

ORDINANCE NO. 1454-15

An ordinance establishing zoning regulations for the City of Albertville.

Be is ordained by the City Council of the City of Albertville, Alabama that Ordinance Numbers 431, 637 and 731 are amended in their entirety to read as follows:

ARTICLE I

AUTHORITY AND ENFORCEMENT

An Ordinance establishing comprehensive zoning regulations for the City of Albertville, Alabama, and providing for the administration, enforcement, and amendment, in accordance with the provisions of Title 11, Chapter 52, Article IV, Sections 11-52-70 to 11-52-84 inclusive in the Code of Alabama and providing for the repeal of the portions of all other ordinances found to be in conflict.

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements, adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the City of Albertville. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

ARTICLE II

TITLE, SHORT TITLE, OFFICIAL ZONING MAP

Section 2-1. Title

The Ordinance shall be known and may be cited as “The Zoning Ordinance of the City of Albertville, Alabama”.

Section 2-2. Short Title

This Ordinance and all subsequent amendments, attachments and supplements shall be known as the “Albertville Zoning Ordinance”.

Section 2-3. Official Zoning Map

The City is divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter is adopted by reference and declared to be part of this ordinance.

2-3-1 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that

this is the Official Zoning Map of the City of Albertville, Alabama”, together with the date of the adoption of this Ordinance.

2-3-2 If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made of the map.

2-3-3 No changes of any nature shall be made in the Official Zoning Map or matter shown on it except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered of violation of this Ordinance and punishable as provided under Article IX, Section 9-7.

2-3-4 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Section 2-4. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning map or any subsequent amendment. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Albertville, Alabama”.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and significant parts remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE III

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Section 3-1. Boundary Interpretations

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

3-1-1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.

3-1-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3-1-3 Boundaries indicated as approximately following City limits shall be construed as following such city limits.

3-1-4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

3-1-5 Boundaries indicated as parallel to or extensions of features indicated in subsections 3-1-1 through 3-1-4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

3-1-6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3-1-1 through 3-1-5 above, the Board of Adjustments shall interpret the district boundaries.

3-1-7 Where a district boundary line divides a lot which was in single ownership at the time of the passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 3-2. Use Districts Named

For the purpose of this Ordinance, the City of Albertville, Alabama is hereby divided into the following districts:

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Medium Density Residential-Apartments, Duplexes, Townhouses and Condominiums not to exceed four units per building.
R-4	Medium Density Residential- Apartments, Townhouses and Condominiums not exceeding twelve units per building.
R-5	High Density Residential- Apartments, townhouses and Condominiums exceeding twelve units per building.
R-6	Low Density Residential-Manufactured Housing
R-7	Mobile Home Parks
RO	Residential/Office
B-1	Local Shopping District
B-2	General Business district
B-3	Highway Business District
B-4	Central Business District
D-B-D	Downtown Business District
Sub-District A	Downtown Core District
Sub-District B	Civic District
Sub-District C	Railroad District
Sub-District D	Education District
Sub-District E	North Broad District
Sub-District F	Warehouse District
AP	Airport District
M-1	Light Industrial District
M-2	General Industrial District
AG-1	Agricultural District
AG-2	Agricultural District

ARTICLE IV

USE DISTRICTS

Section 4-1. R-1 Low Density Residential District

The purpose of the R-1 district is to provide for the protection of existing single-family residential areas where the principal use of the land is for low-density single-family residence with public water, sanitary sewer where available and electrical service provided as a minimum.

4-1-1 Permitted Uses

Detached single-family dwellings, with a minimum of 1200 square feet of living space excluding mobile homes, manufactured housing, mass produced or factory made housing which in whole or part are transported to the site on wheels.

Dwellings constructed on the site by use of single prefabricated walls or roof sections are permitted.

Signs; subject to the provisions of Ordinance No. 1341-13 and 1420-14

Accessory structures to be placed in rear yard.

4-1-2 Conditional Uses

Bed & Breakfast

Churches/places of worship

Cemeteries

Parks, playgrounds, country clubs and golf courses, except miniature or practice driving ranges operated for commercial purposes.

Public utility structures, including electrical substations, gas metering stations, sewage pumping stations and similar structures.

Public and private schools having curriculum substantially the same as that ordinarily given in public schools.

Libraries/Museums

Fire Stations

Planned Unit Development

Home Occupations as defined in Article XII

4-1-3 Dimensional Requirements

Fencing allowed in back and side yard only. No fencing allowed past the front corner.
No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

Accessory building setback- must be located in the rear yard only and 5 feet from rear lot line and 10 feet from side lot line.

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
40	30	10	15,000	100	3	25%	See Sec.6-3

Section 4-2. R-2 Medium Density Residential District

This district is established as a single family district in which the principal use of land is for medium density residential dwellings use with a minimum 900 square feet of living space with both public water, sanitary sewer where available and electrical service provided.

4-2-1 Permitted Uses

Any use permitted in the R-1 district

4-2-2 Conditional Uses

Any use allowed as a conditional use in the R-1 district subject to the same limitations.

Churches/places of worship

Nursing Homes and Assisted Living Facilities

4-2-3 Dimensional requirements

Fencing allowed in back and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

Accessory building setback- 5 feet from rear lot line and 10 feet from the side lot line.

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent	
35	35	10	12,000	85	3	25%	See Section 6-3

Section 4-3. R-3 Medium Density Residential District

The purpose of the R-3 Single Family Residence and low multiple family district is to provide for the protection of existing single-family residential areas and the development of new areas at a low to medium population density with Apartments, Duplexes, Townhouses and Condominiums not exceeding 4 units per building.

4-3-1 Permitted Uses

Any use permitted in the R-2 District
Apartments, duplexes, townhouses and condominiums not exceeding 4 units per building

4-3-2 Conditional Uses

Any use allowed as a Conditional Use in the R-1 and R-2 district subject to the same limitations.

4-3-3 Dimensional requirements

Accessory building setback- 5 feet from rear lot line and 8 feet from side lot line.
Accessory buildings are only allowed in the rear yard of this zoning district.

Fencing allowed in back and side yard only. No fencing allowed past the front corner.
No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

Off street parking- minimum of 2 spaces per each dwelling unit. See Section 6-4

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Width Feet at Bldg.Line	Stories	Building Area Percent	Street Parking
35	35	8	Single Family 10,500 Two family 12,000-add 1,500 for each additional	80 Add 10 for each additional unit	3	30	See Section 6-3

Section 4-4. R-4. Medium Density Residential District.

The purpose of the R-4 Single Family and Multifamily Residence District is to provide for the protection of existing single-family residential areas and the development of new areas at a medium to high population density with Apartments, Duplexes, Townhouses and Condominiums not exceeding 12 units per building.

4-4-1 Permitted Uses

Any use permitted in the R-3 district

Apartments, townhouses and condominiums and their main office not exceeding 12 units per building.

4-4-2 Conditional Uses

Any use allowed as a Conditional Use in the R-3 District subject to the same limitations

4-4-3 Dimensional Requirements

Accessory building setback- 5 feet from the rear property line and 8 feet from the side property line. Accessory buildings are only allowed in the rear yard.

Fencing allowed in back and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

No farm type fencing allowed.

Off street parking- A minimum of 2 spaces per apartment (see Article VI)

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Width Feet at Bldg.Line	Stories	Building Area Percent	Street Parking
20	20	8	Single family 10,500 Two family 12,000. Add 1,500 for each additional	75	3	40%	A minimum of 2 spaces per Apt. unit. See Section 6-3

Section 4-5. R-5 High Density Residential District.

The purpose of the R-5 Single Family and Multifamily Residence District is to provide for the protection of existing single-family residential areas and the development of new areas of high population density with Apartments, Duplexes, Townhouses and Condominiums exceeding 12 units per building.

4-5-1 Permitted Uses

Any use permitted in the R-4 District

Apartments, townhouses, and condominiums and their main office exceeding 12 units per building.

4-5-2 Conditional Uses

Any use allowed as a conditional use in the R-4 District subject to the same limitations.

4-5-3 Dimensional Requirements

Accessory building setback- 5 feet from the rear lot line and 8 feet from the side lot line. Accessory buildings are only allowed in the rear yard.

Fencing allowed in back and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

Off street parking- A minimum of 2 spaces per unit

Corner lots shall have sufficient extras width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Width Feet at Bldg.Line	Stories	Building Area Percent.	Street Parking
20	20	8	Single Family 10,500. Two Family 12,000 add 1,500 to each additional	75	3	45%	A minimum of 2 spaces Per condo/town house unit See Section 6-3

TOWNHOUSES OR CONDOMINIUMS

A. No building permit shall be issued for townhouses or condominiums, and the Board of Adjustment shall not issue a special exception involving townhouses or condominiums, except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report the Planning Commission shall determine that the proposed townhouses or condominiums are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit. If special exception is involved, the board of adjustment shall not grant such exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

B. It is the intent of this Ordinance that townhouses or condominiums in areas where they are or may be permitted:

1. May be appropriately intermingled with other types of housing
2. Shall not form long, unbroken lines of row housing
3. Shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas

C. In line with the general considerations above, the following site plan and design criteria are established:

1. Not more than six contiguous townhouses or condominiums shall be built in a row with the same front line, and not more than twelve townhouses or condominiums shall be contiguous. In groups of townhouses or condominiums consisting of more than six units, the required difference in front line shall be a minimum of 3 feet.
2. Minimum width for the portion of the lot on which a townhouse or condominium is to be constructed shall be 20 feet.
3. Minimum lot area shall be 2,000 square feet.
4. No portion of a townhouse or condominium or accessory structure in or related to one townhouse or condominium complex shall be closer than 20 feet to any portion of a townhouse or condominium or accessory structure related to another townhouse or condominium complex, or to any building outside the townhouse or condominium area.
5. Each townhouse or condominium shall be constructed on its own lot.
6. No side yards shall be required except at the unattached ends of a townhouse complex or condominium, in which case the minimum width shall be 10 feet. Minimum depth of front yards shall be 20 feet.

7. Each townhouse or condominium shall have on its own lot one yard containing not less than 400 square feet, reasonably secluded from view from streets or from neighboring property. In condominium or townhouse developments not subdivided into individual lots, one yard containing not less than 400 square feet reasonably secluded from view from streets or from neighboring property, shall be provided contiguous to, and for the private use of, the occupants of each dwelling unit.

8. Off-street parking shall be provided at the rate of 2 spaces per townhouse or condominium unit. Insofar as practicable, off-street parking facilities shall be grouped on bays, whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

9. In townhouses or condominium developments with a total area greater than 5 acres at least 20% of the total area shall be devoted to common open space, exclusive of parking area or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the City Council and approved by the City Attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses or condominiums shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse or condominium development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use and the common off-street parking spaces established for the development.

10. Story and building height requirements shall be in accordance with those specified for the district in which the townhouse or condominium is located.

Section 4-6. R-6 Low Density Residential District-Manufactured Housing

This district is established as a district in which the principal use of land is for low density residences which are of manufactured, mass-produced or factory made design or construction which in whole or part are transported to the site on wheels and expressly excludes all mobile homes.

4-6-1 Permitted Uses

Any use permitted in the R-1 and R-2 District

4-6-2 Conditional Uses

Any use allowed as a Conditional Use in the R-1 and R-2 District, subject to the same limitations.

4-6-3 Dimensional Requirements

Accessory building setback- 5 feet from the rear property line and 8 feet from the side property line. Accessory buildings are only allowed in the rear yard.

Fencing allowed in back and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.

Vegetable gardens allowed in back and side yard only.

No farm type fencing allowed.

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
40	30	10	15,000	90	2	25%	See Section 6-3

Section 4-7. R-7. Mobile Home Parks

This district is established as a district in which the principal use of land is for mobile home parks in compliance with Article V.

Any mobile home that is damaged or is unable to be maintained in a *livable condition will be replaced by another mobile home no older than 10 year of age. *Unlivable condition will be determined by the Building Inspector.

Section 4-8. R-O Residential and Office District

This district is established in which the principal use of land is for single family dwellings and professional offices located in buildings which appear to be dwellings, with both public water and sanitary sewer and electrical service provided. This district is intended to function as a transitional zone between existing residential and commercial by preserving the residential scale and intensity of use. It allows for the conversion of existing residences to office use and the development of vacant parcels with new office buildings designed to be compatible with existing adjacent residential dwellings. This district is intended for use in older developed areas.

4-8-1 Permitted Uses

Any use permitted in the R-1 District

Professional offices located in buildings which were once used as dwellings and retain their exterior residential design.

Professional offices located in buildings that have an exterior residential design:

Medical, optical and dental offices, excluding overnight care

Lawyer

Accountants

Engineers

Surveyors

Architect and landscape architects

Consultants

Professionals whose clientele normally visit on an appointment basis

Home Child Care

Administrative or general office provided there are no retail or wholesales sales, no storage of products, no display of merchandise and no storage of company vehicles or equipment.

4-8-2 Conditional Uses

Home Occupations as defined in Article XII

Churches/places of worship

Fire stations

4-8-3 Parking in this district is allowed in the side and rear yards only.

Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.

All parking shall be off-street and provided that a sufficient number of parking spaces shall be available to accommodate the number of employees and visitors normally present.

No parking shall be permitted in any required yard.

4-8-4 Landscaping Requirements

Every lot on which there is a permitted non-residential use shall be landscaped in the following manner.

a. A landscaping screen as defined in Buffer of Screen Planting-Definitions shall be planted and maintained along all side and rear lot lines that abut residential districts.

b. All required front yards shall be planted with turf grass or an evergreen ground cover and shall be maintained so as to present an attractive, neat and healthy appearance. At least one shade tree and three shrubs for each fifty feet of street frontage or fraction thereof shall be planted and maintained in the required front yard.

c. Every effort shall be made to retain and protect existing mature trees that are healthy and not hazardous to person or property.

d. Fencing allowed in back and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.

e. Vegetable gardens allowed in back and side yard only.

