application.

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance. Finally, I hereby agree to reimburse the City of Alexander City, Alabama for the cost of all public hearing advertisement costs required for the processing of this application.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance.

Date

Property Owner's Signature

FOR CITY OF ALEXANDER CITY USE ONLY

Enforcement Officer's Information:

Date Filed: _____

Received by: _____

Application Fee Received: \$ _____ **[** **]** **Cash** **[** **]** **Check #** _____

Date Reviewed and Deemed Complete: _____

Enforcement Officer's Signature: _____

Public Hearing Date: _____

Date Public Hearing was Closed (if different from above): _____

Planning Commission Action on Preliminary Plat: **[** **]** **Approved** **[** **]** **Denied**

Date of Final Action by Planning Commission: _____

Planning Commission Findings and/or Special Conditions of Approval: _____

Planning Commission Chair's Signature: _____

Date: _____

CITY OF ALEXANDER CITY BUILDING DEPARTMENT

P.O. Box 552, Alexander City, AL 35011-0552

Phone: 256-329-6712 Fax: 256-329-6711

ZONING PERMIT APPLICATION

All property owners within the City of Alexander City must apply for and receive a Zoning Permit before undertaking any construction activities, which shall include site preparation and excavation for the construction of new buildings (including accessory or temporary structures), moving any structures onto a property, relocating existing structures on a property, alteration or repair of a structure (excluding painting, interior remodeling, or any alteration or repair activity that will not change the character, size, or position of the structure as it exists on the property). The purpose of this permit process shall be to establish compliance with the Zoning Ordinance prior to the commencement of construction activities. The approval of a Zoning Permit Application by the Enforcement Officer shall not imply or constitute approval of any other applicable permit requirements including, but not limited to, subdivision plat approval, building permits, septic system approval from the Tallapoosa County Health Department, and wetland permits from the U.S. Army Corps of Engineers. To apply for a Zoning Permit, please complete the following application and return the form with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Alexander City Enforcement Officer at (256) 329-6712 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: _____

Fax # (if available): _____

Email Address: _____

Property Information:

Name of Owner(s), if different from above: _____

Street Address of Subject Property: _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Does the Subject Property Contain any Existing Structures? [] Yes [] No

Was the Property (if vacant) or Existing Improvements created or constructed prior to the effective date of the Zoning Ordinance? [] Yes [] No

Project Information:

Do you propose to: (Please check all activities that apply to your project)

- Construct a new building or accessory structure on the property?
- Move a new or used structure onto the property?
- Construct an addition to an existing building or accessory structure on the property?
- Move or relocate an existing building or accessory structure to a new location on the subject property?
- Replace or repair a building or accessory structure that was damaged or destroyed by fire or act of God?
- Erect a sign?
- Erect a telecommunication tower, antenna, or associated facilities?
- Other activity (please explain): _____

Please attach one reproducible copy of a site plan showing the proposed project activities. The site plan must show the entire boundaries of the subject property and must be drawn to scale in ink, preferably by a licensed and certified or registered surveyor, architect, or engineer. For single family residential projects, the required site plan may be drawn to scale on a survey plat contained in a closing document or a copy of the tax map showing the subject property. In addition, the site plan must contain or show the following information as may be applicable to the subject property or project, except where special site plan instructions are specified within the Ordinance for a special development activity (please contact the Enforcement Officer if you have any question as to whether one or more of the items listed below must be included on your site plan):

- A. A north arrow.
- B. A scale bar.
- C. The length in feet of all property lines.
- D. The outline of all existing buildings or structures and any proposed buildings, structures, impervious surfaces, or building additions on the property in their proper locations. (New buildings or additions should be hatched.)
- E. The shortest distance in feet from all property lines to the closest point on any existing building or accessory structure or proposed new construction on the property.
- F. The minimum width in feet (between opposing property lines of the property).
- G. The maximum height in feet of any proposed new structure or addition.
- H. The location of any existing or proposed street access or curb cut.
- I. The location of any existing streams, lakes, ponds, or rivers on the property.
- J. The boundaries of any floodway or 100-year Flood Hazard Area on the property as identified on the applicable Flood Insurance Rate Map.
- K. Any boundaries of the Alabama Power Flood Easement on the property.
- L. The outline and location of any existing or proposed septic system and associated leachfield on the property.

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance. Finally, I hereby agree to reimburse the City of Alexander City, Alabama for the cost of all public hearing advertisement costs required for the processing of this application.

Date_____
Applicant's Signature

Property Owner:

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the City of Alexander City, Alabama Zoning Ordinance.

Date_____
Property Owner's Signature

FOR CITY OF ALEXANDER CITY USE ONLY**Enforcement Officer's Information:****Date Filed:** _____**Received by:** _____**Application Fee Received:** \$ _____ [] Cash [] Check # _____**Date Reviewed:** _____**Decision:** [] Application Approved [] Application Denied**Enforcement Officer's Signature:** _____**Enforcement Officer's Review Checklist (To be completed by Enforcement Officer Only):****Proposed Land Use:** [] Allowed in Zone [] Not Allowed (Rezoning Required)**Lot Size/Area:** [] Complies/Grandfathered [] Too small (Variance Required)**Lot Width:** [] Complies/Grandfathered [] Too small (Variance Required)

Street Frontage: [] **Complies/Grandfathered** [] **Too small (Variance Required)**

Front Yard: [] **Complies/Grandfathered** [] **Too small (Variance Required)**

Side Yard: [] **Complies/Grandfathered** [] **Too small (Variance Required)**

Rear Yard: [] **Complies/Grandfathered** [] **Too small (Variance Required)**

Imperv. Surfaces: [] **Complies/Grandfathered** [] **Exceeds limits (Variance Needed)**

Dwelling Size: [] **Complies/Grandfathered** [] **Too small (Variance Required)**

Building Height: [] **Complies/Grandfathered** [] **Too high (Variance Required)**

Special Requirements/Conditions (required buffers, setbacks, etc.): _____

Other Permits/Approvals Required: _____

Approval Conditions/Reasons for Denial (if necessary): _____

