

**CITY OF ARAB, ALABAMA**  
**ORDINANCE NO. 2019 - 4**

**AN ORDINANCE AMENDING THE CITY OF ARAB ZONING ORDINANCE PERTAINING TO UPDATING PERMITTED USES AND SETBACKS AND CLARIFYING CERTAIN OTHER MATTERS INCLUDING URBAN MIX SPECIAL DEVELOPMENT STANDARDS**

**WHEREAS, certain amendments and changes to clarify and improve the current Zoning Ordinance have been suggested by the Planning Commission of the City of Arab, and;**

**WHEREAS, the Planning Commission of the City of Arab, after careful study and consideration has recommended the following certain changes to the 2016 Zoning Ordinance as adopted April 4, 2016.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA THAT THE CITY OF ARAB ZONING ORDINANCE, IS AMENDED AS FOLLOWS:**

**SECTION ONE: AMENDMENTS TO ZONING ORDINANCE**

The following sections and tables of the City of Arab Zoning Ordinance, No. 2016-3 are amended as indicated and described herein.

**Table 4-1 Table of Permitted Uses (Pg IV-3 through 6) is deleted and replaced with the Table attached as Exhibit A hereto (changes are in red italic).**

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**TABLE 4-3: Table of Dimensional Standards – Nonresidential Uses.**

**Which currently reads:**

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet) <sup>1</sup>			
		Front Yard	Rear Yard	One Side <sup>2</sup>	
AG	35 <sup>3</sup>	50	50	50	
UM	35	30	30	15	
O-I	45	40	20	10	
NC	35	40	20	10	
GB	65	40	15	10	
DH	65	4	4	4	
M-1	45	5	5	5	
M-2	45	5	5	5	

<sup>1</sup> See Table 6-1 and Section 603 for Residential Setbacks

<sup>2</sup>A side yard, which abuts a dedicated public street, shall adhere to the requirements for corner lots in Section 413.

<sup>3</sup>Inhabited Structures Only

<sup>4</sup> No setbacks required for traditional downtown development. All other development types should be treated as conditional uses.

<sup>5</sup>Equal to Height of Structure

NOTE: See Table 4-2 for FAR, ISR, Lot Area and Lot Width Information.

**Is hereby amended to read (changes in red italic):**

**TABLE 4-3: Table of Dimensional Standards – Nonresidential Uses.**

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet) <sup>1</sup>			
		Front Yard	Rear Yard	One Side <sup>2</sup>	
<b>AG</b>	<b>35<sup>3</sup></b>	<b>50</b>	<b>50</b>	<b>50</b>	
<b>UM</b>	<b>35</b>	<b>30</b>	<b>30</b>	<b>15</b>	
<b>O-I</b>	<b>45</b>	<b>40</b>	<b>20</b>	<b>10</b>	
<b>NC</b>	<b>35</b>	<b>40</b>	<b>20</b>	<b>10</b>	
<b>GB</b>	<b>65</b>	<b>40</b>	<b>15</b>	<b>10</b>	
<b>DH</b>	<b>65</b>	<b>4</b>	<b>4</b>	<b>4</b>	
<b>M-1</b>	<b>45</b>	<b>40</b>	<b>15</b>	<b>10</b>	
<b>M-2</b>	<b>45</b>	<b>40</b>	<b>15</b>	<b>10</b>	

<sup>1</sup> See Table 6-1 and Section 603 for Residential Setbacks

<sup>2</sup>A side yard, which abuts a dedicated public street, shall adhere to the requirements for corner lots in Section 413.

<sup>3</sup>Inhabited Structures Only

<sup>4</sup> No setbacks required for traditional downtown development. All other development types should be treated as conditional uses.

NOTE: See Table 4-2 for FAR, ISR, Lot Area and Lot Width Information.

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**Table 7-1 Dimensional Table:**

*Which currently reads:*

**Table 7-1 Dimensional Table:**

Zones	Commercial GB, OI, NC	Industrial M-1, M-2	Residential Multi-Family	Residential Single Family	Ag	Urban Mix HD
Signs Free-Standing-Setback From Right of Way	15'	15'	15'	15'	15'	15'
Signs Free-Standing- Total Square footage per tax lot*	300	300	49	49	49	49
Signs Free-Standing-height	Minimum:25' Max: 45'	Minimum:25' Max: 45'	Max: 25' or Monument	Max: 15' or Monument	Max: 25'	Max: 15' or Monument

*Is hereby amended to read (changes shown in red italic):*

**Table 7-1 Dimensional Table:**

Zones	Commercial GB, OI, NC	Industrial M-1, M-2	Residential Multi- Family	Residential Single Family	Ag	Urban Mix HD
Signs Free-Standing- Setback From Right of Way	15'	15'	15'	15'	15'	15'
Signs Free-Standing- Total Square footage per tax lot*	300	300	49	49	49	49
Signs Free-Standing-height	Minimum:25' Max: 45' <i>or</i> <i>Monument</i>	Minimum:25' Max: 45'	Max: 25' or Monument	Max: 15'or Monument	Max: 25'	Max: 15' or Monument

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### **Section 701 Exempt Signs:**

#### **Which currently reads:**

1. Signs erected by governmental units, required by federal, state or local law or public school systems are not subject to regulation by this ordinance.
2. Signs erected on the interior of a building that cannot be viewed from outside of the building are not subject to regulation by this ordinance.
3. Traffic control devices erected per a government permit requirement are not subject to regulation by this ordinance.
4. Street numbers associated with private residential homes.
5. Warning signs marking hazards on private property.