Section 4-9. B-1 Neighborhood Shopping District

The Neighborhood Shopping District is intended to provide for the most frequent daily needs of an immediate residential neighborhood. The district regulations are designed to protect the character of the area and to encourage further appropriate development with a mixture of existing residential units and light commercial uses. The goal is to encourage the location and growth of small scale businesses. It is the intent of these regulations that neighborhood business be limited in size in order to best serve their intended purpose; to minimize the impact of noise, light, traffic and trash and encourage pedestrian use. Mobile homes, manufactured housing, mass produced or factory made housing which in whole or part are transported to the site on wheels are prohibited in an B-1 zoning.

4-9-1 Permitted Uses with total floor area not to exceed 2500 square feet

- Convenience stores
- Clothing stores
- Drug stores
- Florist shops
- General merchandise shops
- Gift shops
- Hardware stores
- Jewelry stores
- Neighborhood markets
- Sporting goods stores
- Pet shops
- Dry cleaning and laundry
- Laundromats
- Coin operated car wash
- Barber shop
- Beauty shop
- Shoe repair
- Branch banks
- Branch post offices
- Doctor, dentist, or professional office
- Planned neighborhood shopping center limited to five acres in lot size
- Signs subject to the provisions of Ordinance No. 1341-13 and Ordinance 1420-14

4-9-2 Conditional Uses

- Public and semi-public uses and structures
- Funeral parlors
- Restaurants, not including drive-in restaurants
- Similar uses not specifically named which, in the opinion of the Zoning Board of Adjustments, comes within the spirit or intent of this zoning district.

4-9-3 Accessory building setback- located in the rear yard only with a setback of 10 feet from the rear and side yard.

4-9-4 Off Street loading and unloading
Shall be provided as required in Section 6-4

4-9-5 Dumpsters should be located at the rear of the building when possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.

4-9-6 A paved parking lot with curb is required for all new construction.

4-9-7 Required Buffers
Where this district abuts a lot in a residential district there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI

4-9-8 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	Off
Front	Rear	Side	Area	Width	<u>Stories</u>	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
20	15	*	20,000	None	2	50%	See Section 6-3

*Total of 20 feet side set-back or not less than 5 feet to an existing structure

Section 4-10. B-2 General Business District

This district is designed primarily to accommodate development of a wider range of mixed commercial, service and light industrial uses compatible with each another. Mobile homes, manufactured housing, mass produced or factory made housing which in whole or part are transported to the site on wheels are prohibited in an B-2 zoning.

4-10-1 Permitted Uses

Art Stores
Art Supply Stores
Animal hospital and veterinary clinic
Automobile sales and service; auto car wash
Bakery
Building supplies
Commercial recreational facilities and amusement enterprises
Farm equipment sales and service
Hospitals, clinics, nursing homes
Laundries, laundromats and dry cleaning establishments
Repair or service shops
Restaurants, including drive-in restaurants
Wholesale business, excluding volatile uses
Motels
Public and semi-public uses
Service stations
Signs, subject to Ordinance No. 1341-13 and 1420-14
Tire, recapping and retreading establishments
Planned shopping centers, subject to the provisions of Article VI.
Permitted Uses as listed in B-1

4-10-2 Conditional Uses

Mini storage buildings
Title/Payday Loan Companies
Tattoo/Piercing Shops

Any business use not specifically named which, in the opinion of the Zoning Board of Adjustments comes within the spirit or intent of this zoning district.

4-10-3 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u> Stories	<u>Maximum</u> Building Area Percent.	Off Street Parking
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Width Feet at Bldg.Line			
25	15	*		None	10		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

No building shall be placed closer than five feet to any existing building on any adjoining lot. Buildings for this purpose shall be defined as a permanent structure on a permanent foundation exclusive of small storage buildings.

It is the intent of this ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

4-10-4 Required Buffers

Where this district abuts a lot in a residential district there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI

4-10-5 All accessory structures must be placed at the rear of building.

4-10-6 Dumpsters should be located at the rear of the building when possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.

4-10-7 A paved parking lot with curb is required for all new construction.

4-10-8 Utilities to be placed underground

Section 4-11 B-3. Highway Business

This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking and to designed to minimize traffic congestion. Mobile homes, manufactured housing, mass produced or factory made housing which in whole or part are transported to the site on wheels are prohibited in an B-3 zoning.

4-11-1 Permitted Uses

Animal hospital and veterinary clinic
Art Stores
Art Supply Stores
Automobile sales and service
Auto car wash
Bakery
Banks
Bowling alleys, miniature golf, outdoor theaters, or other recreational uses
conducted for profit
Building supplies
Commercial recreational facilities and amusement enterprises
Funeral parlors
Ice cream retail places
Hospitals, clinics, nursing homes
Laundries, laundromats and dry cleaning establishments
Mobile home sales
Motels
Novelty shops
Offices, business, professional/public
Repair or service shops
Restaurants, including drive-in restaurants
Public and semi-public uses
Service stations
Signs, subject to Ordinance No. 1341-13 and 1420-14
Tire, recapping and retreading establishments
Wholesale business, excluding volatile uses
Planned shopping centers, subject to the provisions of Article VI.
Permitted Uses as listed in B-1 and B-2

4-11-2 Conditional Uses

Mini Storage Buildings
Park and Sell Lots
Title/Payday Loan Companies
Tattoo/Piercing Shops
Light industrial uses

Any business use not specifically named which, in the opinion of the Zoning Board of Adjustments comes within the spirit or intent of this zoning district.

4-11-3 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
35	15	*		None	10		See Section 6-3
*10 feet side yard or not closer than 5 feet to an existing structure							

It is the intent of this ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

4-11-4 Where a lot which side lot line adjoins a residential district, there shall be a side yard not less than 15 feet wide.

4-11-5 All accessory structures must be placed at the rear of building.

4-11-6 Dumpsters should be located at the rear of the building when possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.

4-11-7 A paved parking lot with curb is required for all new construction.

4-11-8 Required Buffers

Where this district abuts a lot in a residential district there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI

Section 4-12. B-4 Business District

This district is designed to provide a central core of retail, services, business, financial, general and professional offices and related services. Mobile homes, manufactured housing, mass produced or factory made housing which in whole or part are transported to the site on wheels are prohibited in an B-4 zoning.

4-12-1 Permitted Uses

Antique stores
Art Stores
Art Supply Stores
Auto accessories
Appliance sales
Bakery, retail
Banks
Book store
Bus stations
Barber and Beauty shops
Business schools, trade schools and dancing schools
Clothing stores
Drug stores
Dry goods
Eating and drinking establishments
Feed/seed supply
Florist
Food/beverage establishments
Furniture stores
Hardware stores
Hobby/craft supplies
Hotels and motels
Jewelry stores
Leather goods
Libraries, museums and art galleries
Medical equipment
Offices-Business and professional
Office supplies
Paint and wallpaper supplies
Pet stops
Photographic studios
Radio and television studios
Repair shops other than auto
Signs, subject to Ordinance 1341-13 and 1420-14
Sporting goods
Tailor, dressmaking and millinery shops
Theaters, indoor
Toy stores

Uses customarily accessory to permitted uses.

4-12-2 **Conditional Uses**

Service Stations

Auto parts supply, new or used- No outside storage permitted

Building, electrical, plumbing and heating supply- No outside storage permitted

Manufacturing incidental to a retail business, where articles are sold at retail on the premises

Any business use not specifically named which, in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-12-3 **Dimensional Requirements**

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
0	0	0			3		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

4-12-4 All accessory structures must be placed at the rear of building.

4-12-5 Dumpsters should be located at the rear of the building when possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.

4-12-6 A paved parking lot with curb is required for all new construction.

Section 4-13. D-B-D Downtown Business District

This district is intended to create a stable urban core that will preserve and enhance the many historic buildings while adding new buildings that will expand and contribute to the small town, urban environment that makes the downtown attractive for pedestrians. Every effort should be made to preserve and renovate the historic structures and to create new infill construction that is compatible with the old in terms of scale, proportion, materials, design and function without being imitative. The Downtown Business District is perceived as being a very specialized sector of the city, one that combines private and governmental businesses with entertainment and tourism.

This district is described as beginning at the corner of East McKinney Avenue and Glover Street then south to Miller Street, south to East Main Street, Southeast to Baltimore Avenue, south to Jackson Street, west to South Hambrick Street, north to West McKinney Avenue and east to the corner of Glover Street.

The streets in the downtown area are the networks of public open space that set the tone for the district. Because visual continuity is an important aspect in creating an identity for the downtown, a consistency in streetscape design should extend throughout the area. A two story height limit assures that new construction will be compatible with historic structures; minimizes the wind tunnel effect between buildings; assures the penetration of sunlight to ground level enhances the pedestrian street scape; and is conducive to small scale retail and service establishments.

The Downtown Business District is divided into Sub-Districts A-F

D-B-D Sub-District A – Downtown Core District

The purpose of Sub-District A is to continue the development of the downtown in such a way as to provide a strong sense of continuity with the past by continuing those characteristics that created its identity; a dense concentration of low-scale buildings, a pedestrian rather than car orientation, high-quality materials and design, a diversity of uses including street level retail and services uses and landscaping to soften the street scape and buffer as needed.

The streets in the downtown area are the networks of public open space that set the tone for the district. Because visual continuity is an important aspect in creating an identity for the downtown, a consistency in streetscape design should extend throughout the area. A two story height limit assures that new construction will be compatible with historic structures; minimizes the wind tunnel effect between buildings; assures the penetration of sunlight to ground level enhances the pedestrian street scape; and is conducive to small scale retail and service establishments.

- 4-13A-1 Permitted Uses**
Antique stores
Art stores
Art supply stores

Bakeries
Barber shops
Beauty shops
Book stores
Bridal shops
Card shops
Clothing stores
Craft stores
Delicatessens
Drug stores
Electronic stores
Florist shops
Furniture stores
Garden shops
Gift shops
Hardware stores
Hobby shops
Ice cream parlors
Interior design shops
Jewelry stores
Leather goods
Medical equipment stores
Music stores
Office supply stores
Novelty stores
Parking lots and parking structures
Photo supply and developing stores
Photographic studios
Restaurants, except drive-in restaurants
Shoe stores
Sporting goods stores
Tailor, dressmaking and millinery stores
Theaters, indoor
Tobacco shops
Toy stores
Travel agents
Loft Apartments-See Regulations in 4-13A-9
Signs, subject to the provisions of Article VII
Uses customarily accessory to permitted uses

4-13A-2 Conditional Uses

The following uses, provided there is no outside storage of vehicles, equipment or materials:
Convenience Stores
Grocery Stores

Light Manufacturing incidental to a retail business provided the goods are to be sold at retail on the premises.

Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13A-3 The front facade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13A-4 To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

4-13A-5 Windows located at street level shall be transparent.

4-13A-6 All power, communication and other wiring shall be located underground.

4-13A-7 All exterior mechanical equipment, trash facilities and loading areas shall be adequately screened so as not to be visible from any street or by pedestrians.

4-13A-8 All accessory structures and dumpsters to be placed at the rear of building and adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13A-9 Each building may contain along with an operating business a maximum of one single family dwelling.

1. The maximum occupancy of a one bedroom or studio apartment shall be two people.

2. The minimum square footage of a studio apartment shall be 400 square feet.
The minimum square footage of a one bedroom apartment shall be 500 square feet.
The minimum square footage of a 2 bedroom apartment shall be 800 square feet

3. Single family dwellings are prohibited on the first floor of buildings with more than one story.

4. Single family dwelling in one story buildings shall be located in the rear of the building with outside access in the rear of the building. The dwelling shall not encompass more than thirty (30) percent of the first floor area.

5. All single family dwelling shall be constructed to comply with the applicable building and fire codes.

4-13A-11 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Width Feet at Bldg.Line	Stories	Building Area Percent.	Street Parking
0	0	0			2		See Section 6-3

D-B-D Sub-District B – Civic District

This district comprises a higher concentration of government and municipal activities. The majority of the commercial uses are financial and professional offices scattered throughout. The density is lower in this area and the style of the buildings are more modern.

4-13B-1 Permitted Uses

Antique stores
Art stores
Art supply stores
Auditoriums
Bakeries
Banks
Barber shops
Beauty shops
Book stores
Bridal shops
Card shops
City Hall
Clothing stores
Community centers
Computer stores
Craft stores
Dance/Gymnastics studios
Delicatessens
Drug stores
Electronic stores
Fire stations
Florist shops
Furniture stores
Garden shops
Gift shops
Hobby shops
Ice cream parlors
Interior design shops
Jewelry stores
Leather goods
Libraries
Medical equipment stores
Municipal jails
Museum and art galleries
Music stores
Offices, including business, professional and governmental
Office supply stores
Novelty stores

Opticians
Parking lots and parking structures
Photographic studios
Physical therapists
Police stations
Post Offices
Public utility facilities
Restaurants, except drive-in restaurants
Shoe stores
Sporting goods stores
Tailor, dressmaking and millinery stores
Theaters, indoor
Toy stores
Signs, subject to the provisions of Article VII
Uses customarily accessory to permitted uses

4-13B-3 Conditional Uses

The following uses, provided there is not outside storage of vehicles, equipment or materials:

Building, electrical, plumbing and heating supply
Convenience Stores

Light Manufacturing incidental to a retail business, where all manufactured articles are sold at retail on the premises.

Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13B-4 The front facade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13B-5 To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

4-13B-6 Windows located at street level shall be transparent.

4-13B-7 All power, communication and other wiring shall be located underground.

4-13B-8 All exterior mechanical equipment and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13B-9 All accessory structures and dumpsters to be placed at the rear of building and adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13B-10 A paved parking lot is required for all new construction.

4-13B-11 Off Street Loading and Unloading
Shall be provided as required in Article VI

4-13B-12 Required Buffers
Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a visual buffer as defined in Article XI

4-13B-13 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Maximum</u>	<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	<u>Maximum</u>	<u>Height</u>	Building	Street
Yard	Yard	Yard	Square	Feet at	Feet	Stories	Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line			Percent.	
0	0	*				2		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

D-B-D Sub-District C – Railroad District

This district contains a high concentration of multiple community and cultural uses. The district possesses some of the most important historic and cultural assets of the city.

4-13C-1 Antique stores
 Appliance stores
 Art stores
 Art supply stores
 Auto parts stores
 Bakeries
 Banks
 Barber shops
 Beauty shops
 Bicycle shops
 Book stores
 Bridal shops
 Card shops
 Clothing stores
 Community centers
 Computer stores
 Craft stores
 Dance studios
 Delicatessens
 Drug stores
 Electronic stores
 Florist shops
 Furniture stores
 Game rooms
 Garden shops
 Gift shops
 Grocery stores
 Hardware stores
 Hobby shops
 Ice cream parlors
 Interior design shops
 Jewelry stores
 Medical equipment stores
 Museum and art galleries
 Music stores
 Offices, including business, professional and governmental
 Office supply stores
 Novelty stores
 Opticians
 Paint and decorating stores

Parking lots and parking structures
Parks
Personal fitness establishments
Pet stores
Photo supply and developing stores
Photographic studios
Physical therapists
Playgrounds
Police stations
Post Offices
Recycling Centers
Repair shops for small appliances and similar services
Restaurants, except drive-in restaurants
Schools
Shoe repair shops
Shoe stores
Sporting goods stores
Tailor, dressmaking and millinery stores
Theaters, indoor
Tobacco shops
Toy stores
Travel agents
Signs, subject to the provisions Article VII
Uses customarily accessory to permitted uses

4-13C-2 Conditional Uses

The following uses, provided there is no outside storage of vehicles, equipment or materials:

Building, electrical, plumbing and heating supply
Convenience Stores

Light Manufacturing incidental to a retail business, where all manufactured articles are sold at retail on the premises.

Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13C-3 The front facade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13C-4 To maintain consistency with the existing streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

4-13C-5 Windows located at street level shall be transparent.

4-13C-6 All power, communication and other wiring shall be located underground.

4-13C-7 All exterior mechanical equipment, trash facilities and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13C-8 All accessory structures and dumpsters to be placed at the rear of building and adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13C-9 A paved parking lot is required for all new construction.

4-13C-10 Off Street Loading and Unloading
Shall be provided as required in Article VI

4-13C-11 Required Buffers
Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a visual buffer as defined in Article XI

4-13C-12 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Maximum</u>	<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	<u>Maximum</u>	<u>Height</u>	Building	Street
Yard	Yard	Yard	Square	Feet at	Feet	Stories	Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line			Percent.	
0	0	*				2		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

D-B-D Sub-District D – Educational District

4-13D-1 Community centers
Computer stores
Dance/Gymnastics studios
Garden shops
Museum and art galleries
Music stores
Parking lots and parking structures
Parks
Playgrounds
Schools
Theaters
Signs, subject to the provisions Article VII
Uses customarily accessory to permitted uses

4-13D-2 Conditional Uses
Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13D-3 The front facade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13D-4 All exterior mechanical equipment, trash facilities and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13D-5 Dumpsters and Trash Receptacles
All accessory structures and dumpsters to be placed at the rear of building and adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13D-6 A paved parking lot is required for all new construction.

4-13D-7 Off Street Loading and Unloading
Shall be provided as required in Article VI

4-13D-8 Required Buffers
Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a visual buffer as defined in Article XI

4-13D-9 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
0	0	*			3		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

D-B-D Sub-District E – North Broad District

This district is the gateway from U.S. Highway 431 into the Downtown Core Business Area. It is important because it gives the first impression of the downtown area as well as establishes the identity of the city. There is a mixture of many types of commercial use throughout the district.

<u>4-13E-1</u>	Antique stores
	Appliance stores
	Art supply stores
	Auto parts stores
	Bakeries
	Banks
	Barber shops
	Beauty shops
	Bicycle shops
	Book stores
	Bridal shops
	Card shops
	Clothing stores
	Computer stores
	Craft stores
	Delicatessens
	Drug stores
	Dry Cleaning
	Electronic stores
	Florist shops
	Furniture stores
	Garden shops
	Gift shops
	Hardware stores
	Hobby shops
	Ice cream parlors
	Interior design shops
	Jewelry stores
	Launderettes/Coin-operated
	Medical equipment stores
	Museum and art galleries
	Music stores
	Offices, including business and professional
	Office supply stores
	Novelty stores
	Opticians
	Paint and decorating stores
	Parking lots and parking structures
	Photo supply and developing stores

Photographic studios
Physical therapists
Repair shops for small appliances and similar services
Restaurants, except drive-in restaurants
Shoe repair shops
Shoe stores
Sporting goods stores
Tailor, dressmaking and millinery stores
Theaters, indoor
Tobacco shops
Toy stores
Signs, subject to the provisions of Article VII
Uses customarily accessory to permitted uses

4-13E-2 Conditional Uses

The following uses, provided there is not outside storage of vehicles, equipment or materials:

Building, electrical, plumbing and heating supply

Convenience Stores

Light Manufacturing incidental to a retail business, where all manufactured articles are sold at retail on the premises.

Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13E-3 The front facade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13E-4 To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

4-13E-5 Windows located at street level shall be transparent.

4-13E-6 All power, communication and other wiring shall be located underground.

4-13E-7 All exterior mechanical equipment, trash facilities and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13E-8 All accessory structures and dumpsters to be placed at the rear of building and adequately screened so as not to be visible from any street or by pedestrians.

4-13E-9 A paved parking lot is required for all new construction.

4-13E-10 Off Street Loading and Unloading
Shall be provided as required in Article VI

4-13E-11 Required Buffers
Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a visual buffer as defined in Article XI

4-13E-12 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	<u>Stories</u>	Building	<u>Street</u>
Yard	Yard	Yard	Square	Feet at		Area	<u>Parking</u>
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
0	0	*			2		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

D-B-D Sub-District F – Warehouse District

This district is comprised of freestanding structures such as storage units, mini-warehouses, warehouses and lower density which accommodates light industrial activities.

4-13F-1 Appliance stores
Art supply stores
Auto parts stores
Bakeries
Banks
Barber shops
Beauty shops
Bicycle shops
Clothing stores
Computer stores
Craft stores
Dance studios
Delicatessens
Drug stores
Electronic stores
Florist shops
Furniture stores
Game rooms
Garden shops
Gift shops
Grocery stores
Hardware stores
Hobby shops
Jewelry stores
Medical equipment stores
Mini-Storage
Music stores
Offices
Office supply stores
Novelty stores
Paint and decorating stores
Parking lots and parking structures
Personal fitness establishments
Pet stores
Photo supply and developing stores
Photographic studios
Repair shops for small appliances and similar services
Restaurants, except drive-in restaurants
Shoe repair shops
Shoe stores

Sporting goods stores
Tailor, dressmaking and millinery stores
Tobacco shops
Toy stores
Signs, subject to the provisions of Article VII
Uses customarily accessory to permitted uses

4-13F-2 Conditional Uses

The following uses, provided there is not outside storage of vehicles, equipment or materials:

Building, electrical, plumbing and heating supply

Convenience Stores

Light Manufacturing incidental to a retail business, where all manufactured articles are sold at retail on the premises.

Any business use not specifically named which in the opinion of the Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-13F-3 The front façade of all new buildings shall be oriented toward a public street as shall the principle entrances.

4-13F-4 Windows located at street level shall be transparent.

4-13F-5 All exterior mechanical equipment and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

4-13F-6 All accessory structures and dumpsters to be placed at the rear of building and adequately screened so as not to be visible from any street or by pedestrians.

4-13G-7 A paved parking lot is required for all new construction.

4-13F-8 Off Street Loading and Unloading
Shall be provided as required in Article VI

4-13F-9 Required Buffers
Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a visual buffer as defined in Article XI

4-13F-10 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	Off
Front	Rear	Side	Area	Width	<u>Stories</u>	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
0	0	*			3		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

Section 4-14. M-1 Light Industrial District

The M-1 Light Industrial District is established for those areas of the City where the principal use of land is for light industrial activities which by their nature are not obnoxious, offensive or detrimental to surrounding properties by reason of dust, smoke, gas, fumes, fire, vibration, noise, odor or effluents.

4-14-1 Permitted Uses

- Gas Stations and auto repair-oriented businesses
- Restaurants, including drive-in restaurants
- Industrial supplies
- Agricultural supplies
- Welding and machine Shops
- Textile, furniture and electronics industries
- Electrical appliance manufacturing and repair shops
- Food processing
- Ice and cold storage plants and freezer lockers
- Bottling plants
- Bakeries
- Dairies
- Public works and public utility substations and storage yards
- Farm machinery assembly and repairs
- Machine tool manufacturing
- Metal fabrication plants
- Mini storage units
- Sheet metal and roofing shops
- Signs, subject to the provisions of Article VII
- Tire recapping and retreading
- Pharmaceutical manufacturing
- Printing, publishing, graphic reproduction establishments
- Industrial equipment, sales and repair
- Truck terminals
- Warehouses
- Any retail or service establishments dependent or closely related to industry
- Signs, subject to the provisions of Article VII
- Customary accessory uses and structures.

4-14-2 Conditional Uses

Any manufacturing or business use not specifically named in which, in the opinion of The Zoning Board of Adjustment, comes within the spirit or intent of this zoning district.

4-14-3 A paved parking lot is required for all new construction.

4-14-4 Off- street loading and unloading

Shall be provided as required in Article VI

4-14-5 Required buffers

Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI.

4-14-6 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	<u>Stories</u>	Building	<u>Street</u>
Yard	Yard	Yard	Square	Feet at		Area	<u>Parking</u>
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
*	8	**			3		See Section 6-3

*10 feet side yard or not closer than 5 feet to an existing structure

It is the intent of the ordinance that lots of sufficient size be used for any industrial related use to provide adequate parking and loading space in addition to the space required for the other normal operations for the business or service.

***Front Yard** None Specified, except where existing establishments (other than residential) are set back, any new structure shall be set back not less than the average of the set-backs of the existing establishment within 100 feet each side thereof.

****Side Yard** None specified, unless adjoining a residential zoned lot then a side set back of 10 feet wide.

Section 4-15. M-2 General Industrial District

The M-2 General Industry District is established for those areas of the city where the principal use of land is for industrial activities which by their nature are not obnoxious, offensive or detrimental to any surrounding properties and would not cause objectionable conditions which would affect a considerable portion of the city.

4-15-1 Permitted Uses

Any use permitted in the M-1 District.
Contractor's plants and storage yards
Lumber mills and open storage of building materials
Concrete and asphalt plants
Rubber processing plants
Fertilizer plants
Feed of grain mills
Mini storage units
Signs, subject to the provisions of Article VII
Junk yards and auto salvage yards surrounded by either a solid wall or fence at least 6 feet high or a buffer strip as defined in Article XI.

4-15-2 Conditional Uses

Volatile uses and volatile industries such as oil, gas and other refineries provided no residential structures are located less than 500 feet.

Manufacturing and related uses not otherwise named herein which come within the spirit and intent of this zoning district.

4-15-3 A paved parking lot is required for all new construction.

4-15-4 Off street loading and unloading- Shall be provided as required in Article VI

4-15-5 Required buffers- Where the district abuts a lot in a residential district there shall be provided and maintained along the property line a continuous visual buffer as specified in Article XI

4-15-6 Dimensional Requirements

It is the intent of the ordinance that lots of sufficient size be used for any industrial or related use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
None	*	*	None		3		See Section 6-3

*10 feet or not closer than 5 feet to an existing structure

It is the intent of the ordinance that lots of sufficient size be used for any industrial or related use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service

4-15-7 Required Buffers

Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI

Section 4-16. AG-1 Agricultural District.

The AG-1 district is established to protect agricultural land from the encroachment of urban type land uses and to permit development of a rural nature. It is designed to preserve the rural character of the areas which are most suitably located outside the urbanized portion of the city by promoting agriculture-related uses which, by their nature, are not obnoxious offensive or detrimental to surrounding properties.

4-16-1 Permitted Uses

Any use permitted in the R-1 District

General farming including horticulture, row crops, dairying, apiaries, horses, fish hatcheries, livestock, poultry, and swine for personal consumption only.

Cemeteries

Sanitariums, convalescent and nursing homes

Churches and places of religious worship

Animal hospitals and kennels

Private clubs, lodges, summer camps

Accessory buildings and uses customarily incidental to the above uses

Signs subject to the provisions of Article VII

Individual owner-occupied mobile homes

4-16-2 Conditional Uses

Fire Stations

Public utility structures and uses

Recreation and amusement enterprises of a commercial basis

Sports arenas

Livestock sales

4-16-3 Off street loading and unloading- Shall be provided as required in Article VI

4-16-4 Mobile home regulations and requirements for use as single family residences in the AG-1 and AG-2 district. These regulations are designed to ensure protection of health, safety and welfare of both the residents of the mobile dwellings and residents of the neighboring property.

General requirements: No mobile dwelling shall be occupied for dwelling purposes unless it is located in a mobile dwelling park; except, that an individual mobile dwelling shall be allowed as a permitted use in the AG-1 and AG-2 districts. The following standards must be in compliance before the dwelling can be occupied:

1. A permit must be obtained from the Building Department before any mobile dwelling is placed inside the City Limits.
2. The mobile dwelling shall be in compliance with all the codes of the City of Albertville.
3. The mobile dwelling shall not be older than ten years of age
4. The minimum lot size shall be 5 acres and no mobile dwelling shall be placed within

- 200 feet of any other residential district.
5. All mobile dwellings must be underpinned with a material designed and approved for that purpose.
 6. All mobile dwellings in AG-1 and AG-2 districts must be occupied by the owner of the property on which the mobile dwelling is located.
 7. The lot must have access to a public road.
 8. The mobile dwelling shall be inspected by the Building Inspector before it is occupied by the standards set forth by the City of Albertville and The State of Alabama Manufactured Housing Commission.