**Is hereby amended to read (changes in red italic):**

### **Section 701 Exempt Signs:**

1. Signs erected by governmental units, required by federal, state or local law or public school systems are not subject to regulation by this ordinance.
2. Signs erected on the interior of a building that cannot be viewed from outside of the building are not subject to regulation by this ordinance.
3. Traffic control devices erected per a government permit requirement are not subject to regulation by this ordinance.
4. Street numbers associated with private residential homes.
5. Warning signs marking hazards on private property.
6. *A-Frame signs (no larger than approximately 20:x40") are allowed in the Historic District zone on sidewalks during store business hours only. ADA rules for sidewalks must be observed at all times. The signs must be weighted/secured and cannot be located within the landscaping. Only one sign per building.*

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**Section 1006.02. Annexation which currently reads:**

**B. Contiguity.** The property to be annexed must be contiguous to the existing corporate boundary of the City of Arab. For this purpose the term "contiguous" means either:

1. A boundary of the property proposed for annexation adjoins the existing corporate boundary of the City of Arab for a distance of at least one (1) foot; or,
2. At least one (1) foot of the boundary of the property proposed for annexation is directly across the right-of-way of a publicly dedicated street, a railroad right-of-way; or across from a creek or river, a utility right-of-way, or similar natural boundary from the existing corporate boundary of the City of Arab.

*Is hereby amended to read (changes shown in red italic):*

**1006.02. Annexation**

**B. Contiguity.** The property to be annexed must be contiguous to the existing corporate boundary of the City of Arab. For this purpose the term "contiguous" means either:

1. A boundary of the property proposed for annexation adjoins the existing corporate boundary of the City of Arab for a distance of at least one (1) foot; or,
2. At least one (1) foot of the boundary of the property proposed for annexation is directly across the right-of-way of a publicly dedicated street, a railroad right-of-way; or across from a creek or river, a utility right-of-way, or similar natural boundary from the existing corporate boundary of the City of Arab.

*Furthermore any property that is requested to be annexed into the City should, if possible, be contiguous with the existing corporate boundary along a public road so that "holes" or "gaps" in the corporate boundary along such roads are not created.*

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**409.00. Special Development Standards (portions of subsections F, G & H)  
Which currently reads:**

**F. Office Uses:**

*In AG District:* Incidental to permitted uses.

#### **G. Commercial & Entertainment Uses.**

*Auto accessory store:* no repair work to be done on premises.

*Wine Bar/Brew Pub:*

1. Must meeting licensing requirement of the City of Arab, Alabama.
2. Shall comply with all applicable regulations of the State of Alabama.

**H. Road Service Uses.** Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

Is hereby amended with changes and additions as indicated:

#### **409.00. Special Development Standards (subsections F, G & H)**

##### **F. Office Uses:**

*In AG District:* Incidental to permitted uses.

*Urgent Care/Surgery Center:* Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.

##### **G. Commercial & Entertainment Uses.**

*Auto accessory store:* no repair work to be done on premises. *Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.*

*Barber/Beauty Shop:* Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.

*Convenience Store (no fuel):* Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.

*General Retail, enclosed:* Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.

*Home Improvement Center: Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.*

*Restaurant (Eat In): Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.*

Wine Bar/Brew Pub:

1. Must meeting licensing requirement of the City of Arab, Alabama.
2. Shall comply with all applicable regulations of the State of Alabama.
3. *Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center.*

**H. Road Service Uses.** Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

*Restaurant, Fast Food: Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.*

**J. Commercial Support Uses.**

Mini-warehouse:

*7. Allowed as a Permitted Use in UM (Urban Mix) IF located in a shopping center. The use must be contained wholly within the walls of said shopping center.*

**\* Note, all other portions of the Special Development Standards not either specifically changed remain with these changes and additions added to them**

**SECTION THREE. EFFECTIVE DATE.** This ordinance, amending portions of the Arab Zoning Ordinance, shall become effective upon its adoption and publication as provided by law.

**SECTION FOUR. SEVERABILITY.** If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**SECTION FIVE. CODIFICATION.** The provisions of this ordinance shall be included and incorporated into the Zoning Ordinance of the City of Arab, as an addition or amendment thereto, and the Zoning Ordinance of the City of Arab shall be included in its entirety in the Code of Ordinances of the City of Arab.

**ADOPTED THIS 3<sup>RD</sup> DAY OF SEPTEMBER, 2019.**

**CITY OF ARAB, ALABAMA**  
**Ordinance 2019 - 4**

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Johnny Hart, Council Member, Place 1

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Renae Warren, Council Member, Place 2

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Mark Gullion, Council Member, Place 3

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Mike Allen, Council Member, Place 4

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Chris Harper, Council Member, Place 5

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R.D. Joslin, Mayor

ATTEST:

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Tony Willis, City Clerk