4-16-5 Dimensional Requirements

Any structure used for the housing of livestock of any kind shall not be located closer than 100 feet of any property line or line of a district other than an AG district

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	<u>Off</u>
Front	Rear	Side	Area	Width	Stories	Building	Street
Yard	Yard	Yard	Square	Feet at		Area	Parking
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
40	30	10	5 Acres	100	2 ½	35%	See Section 6-3

Section 4-17. AG-2 Agricultural District.

The AG-2 district is established to preserve the rural character of the areas which are most suitably located outside the urbanized portion of the city by promoting agriculture-related uses which, by their nature, are not obnoxious offensive or detrimental to surrounding properties.

This district is established to protect agricultural land from the encroachment of urban-type land uses and to permit development of a rural nature.

4-17-1 Permitted Uses

Any use permitted in the AG-1 district

Poultry raising, hog raising, goat farming and similar uses of a commercial nature

4-17-2 Conditional Uses

Same as AG-1

4-17-3 Off Street Loading and Unloading

Same as in AG-1

4-17-4 Mobile home regulations and requirements for use as single family residences in the AG-1 and AG-2 district. These regulations are designed to ensure protection of health, safety and welfare of both the residents of the mobile dwellings and residents of the neighboring property.

General requirements: No mobile dwelling shall be occupied for dwelling purposes unless it is located in a mobile dwelling park; except, that an individual mobile dwelling shall be allowed as a permitted use in the AG-1 and AG-2 districts. The following standards must be in compliance before the dwelling can be occupied:

1. A permit must be obtained from the Building Department before any mobile dwelling is placed inside the City Limits.
2. The mobile dwelling shall be in compliance with all the codes of the City of Albertville.
3. The mobile dwelling shall not be older than ten years of age
4. The minimum lot size shall be 15 acres and no mobile dwelling shall be placed within 200 feet of any other residential district.
5. All mobile dwellings must be underpinned with a material designed and approved for that purpose.
6. All mobile dwellings in AG-1 and AG-2 districts must be occupied by the owner of the property on which the mobile dwelling is located.
7. The lot must have access to a public road.
8. The mobile dwelling shall be inspected by the Building Inspector before it is occupied for standards set forth by the City of Albertville and The State of Alabama Manufactured Housing Commission.

4-17-5 Dimensional Requirements

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>		<u>Height</u>	<u>Maximum</u>	Off
Front	Rear	Side	Area	Width	<u>Stories</u>	Building	Street Parking
Yard	Yard	Yard	Square	Feet at		Area	
Feet	Feet	Feet	Feet	Bldg.Line		Percent.	
40	30	10	5 Acres	100	2 ½	25%	See Section 6-3

Section 4-18. AP Airport Zoning District

This district is designed to provide a mix of retail, storage, airport related educational facilities and others to promote the stability and growth of the municipal airport. This district is divided into sub districts to accommodate a variety of uses.

Sub District 1

4-18-1 Permitted Uses

- Airport complete with hangar and accessory structures
- Aviation Repair/overhaul or manufacturing
- Eating and drinking establishments with the exception of drive-in facilities
- Freight terminals and warehouses
- Hotels and motels with or without lounges and restaurants
- Electronics industries
- Electrical appliance industries
- Industrial supply companies
- Trade schools and training facilities
- Fire stations
- Public utility structures and uses
- Signs, subject to the provisions of Article VII

Sub District 2

4-18-2 Permitted Uses

- Agricultural Supplies
- Aviation repair/overhaul or manufacturing
- Welding and machine shops
- Textile manufacturing
- Furniture manufacturing
- Food processing
- Cold storage facilities
- Bottling plants
- Bakeries
- Farm machinery assembly
- Machine tool manufacturing
- Metal fabrication
- Pharmaceutical manufacturing
- Printing and publishing
- Industrial equipment sales and rental
- Building materials (open storage)
- Signs, subject to the provisions of Article VII

4-18-3 Conditional Use

Any tower within 2 miles of the Airport Runway must obtain an approved variance from the Board of Adjustments.

A business use not specifically named which, in the opinion of the Zoning Board of Adjustments, comes within the spirit or intent of this zoning district.

4-18-4 Prohibited

Towers of any kind within 2 miles of the RSA (Runway Safety Area)

4-18-5 It is the intent of this Ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading spaces in addition to the space required for the other normal operations of the business or service.

4-18-6 Off Street Loading and Unloading

Shall be provided as required in Article VI

4-18-7 Required Buffers

Where this district abuts a lot in a residential district, there shall be provided and maintained along the property line a continuous visual buffer as defined in Article XI.

ARTICLE V

REGULATIONS FOR MOBILE HOME PARKS

Section 5-1. Purpose

The purpose of this Article is to provide requirements for the development of mobile home parks while deriving for the city the advantage of improved appearance, compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation. No mobile homes allowed inside city limits except in a mobile home park.

Section 5-2. Procedure

No mobile home park shall hereafter be developed, redeveloped, altered or expanded without a Conditional Use Permit and in conformity with the regulations of this Ordinance. An application for a Conditional Use Permit shall be made on forms furnished by the municipal Building Department. The application shall be accompanied by a copy of a preliminary site plan of the mobile home park showing the following, either existing or as proposed:

- a. The name of the project along with the owner's name, engineer or designer.
- b. The north arrow point, scale and date. The scale of the site plan shall be not less than 1 inch = 50 feet.
- c. Vicinity map showing the location of the project in relation to the surrounding community.
- d. Existing zoning and zoning district boundaries.
- e. The boundaries of the property involved, the general location of all existing easements, section lines, property lines, existing street, building and other physical features in or adjoining the project.
- f. Names and addresses of all adjacent land owners.
- g. The approximate location and sizes of sanitary and storm sewers, water mains, culverts and other underground facilities in or near the project.
- h. Acreage in total project; acres to be developed.
- i. Roadways and driveways including the width and the type of surface treatment, curbs and other physical characteristics.
- j. Location of mobile homes on stands and dimensions of each stand. Location and number of sanitary conveniences including toilets, washrooms, laundries and utility rooms to be used by the occupants of units.

- k. A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water, sewer and electrical.
- l. Location and type of buffer strip
- m. Location and size of recreation areas.
- n. Any area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage, overflow or ponding shall be clearly shown and identified on the plan.
- o. Any and all other physical improvements as specified in Section 5-4

Section 5-3. License Required

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by them, a mobile home park without having first secured a license for each such park from the City pursuant to this Article. The license shall expire on December 31 of each year but may be renewed under provisions of this Section for additional periods of one year. The annual license fee shall be in accordance with the ordinance that sets the license fees.

Section 5-4. Requirements

Any development, redevelopment, alteration or expansion of a mobile home park within the City of Albertville shall be done in compliance with these requirements.

5-4-1 Location.

A mobile home park shall be located only in designated zoning areas and with a Conditional Use Permit for that purpose as provided in this ordinance.

5-4-2 Basic Minimum Requirements

- a. Area Requirements: The minimum size of a mobile home park shall be two acres.
- b. Mobile Homes must be less than ten years of age.
- c. Stand Requirements: Each stand shall provide a minimum area of 3,500 square feet; however, no stand shall average less than forty feet in width nor less than eighty feet in depth.
- d. Buffer: There shall be constructed and maintained a permanent screening device as specified in Article XI, Subsection 11-2-6.
- e. Open Space Requirements: The minimum front yard setback shall be fifteen feet from the nearest corner of the mobile home to the front line of

the stand. The minimum distance between mobile homes shall be twenty feet on the sides and fifteen feet on the rear.

- f. Height Regulations: The height limit for any mobile home in the park shall be eighteen feet. The height of the mobile home frame above the ground elevation, measured at 90 degrees to the frame, shall not be greater than three feet.
- g. Soil and Ground Cover: Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- h. Drainage: The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.
- i. Design and Location of Storage Facilities: Storage facilities with a minimum capacity of 200 cubic feet per stand shall be provided on a stand, or in compounds located within one hundred feet of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry porcelain steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Building Inspector.
- j. Parking: Every mobile stand shall have two off-street parking spaces of hard surface or solid material.

5-4-3 Access and Traffic Circulation Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities

- a. An internal street or common access route shall be provided to each stand. The street shall be a minimum of thirty feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty feet. No internal street ending in a cul-de-sac shall exceed four hundred feet in length.
- b. All streets shall be constructed to meet the minimum specifications for streets within the City of Albertville except the curbing. A concrete lay-down curb or acceptable substitute shall be used as approved by the Municipal Building Inspector.

- c. Every mobile home stand shall have two off-street parking spaces. Off-street parking shall be hard surfaced with all-weather material.
- d. Internal streets shall be maintained free of cracks, holes and other hazards at the expense of the licensee.
- e. All streets within each park shall be numbered or named in an approved manner with Marshall County 911.
- f. Interior streets shall intersect adjoining public streets at ninety degrees and at locations which will eliminate or minimize interferences with the traffic on those public streets.
- g. At each entrance to the park an 18' by 24' sign should be posted stating "Private Drive, No thru Traffic". The licensee may also post a speed limit sign on this same post.

5-4-4 Park Lighting. Adequate lighting shall be provided in a manner approved by the city of Albertville Municipal Utilities Board. All electrical and telephone lines should be placed underground when possible.

5-4-5 Recreation Area. All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a useable and sanitary condition by the licensee.

5-4-6 Utility Requirements. Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system. The design and specifications of the utility systems shall meet city specifications and shall be approved by an Engineer approved by the City. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate City Department.

5-4-7 Mobile Home Standards. To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its standards for Mobile Homes.

ARTICLE VI

GENERAL PROVISIONS

Section 6-1. Application of Regulations.

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as provided:

6-1-1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part shall hereafter be erected, constructed, reconstructed, and moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

6-1-2 No building or other structure shall hereafter be erected or altered:

- a. To exceed the height or bulk
- b. To accommodate or house a greater number of families
- c. To occupy a greater percentage of lot area
- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than required; or in any other manner contrary to the provisions of this ordinance.

6-1-3 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard open space, or off street parking or loading space similarly required for any other building.

6-1-4 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.

6-1-5 All territory which may hereafter be annexed to the City shall come in under current use, and is decided by the City Council.

6-1-6 No fence, wall, landscaping feature or any other permanent structure shall be placed, erected or built on any city right of way, city street, alley or easement. Fences should be erected on the property line and constructed of approved standard fencing materials. Fences placed from the corner of the residence to the front right-of-way should be of opaque material.

6-1-7 No manufactured housing unit, or any other structure not approved by the building codes of the City of Albertville shall be used as an office or accessory structure in a Business District. This does not include construction trailers used during construction on the premises. All on site storage buildings must be approved by the Building Inspector.

Section 6-2. Interpretation of District Regulations.

The district regulations shall be enforced and interpreted according to the following rules.

6-2-1. Permitted Uses.

Uses not designated as permitted uses or subject to the additional conditions shall be prohibited. Conditional uses are permitted according to additional regulations imposed. These conditional uses can be approved only by the Zoning Board of Adjustment. Additional uses may be added to the Ordinance by amendment.

6-2-2. Minimum Regulations.

Regulations set forth by this Ordinance shall be the minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted uses, regulations or ordinances the more restrictive or higher standard shall govern.

6-2-3. Land Covenants.

Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing shall be construed to render such covenants inoperative.

Section 6-3. Off-Street Parking Requirements.

In all applicable districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles in accordance with the requirements specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structure or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

6-3-1 Plans.

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Building Inspector for the review at the time of application for a building permit for the erection or enlargement of a building.

6-3-2 Location of Off-Street Parking Areas.

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet except that this distance shall not exceed 150 feet for a single family and two family dwellings. This distance specified shall be measured from the nearest point for the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

6-3-3. Parking in Residential Districts.

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. All campers, boats, boat trailers, recreational vehicles and other like devices shall be parked at the rear of the property. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

6-3-4. Off-Street Parking Area Design.

a. Each off-street parking space for automobiles shall be not less than 9x18 or 162 square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of 10 feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.

For 60 degree parking, the aisle shall not be less than 18 feet in width.

For 45 degree parking, the aisle shall not be less than 15 feet in width.

For parallel parking, the aisle shall not be less than 12 feet in width.

b. All off-street parking spaces shall not be closer than 5 feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

c. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

d. Any lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

e. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.

6-3-5 Collective Parking.

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

6-3-6 Determining Requirements.

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

1. Floor Area- Where the floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, ventilators and heating systems, and similar uses.

6-3-7 Schedule of Off-Street Parking Spaces.

The minimum required off-street parking spaces shall be set forth in the following schedule of off-street parking spaces. Where a use is not specifically mentioned, the parking of a similar or related use shall apply. If there is a conflict with the City of Albertville Building Code regarding parking spaces the stricter requirement shall apply. For parking spaces for disabilities, the City of Albertville Building Code will apply.

<u>USE</u>	<u>PARKING SPACES REQUIREMENTS</u>
Automobile Sales and Repair	1 parking space for each two employees on a single shift plus two spaces for each 300 square feet of repair and maintenance space.
Automobile Car Wash	1 space for each two employees on a single shift. Reserve spaces equal to five times the capacity of the facility at the location of both ingress and egress.
Bowling Alleys	2 spaces for each lane plus 1 additional space for each 2 employees.
Camps for Tents and Camping	1 parking space for each site provided for tents and camping trailers plus ten additional spaces
Churches, Places of Worship	1 space for each 4 seats
Fueling Station	2 spaces for each gas pump plus 3 spaces for each grease rack
Hospitals	1 space for each 4 patient beds plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees
Hotels and Motels	1 space for each guest room plus 1 additional space for each 5 employees
Kindergartens, Nurseries and Day Care Facilities	1 space for each employee and 4 spaces for off-street drop off and pick-up
Libraries	1 space for each 4 seats provided for patron use
Funeral Homes	1 space for each 4 seats provided in the assembly room or chapel whichever is larger
Offices: Professional, Business or Public	1 space for each 400 square feet of gross floor area

Medical Offices and Clinics	6 spaces for each doctor practicing at the clinic plus 1 for each employee
Mobile Home Parks	1 spaces for each stand
Places of Public Assembly (According to the Building Code)	1 space for each 4 seats provided for patron use plus 1 space for each 100 square feet of floor or ground area used for the amusement or assembly but not containing fixed seats
Residential Dwellings	2 spaces for each dwelling unit. Dwelling units exceeding 3 requires 2 spaces per unit
Restaurants	One space for each two seats
Retail Business/ Shopping Centers	1 space for each 300 square feet of gross floor area
Rooming/Boarding Houses	1 space for each two guest rooms, plus 1 additional space for the owner
Sanitariums, Nursing Homes and similar institutions	1 space for each 4 patient beds, plus 1 space for and each employee or visiting doctor
Elementary Schools, Public/Private	2 spaces for each classroom and administrative office
High Schools and Colleges	1 space for each 10 students, for whom the school was designed, plus 1 space for each classroom and administrative office
Wholesale and Industrial uses	1 space for each 2 employees at maximum employment on a single shift

6-3-8. Exception.

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Board of Adjustments shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Board of Adjustments to a minimum of the greatest number of spaces required for any of such contiguous land uses.

Section 6-4. Off-Street Loading and Unloading Requirements

In connection with every building, structure, or use hereafter erected, except residential structures, which customarily receive or distribute material of merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

6-4-1 Plans.

Plans and specifications showing required loading and unloading spaces including the means of egress and ingress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a building permit.

Section 6-5. Location of Accessory Buildings

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

6-5-1 No accessory building shall be erected in any required front or side yard and shall not occupy more than 30% of any required rear yard. Requirement for set-backs for accessory buildings are listed under each individual zoning section.

6-5-2 In the case of a corner lot the set-back requirement shall be 15 feet. If an easement is present on the lot the structure may be built on the easement line.

Section 6-6. Site Plan Review and Approval.

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both with a site and relation to adjacent uses, and there are benefits to the public in conserving natural resources. Every site plan submitted shall be in accordance with the City of Albertville Subdivision regulations.

6-6-1 Buildings, Structures, and Uses Requiring Site Plan.

The Building Inspector shall not issue a building permit or certificate of occupancy for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Building Inspector and such approval is in effect for the following uses:

- a. Any conditional use excluding home occupations.
- b. Townhouses and condominiums.
- c. A multi-family building containing three or more dwelling units.
- d. More than one multi-family building on a lot, parcel or tract of land, or in combination of lots under one ownership.
- e. Any gasoline station or similar facility abutting any residential district.
- f. Any Planned Unit Development.
- g.

- h. Any commercial or industrial development

6-6-2. Required Data for Detailed Site Plan.

Every Preliminary Plat submitted to the Building Inspector shall be in accordance with the City of Albertville Subdivision Regulations.

Section 6-7. Visibility at Intersections.

On a corner lot nothing shall be erected, place, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 ½ feet and 10 feet in a triangular area formed by a diagonal line between two points on the right of way lines, 20 feet where they intersect. This regulation does not apply in the Downtown Business District.

ARTICLE VII

SIGN COMPLIANCE

Section 7-1. Sign Compliance

No type of exterior sign may be erected, posted, reposted, placed, replaced, hung, painted or repainted in any district except in compliance with these sign regulations.

7-1-1 Purpose

To provide guidelines for orderly and harmonious display of signs. To encourage the effective use of signs as a means of communication in the City of Albertville; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; and to promote the mental and physical health, safety and welfare of the public.

7-1-2 Administration and Enforcement.

The Municipal Building Inspector or any other designated official by the Mayor shall be charged with the administration and enforcement of this article. They shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out prescribed duties in this article.

7-1-3 Definitions

The following sign terms, when used in this article, shall have the meanings defined by this section. Terms not defined in this section but defined in the zoning ordinance or subdivision regulations of the city shall be given the meanings set forth in such ordinance or regulations. All other terms used in this article shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

- A. Abandoned sign. A frame, framework or posts that no longer include signage or is in a state of continuous disrepair and no effort is being made to return it to its intended purpose.
- B. Attached sign. Any permanent on-premises sign, other than a freestanding sign, attached to, erected on or supported by any building, including a canopy or marquee sign, projecting sign, roof sign, wall sign, window sign or similar sign that is permanently attached to a building. Attached signs are distinguishable as follows: (1) Canopy or marquee sign. A permanent on-premises sign affixed, fastened, painted upon or made part of and erected parallel to a canopy or marquee which projects from a building to shield a doorway or window or provide shelter from the weather. The term also includes

a shelter above a fuel service island. (2) Projecting sign. A permanent on-premises sign affixed to a building and whose leading edge extends more than 12 inches beyond the building or wall. (3) Roof sign. A permanent on-premises sign affixed to the roof of a building or extending above the roof line. (4) Wall sign. A permanent on-premises sign that is affixed parallel to the building face, below the roof line, within the outer limits of a building wall, and not projecting more than 12 inches from the building face, including signs painted directly on the surface of a building. (5) Window sign. A permanent on-premises sign that is affixed to or painted on the inside or upon a window and which is intended to be seen from the exterior of the building.

- C. Banner. Any temporary on-premises sign to include a flag, pennant, streamer, canopy or devices subject to pressure by wind or inflatable figures or similar sign, of lightweight fabric, plastic, paper or similar materials that is mounted at all of its edges to the exterior of a building face or other outdoor structure. Temporary promotional signs mounted to the interior of a window shall not be considered banners.
- D. Building frontage. The width of a building measured at the two outermost limits of the plane or elevation. In the case of attached units with separate exterior entrances, building frontage shall be apportioned to each unit.
- E. City Code. The Code of Ordinances of the City.
- F. Enforcement Official. Any official of the City designated by the Mayor as the Code Enforcement Official which is to include the Building Inspector for the City or any police officer of the City, or any other person designated to enforce the provisions of this article by the Mayor.
- G. Development. A parcel of land planned and developed in a unified design, used or set aside and available for use as the site of one or more buildings and accessory buildings, or for any other purpose. A development is not divided by a street, and for the purpose of this article may or may not coincide with a lot of record.
- H. Erect. To build, construct, attach, hang, place, suspend, paint, enlarge, alter or affix a sign (except the alteration of a message on a changeable copy sign).
- I. Exempt sign. A sign made exempt from a sign permit, in accordance with Section 7-3.
- J. Freestanding sign. Any permanent sign, other than an attached sign, supported by some structure or the ground and independent of support from any building, including a billboard, ground sign, pole sign or similar sign that is not mounted on a building. Freestanding signs are distinguishable as follows:
 - (1) Billboard. An off-premises freestanding sign owned by a person, corporation or other entity that engages in the business of selling or donating the display space on that sign.

- (2) Monument ground sign. An on-premises freestanding sign attached directly to the ground by its entire sign base. Monument ground signs shall have a landscaped area of no less than twice the square footage of the monument ground sign.
- (3) Pole sign. An on-premises freestanding sign not meeting all of the characteristics of a monument ground sign or monument sign.
- (4) Monument sign. Shall have a minimum of two ground anchor points of decorative pillars, braces or posts. Monument signs shall have a landscaped area of no less than twice the square footage of sign area.
- K. Illuminated Sign. A sign lighted by or exposed to artificial lighting either by lights on or the inside the sign face or directed towards the sign. Illuminated sign. A sign lighted by or exposed to artificial lighting which is further distinguishable as follows:
 - (1) Externally illuminated sign. A sign where the source of the illumination is reflected off the surface of the sign from an external artificial lighting source.
 - (2) Internally illuminated sign. A sign where the source of the illumination is inside the sign and artificial light emanates through the message of the sign, including illuminated neon and exposed bulbs.
- L. Lot area. The area contained within the property of the individual parcels of land shown on a subdivision plat or survey or by county tax records.
- M. Non-conforming sign. Any sign erected in violation of any previous or present sign regulations, building codes, electrical codes or any other ordinance of the City.
- N. 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 a display is without organized relationship of elements to form a unit, each element shall be considered a separate sign.
- O. Off-premises sign. A permanent sign which directs attention to or conveys information about a business, profession, service, commodity, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided at a location other than on the premises where the sign is located.
- P. On-premises sign. A permanent sign which directs attention to or conveys information about a business, profession, service, merchandise, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided on nonresidential premises where the sign is located. It may also communicate personal, religious, or political statements or announce community events.
- Q. Portable sign. Any sign that is designed to be transported, including, but not limited to signs: 1) With wheels removed; (2) With chassis or support constructed without

wheels;(3) Designed to be transported by trailer or wheels;(4) Converted to an A- or T-frame sign;(5) Attached temporarily or permanently to the ground, structure, or other signs; or (6) Mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.

- R. Permanent sign. Any sign, other than a temporary sign, designed with a permanent display area and not fabricated of paper, fabric, window whitewash or other light impermanent materials. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall still be regarded as permanent. A canopy permanently affixed to a building shall be regarded as permanent, even if fabricated of canvas, plastic or equivalent fabric-like materials.
- S. Sign. Any temporary or permanent display device (including all of its structural components), partially or fully exposed to public view, that is designed to inform or attract the attention of persons not on the premises on which the device is located.
- T. Sign height. The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- U. Sign, Advertising. A sign which advertises goods, services, facilities, events or attractions available on or off the premises where located.
- V. Sign, Identification. An identification sign is one which depicts only the name and/or address of a building or establishment as a means of identifying the building or establishment.
- W. Sign face area. The total amount of space in area on one side of the sign or including both sides of the sign depending on the application.
- X. Shopping Center. Consists of at least three individual businesses in a single building and a minimum of 15,000 square feet of gross building area developed in a unified design with shared parking and driveway facilities and under a common management authority.
- Y. Special event. An event not lasting more than 14 consecutive calendar days.
- Z. Temporary sign. Any sign not originally designed, constructed, or intended to be permanently affixed to any building, structure or the ground that is fabricated of paper, plywood, fabric, window whitewash or other light, impermanent materials 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.

- AA. Vehicle Sign. Any sign attached to a vehicle or trailer that is used in the normal day-to-day operation of the business.

Section 7-2. Prohibited Signs and General Provisions

- A. Moving Signs. No sign will be permitted which mechanically moves or assumes any motion constituting a non- stationary condition.
- B. Public right of way. Signs are prohibited on any public right of way, to include sidewalks, or attached to a public utility pole, or attached to any traffic type pole and will be subject to immediate confiscation by the authorized representative of the City.
- C. Portable signs.
- D. Illuminated Signs. Illuminated signs are prohibited where the light source is not confined in or directed to the surface of the sign. No sign shall be erected or illuminated which displays intermittent light and/or light of such brightness that it constitutes hazardous conditions to motorists or simulates lights customarily associated with those used by police, fire, ambulance or other emergency vehicles. No blinking illuminated signs are allowed. All lighting must be directed or pointed to the sign.
- E. Signs attached to the building that project more than four feet above the roof line of a building.
- F. Non-professional hand painted signs advertising a business or service.
- G. Directional arrow signs advertising real estate for sale.
- H. Any sign with illegal, obscene or prurient words, scenes or graphics.
- I. Any circular or throwaway flyer attached to vehicles or mounted on any object outdoors.
- J. Signs that emit audible sounds, odor or visible matter such as smoke or steam. Signs that involve the use of live animals.
- K. Signs placed upon public utility poles, park benches or waste receptacles located on public property with the exception of product manufacturer's or distributor's logo or identification.
- L. Signs with support structure or poles that are unfinished or unprotected by an exterior finish and are not in harmony with building design and surrounding architecture.
- M. Signs should be maintained in a condition that is not unsafe, incomplete, declared a public nuisance or a danger to the public.

- N. In the event a sign is deemed unsafe, incomplete, declared a public nuisance, or becomes abandoned, the Building Inspector shall order the sign be replaced or removed within 30 days after proper notification to the person, firm or corporation owning or using the sign or advertising structure.
- O. Signs that are in violation of the building code or electrical code adopted by the city.
- P. Permanent beacons and searchlights. Temporary beacons and searchlights permitted for up to three times per year for a period of no more than two weeks.
- Q. Inflatable signs and tethered balloons and objects animated by force air.
- R. Freestanding signs which project into the public right-of-way.
- S. Signs on public lands, other than those erected at the direction or with the permission of the city.
- T. Vehicle Sign - A vehicle where the primary use of the vehicle is not serving a useful function in day to day operation of the business or does not serve a useful function in the transportation or conveyance of persons or commodities from one place to another. A parked vehicle or trailer used for advertising only is prohibited.
- U. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists or pedestrians.
- V. Sign or awning structures that are vacant of sign face or awning materials

Section 7-3. Exempt Signs – Not Requiring a Permit

- A. Temporary real estate signs, such as “for sale” or “for rent” signs not exceeding 5 ½ square feet in area and non-illuminated may be placed on the premises for residential property only and not exceeding thirty-two square feet in area and non-illuminated for non-residential property. Supplementary signage displaying the name of the realtor or other information including but not limited to “sold”, “reduced”, “pool”, “waterfront” and others are permissible in addition to the size allowable for the primary sign so long as the sign was designed to display such advertisements.
- B. Signs advertising agricultural products for sale, which were produced on the premises, not to exceed six square feet in area and limited to one per property.
- C. Legal notices, identification, informational, directional, signs that regulate traffic, any other governmental signs or signs that are required to be posted by law.
- D. Temporary signs directing and guiding traffic to parking areas on private property, but bearing no advertising matter.

- E. Campaign and political signs. No such sign will be allowed to remain longer than 72 hours after the election of the office campaigned for.
- F. Pennants, banners and fluttering signs. Pennants, banners or fluttering signs that are in use shall not be allowed to become an eyesore due to shredded, ragged, torn, faded, or worn material that is neglected for maintenance. This neglect of their appearance or the ropes, cords or cables that provide support such that the appearance may become unsuitable for the intended purpose may result in a removal order by the City.

Section 7-4. Signs Requiring a Permit

- A. Permanent directional or informational signs of a public or semi-public nature, not exceeding one and one-half square feet in area such as a community's name, meeting place of a civic body, place of religious worship, or event of public interest.
- B. Permanent signs for places of religious worship or public buildings to include bulletin boards, lighted or unlighted.
- C. On-site business identification signs.
- D. Off-site advertising signs.
- E. Shopping Center signs.
- F. Subdivision signs.
- G. Signs fixed or mounted directly on or over windows are permitted provided that such signs do not cover more than 20% of the total window area.

Section 7-5. Application for a Sign Permit

- A. No sign, except those listed in Section 7-3 of this article, will be erected without a permit obtained from the Building Inspector. Each application for a permit shall be accompanied by a fee according to the schedule of permit fees with a minimum of \$25.00 and plans showing the following:
 - 1. Indicate the proposed site by identifying the property owner, location, present use, and zoning district.
 - 2. Show location of the sign on the lot in relation to property lines and existing signs and structures as well as zoning district boundaries.
 - 3. Show complete structural specifications including anchoring and support.

4. Any additional information needed to determine if such sign is to be erected in conformance with this ordinance.
5. Submit a graphic rendering of all proposed signage.

B. A sign permit shall be valid for a period of 180 days after issuance. Failure to fully construct the sign within the allotted time period shall void the permit and necessitate reapplication including payment of applicable fees. Any sign erected after 180 days from the original issuance of the permit for which a new permit has not been issued for an additional 180 days shall be considered an illegal sign and be subject to removal.

Section 7-6. On-Site Business Signs

A. All on-site business signs shall conform to the following and these are signs that are not attached to the structure and are not part of a shopping center, mall or group of buildings:

1. Maximum height—60 feet. Business such as hotels, shopping centers with aggregate building size of greater than 15,000 square feet and retail establishments of greater than 15,000 square feet shall be allowed to have signage not to exceed 70 feet, provided that the establishments do not have buildings within 250 feet from the US Hwy 431 corridor through the City.
2. Maximum sign face area—two square feet for each linear feet of building frontage or tenant space which is the total for the sign attached to the building. Free standing identification signs shall not exceed 160 square feet. Businesses with a corner lot or double frontage shall be allowed two free standing signs, one per street frontage.
3. These on site business identification signs will be allowed only in the B-1, B-2, B-3, B-4, M-1 and M-2 zoning districts.
4. Gas Stations and Convenience Stores with gas pumps/fuel islands. Notwithstanding any other provision of this ordinance, gas stations and convenience stores with gas pumps/fuel islands shall be allowed to install the necessary additional signage needed to post current fuel prices, provided that the signage is used for that purpose and not expanded/non-related advertising.

B. Downtown Business District – In addition to the prior parameters, the additional restrictions and guidelines apply to all signs erected or installed in the downtown business district. On site business signs in the downtown business district are allowed on the building as follows:

1. Affixed flat to the wall of the building.
2. Awnings must project a minimum of 36” from the building. Long expanses of awning should be broken into segments that reflect the door or window openings

beneath them. Retractable or operable awnings are acceptable. Awnings cannot extend across multiple storefronts and/or multiple buildings. Awnings must be constructed of durable protective and water repellant material. Plastic or fiberglass awnings or backlighting or illuminating awnings are not allowed.

3. Each tenant may, in addition to other signs permitted herein, hang a stationary permanently affixed sign of no more than 5 sq. ft. perpendicular to the storefront, providing at least 10 feet of head clearance is maintained. So long as it does not project more than 24 inches from the front of the building.
4. Maximum signage not to exceed two square feet for each linear feet of building frontage or tenant space. As long as the total amount of signage does not exceed the allowable total amount of permitted signage.
5. Places of Religious Worship - All permanent signs shall conform to this regulation governing on-site business signage.
6. Sandwich Board Sign – Sandwich board signs that meet all of the following criteria may be placed and displayed on a public sidewalk in the B2, B3, and B4 downtown districts:
 - i. A height of no more than 4 feet
 - ii. Maximum area of any side is 8 square feet
 - iii. No illumination;
 - iv. Placed in front of the building or leased space during business hours respective to the use in the building or leased space
 - v. Maintains a clearance on the sidewalk for pedestrians
 - vi. Maintains a distance of at least 20 feet from any other sandwich board sign
 - vii. Must be painted and/or stained to reflect a professional finish

Section 7-7 Off-Site Advertising Signs

- A. All off-site business advertising signs shall conform to the following and these are signs that are independent, free standing and are not at the business location property:
 1. Maximum height—35 feet
 2. Maximum sign face area—720 square feet for double sided and 360 square feet for single-sided sign
 3. No off-site sign which exceeds 300 square feet in sign face area will be located closer than 1,000 feet to any other off-site sign.
 4. Off-site signs will not be stacked or erected side by side on the same support structure.

Section 7-8. Shopping Center Signs

- A. For the purposes of this Section, the term “Shopping Center” shall be inclusive of “Shopping Centers” and “Neighborhood Shopping Centers” as defined in Articles IV. Additionally, for the purposes of this Section, a development site must consist of at least three individual businesses and a minimum of 15,000 square feet of gross building area may be considered a shopping center.
1. Strip Mall Shopping Center- A shopping center with 15,000 to 29,999 square feet of gross building area shall be allowed one sign. The total area of said sign shall not exceed 120 square feet. Said shopping centers located on corner or double frontage lots shall be allowed two freestanding signs. The combined area of these signs shall not exceed 150 square feet. The combined height of the base and sign shall not exceed 20 feet in height.
 2. Neighborhood Shopping Center (small)- A shopping center with 30,000 to 64,999 square feet of gross building area shall be allowed one sign. The total area of said sign shall not exceed 200 square feet. Shopping centers located on corner or double frontage lots shall be allowed two freestanding signs. The combined area of these signs shall not exceed 250 square feet. The combined height of the base and sign shall not exceed 20 feet in height.
 3. Neighborhood Shopping Center- A shopping center with 65,000 to 99,999 square feet of gross building area shall be allowed one sign. The total area of said sign shall not exceed 350 square feet. Shopping centers located on corner or double frontage lots shall be allowed two freestanding signs. The combined area of these signs shall not exceed 450 square feet. The combined height of the base and sign shall not exceed 30 feet in height.
 4. Community Shopping Center- A shopping center with 100,000 to 499,999 square feet of gross building area shall be allowed one sign. The total area of said sign shall not exceed 500 square feet. Shopping centers located on corner or double frontage lots shall be allowed two freestanding signs. The combined area of these signs shall not exceed 625 square feet. The combined height of the base and sign shall not exceed 45 feet in height.

Gross Building Area	Permitted Sign Area (One Sign)	Permitted Sign Area on Corner (Two Signs)	Permitted Sign Height
15,000-29,999	120 sq.ft.	50 sq. ft.	20 feet
30,000-64,999	200 sq.ft.	250 sq.ft	20 feet
65,000-99,999	350 sq.ft	450 sq. ft.	30 feet
100,000-499,999	500 sq.ft	625 sq. ft	45 feet

- B. Multi-tenant sign shall be allowed on the same sign structure for all multi-tenant buildings where the main sign for the complex complies with this ordinance, and the individual tenant signs located beneath shall not exceed 75% of the size of the main sign. In all events, said signage shall be maintained with proper lighting, and no sign panels shall be left out exposing the interior of the sign cabinet. In the event there is no tenant or occupant for the sign, a blank panel or panel advertising the premises as being available shall be used.
- C. No multi-tenant building exceeding three individual units shall be allowed to install individual signs complete with sign structure, but must use a shared sign per the provisions of this section.
- D. Message boards and digital / electronic signage shall be allowed, in addition to the sign requirements in this provision, located below the main sign and size not exceeding 50% of the main sign.

Section 7-9. Non-Conforming Signs

A. At the effective date of this ordinance there may exist signs that were a lawful use and in compliance with the previous ordinance. These signs may continue to exist under the following conditions:

- 1. No changes are to be made to remove, relocate, expand, modify or alter the sign face area, or advertising structure to which the sign is attached. Once a sign is removed it is required to conform to the current regulations. However in the event the business establishment is required by its franchisor, or the sign panel is damaged, or the sign panel is faded and unsightly, then a new sign panel shall be allowed to be installed by a variance granted by the Zoning Board of Adjustments. This provision applies only to interior lit cabinet signs, and in no

event shall any non-professional wooden or hand painted sign or grandfathered sign that would not be considered for acceptance by variance, be allowed to be replaced. Should the sign be substantially damaged to the extent a new sign will be installed, the new sign shall comply with the provisions of this ordinance.

2. There are no additions to the existing sign.
3. The sign is to be maintained in a condition that is not unsafe, incomplete, declared a public nuisance or a danger to the public. Normal maintenance, such as changes to the faces of the sign, are not subject to these requirements. Non-conforming permanent signs that are totally replaced as a part of future maintenance shall fully comply with these regulations. When a non-conforming permanent sign is damaged or destroyed beyond 50% of the surface area or structure, including natural acts, or becomes obsolete for any cause, any replacement sign shall fully comply with these regulations. A non-conforming permanent sign that has changes to either the height or surface area shall fully comply with the applicable regulations after the modification.
4. In the event of an unsafe, incomplete or nuisance sign, the Building Inspector shall order that the nonconforming sign be replaced or removed within 30 days after proper notification to the person, firm or corporation owning or using the sign or advertising structure.
5. No permits for additional signs will be issued for the premises on which there are non-conforming signs. Non-conforming permanent signs that are relocated on the same property or moved to a different lot shall fully comply with these regulations.
6. Relocation of the business to which the non-conforming sign is dedicated.
7. When a change in use, occupancy or ownership occurs that necessitates the changing of a non-conforming permanent sign, the replacement sign shall fully comply with these regulations.
8. Non-conforming temporary and non-durable signs shall be brought into compliance with these sign regulations by taking the following actions:
 - a. All non-conforming signs made of paper, cloth or other non-durable material shall be removed within 60 days.
 - b. All other non-conforming temporary signs shall be removed within 120 days.

Section 7-10. Maintenance

- A. All signs shall be maintained in safe condition, free from damage or the results of excessive weathering. At any time the Building Inspector or Code Enforcement Personnel find that a permitted sign is in a bad state of repair, is in danger of falling, presents a hazard from electrical shock or fire, or in such bad state of repair or maintenance as to adversely affect the property values in the surrounding neighborhood, they shall make and enter an order directed to the owner or person in charge of the sign commanding its removal or its repair or maintenance. Any orders issued under this section shall be subject to an appeal to the Board of Zoning Adjustment in the same manner as other appeals are taken to the Board. The Board of Adjustment is empowered to hear said appeal and to make and enter an order directing the repair or maintenance of the sign upon a finding by the Board that the condition of the sign, due to lack of maintenance, or disrepair, is a nuisance and adversely affects the property values in the surrounding neighborhood. Appeals from the Board of Zoning Adjustment shall lie to the Circuit Court in the same manner as all other appeals. It shall be unlawful for any person to continue to maintain any sign contrary to the orders of the Building Inspector under this section, except during the time that such order is under appeal to the Board of Adjustments or the Circuit Court as provided here.
- B. Signs that advertise a terminated activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located are prohibited. Where premises are temporarily vacant, such signs may remain in place for not more than 120 days from the date of the vacancy.
- C. Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, when a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

Section 7-11. Confiscation and Removal of Signs – Notice to remove

- A. Except in conformance with the requirements of this chapter, any sign installed or placed on a public right of way, or any illegal sign will be subject to confiscation by the building inspector or any other designated city official. In addition to other remedies provided for under this article, the City shall have the right to recover from the owner or person placing the sign the full cost of removal and disposal at a minimum fee of \$25.00 per sign. At that time, the sign becomes the property of the City.
- B. After receiving written notice from the Building Inspector or other designated official, the owner or lessee of either the site or the sign fails to correct the violation, it shall be considered a violation and subject to the remedies, penalties and any other action as prescribed by law with a minimum \$100.00 for each and every separate offense.

ARTICLE VIII

AESTHETICS COMPLIANCE

Section 8-1. Design

No building or structure may be altered and no material change in appearance or color on any property or structure within the Downtown Business District unless an application is submitted to and approval is given by the Building Inspector. The approval will be given before a building permit is issued. Any structure within the Downtown Business District shall conform in design and building material with the original historical appearance.

Section 8-2. Maintenance of Property

Routine maintenance to property, buildings or structures in the Downtown Business District shall be required from all property owners. Routine maintenance includes ordinary maintenance or repair of any exterior architectural or environmental feature in or on a property to correct deterioration, decay or damage or to sustain the existing form that does not involve a material change in design, material or outer appearance. No property owner within the Downtown Business District shall allow his building to deteriorate by failing to provide ordinary maintenance or repair. The Building Inspector shall monitor the conditions of property and existing buildings in the Downtown Business District to determine if it is being allowed to deteriorate by neglect. A condition such as a broken window, door or opening that allows the elements, moisture or vermin to enter and the deterioration of an exterior architectural feature shall constitute failure to provide ordinary maintenance or repair.

Section 8-3. District Requirements

The Downtown Business District is established where the principal character of the structures is retail in nature and is located in the downtown area.

1. Architectural Standards
 - a. Orientation-Buildings shall have their primary orientation toward the street. Corner lots shall provide orientation and public entrances along both street frontages.
 - b. Buildings shall incorporate arcades, roofs, alcoves, porticoes and/or awnings at public entrances that protect pedestrians from rain and sun.
 - c. Any wall adjacent to the street shall have 20 percent in windows, display areas and entrances.
 - d. Buildings shall incorporate lighting and give emphasis to entrances.
2. Exterior Materials
 - a. Exterior walls shall be finished with permanent materials approved by the current Building Code for the city except the following materials are not allowed:

- (1). Metal siding (except for fascia panels and other accent features)
- (2). Vinyl siding (except for soffit, eaves and other accent areas)

3. Exterior Colors

The property owner or tenant is limited to one building color and two accent colors for trim, doors, etc. All exterior colors chosen must keep with the character of the other Downtown Buildings.

Exception: National chain or franchise requirements.

4. Exterior Lighting

All exterior lighting shall meet the requirements of the City Electrical Code. Architectural lighting shall be incorporated into the design concept. Façade lighting shall be through the use of down lights or other concealed lighting. The effect of the lighting is primary, not the source; however the source shall be decorative in nature. The following types of lighting are prohibited:

- a. Interior and exterior rope lights
- b. Christmas lights are only allowed to remain in place from November 15-January 15 while other holiday lights may only remain in place for a total of two weeks. No holiday lights may become a permanent part of the building.

5. Utilities

All new utility services shall be located underground. All antenna, microwave disc, satellite dish and/or any other receiving, transmitting or electronic signal equipment shall be located out of public view, including pedestrian traffic in and around the proposed use. Equipment may be placed on the structure's roof, provided it is screened from the street level pedestrian and vehicle traffic and meet appropriate zoning and telecommunication requirements.

6. Relationship to Adjoining Areas.

Any new building or addition to an existing building adjoining buildings of different character or architectural styles shall be made compatible. Monotony of design in single or multiple buildings should be avoided.

7. Signage must comply with Section VI

Section 8-4. Outdoor Storage and Loading Areas

1. Areas for truck parking and loading shall be screened by a combination of structures or landscaped buffer strip to minimize visibility from adjacent streets and property lines. If visible from adjacent property, screening structures shall be made of similar materials as the principal structure.

2. Non-enclosed areas for the storage and sale of inventory shall be permanently defined and screened with walls, fences or landscaped buffer strip. Materials, colors and design of the screening walls and /or fences shall conform to those used in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors of the buildings.

3. Enclosed area for storage shall be constructed to conform to the existing building. If an outside mobile unit is used it shall be permanently screened with wall, fence or landscape buffer strip so as not to be visible from the road or from pedestrians. A trailer unit from a tractor trailer truck is not permitted.

Section 8-5. Parking Lots

All new construction in a business zone are required to have a paved parking area with curbs.

Section 8-6. Applicability to Church

The regulations, guidelines, requirements, rules and provisions shall not apply to churches in existence as of the date of adoption of this ordinance or to the property where the church is located nor to any property owned or thereafter acquired by the church which is used for noncommercial church purposes.

ARTICLE IX

NON CONFORMITIES

Section 9-1. Purpose

Within the districts established by this Ordinance or amendments that may be later adopted there may exist lots, structures, or uses of land and structures, which were lawful before this Ordinance was adopted or amended, but which were prohibited, regulated, or restricted under the terms of this ordinance or future amendments? It is the intent of this Ordinance to permit these non-conformities to continue until they are voluntarily removed, or removed as required by this Ordinance, but not to encourage their continuance. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

9-1-1 Incompatibility with Permitted Uses

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

9-1-2 Construction of Non-Conforming Uses

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 on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include placing of construction materials in a permanent position and fastened in a permanent manner after a building permit has been issued by the Building Inspector. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

Section 9-2. Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. The lot must be in separate ownership and not in continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails

to meet the requirements for area or width, or both that are applicable in the district, provided that yard dimensions (front, rear and side) and requirements other than those applying to area or width, or both of the lots shall conform to the regulations for the district in which the lot is located. The lot requirements for building setbacks shall not be reduced by more than 20%. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of the parcel shall be used in a matter which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

Section 9-3. Non-Conforming Uses of Land

Where at the effective date of adoption of this Ordinance of adoption or amendment of this Ordinance a lawful use of land exists which would not be permitted by the regulations imposed by this ordinance and where the use involves no individual, permanently-fixed structures with a replacement cost exceeding \$1000 and no combination of permanently-fixed structures with a replacement cost as high as \$4,000 the use may be continued as long as it remains otherwise lawful, provided:

9-3-1 Enlargement, Increase, Intensification, Alteration.

No such non-conforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

9-3-2 Discontinuance.

If any non-conforming uses ceases for any reason (except when governmental action impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

9-3-3 Subdivision or Structural Additions.

No land in non-conforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which land is located. Subdivision may be made which does not increase the degree of non-conformity of the use.

Section 9-4. Non-Conforming Structures

Where a structure exists lawfully under this Ordinance at the effective date of its adoption or amendment that could not be built under this Ordinance by reason of restrictions on area, residential densities, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

9-4-1 Enlargement.

No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion may be altered to decrease its non-conformity.

9-4-2 Reconstruction.

Should the non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its physical condition at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

9-4-3 Relocation.

Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 9-5. Non-conforming use of major structures or of major structures and premises in combination where, at the effective date of adoption or amendment of this Ordinance, lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding \$1,000 or a combination of permanently-fixed structures with a replacement costs at or exceeding \$4,000, such use may be continued so long as it remains otherwise lawful provided:

9-5-1 Enlargement, Extension, Alteration of Structures.

No existing structure devoted to a use not permitted by this Ordinance in the district in which the use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.

9-5-2 Change in Tenancy or Ownership.

There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of the non-conforming use.

9-5-3 Discontinuance.

If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impeded access to the premises), any subsequent use shall conform to the regulations for the district in which the use was located.

9-5-4 Destruction of Major Structure or Structures.

Where a non-conforming use status applies to a major structure or structures, or to a major structure or premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land. Destruction of the structure for the purposes of this subsection is defined as damage to an extent of more than 50% of the physical condition at the time of destruction. Upon removal or destruction as set out in this subsection, the use of the land and structures shall thereafter conform to the regulations for the district in which the land is located.

Section 9-6. Non-Conforming Structures Unsafe Because of Lack of Maintenance.

If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, replaced, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 9-7. Special Exceptions

Uses under special exception provisions not non-conforming uses or any use which is permitted as a special exception in a district under the terms of this Ordinance shall not be deemed a non-conforming use in the district, but shall without further action be deemed a conforming use in the district.

Section 9-8. Residential Uses Exempted.

Non-conforming residential structures (excluding manufactured housing) may be expanded, enlarged, or altered provided no additional dwelling units result. Destruction of non-conforming structures as provided for in Subsection 7-5-4 does not apply to residential structures. Residential structures (excluding manufactured housing) may be rebuilt provided no additional dwelling units result.

Section 9-9. Non-Conforming Manufactured Housing for Residential Uses.

Where a non-conforming manufactured housing structure or structures exists lawfully under this Ordinance at the effective date of its adoption or amendment that could not exist under this Ordinance by reason of restrictions of the zoning district, area, densities, lot coverage, height, yards, location on the lot or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

9-9-1 Unsafe Because of Lack of Maintenance.

If a non-conforming manufactured housing structure or portion of the structure becomes physically unsafe due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, replaced or rebuilt except in conformity with the regulations of the district in which it is located.

9-9-2 Enlargement, Extension, Alteration, etc.

No existing manufacturing housing structure shall be enlarged, extended, constructed, or moved to another location on the property or structurally altered for any reason.

9-9-3 Reconstruction.

Should such non-conforming manufactured structure or non-conforming portion of the structure be destroyed by any means to an extent of more than 50% of its physical condition at the time of destruction, it shall not be reconstructed or replaced.

9-9-4 Change in Tenancy of Ownership.

There may be a change in tenancy, ownership, or management of a non-conforming manufactured housing structure provided there is no such change in the nature or character of such non-conforming use.

9-9-5 Replacement.

Manufactured housing for residential uses other than mobile home parks shall not be replaced for any reason.

Section 9-10. Non-Conforming Churches and Places of Religious Worship

Non-conforming churches and places of religious worship that are stand-alone non-residential structures may be extended, rebuilt or reconstructed provided that the boundaries of the existing parcel of property lines are not encroached. If additional property is acquired for an extension of the structure or the use of the church the acquired property must conform to the required district.

Section 9-11. Non-Conforming Mobile Home Parks

Where a non-conforming mobile home park exists lawfully and has a current business license from the city it shall be allowed to remain under the following conditions:

9-11-1 No additional mobile home stands shall be added to those existing at the time of the effective date of this ordinance.

9-11-2 Unsafe Because of Lack of Maintenance.

If a mobile home becomes physically unsafe due to lack of repairs or maintenance and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition it shall be ordered to be repaired or replaced within ninety days.

9-11-3 Enlargement, Extension, Alteration, etc.

No mobile home shall be enlarged, extended, constructed, reconstructed, and moved to another location in the park or structurally altered for any reason.

9-11-4 Replacement.

On the effective date of this Ordinance, the existing mobile homes in the park may be replaced but not occupied until the following guidelines are in compliance.

- a. A permit shall be required with a fee of \$500.00 per mobile home replaced.
- b. The set up and installation of the mobile home shall be done by a certified installer in accordance with Alabama Manufactured Housing Commission.
- c. A permit shall be required for the electrical service installation with a fee of \$25.00.

- d. A permit shall be required for the water and sanitary sewer service with a fee of \$25.00.
- e. A permit shall be required for the heating and air conditioning with a fee of \$25.00.
- f. Proof of bill of sale and ownership along with the appropriate county license for the mobile home.
- g. All mobile homes must be underpinned with material approved by the building inspector.

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

Compliance with the requirements of this Ordinance is mandatory except that under the specific conditions enumerated in the following sections, the requirements may be waived or modified as so stated.

Section 10-1. Existing Lot

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site, provided that said lot requirements are not reduced below the minimum specified in this Ordinance by more than 20%. If however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the 20% minimum set forth in this Section shall be approved by the Zoning Board of Adjustment providing that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

Section 10-2. Minimum Required Front Yard for Dwellings.

The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on the lots may be less than the required front yard, but not less than the average of the front yards of the mentioned existing buildings.

Section 10-3. Height Limitations.

The height limitations of this Ordinance shall not apply to Church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observations towers, chimneys, smokestacks, conveyors, flag poles, communication and cell phone towers, radio towers, television towers, masts, aerials and similar structures, except as otherwise restricted in the vicinity of airports. (See Article XI- Cellular and other Transmission Towers)

Section 10-4. Planned Unit Development

In the case of a Planned Unit Development either residential, commercial or industrial consisting of one or more structure designed for occupancy by three or more families or one or more businesses, firms or uses, the developer shall submit to the Planning Commission for approval a plan of development.

It is intended to permit, on application and on approval of detailed site, the use and building plans, and creation of new Planned Unit Development (PUD) Districts where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed for the PUD district shall be determined by the existing and prospective character of surrounding development and by reference to the comprehensive plan.

In view of the substantial public advantages of Planned Unit Development, it is the intent of this Ordinance to promote and encourage development in this form where appropriate in location and character.

Prior to recommending the establishment of a Planned Unit Development District, the Planning Commission shall seek the advice and technical assistance of the Planner as to the suitability of such development in the location proposed, and the desired density of dwelling units. A person or firm applying for a zoning amendment to establish a Planned Unit Development District shall be required by the Planning Commission to furnish the following information:

- a. Preliminary plans which include streets, utilities, lots or building sites, site plans, elevations for all major buildings as intended to be located, constructed and used and detailed plans for other uses and improvements on the land as related to the building.
- b. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the development, but will not be provided, operated or maintained at general expense.
- c. A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.

ARTICLE XI

ADMINISTRATION, ENFORCEMENT, BUILDING PERMITS, CERTIFICATE OF OCCUPANCY AND PENALTIES

Section 11-1. Administrative Officer.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector. This official has the right to enter upon any premises at any reasonable time PRIOR TO THE ISSUANCE OF A Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance out his duties. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for the violations, indicate the nature of the violation and order the necessary corrective action. They shall order discontinuance of illegal uses of land, buildings or structures or of illegal additions, alterations, or structural changes. They may order discontinuance of work being done or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

Section 11-2. Building Permit Required.

It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration or repair of any structure without the required building permit issued by the Building Department in accordance with the Building Code Ordinance. No building permit shall be issued by the Building Department except in conformity with the provisions of this Ordinance, unless receipt of a written order from the Board of Adjustments in the form of an administrative review, conditional use, or variance as provided by this Ordinance.

Section 11-3. Application for a Building Permit.

All applications for a building permit shall be accompanied by a fee according to a fee schedule currently in use by the City and two sets of plans drawn to scale which indicate the following:

11-3-1. The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed.

11-3-2. The location of the lot with respect to adjacent rights-of-way.

11-3-3. The shape, dimensions, and locations of all buildings, existing and proposed on the said lot.

11-3-4. The nature of the proposed use of the buildings or land including the extent and location of the use on the lot and existing zoning.

11-3-5. The location and dimensions of off-street parking and means of ingress and egress of such space.

11-3-6. In the event that a job is started before purchasing a Building Permit, the fee for the project will be doubled.

11-3-7. Portable Toilets must be placed at the construction site before the time of the first inspection.

11-3-8. The requirement of Silk Fencing will be deemed necessary on a case by case basis as determined by the Building Inspector.

11-3-9. Any other information which the Building Inspector may deem necessary for consideration in enforcing the provisions of this Ordinance.

Section 11-4. Expiration of Building Permit.

If the work described in any building permit has not begun in one year in accordance with the Building Code ordinance, the permit shall expire, be cancelled by the Building Department and written notice shall be given to the person(s) affected. In addition these provisions shall apply if the work authorized by the building permit is suspended or abandoned for a period of one year.

Section 11-5. Zoning Certificate of Occupancy Required.

No land or building or other structure or part erected, moved or altered in its use shall be used until the Building Inspector has issued a Certificate of Occupancy stating that such land or structure or part is found to be in conformity with the provisions of this Ordinance. Within three days after the owner or his agent has notified the Building Inspector that a building or premises or part is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection and to issue a Certificate of Occupancy if the building or premises or part is found to conform with the provisions of this Ordinance or, if the certificate is refused, to state it in writing with the reasons. If the Certificate of Occupancy is denied, the applicant may appeal the action of the Building Inspector to the Zoning Board of Adjustment.

Section 11-6. Remedies.

If any building is erected, constructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Building Inspector or other appropriate authority or any adjacent or other property owner or organization who would be

damaged by the violation, may institute an injunction or other appropriate action proceeding to stop the violation.

Section 11-7. Penalties for Violation

Any person, firm, or corporation who violates the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$200 and/or a 30 day jail sentence. Each day of violation shall be considered a separate offense.

ARTICLE XII

ZONING BOARD OF ADJUSTMENT

Section 12-1. Establishment of a Zoning Board of Adjustment.

A Zoning Board of Adjustment is established. The board shall consist of five members, each to be appointed for a term of three years except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for term of one year. Thereafter each member appointed shall serve for a term of three years or until his/her successor is appointed. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the Appointing Authority upon written charges and after a public hearing. The members of the Board of Adjustment serving on the effective date of this Ordinance under a Zoning Ordinance effective prior to this Ordinance shall be considered as the five members to be appointed by the City Council. Each of these members shall serve the balance of the term to which the member was appointed.

Section 12-2. Meeting, Procedure and Records.

Meetings of the Board of Adjustment shall be held at the call of Chairman and at such other times 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 of the Board shall be open to the public. The board shall adopt and publish its own rules of procedure and 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 records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.

Section 12-3. Appeals, Hearings and Notices.

Appeals to the Board of Adjustment may be taken by any person aggrieved by an officer, department, board or bureau of the City of Albertville affected by a decision of the Building Inspector or any other City officials based on this ordinance. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with Building Inspector a written notice of appeal specifying the grounds. All papers constituting the record upon which the action appealed from was taken shall be transmitted to the Board of Adjustment. An appeal stays all proceedings in furtherance of action appealed from, unless the Building Inspector certifies to the Board of Adjustment after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Inspector and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice to

the parties in interest, and decide it within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or attorney.

Sections 12-4. Powers and Duties of the Zoning Board of Adjustment.

The Zoning Board of Adjustment shall have the following powers and duties:

12-4-1 Administrative Review.

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

12-4-2 Variances.

To authorize upon appeal in specific cases such variances with 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 will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, building or structures in the same district, or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon finding by the Board of Adjustment that the following conditions exist:

- a. There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. A personal hardship exists on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City. A **HARDSHIP EXISTS ONLY WHEN IT IS NOT SELF CENTERED, OR WHEN IS NOT ECONOMIC IN NATURE.**
- b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- g. The variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

12-4-3. Conditional Uses, Conditions Governing Applications and Procedures

To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether a special use should be granted; and to grant conditional uses with such standards and safeguards as are appropriate under this Ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A Conditional Use Shall Not Be Granted By The Board of Adjustment Unless And Until:

- a. A written application by the property owner or his/her agent for a conditional use is submitted indicating the section of this Ordinance under which the conditional use is requested.
- b. Notice shall be given at least two weeks in advance of public hearings
- c. A public hearing shall be held and a party may appear in person, or by agent, or attorney.
- d. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant a conditional use and that the granting of the conditional use will not adversely affect the public interest.
- e. The Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangements have been made concerning the following where applicable:
 1. Satisfactory ingress and egress to property and proposed structures with particular reference to automotive and pedestrian safety and convenience traffic flow and control.
 2. Provision for off-street parking and loading areas where required, with particular attention to the items in number (1) above and the economic, noise, glare, and odor effects of the special use on adjoining properties in the area.
 3. Sufficient utilities, with reference to locations, availability and compatibility.
 4. Buffering with reference to type, location and dimensions.
 5. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 6. Location, use, plan, elevations and dimensions of each building or structure to be constructed.
 7. Location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets and sidewalks.

8. General compatibility with the adjacent properties and other properties in the district.

Section 12-5. Decisions of the Zoning Board of Adjustment.

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of this ordinance reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination and shall have the powers of the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse the order, requirements, decision or determination of the Building Inspector, or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this ordinance.

Section 12-6. Appeal from the Decision of the Board of Adjustment.

Appeal from the decision of the Board of Adjustment shall be taken to the appropriate court of record, as provided by law.

ARTICLE XIII

DEFINITION OF TERMS

For the purpose of interpreting this ordinance certain words and terms are herein defined. The following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Section 13-1. Interpretation of Commonly Used Words

- 13-1-1 Words used in the present tense include the future tense.
- 13-1-2 Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
- 13-1-3 The word “person” includes a firm, association, organization, partnership, corporation or trust company as well as an individual.
- 13-1-4 The words “used for” shall include the meaning “designed for”.
- 13-1-5 The word “building” shall include the word “structure”.
- 13-1-6 The word “lot” shall include the words “plot”, “parcel”, or “tract”.
- 13-1-7 the word “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”.
- 13-1-8 The word “shall” is always mandatory and not merely directory.
- 13-1-9 The word “may” is permissive.
- 13-1-10 The word “map” or “zoning map” shall mean the “Official Zoning Map, City of Albertville.

Section 13-2. Definitions of Commonly Used Terms and Words

- 13-2-1 Accessory Use or Structure. A supplementary structure detached from a principal building on the same lot and of nature customarily incidental or subordinate to the principal building.

- 13-2-2 Administrative Officer. The person appointed by the Governing Body to enforce all provisions of the Zoning Ordinance.
- 13-2-3 Alley. A public thoroughfare having a narrow right-of-way and affording only a secondary means of access to abutting property and not intended for general traffic circulation.
- 13-2-4 Alteration.
- a. Any addition to the height or depth of a building or structure.
- b. Any change in the location of any of the exterior walls of a building or structure.
- c. Any increase in the interior accommodations of a building or structure.
- In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of \$500.00 or when such repairs, renovation, remodeling or rebuilding changes the character of the structure.
- 13-2-5 Antenna. A device used to transmit and /or receive radio frequency signals.
- 13-2-6 Area, building. Total building area is the area of the lot covered by all buildings, principal and accessory, but not including the ordinary projections of window sills, belt courses, cornices, eaves, chimneys and other architectural features provided that such features shall not project more than two feet from the building.
- 13-2-7 Assisted living facility. A system of housing and limited care that is designed for those who need some assistance with daily activities but do not require care in a nursing home.
- 13-2-8 Basement. A story partly underground, but having at least one-half of its height above the average level of the adjoining ground.
- 13-2-9 Bearing capacity. The safety factor for bearing capacity applies to all structures that have a foundation. A soil bearing capacity is defined as the amount of load a solid can carry without experiencing a shear failure. A minimum safety factor of 3.0 is commonly recommended for bearing capacity.
- 13-2-10 Boarding House. A building other than a hotel, café, or restaurant where, for compensation, meals are provided for three or more persons.
- 13-2-11 Buffer Strip. A buffer strip consists of a planting strip at least ten feet in width, composed of evergreen trees, spaced not more than ten feet apart, and not less than one row of dense screening shrubs, which are a minimum of 24 inches in height, spaced not more than five feet apart, and are capable of reaching a minimum height of five feet and a minimum spread of five feet within three

years of planting. These shall be maintained in a healthy, growing condition by the property owner.

If a fence is used as a buffer strip, it must be opaque and ten feet in height.

- 13-2-12 **Buildable Area.** The portion of a lot remaining after required yards have been provided.
- 13-2-13 **Building.** Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure or persons, animals or chattels.
- 13-2-14 **Building Accessory.** A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
- 13-2-15 **Building Area.** The portion of the lot occupied by the main building, including porches, carports, accessory buildings and other structures.
- 13-2-16 **Building Height.** The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
- 13-2-17 **Building, Principal.** A building in which is conducted the main or principal use of the lot on which the building is situated.
- 13-2-18 **Building Setback Line.** A line parallel to the property line in front of which no structure may be erected.
- 13-2-19 **Child Care Home.** A child care facility which is a family home, which receives on a regular basis not more than six children for care during part of the 24-hour day, and which is licensed and regulated by the Alabama Department of Human Resources.
- 13-2-20 **Conditional Use.** A Conditional Use is a use that would not be as appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional uses is made in the Zoning Ordinance.
- 13-2-21 **Convenience Store.** A small scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline.
- 13-2-22 **Court.** A court is an uncovered outdoor space enclosed on two or more sides by exterior walls of buildings on the same lot. Courts need not be based at or near

grade level, depending on their function in buildings, but where a court is overlooked by residential occupancies, limitations on occupancy from the surface of the required court upward shall be provided for in the term “yard”.

- 13-2-23 District. Any section of the City of Albertville in which zoning regulations are uniform.
- 13-2-24 Dog Kennel. A structure used for the harboring of more than three dogs that are more than six months old.
- 13-2-25 Dwelling. A house, apartment, building or other designed or used primarily for human habitation. The word “dwelling” shall not include boarding or rooming houses, motels, hotels or other structures designed for transient residence.
- 13-2-26 Dwelling, Single-Family. A detached residence arranged to be occupied by one family and having only one (1) dwelling unit.
- 13-2-27 Dwelling, Two-Family. A residence arranged to be occupied by two families only living independently of each other, the structure having two dwelling units with separate housekeeping and cooking facilities for each.
- 13-2-28 Dwelling, Multiple-Family. A building arranged to be occupied by three or more families living independently of each other with each unit having separate housekeeping and cooking facilities.
- 13-2-29 Dwelling Unit. A building, or portion of a building, designed, arranged and/or used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.
- 13-2-30 Enclosed Mall Shopping Center. A single structure composed of buildings or groups of buildings connected by a covered mall and designed primarily for mercantile use for multiple tenants.
- 13-2-31 FAA. Federal Aviation Administration
- 13-2-32 Food Court. A common space adjacent to food vendors within an enclosed shopping mall designed and furnished for the convenience of diners.
- 13-2-33 Garage, Repair. Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
- 13-2-34 Home Occupation. An occupation conducted in a dwelling unit provided that:

- a. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- d. No home occupation shall be conducted in any accessory building.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.

13-2-35 Hotel. A building or group of buildings used by transient guests and containing no cooking facilities in the individual units.

13-2-36 Junk Yard. The use of more than six hundred square feet of any lot or tract for the outdoor storage and /or sale of waste paper, rags, scrap metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

13-2-37 Launderette. A business premises equipped with individual clothes washing machines for the use of retail customers.

13-2-38 Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off street parking space in computation of required off-street parking space.

13-2-39 Lot. A lot is a parcel of land. A portion of a subdivision or any parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" included the word "plot" or "parcel".

13-2-40 Lot, Corner. A lot which occupies the interior angle at the intersection of two street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which the front is.

- 13-2-41 Lot, Depth. The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.
- 13-2-42 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of Marshall County, or a lot described by metes and bounds, the description of which has been so recorded.
- 13-2-43 Lot Width. The distance between side lot lines measured at the building setback line.
- 13-2-44 Mobile Home. A single-family dwelling unit constructed on a chassis and which has been so designed that it may be occupied and used with or without a permanent foundation. It is intended for year round occupancy and is equipped with appliances and electrical and sanitary systems that function independently of auxiliary facilities so that only simple utility connections are needed. Removal of wheels or chassis and placing such a structure on the ground, piers or other foundation shall not remove such a unit from this definition.
- 13-2-45 Mobile Home Park. A parcel of land under single ownership, designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes for non-transient use. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.
- 13-2-46 Motel. A building or group of building used by transient guests.
- 13-2-47 Non-Conforming Use. A legal use of a building and/or land that antedates the adoption or future amendment of these regulations and does not conform to the regulations for the district in which it is located.
- 13-2-48 Offices. Space or rooms used for professional, administrative, clerical and other similar uses.
- 13-2-49 Open Storage. Storage areas without a roof, whether fenced or not.
- 13-2-50 Planned Unit Development. A tract of land under single, corporation, firm, partnership or association ownership planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.
- 13-2-51 Parking Space. A storage space of not less than ten feet by twenty feet for one automobile, plus the necessary access space. It shall always be located outside the street right-of-way and required side yards.

- 13-2-52 Portable Storage Structure. A transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property. Such structures are uniquely designed for their ease of loading to and form a transport vehicle. For the purpose of this ordinance, the trailer portion of a tractor trailer, boxcars and shipping containers shall not be considered portable storage structures.
- 13-2-53 Rooming House. Any building or portion thereof which contains not less than three or more than nine guest rooms which are designed or intended to be used, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
- 13-2-54 Seating Capacity. Number of seats or occupancy permitted in any area as established by the Albertville Fire Marshal in accordance with relevant safety codes.
- 13-2-55 Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:
- Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
- Flags and insignia of any government except when displayed in connection with commercial promotion;
- Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- 13-2-56 Stand. An area within the mobile home park which has been improved for a single mobile home as provided in this ordinance.
- 13-2-57 Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.
- 13-2-58 Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

- 13-2-59 Story, half. A top floor in which the floor area with eight feet or more of head clearance is less than 50 percent of the floor area of the story next below.
- 13-2-60 Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings and signs
- 13-2-61 Use. The purpose for which land, or a building or other structure is designed, arranged or intended or for which it is or may be occupied or maintained.
- 13-2-62 Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district.
- 13-2-63 Vehicle. Any device in, upon or by which any person or property is or may be transported, carried or drawn from one place to another, and shall include but not limited to, motor vehicles, boat trailers, boats, campers, utility trailers, horse trailers, bicycles, carts, tractors or other similar devices.
- 13-2-64 Yard. An open space other than a court, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
- Ordinary projections of window sills, belt courses, chimneys, cornices, eaves and similar architectural features, and air conditioners or similar appliances, shall not project more than two feet into any required yard, and no support for a roof shall be based in any required yard.
- 13-2-65 Front Yard. The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building including covered porches and the right-of-way line.
- 13-2-66 Rear Yard. The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.
- 13-2-67 Side Yard. The yard extending along a side lot line, from the required front yard to the required rear yard, between the main buildings, including covered porches and carports, and such lot line.

ARTICLE XIV

LEGAL STATUS PROVISIONS

Section 14-1.

Should any section or provision of this ordinance be declared invalid by any court of jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid.