

CITY OF SYLACAUGA ZONING ORDINANCE 2224A-20

Article 1. GENERAL PROVISIONS

Section 1.01 Short Title

This ordinance is known as the "Zoning Ordinance of the City of Sylacauga, Alabama," and the map herein referred to and identified by the title "Zoning Map of Sylacauga," signed by the mayor and attested by the city clerk. The zoning map and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

Section 1.02 Authority

This Ordinance has been prepared, subject to public review, recommended by the Sylacauga Planning Commission, and adopted by the Sylacauga City Council under the authority of Title 11, Chapter 52 of the Code of Alabama, 1975 Compilation, as amended.

Section 1.03 Applicability

These Regulations apply to all property within the corporate limits of the City of Sylacauga. All uses, structures, sites, lots and parcels must comply with these Regulations.

Section 1.04 Scope

§1.04.01 Minimum Requirements. These Regulations are considered minimum requirements to promote the public health, safety, and welfare. These Regulations may not lower the restrictions of plats, deeds or private contracts, if they are greater than these Regulations.

§1.04.02 Conflict with Other Regulations. Wherever there is a conflict between the provisions of this Ordinance and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

Section 1.05 Zoning Map

§1.05.01 The boundaries of zoning districts are as shown on the Zoning Map of Sylacauga, as amended.

§1.05.02 Location and Interpretation of District Boundaries. The exact location of district boundaries are determined using the following rules:

- A. When boundaries are indicated as following the corporate limits, lot lines or the center line of streets or alleys, or such lines extended, railroads or waterways, such lines are construed to be the district boundaries.
- B. When district boundaries are indicated approximately parallel to corporate limits, lot lines, the center lines of streets and alleys, or such lines extended, railroads or waterways, such lines are construed as being parallel thereto and at the distance indicated on the Zoning Map. If no dimension is given, the distance is determined using the map scale.
- C. When district boundaries cross a lot, the district line, unless following a waterway or specified by dimensions, is determined using the scale on the Zoning Map.

D. When a street, alley or other public land or a private right-of-way is vacated or abandoned in accordance with the Code of Alabama, as amended, the zoning district adjoining each side of the street, alley, public land or right-of-way is automatically extended to the center of the street, alley, public land or right-of-way.

E. In the case of any uncertainty, the Board of Adjustment, hereinafter referred to as the Board, determines the exact location of district boundaries.

Section 1.06 Districts

For the purpose of these regulations, the City of Sylacauga is hereby divided into the types of districts designated as follows:

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| §1.06.01 | R-1 | Low Density Residential District |
| §1.06.02 | R-2 | Medium Density Residential District |
| §1.06.03 | R2-MH | Mixed Conventional-Manufactured Home District |
| §1.06.04 | R-3 | Multifamily Residential District |
| §1.06.05 | R-4 | Manufactured and Tiny Home Subdivision District |
| §1.06.06 | RT-1 | Zero Lot Line Residential District |
| §1.06.07 | B-1 | Neighborhood Business District |
| §1.06.08 | B-2 | General Business District |
| §1.06.09 | M-1 | Light Industry District |
| §1.06.10 | M-2 | General Industry District |
| §1.06.11 | M-4 | Special Mining and Lumbering District |
| §1.06.12 | AG-1 | Residential-Agricultural District |
| §1.06.13 | AG-2 | Agricultural District |
| §1.06.14 | AG-3 | Agricultural District |
| §1.06.15 | DTB | Downtown Business District |
| §1.06.16 | MX-1 | Restricted Mixed Use District |
| §1.06.17 | MX-2 | Limited Mixed Use District |
| §1.06.18 | I | Institutional District |
| §1.06.19 | PUD | Planned Unit Development District |
| §1.06.20 | MHP | Manufactured Home Park District |

Section 1.07 District Boundaries

The boundaries of the above districts are hereby established as shown on the zoning map of the city. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limits lines as they existed at the time of enactment of these regulations. Questions concerning the exact location of district boundary lines shall be decided by the Board.

Section 1.08 Annexed Property

Following the adoption of this Ordinance, any property annexed into the City will be assigned a zoning classification by the City Council, after a recommendation from the Commission, compatible with the intent of the Comprehensive Plan taking into consideration the existing use

and zoning of adjoining land. Any subsequent rezoning must follow the procedures in §11.05 Amendments.

Section 1.09 Transitional Rules

These Regulations apply to applications submitted and accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application submitted and accepted for review, but for which no final action has been taken by the appropriate decision-making body, prior to this effective date. Such applications are subject to the zoning regulations in effect at the time of their acceptance for consideration, except as follows.

When a development plan has been started or approved under a previous version of this Ordinance, it may be completed only as follows:

- §1.09.01 If development, for which a subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, then the approval expires; and future development is subject to these Regulations.
- §1.09.02 Any violation of the previous ordinance is a violation under this Ordinance and is subject to the penalties set out in §11.09 Penalties, Remedies, unless the development, use or other activity complies with these Regulations.

Article 2. DEFINITIONS

Section 2.01 Generally

For the purposes of interpreting this Zoning Ordinance, the following words and phrases have the meanings ascribed to them in this Article.

In the event a word or phrase is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term applies.

Section 2.02 Interpretation of Certain Words and Phrases

The Building Official is authorized to make a final determination of the meaning of any word or phrase used in this Ordinance.

In the interpretation of this Zoning Ordinance, the provisions of this Section are applied unless the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural; and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine.

The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.

Section 2.03 Definitions

- §2.03.01 **ACCESS.** A way of approaching or entering a property.
- §2.03.02 **ACCESSORY STRUCTURE.** A detached subordinate structure located on the same building lot or parcel with the principal structure, the use of which is incidental to that of the principal structure.

- §2.03.03 **ACCESSORY USE.** A use customarily incidental to the principal use of the land of building on the same lot.
- §2.03.04 **ADJACENT.** Either adjoining or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by a railroad are not considered ADJACENT.
- §2.03.05 **ADJOINING.** Having property or district lines in common. Properties separated by a right-of-way are ADJACENT, but not ADJOINING.
- §2.03.06 **ADULT ENTERTAINMENT.** A business that meets any of the following criteria, measured on a daily, weekly, monthly or annual basis: 1) has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in SEXUALLY-ORIENTED MATERIALS, 2) devotes more than 25% of its floor area (not including storage areas, bathrooms, basements, or any portion of the business not open to the public), 3) derives more than 25% of its gross revenue from SEXUALLY-ORIENTED MATERIALS. ADULT ENTERTAINMENT includes any business that engages for any length of time in a sexually oriented use or any other use that emphasizes SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS, including but not limited to adult arcades and movie theaters, adult cabarets, and adult bookstores and novelty businesses.
 - A. **SEXUALLY-ORIENTED MATERIALS.** Materials of any media format and any objects or devices that contain, depict, stimulate or describe SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or are designed for sexual stimulation.
 - B. **SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below a point immediately above the top of the areola; and human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
 - C. **SPECIFIED SEXUAL ACTIVITIES.** Activities including actual or simulated sexual intercourse; clearly depicted human genitals in the state of arousal; touching of SPECIFIED ANATOMICAL AREAS; inflicting pain or physical restraint of a person for the purposes of sexual stimulation; or sexually oriented contact with an animal by a human being.
- §2.03.07 **AGRICULTURE or AGRICULTURAL USE.** The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
- §2.03.08 **ALTERATION.** Any change or modification of members, or parts, of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, doors or windows; or any enlargement or reduction of a structure, whether horizontally or vertically; or moving the structure from one location to another.

- §2.03.09 ALTERNATIVE FINANCIAL SERVICE. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business, pawn shop or similar business engaged in non-traditional short-term lending.
- §2.03.10 AMATEUR RADIO TOWER. A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
- §2.03.11 ANIMAL. Any domesticated creature of the canine, feline, equine, bovine, sheep, goat, or swine species or type.
- §2.03.12 ANIMAL SHELTER. A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.
- §2.03.13 APPLICABLE DISTRICT. That zoning district in which the subject site, lot or structure is located.
- §2.03.14 APPLICANT. A person submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance.
- §2.03.15 ARCHITECT or REGISTERED ARCHITECT. A person licensed in the State of Alabama to practice in the field of architecture.
- §2.03.16 ASSISTED LIVING FACILITY. Residences for the frail that provide rooms, meals, personal care, and supervision of self-administered medication; excluding GROUP CARE HOMES.
- §2.03.17 ATTACHED. Attached by any means to another structure, or a structure closer than ten feet from another structure on the same lot.
- §2.03.18 AUTOMOBILE REPAIR
- A. MINOR AUTOMOBILE REPAIR. Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
 - B. MAJOR AUTOMOBILE REPAIR. The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities
- §2.03.19 BAKERY, MAJOR. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
- §2.03.20 BAKERY, MINOR. An establishment that bakes goods for on-premises retail sales or catering.
- §2.03.21 BAR or NIGHTCLUB. An establishment serving liquor, beer, wine and other alcoholic beverages for on-premises consumption and that is not otherwise classified as a restaurant.
- §2.03.22 BASEMENT. A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.
- §2.03.23 BED AND BREAKFAST. A dwelling or portion thereof using no more than six rooms to provide short term lodging accommodations and meals for the traveling public for a fee.
- §2.03.24 BEDROOM. A room marketed, designed or otherwise intended to function primarily for sleeping.
- §2.03.25 BOARD OF ADJUSTMENT or BOARD. The Board of Adjustment of the City of Sylacauga, Alabama.
- §2.03.26 BOARDING HOUSE. A dwelling or part thereof, other than a BED AND BREAKFAST, where lodging and meals are provided for three or more persons for a fee.
- §2.03.27 BUFFER. A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare.
- §2.03.28 BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels.
- §2.03.29 BUILDING CODE. The most recent building, construction and fire-related codes adopted by the City of Sylacauga.
- §2.03.30 BUILDING HEIGHT. For flat or parapet roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.
- §2.03.31 BUILDING LINE, FRONT. A line extending across the width of the lot coincident with the front-most plane of the building.
- §2.03.32 BUILDING OFFICIAL. The designated employee of the City responsible for enforcing the provisions of this Zoning Ordinance and the Building Code, or their designee.
- §2.03.33 BUILDING, PRINCIPAL. The building in which the primary use of the property is conducted.
- §2.03.34 BUILDING SEPARATION. The horizontal distance measured between the nearest portions of any structures on the same lot.
- §2.03.35 BUSINESS OR PROFESSIONAL OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment. Includes call centers and broadcast studios but not medical clinics.
- §2.03.36 BUSINESS SUPPORT SERVICE. A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
- §2.03.37 CERTIFICATE OF OCCUPANCY. An official document issued upon satisfactory completion of construction or change of occupancy of a structure in accordance with applicable codes, approved plans and specifications and after final inspection by the Building Official.
- §2.03.38 CAMPGROUND. Land on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes for no more than 120 days.

§2.03.39 CLUB, PRIVATE. A place of assembly operated by an association of persons united by some common interest such as social, educational or recreational purposes and usually characterized by certain membership qualifications, payment of fees or dues, and holding of regular meetings. Refer to INSTITUTIONAL USES.

§2.03.40 COLLECTION BIN. Any unattended container, receptacle, or similar device used for soliciting and collecting donations of clothing or other salvageable personal property.

§2.03.41 COMMERCIAL KITCHEN. A facility where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.

§2.03.42 COMMERCIAL PARKING. Parking lots or structures providing parking for uses not located on the premises.

§2.03.43 COMMERCIAL RECREATION. A commercial establishment providing recreational or sports activities to participants, including bowling alleys, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.

§2.03.44 COMMERCIAL SCHOOL. A private, gainful business providing instruction in arts, business, crafts, trades or professions.

§2.03.45 COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Sylacauga, Alabama, including any legally adopted part of the Comprehensive Plan. This may include, but is not limited to: Zoning Ordinance, Subdivision Regulations, Major Street Plan, Land Use Plan and Downtown Plan.

§2.03.46 CONDITIONAL USES. Uses allowed within the district, but only upon approval of and subject to conditions set by of the Planning Commission.

§2.03.47 CONSERVATION SUBDIVISION. A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas. See §7.08 Conservation Subdivisions.

§2.03.48 CONSTRUCTION SERVICE, MAJOR. A place of business engaged in construction and related trade activities with outdoor storage such as a building contractor, electrician, plumber or similar trade and that may involve wholesaling of building materials. Includes wholesale building supply business.

§2.03.49 CONSTRUCTION SERVICE, MINOR. A place of business engaged in construction-related trade activities with incidental storage such as a building contractor, electrician, plumber or similar trade excluding any retail or wholesale sales.

§2.03.50 COTTAGE INDUSTRY. Limited commercial or custom fabrication activity, which may, if permitted in the applicable district, include the display and sale of goods produced on-site, and which do not create service demands, noise, odors, dust or other impacts greater than those created by other uses permitted within the same district.

§2.03.51 COUNTRY CLUB. Land or buildings containing recreational facilities and clubhouse for private club members and their guests.

§2.03.52 DAY CARE FACILITY

- A. ADULT DAY CARE CENTER. Any building or related premises used to provide care and daily activities to five or more adults for part of the day.
- B. ADULT DAY CARE HOME. A dwelling used to provide care and daily activities to four or less adults for part of the day.
- C. CHILD DAY CARE CENTER. Any building and related premises used for the care thirteen or more children for part of the day.
- D. CHILD DAY CARE GROUP HOME. A dwelling used for the care of seven to twelve children for part of the day with at least two adults present and supervising child care activities.
- E. CHILD DAY CARE HOME. A dwelling used for the care of six or less children for part of the day.

§2.03.53 DENSITY. The ratio of lot area per dwelling unit or the number of dwelling units per acre of site area.

§2.03.54 DEVELOPMENT. The subdivision or re-subdivision of land, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of land.

§2.03.55 DUPLEX. See DWELLING, DUPLEX.

§2.03.56 DWELLING or DWELLING UNIT. One or more rooms in the same structure, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping, cooking, and sanitation requirements.

- A. DWELLING UNIT, AUXILIARY. A subordinate, independent dwelling unit located on the same lot as a detached single-family dwelling. See §7.05 Auxiliary Dwelling Units.
- B. DWELLING, CARETAKER. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
- C. DWELLING, DUPLEX. A building containing two dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
- D. DWELLING, MULTIFAMILY. A building containing three or more dwelling units on one lot.
- E. DWELLING, SINGLE FAMILY ATTACHED. A dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by vertical common, fire-resistant walls.
- F. DWELLING, SINGLE FAMILY DETACHED. A building containing one dwelling unit and that is not attached to any other dwelling and is surrounded by open space or yards.

- G. DWELLING, SINGLE FAMILY SEMI-DETACHED. A single-family dwelling attached to one other single-family dwelling by a common, vertical wall, with each dwelling located on a separate lot.
- H. DWELLING, TINY HOME. A pre-fabricated, modular or site-built single-family detached dwelling under 600 sf in habitable area (excluding loft space) designed and constructed for residential occupancy in accordance with the City Building Code.
- I. DWELLING, UPPER-STORY. A dwelling unit located on a floor above another use in the same building.
- J. DWELLING, ZERO LOT LINE. A single-family detached dwelling located on a lot so that one of the dwelling's sides rests on a lot line.
- §2.03.57 ENCROACHMENT PERMIT. A permit granted by the City necessary to allow any encroachment into a public right-of-way associated with the use of adjoining property, subject to the regulations of §3.08 Right-of-Way Encroachments.
- §2.03.58 ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- §2.03.59 ENTERTAINMENT USES
 - A. ADULT ENTERTAINMENT. See ADULT ENTERTAINMENT.
 - B. INDOOR ENTERTAINMENT. An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses, live music venues but excluding ADULT ENTERTAINMENT.
 - C. OUTDOOR ENTERTAINMENT. An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks, drive-in theaters and amusement parks but excluding ADULT ENTERTAINMENT.
- §2.03.60 FAMILY. Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit: 1) an individual, 2) two or more persons related by legal adoption, blood or licit marriage plus up to two unrelated persons, 3) a group of not more than four unrelated persons.
- §2.03.61 FARM. Land upon which the predominant activity is agriculture, which may also include a single family dwelling and any accessory structures incidental to the dwelling or agricultural use.
- §2.03.62 FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and services, including but not limited to, the sale of feed, grains, fertilizers, pesticides and similar farm support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.
- §2.03.63 FENCE. An artificially constructed barrier of any kind erected to enclose or screen.
- §2.03.64 FLOOR AREA, GROSS. The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
- §2.03.65 FOUNDATION SYSTEM. In reference to manufactured homes, the assembly of materials constructed with the intent of not being removed from its installation site, designed to support the structure, and engineered to resist the imposition of external natural forces.
- §2.03.66 FOWL. Chickens, turkeys, ducks, geese, quail, guineas and similar birds raised, kept or bred for agricultural or commercial purposes or for egg or food production.
- §2.03.67 GAS STATION. An establishment involving the retail dispensing of automotive fuels.
- §2.03.68 GRADE LEVEL. For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.
- §2.03.69 GROUP CARE HOME. A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Residents are supervised by a sponsoring entity or its staff, which furnishes rehabilitative services to the residents. A GROUP CARE HOME is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or legal guardians. GROUP CARE HOMES are further categorized as follows:
 - A. EMERGENCY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
 - B. FAMILY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multifamily zones*, Code of Alabama, 1975 as amended.
 - C. TRANSITIONAL CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living.
- §2.03.70 HARDSHIP. Any condition not in control of the owner or applicant such as, but not limited to, topography, lot shape or size, location of public utilities or similar conditions deemed a hardship by the Board of Adjustment.
- §2.03.71 HEAVY INDUSTRY. Meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.

- §2.03.72 HOBBY FARM. The keeping, raising and breeding of a limited number of livestock, fowl and other animals for agricultural purposes, but not for gain, on a property for which the principal use is a detached single-family dwelling.
- §2.03.73 HOME OCCUPATION. Limited business activity conducted in conjunction with and accessory to a dwelling, that is inherently unobtrusive and unlikely to alter the character of the neighborhood nor adversely impact surrounding land uses.
- §2.03.74 HOSPITAL. An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
- §2.03.75 HOTEL. An establishment providing sleeping accommodations for the traveling public, in which guest rooms are accessed from the interior of the building. HOTELS may also include dining facilities, fitness centers and similar incidental services for guests.
- §2.03.76 IMPROVEMENT. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- §2.03.77 INDEPENDENT LIVING FACILITY. A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.
- §2.03.78 INDUSTRY, SMALL-SCALE. Manufacturing or industrial operations employing no more than 20 workers and occupying no more than 15,000 sf of gross floor area.
- §2.03.79 INSTITUTIONAL USES. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities which involve on-premises garages, repair or storage yards, or warehouses. Institutional uses are categorized as follows:
- A. LOW INTENSITY. Government and nonprofit cultural facilities up to 4,000 sf; places of assembly up to 99 seats.
 - B. MEDIUM INTENSITY. Government and nonprofit cultural facilities up to 7,000 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 300 seats; other institutions up to 35,000 sf.
 - C. HIGH INTENSITY. Government and cultural facilities greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 300 seats; high schools, universities, colleges, junior colleges; stadiums and arenas up to 3,000 seats; other institutions greater than 35,000 sf.
- §2.03.80 JUNKYARD. A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Does not include RECYCLING CENTER or RECYCLING PLANT.
- §2.03.81 KENNEL. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation. Does not include PET GROOMING.
- §2.03.82 LAUNDERING PLANT. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding LAUNDERING SERVICES.
- §2.03.83 LAUNDRY SERVICES. Laundromat, laundry and dry cleaning pick-up stations and clothing storage, excluding LAUNDERING PLANTS.
- §2.03.84 LOT. A parcel of land shown on a recorded plat or a piece of land described by a legally recorded deed.
- §2.03.85 LOT FRONTAGE. Lot width measured at the front lot line.
- §2.03.86 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.
- A. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way. In the case of SINGLE-FRONTAGE CORNER LOTS, there is a primary and secondary front line. The shorter of the two is the primary front lot line. All other corner lots are considered DUAL-FRONTAGE CORNER LOTS, in which case, both lot lines along streets are considered front lot lines.
 - B. LOT LINE, REAR: That lot line that is generally parallel to and most distant from the FRONT LOT LINE. In the case of a triangular or irregularly shaped lot, a line ten feet in length, entirely within the lot, parallel to and at the maximum distance from the FRONT LOT LINE.
 - C. LOT LINE, SIDE: Any lot line other than a FRONT LOT LINE or a REAR LOT LINE.
- §2.03.87 LOT OF RECORD. A lot which is part of a recorded plat or plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law, as of the effective date of this Ordinance.
- §2.03.88 LOT TYPES
- A. CORNER LOTS
 - 1) DOUBLE FRONTAGE LOT. An interior lot having frontages on two streets.
 - 2) DUAL FRONTAGE CORNER LOT. A residential CORNER LOT that abuts an interior lot on each side.
 - 3) SINGLE-FRONTAGE CORNER LOT. A residential CORNER LOT that abuts an interior lot on one side and a corner lot on the other side.
 - B. INTERIOR LOT. A lot other than a CORNER LOT.
- §2.03.89 LOT WIDTH. The distance between the side lot lines as measured at the front building line. For corner lots, lot width is measured between the side lot line and the opposite lot line.

- §2.03.90 **MANUFACTURED HOME.** A structure constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight feet wide or at least 40 ft long or, when erected on site, at least 320 sf; includes the plumbing, heating, air conditioning, and electrical systems of the home.
- §2.03.91 **MANUFACTURED HOME PARK.** Land used or designed as a manufactured home community containing multiple spaces for rent or lease.
- §2.03.92 **MANUFACTURED HOME SPACE.** A space designed for the placement of a manufactured home within a MANUFACTURED HOME PARK.
- §2.03.93 **MANUFACTURED HOME SUBDIVISION.** A division of a tract of land into three or more lots intended for the siting of manufactured homes for dwelling purposes.
- §2.03.94 **MEDICAL CLINIC.** A building in which a group of physicians, dentists, and associated professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory, surgery suites but excludes any in-patient care.
- §2.03.95 **MINI-WAREHOUSE.** A building or group of buildings containing separate, individual and private storage spaces for rent or lease.
- §2.03.96 **MOBILE FOOD VENDOR.** A readily movable wheeled cart, trailer or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations, including food trucks and food carts. This does not include canteens, coffee or ice cream trucks that are stationary in the same location for no more than 30 minutes at a time.
- §2.03.97 **MODULAR STRUCTURE.** A structure manufactured off-site in accordance with the City Building Code, transported to and assembled on the building site on a permanent foundation.
- §2.03.98 **MOTEL.** An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. **MOTELS** may also include dining facilities, fitness centers and other incidental services for guests.
- §2.03.99 **NONCONFORMING BUILDING or STRUCTURE.** A building or structure that does not conform to the area or dimensional requirements of the applicable district.
- §2.03.100 **NONCONFORMING LOT.** A lot that does not conform to the area and dimensional requirements of the applicable district.
- §2.03.101 **NONCONFORMING USE.** A use that does not conform to the regulations of the applicable district.
- §2.03.102 **NONRESIDENTIAL USE.** Uses including agricultural, institutional, commercial, lodging and industrial activities.
- §2.03.103 **OFF-STREET PARKING.** An all-weather surfaced area not in a street or alley permanently reserved for the temporary storage of one automobile.
- §2.03.104 **OFFICE.** See **BUSINESS OR PROFESSIONAL OFFICE.**
- §2.03.105 **OPEN SPACE.** A yard area not used for a building, structure, driveway, parking, loading or storage.
- §2.03.106 **OPEN SPACE, COMMON.** Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by the provisions of this Ordinance to insure that it remains in such uses.
- §2.03.107 **ORDINANCE ENFORCEMENT OFFICER.** That official assigned by the City to carry out enforcement of violations of building code, zoning and related regulations.
- §2.03.108 **OUTDOOR STORAGE.** The keeping in an unenclosed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.
- §2.03.109 **OWNER.** The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.
- §2.03.110 **PERSONAL SERVICE.** An establishment providing services involving the care of a person or their personal goods or apparel, including hair, nail and tanning salons, licensed massage therapists and repair of watches, phones, tablets, computers and other personal electronics.
- §2.03.111 **PET GROOMING.** An establishment that offers boarding, grooming and training of dogs, cats and other household pets for compensation and that has no outside runs.
- §2.03.112 **PLACE OF ASSEMBLY.** A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- §2.03.113 **PLANNING COMMISSION or COMMISSION.** The Planning Commission of the City of Sylacauga, Alabama.
- §2.03.114 **PRINTING SERVICE.** Blue printing, copying, printing, engraving or other reproduction services.
- §2.03.115 **PUBLIC FACILITY.** Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
- §2.03.116 **PUBLIC UTILITY FACILITY.** A facility that provides utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
- §2.03.117 **RECYCLING CENTER.** Land, with or without buildings, where used materials are collected and may be separated before being transported to a **RECYCLING PLANT** or other location for processing and eventual reuse.
- §2.03.118 **RECYCLING PLANT.** A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

- §2.03.119 REPAIR SERVICE. An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances.
- §2.03.120 RESEARCH LABORATORY. Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- §2.03.121 RESTAURANT
- A. FAST FOOD RESTAURANT. An establishment where food and drink are offered for on-premises consumption and may be ordered from and delivered to an automobile, including through a pick-up window.
 - B. PICK-UP AND DELIVERY ONLY RESTAURANT. An establishment where food and drink are prepared and sold for consumption off-premises only.
 - C. STANDARD RESTAURANT. An establishment where food and drink are prepared, served and consumed, mostly within the principal building.
- §2.03.122 RETAIL, GENERAL. Retail sales of goods and services including, but not limited to; clothing and shoe stores, home furnishings, appliance stores, automobile parts and supply stores, gift shops, florist shops, drugstores, medical supplies, hardware stores, jewelry stores, sporting goods stores and antique shops.
- §2.03.123 RETAIL, UNENCLOSED. Retail sales of goods and services conducted partially or fully outside of a building, including but not limited to flea markets, monument sales, lumber yards and similar activities. Other types of outdoor retail sales are separately categorized as HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICE; VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE; and VEHICLE SALES OR RENTAL.
- §2.03.124 SIGN. Any structure or part thereof which is used to announce, direct attention to or advertise.
- §2.03.125 SMALL CELL FACILITIES. A type of wireless broadband infrastructure involving small cell wireless technology that typically takes the form of small antennae placed on buildings, utility poles and other existing structures. This does not include TELECOMMUNICATION TOWER.
- §2.03.126 SMALL SCALE INDUSTRY. See INDUSTRY, SMALL SCALE.
- §2.03.127 SPECIAL EXCEPTION. A use or characteristic of development that would not generally be appropriate in a zoning district without restriction, but which if controlled as to number, area, location or relation to the area, would not be detrimental to the public health, safety and general welfare. Special exceptions require approval by the Board of Adjustment. See §12.04 Special Exceptions.
- §2.03.128 STREET LINE. The dividing line between a right-of-way and contiguous property, including planned rights-of-way.
- §2.03.129 STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including buildings or signs.
- §2.03.130 STUDIO. A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- §2.03.131 SUBDIVISION REGULATIONS. The Subdivision Regulations of the City of Sylacauga, Alabama.
- §2.03.132 SURVEYOR. A professional surveyor registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- §2.03.133 TINY HOME ON WHEELS. A pre-fabricated structure set on a permanent trailer chassis with wheels used as temporary living quarters and that does not comply with City Building Code or HUD Code requirements for residential occupancy.
- §2.03.134 UNIFORMITY RATIO. The ratio of the average-to-minimum illuminance at grade level.
- §2.03.135 USE. The purpose for which land, buildings or structures are designed, arranged or intended, or for which they may be occupied or maintained.
- §2.03.136 VARIANCE. A relaxation of the terms of the zoning regulations granted by the Board of where such relaxation will not be contrary to the public interest.
- §2.03.137 VEHICLE SALES, RENTAL AND SERVICE
- A. HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICE. The sale or rental of trucks over one ton and construction and similar equipment, including the storage, maintenance and servicing of the same.
 - B. VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of manufactured homes, tractors, farm implements and similar equipment, including the storage, maintenance and servicing of the same.
 - C. VEHICLE SALES, RENTAL AND SERVICE. The sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the storage, maintenance and servicing of the same.
- §2.03.138 VETERINARY HOSPITAL. A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.
- §2.03.139 WHOLESALING ESTABLISHMENT. An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesaling establishments include those with accessory retail sales provided that retail sales do not exceed 10% of inventory or sales.
- §2.03.140 YARD. An open area of a lot, not occupied by any use or structure, measured from a property line to the nearest point of a structure. A required yard means a yard the depth of which is specified in the "Area and Dimensional Regulations" for the applicable district. Refer also to LOT LINE and accompanying diagrams.
- A. FRONT YARD. That area extending across the front of a lot between the side lot lines. Refer to CORNER LOT for front yard locations.

- 1) PRIMARY FRONT YARD. The yard of a SINGLE-FRONTAGE CORNER LOT that corresponds with the FRONT YARD of the adjoining INTERIOR LOT.
 - 2) SECONDARY FRONT YARD. A yard of a SINGLE-FRONTAGE CORNER LOT along a FRONT LOT LINE other than the PRIMARY FRONT YARD.
- B. REAR YARD. A yard extending across the rear of a lot between the side lot lines. On all lots, the REAR YARD is opposite the FRONT YARD or PRIMARY FRONT YARD.
- C. SIDE YARD. A yard between the principal building and the SIDE LOT LINE and extending from the required FRONT YARD to the required REAR YARD.

Section 2.04 Abbreviations used in this Ordinance

§2.04.01	ac - acre
§2.04.02	ADA – Americans with Disabilities Act
§2.04.03	ADEM – Alabama Department of Environmental Management
§2.04.04	ADU – Auxiliary Dwelling Unit
§2.04.05	amp – ampere (unit of electric current)
§2.04.06	BMP – Best Management Practices
§2.04.07	dBa – A-weighted decibel
§2.04.08	FEMA – Federal Emergency Management Agency
§2.04.09	FIRM- Flood Insurance Rate Map
§2.04.10	ft - feet
§2.04.11	max. - maximum
§2.04.12	MDP – Master Development Plan
§2.04.13	min. - minimum
§2.04.14	MUTCD – Manual on Uniform Traffic Control Devices
§2.04.15	n/a – not applicable
§2.04.16	NFPA – National Fire Protection Association
§2.04.17	PUD – Planned Unit Development
§2.04.18	ROW – right-of-way
§2.04.19	RV – recreational vehicle
§2.04.20	sf – square feet
§2.04.21	STR – Short Term Rental

Article 3. GENERAL REGULATIONS

Section 3.01 Uses

- §3.01.01 No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered or used except for a use permitted by right, approved by the Planning Commission as a Conditional Use (§11.06) or approved by the Board of Adjustment (“the Board”) as a Special Exception (§12.04). Uses are permitted within each district as specified in Articles 4, 5 and 6.

- §3.01.02 If a use is not specifically referred to in this Ordinance, its status may be determined by the Building Official by reference to the most clearly analogous use in the applicable Table of Permitted Uses or as previously determined by the Planning Commission. Once the status of an unlisted use has been determined, that determination applies subsequently to all uses of the same type. If a proposed use is not analogous to a use in the Table of Permitted Uses or one previously decided upon by the Commission, the Building Official will refer the matter to the Commission.

- §3.01.03 Certain uses identified in Articles 4, 5 and 6 are subject to “Use-Specific Regulations” in Article 7.

- §3.01.04 When any use or zoning district encroaches on an existing, permitted use that is required to be separated from the encroaching use or zoning district, the existing, permitted use does not become nonconforming due to the encroachment of the other use or zoning district.

- §3.01.05 Telecommunication towers are allowed in any district subject to approval of a Special Use Permit by the City Council in accordance with Ordinance 2109.

- §3.01.06 Temporary, protective shelters approved by the Alabama Emergency Management Agency may be used as temporary, emergency living quarters in any district.

- §3.01.07 Accessory uses and structures may not be established on a premises before the principal use or structure is established.

Section 3.02 Lots, Yards and Open Space

- §3.02.01 No part of a yard or other open space required of one structure may be included as part of a yard or open space required for another structure.

- §3.02.02 No lot, yard, building site or open space may be reduced in area so that the lot, yards or open spaces are less than the minimum required by this Ordinance. All yards, lots and open spaces created after the effective date of the Ordinance must meet the minimum requirements of this Ordinance.

- §3.02.03 The minimum front yard setback applies to both frontages of double-frontage lots.

- §3.02.04 Every part of a required yard must be open from its lowest point to the sky and unobstructed with the following exceptions:

- A. Sills, belt courses, cornices, eaves, ornamental features, chimneys, awnings, canopies, steps and ramps not higher than 30 inches above grade and similar features may extend into a required yard not more than 36 inches, except as may be required for accessible ramps.

- B. Accessory structures conforming to requirements of §3.03.04 Accessory Structures

- §3.02.05 Exceptions and modifications to lot, yard and open space requirements:

- A. On any lot of record which is separately owned, one building and its accessory structures may be built, and required side yard setbacks may be reduced provided the resulting buildable area is at least 24 ft wide.
- B. No building is required to be set back more than the average of the setbacks of the existing buildings within 100 feet each side thereof. See Figure 3-1.

- C. Other than traffic control signs, no fence, wall, landscaping, sign or other visual obstruction is permitted, between the heights of three feet and 10 ft above street level, that will obstruct a motorist's line of sight at intersections of streets, driveways or alleys, in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition, whichever is more restrictive.

Requirements are determined as follows:

- 1) At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement
 - 2) At the intersection of a street and a driveway or alley: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway pavement
 - 3) At the intersection of a street and a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way, as applicable
- D. On any lot which, on the effective date of this Ordinance, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "major street plan," the required yards, lot area, lot width, and maximum building area is measured by considering the future street line as the lot line.

Section 3.03 Buildings and Structures

§3.03.01 Other than multifamily developments, only one principal building is permitted on any lot used for residential purposes.

§3.03.02 Maximum Height

- A. In each district, each structure hereafter erected, altered or moved may not exceed the maximum height of the applicable district. This does not apply to steeples, silos and similar farm structures, chimneys, flag poles, antennae, public utility poles, radio and television towers and aerials, cooling towers, water tanks and industrial structures when required by manufacturing process provided the structure does not exceed 25% of the lot area.
- B. In addition to the height limitations of this Ordinance, any structure located within the Runway Protection Zone require a permit from and are subject to the regulations of the Federal Aviation Administration.

§3.03.03 Mobile and Portable Buildings. Trailers, buses, boats, manufactured homes, recreational vehicles and similar mobile and portable structures are not permitted in any zoning district, other than for transportation purposes, except as follows (see also §3.04 Off-Street Parking and Loading Areas):

- A. Manufactured homes may be located within a permitted manufactured home park, manufactured home subdivision, manufactured home sales establishment or on its own lot in the R-2MH District. Manufactured homes may not be more than 15 years old and may not be altered for a use other than their originally intended purpose nor be used for storage or as an accessory structure.
- B. Manufactured buildings, designed and certified for nonresidential use by the Alabama Manufactured Housing Commission, may be used as part of permitted

manufacturing and industrial uses in manufacturing districts provided they are set back at least 50 ft from any lot line and ten feet from any other structure.

- C. Portable buildings may be used temporarily as offices or for storage in conjunction with construction projects. They may not be placed on site until the associated Building Permit has been issued and must be removed within five days after the Certificate of Occupancy has been issued.

§3.03.04 Accessory Structures

- A. Accessory structures may not include living quarters, except where expressly permitted as Auxiliary Dwelling Units (ADUs), in accordance with §7.05 Auxiliary Dwelling Units. Storm shelters, any other similar shelters used for temporary emergency protection, and swimming pool buildings that contain no sleeping or cooking facilities are not considered living quarters.
- B. No accessory structure may be placed in or extend forward of the front building line except shelters for temporary emergency protection.
- C. Accessory structures may not cover more than 30% of the rear yard. Accessory structures must be set back at least five feet from rear and side lot lines and may not be placed within or extend into an easement.

§3.03.05 Swimming Pools

- A. Signage and fencing must be provided as required by the City Building Code or other applicable state or county regulations.
- B. Swimming pool aprons may not be closer than ten feet to any property line.
- C. Swimming pools accessory to any residential use may not be placed or extend forward of the front building line.

§3.03.06 Signs. Refer to Article 9 Sign Regulations.

In all districts, each separately addressed building must have its street number displayed, in four-inch or taller numbers, above or adjacent to the building entrance or other conspicuous location on the front façade. Street numbers on mail boxes must be at least two inches tall.

§3.03.07 Collection Bins located outside of a building are subject to the following requirements:

- A. Bins are prohibited in any residential or agricultural districts but are otherwise permitted as an accessory use to any permitted nonresidential use.
- B. Bins may not be located in a required open space, buffer, landscaped area or parking space. They must be set back at least five feet from side and rear lot lines and 25 ft from any front lot line. They must be set back at least 15 feet from the boundary of any residential use.
- C. Collection bins must be emptied on a regular basis. The grounds around collection bins must be kept free of any refuse, debris or items left for collection.
- D. The operator of the collection bin must obtain a business license before placing any collection bins in the City. With the license application, the operator must provide:
- 1) Contact information, including at least two valid telephone numbers of the operator or representative that will respond within 24 hours to complaints about

the condition or operation of the bin. The contact must answer calls regarding bins 24 hours a day, seven days a week. The operator must submit any changed contact information to the City Clerk within 48 hours of such change.

- 2) Notarized letter from the property owner granting permission for placement of the bin
- 3) Bond insuring compliance with these regulations in an amount set by the City Council

E. Violations. If not corrected within 24 hours of notice by the City, violations of these regulations are subject to §11.09 Penalties, Remedies.

§3.03.08 Carports

- A. Carports may not extend forward of the front building line.
- B. Open-sided, non-combustible carports must be set back at least two feet from any side or rear lot line. The Building Official may reduce this requirement if there is inadequate width to comply and the Official finds the location of the carport will pose no greater safety hazard than as otherwise allowed. All other carports must be set back from side and rear lot lines as required for accessory structures (§3.03.04).

Section 3.04 Off-Street Parking and Loading Areas

§3.04.01 All uses must provide off-street parking and loading areas in accordance with Article 8 Parking and Loading Standards.

§3.04.02 In any district that allows residential development of any type. Recreational vehicles, boats, campers, motor homes and similar vehicles must be stored behind the front building line.

Section 3.05 Landscaping, Screening and Buffers

§3.05.01 Parking lots and other areas provided for vehicular use must be landscaped in accordance with §10.03 Landscaping for Vehicular Areas

§3.05.02 Outdoor storage, work yards, commercial trash receptacles and similar site elements must be screened from public view in accordance with §10.02 Screening.

§3.05.03 Any use that will abut an existing use of lesser intensity must provide a buffer between it and the existing use in accordance with §10.01 Buffers.

Section 3.06 Utilities

The erection, construction, maintenance, and use of public utilities for the transmission and delivery of electrical, gas, water, sewer and communications services along streets and easements are permitted in all districts, subject to City Council approval and in accordance with the City Subdivision Regulations.

Section 3.07 Common Open Spaces and Facilities

For all proposals involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, to be owned and maintained by the developer or a homeowner, property owner, or condominium association, the following apply:

§3.07.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or

condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

§3.07.02 Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:

- A. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements
- B. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided
- C. provides that any changes to the plan be approved by the Commission
- D. provides for enforcement of the plan

§3.07.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Costs will become a lien on all involved properties.

Section 3.08 Right-of-Way Encroachments

Encroachment of any kind, other than permitted driveways, within a public right-of-way is prohibited except as allowed through a right-of-way encroachment permit in accordance with all applicable city policies and standards including the following:

§3.08.01 *Tier I.* The following encroachments may be allowed through a Tier I ROW Encroachment permit: planter and A-frame signs with weighted bases, awnings without poles, landscaping and planters, tables, retail displays, benches, stairs, steps, accessible ramps, temporary shoring and construction fencing, sewer pre-treatment devices such as grease containers, and similar items as determined by the Building Official.

§3.08.02 *Tier II.* The following encroachments may be allowed through a Tier II ROW Encroachment Permit, subject to Council approval with a recommendation by the Building Official after review and approval of engineered drawings: awnings with poles, arbors, balconies, decks, fire escapes, bollards, signs not eligible for Tier I Encroachment permit, and other items of similar size and permanent construction as determined by the Building Official. Encroachments must have foundations independent of the sidewalk, pavement or other public improvement to allow repairs to the public improvement without impact on the encroachment.

§3.08.03 *Residential.* The following encroachments may be allowed through a Residential ROW Encroachment Permit, subject to review and approval of the Building Official: landscaping and planters, fences, stairs, steps, accessible ramps, temporary shoring and construction fencing, and similar items as determined by the Building Official. The Building Official may require engineered drawings for permanent structures,

which are limited to fences, stairs and steps. Applicant must provide a dimensioned drawing sufficient to show the proposed location and extent of encroachment into the right-of-way. The property owner must retain written authorization of the encroachment from the City for future reference.

§3.08.04 The City requires proof of insurance in the following amounts, with the City named additionally insured:

- A. Tier I Encroachment: \$250,000
- B. Tier II Encroachment: \$1,000,000

Encroachments are subject to removal by the City if required insurance is not maintained.

§3.08.05 *Clearances.* All overhead encroachments must maintain a minimum vertical clearance of eight feet from the sidewalk or other grade level. Encroachments may not obstruct a motorist's line of sight at intersections (see §3.02.05.C).

§3.08.06 For rights-of-way under state or county jurisdiction, written permission from and compliance with the standards or conditions of the applicable authority is required before a Tier II Encroachment Permit may be granted.

§3.08.07 Permitted encroachments that are not maintained in a safe condition and otherwise in accordance with City standards are subject to removal by the City.

Section 3.09 Walls and Fences

§3.09.01 Walls or fences may be erected, placed, maintained, or grown along a lot line on residentially zoned property or abutting a residential district, to a height not exceeding six feet above grade level. Where the lot line abuts a nonresidential district, walls or fences may be erected, placed, maintained, or grown to a height not exceeding eight feet. This does not apply to retaining walls.

§3.09.02 Walls and fences may not obstruct a motorist's line of sight at intersections (see §3.02.05.C).

§3.09.03 The finished side of a fence must face outward, toward the street or adjoining properties.

Section 3.10 Nonconformities

§3.10.01 General Provisions

- A. Except as otherwise provided in this Section, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, may continue so long as it remains otherwise lawful.
- B. Nothing in this Article may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements that do not increase the scope or scale of a nonconformity.
- C. No nonconformity may be moved to any other location on the same or any other lot unless the entire structure will conform, after being moved, to all applicable regulations.

D. No use or structure that is accessory to a nonconforming principal use may continue after the principal use ceases, in accordance with §3.10.06, unless it thereafter conforms to all applicable regulations.

E. The burden of establishing the lawful status of a nonconforming structure or use rests with the owner.

§3.10.02 *Nonconforming Lots of Record.* When a lot of record does not include sufficient land area to comply with the area and dimensional standards of the Ordinance, it is considered a nonconforming lot of record.

A. If two or more contiguous nonconforming lots of record exist in single ownership, the land involved will be considered an undivided tract of land. No portion of the tract may be sold or developed in a manner that diminishes the ability to comply with this Ordinance.

B. A nonconforming lot may be used as a building site upon approval of a Special Exception (see §12.04). The lot area, width and setbacks must conform as closely as possible to the district requirements; and, further, provided that:

- 1) The front yard setback may not be less than the average of the setbacks of existing buildings within 100 ft on each side of the lot
- 2) Unless lesser side yards are permitted by the district, at least one side yard must be at least 10 ft wide and the other side yard at least five feet wide
- 3) The rear yard setback may not be less than 20 ft
- 4) The buildable area, with side yards reduced as above, must be at least 24 ft wide, unless a lesser width is allowed in the district
- 5) Not more than one use and principal building is allowed on a nonconforming lot of record.

§3.10.03 *Nonconforming Use of Land.* A nonconforming use of land may not be extended to occupy greater land area or relocated, in whole or part, to another part of the land. If a nonconforming use of land ceases for 60 consecutive days for any reason, the use of the land may not be reestablished and any future use must conform to these regulations.

§3.10.04 *Nonconforming Use of Structures.* The nonconforming use of a structure is allowed to continue subject to the following conditions.

- A. *New Construction Must Conform to Regulations:* No additional structures may be erected that do not conform to this Ordinance and other applicable development regulations.
- B. *Enlarging Nonconforming Buildings and Structures Prohibited:* A structure may not be enlarged or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.
- C. *Expansion:* Extension of a nonconforming use within a structure may be expanded only within area of the existing structure that are contiguous to the area occupied by the nonconforming use. The use may not be extended to occupy any land outside the structure, including parking or loading areas required by the use of additional area within the structure. The use may not be expanded or relocated, in whole or part, to a non-contiguous part of a structure.

§3.10.05 Repair and Restoration of Nonconforming Structures and Uses

A nonconforming structure or use may not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by fire or other natural acts to the extent of 80% or more of its assessed value at the time the damage occurred. If a nonconforming building is damaged less than 80% of its assessed value at the time of damage, it may be rebuilt or restored and used provided the rebuilding or restoration is started within 12 months after the date of damage and that restoration work is diligently continued.

§3.10.06 Termination of Abandoned Nonconforming Use

Any nonconforming use that is discontinued for any reason for a period of six consecutive months may not be reestablished and any future use of the premises must comply with these regulations. However, the Board may grant an extension of six months in cases of hardship.

Article 4. RESIDENTIAL DISTRICTS

Section 4.01 General Regulations

The following regulations apply in all residential districts.

§4.01.01 Uses. In addition to those uses shown as permitted, permitted on appeal and conditional uses in Table 4-1, the following residential accessory structures and uses are permitted: detached garages, barbecue pits, swimming pools, storage buildings, play areas and equipment for personal use, and growing of flowers, fruits, vegetables and other plants

§4.01.02 Area and Dimensional Requirements

- A. Residential uses are subject to the area and dimensional requirements in Table 4-2 and any other applicable requirements in this Article 4. No residential building may exceed 35 ft or 2-1/2 stories.
- B. Nonresidential Uses are subject to the following area and dimensional requirements:
 - 1) All nonresidential uses are subject to the area and dimensional requirements for detached single-family dwellings in that district. If permitted on appeal or as a conditional use, the approving authority may increase these requirements as a condition of approval to assure the use is consistent with the density of and properly buffered in relation to surrounding residential development.
 - 2) The Commission, as part of Conditional Use approval, may authorize institutional uses additional height beyond that otherwise allowed in a residential district up to 45 ft or three stories, whichever is less.
 - 3) Permitted nonresidential developments are limited to a maximum building area of 50%.
 - 4) For zero-lot line dwellings, a minimum of 10 ft is required on one side and 0 ft is required on the opposite side. A maintenance easement must be provided on the zero lot line side.

Section 4.02 R-1 Low Density Residential District

§4.02.01 *Purpose.* The R-1 district is intended for low density, single family residential development along with other uses customary to residential neighborhoods.

Section 4.03 R-2 Medium Density Residential District

§4.03.01 *Purpose.* The R-2 district is intended for moderate density, single and two family residential development along with other uses customary to residential neighborhoods.

Section 4.04 R-2-MH Mixed Conventional Manufactured Housing District

§4.04.01 *Purpose.* The district is intended for a mix of site-built and manufactured homes on individual lots all at moderate density, along with other uses customary to residential neighborhoods.

§4.04.02 Standards for Manufactured Homes

- A. Manufactured homes may only be used for residential occupancy.
- B. Manufactured homes must be located on their own, subdivided lot and attached to a permanent foundation system in compliance with all applicable building regulations:
- C. Manufactured homes must be installed in accordance with the requirements of the Alabama Manufactured Housing Commission.
- D. Manufactured homes must be clad in exterior materials consistent with those of site-built homes in the district. The foundation system must be clad in a compatible exterior material that extends to the ground. Tin, vinyl and similar skirting are prohibited.
- E. Wheels, tires, axles and towing hitch must be completely removed.
- F. Electrical, gas, water and drain connections must be made permanent. Gas shutoff valves, meters and regulators may not be located beneath the manufactured home.
- G. Building permits must be issued prior to placing of the manufactured home on the lot. If the property will not be served by public sewer, approval of a septic tank must be secured from the County Health Department before a building permit may be issued.

Section 4.05 R-3 High Density Residential District

§4.05.01 *Purpose.* The R-3 district is intended for detached and attached single-family dwellings and multifamily housing at relatively high densities along with other uses customary to residential neighborhoods.

Section 4.06 RT-1 Zero Lot Line Residential District

§4.06.01 *Purpose.* The RT-1 District is intended for detached, attached and semi-detached single-family dwellings, zero lot line single-family dwellings, duplexes, triplexes and quadplexes at relatively high densities along with other uses customary to residential neighborhoods.

§4.06.02 *Development Standards for Attached Dwellings.* See §7.04 Attached Single-family Dwellings.

Section 4.07 R-4 Manufactured and Tiny Home Subdivision District

- §4.07.01 Purpose. The R-4 District is intended for development of planned residential subdivisions for manufactured homes and tiny homes along with other uses customary to residential neighborhoods.
- §4.07.02 Development Standards.
- A. Minimum Development Size. Ten residential lots or two acres, whichever is greater.
 - B. Manufactured homes and tiny homes may not be mixed in the same subdivision. Tiny Homes on Wheels are prohibited.
 - C. Each home must be on its own, subdivided lot.
 - D. All dwellings must be on permanent foundations.

Article 5. NONRESIDENTIAL DISTRICTS

Section 5.01 General Regulations

The following regulations apply in all nonresidential districts.

- §5.01.01 *Use Standards.* Refer to Table 5-1 and the following.
- A. Manufacturing incidental to a permitted retail or service business is permitted when the products manufactured are sold on the premises or installed off-site by the business.
 - B. Shipping containers are permitted for storage purposes only in B-2, M-1, M-2 and M-4 Districts and may be permitted for storage purposes in the B-1 District subject to Conditional Use approval. When permitted, shipping containers are considered accessory structures and are subject to all applicable regulations.
- §5.01.02 *Area and Dimensional Requirements.* Refer to Table 5-2. Building permit applications for new construction, building additions or moving of any structures must be accompanied by a scaled site plan.

Section 5.02 B-1 Neighborhood Business District

- §5.02.01 *Purpose.* This district is intended for retail establishments, personal services, and other businesses in locations convenient to, and of a limited scale and intensity to assure compatibility with, adjacent neighborhoods.
- §5.02.02 *Use Standards.* Business and commercial uses may not exceed a gross floor area of 11,000 sf per tenant.

Section 5.03 B-2 General Business District

- §5.03.01 *Purpose.* This district is intended for a range of retail, service, lodging and commercial uses serving a citywide trade area.
- §5.03.02 Use Standards
- A. Not more than two tattoo parlors are permitted within 1,000 ft of each other or an adult entertainment use, as measured between the nearest property lines. Nor may a tattoo parlor be located closer than 500 ft to the nearest boundary of any residential district or the nearest property lines of the following protected uses: child day care center or learning center; place of assembly; businesses in which

more than 50% of annual revenue is derived from the sales of goods and/or offering of services, recreation or entertainment to minors; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted tattoo parlor to become nonconforming.

- B. Prohibited Uses. In addition to those standards in Table 5-1, the following uses are expressly prohibited: stockyards and unenclosed live animal sales, coal yard, lumber mill, junkyard, gasoline, oil or alcohol storage above the ground in excess of 500 gallons, grist or flour mill, junk, scrap paper, rag storage or baling.

Section 5.04 B-4 Medical Business District

The previously established B-4 District is rescinded. Areas zoned as B-4 may not be expanded; and no properties may hereafter be zoned B-4. Existing B-4 properties are subject to the district regulations in place prior to the effective date of this Ordinance. Note: The B-4 District regulations are included in the Appendix for reference, as needed.

Section 5.05 I Institutional District

- §5.05.01 *Purpose.* This district is intended for a range of intensive institutional uses subject to standards to assure compatibility with adjoining uses often within other zoning classifications.

Section 5.06 M-1 Light Industry

- §5.06.01 *Purpose.* This district is intended for a range of light manufacturing, industrial and related nonresidential uses that pose no noise, vibration, dust, odor or other offensive or detrimental impacts on neighboring properties.
- §5.06.02 Use Standards
- A. Principal manufacturing uses must be enclosed, however, accessory functions may be unenclosed, provided any outdoor storage or work yards are screened from public view consistent with the requirements of §10.02 Screening as determined by the Commission.
 - B. Prohibited Uses. In addition to those standards in Table 5-1, the following uses are expressly prohibited: slaughter houses, stockyards and unenclosed live animal sales; bag cleaning; central mixing plant for cement, mortar, plaster or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, fertilizers; illumination or heating gas including storage, paint, turpentine, varnish, soap and tar products; wool pulling or scouring; junkyards; cotton waste reclaiming and similar types of plants or operations.

Section 5.07 M-2 General Industry

- §5.07.01 *Purpose.* This district is intended for a range of manufacturing, industrial and related nonresidential uses that may produce noise, vibration, dust, odor and other impacts that must be controlled and isolated from business and residential areas.
- §5.07.02 Use Standards

Any manufacturing or industrial use that would, in the opinion of the Building Official, produce any noise, vibration, dust, odor or other impacts on properties within 500 ft of the boundary of the subject property must be reviewed and approved as a Conditional Use by the Commission.

Section 5.08 M-4 Special Mining and Lumbering District

§5.08.01 *Purpose.* This district is intended for resource extraction and other unenclosed manufacturing and industrial uses that may produce noise, vibration, dust, odor and other impacts that must be controlled and isolated from business and residential areas.

§5.08.02 Use Standards

Any manufacturing or industrial use that would, in the opinion of the Building Official, produce any noise, vibration, dust, odor or other impacts on properties within 500 ft of the boundary of the subject property must be reviewed and approved as a Conditional Use by the Commission.

Article 6. SPECIAL DISTRICTS

Section 6.01 Agricultural Districts

§6.01.01 The following regulations apply in all Agricultural Districts:

- 1) Manufactured homes, existing on their own lot as of the effective date of this Ordinance, are permitted by right.
- 2) Except as permitted subject to §7.12 Keeping of Chickens and Honeybees, no livestock or poultry may be kept or raised on properties smaller than one-half acre.
- 3) Concentrated animal feeding operations, as defined by the EPA, and indoor grower confinement operations are prohibited.
- 4) Offensive animal odors must not be detectable at any residential district boundary or property line of a lot used exclusively for residential purposes.

§6.01.02 AG-1 Residential Agriculture District

- A. *Purpose.* This district is intended for hobby farms and similar low-intensity agriculture and related uses; low-density residential development and open space uses.
- B. *Uses.* Refer to Table 6-1 Uses Permitted in Agricultural Districts.
 - 1) Only one ADU is permitted, regardless of the size of the property.
 - 2) Only one caretaker dwelling is allowed per permitted agricultural or applicable nonresidential use, regardless of the size of the property.
 - 3) The keeping and raising of livestock and poultry is limited to one animal equivalent unit per acre (see Table 6-3) and the following:
 - a. Structures or fenced areas for the housing or feeding of animals or for the storage of manure must be set back at least 25 ft from any residential district boundary or property line of a lot used exclusively for residential

purposes. Fence enclosures adjoining an agricultural district are not required to be set back from the property line.

- b. No livestock or poultry may be kept forward of the front building line on properties with a front yard less than 75 ft deep that adjoin a residential property nor on properties under one acre in area.

C. Area and Dimensional Requirements. Refer to Table 6-2.

§6.01.03 AG-2 General Agriculture District

A. *Purpose.* This district is intended for a range of moderately intensive agriculture and related uses; low-density residential development and open space uses.

B. *Uses.* Refer to Table 6-1 Uses Permitted in Agricultural Districts.

- 1) One ADU and one caretaker dwelling is permitted per principal dwelling. One additional ADU or caretaker dwelling is permitted per 20 acres up to a maximum of four ADUs, caretaker dwellings or combination thereof.
- 2) When accessory to an agricultural use, repair services, outdoor storage and minor manufacturing may be permitted through Conditional Use approval by the Commission, subject to §11.06 Conditional Uses. This does not include retail sales of any non-agricultural products or equipment.
- 3) Except as permitted subject to §7.12 Keeping of Chickens and Honeybees, the keeping and raising of livestock and poultry is limited to two animal equivalent units per acre (see Table 6-3) and the following:
 - a. Structures for the housing or feeding of animals or for the storage of manure must be set back at least 200 ft from any residential district boundary or property line of a lot used exclusively for residential purposes. Fenced areas for the housing or feeding of animals must be set back at least 100 ft from any residential district boundary. Fence enclosures adjoining an agricultural district are not required to be set back from the property line.

C. Area and Dimensional Requirements. Refer to Table 6-2.

§6.01.04 AG-3 Intensive Agriculture District

A. *Purpose.* This district is intended for a range of relatively intensive agriculture and related uses; low-density residential development and open space uses.

B. *Uses.* Refer to Table 6-1 Uses Permitted in Agricultural Districts.

- 1) One ADU and one caretaker dwelling is permitted per principal dwelling. One additional ADU or caretaker dwelling is permitted per 20 acres up to a maximum of four ADUs, caretaker dwellings or combination thereof.
- 2) When accessory to an agricultural use, repair services, outdoor storage and minor manufacturing may be permitted through Conditional Use approval by the Commission, subject to §11.06 Conditional Uses. This does not include retail sales of any non-agricultural products or equipment.
- 3) Except as permitted subject to §7.12 Keeping of Chickens and Honeybees, the keeping and raising of livestock and poultry is limited to two animal equivalent units per acre (see Table 6-3) and the following:

- a. Structures or fenced areas for the housing or feeding of animals or for the storage of manure must be set back at least 100 ft from any residential district boundary. Fence enclosures adjoining an agricultural district are not required to be set back from the property line.

C. Area and Dimensional Requirements. Refer to Table 6-2.

Section 6.02 DTB Downtown Business District

§6.02.01 *Purpose.* This district is intended to enable a mix of nonresidential uses in the historic development pattern of Downtown Sylacauga. The district is also intended to accommodate certain dwelling types compatible with the historic development pattern and nonresidential uses. The following standards are intended to provide an environment that is conducive to retail, dining and entertainment activity with other nonresidential uses.

§6.02.02 *Use Standards.* Only those uses shown in Table 6-4 are permitted, subject to the following:

- A. The rear half of the ground floor of a principal building may be used for lodging or residential purposes. Hotels are not subject to this limitation.
- B. Manufacturing incidental to a permitted retail use in which the articles manufactured are sold on-premises is permitted subject to approval of the Building Official.

§6.02.03 *Area and Dimensional Standards.* Refer to Table 6-5.

§6.02.04 *Development Standards*

- A. Principal and accessory structures must be on a permanent foundation.
- B. All storage or work activities must be enclosed within a permanent structure or screened in accordance with §10.02 Screening.
- C. Building Standards
 - 1) All new construction, building additions and accessory structures must be compatible with the prevailing character of existing development in the district. Metal and vinyl siding, EIFS and painted or unpainted concrete block are prohibited as exterior materials, except however that concrete block may be used along but not above a raised foundation.
 - 2) The facades of vacant or partially vacant buildings must be maintained in good condition, including: weathertight roof and walls and no loose window awning or structural material, peeling paint, rotted wood or broken windows. If the building interior is not maintained in a “move-in ready” condition, such as not having functional lighting or HVAC and/or not being kept free of debris, stock and fixtures, windows must be covered with a seamless, fade resistant material or curtain of a color that closely matches the predominant exterior material or as otherwise approved by the Building Official.
- D. Parking and Loading. See Article 8 Parking and Loading Standards and the following:
 - 1) Off-street parking may not be located forward of the front building line. Existing development that does not conform to this requirement is eligible for a waiver subject to approval of the Building Official. Any off-street parking located forward

of the front building line must be separated from the sidewalk or other nearest edge-of-pavement by a planting strip at least five feet wide containing an opaque landscaping barrier at least three feet high or a planting strip at least three feet wide with an opaque fence or wall at least three feet high.

- 2) Nonresidential uses, with the exception of places of assembly, are allowed a 50% reduction from standard parking requirements. On-street parking, except designated accessible spaces, adjoining the front property line(s) of the premises may be counted toward parking requirements provided no on-street parking may be counted toward more than one use or premises. Off-street public parking within 600 ft of any public entrance to a nonresidential use may be counted toward parking requirements as determined by the Building Official.

- E. All garbage, recycling and grease containers and similar appurtenances must be screened in accordance with Article 10 Landscaping Standards. Containers must be maintained so that obnoxious odors are not noticeable over 20 ft from the container. All garbage, recycling and debris collection pick-up must occur along an adjoining alley, if applicable.
- F. Encroachment of any kind, other than permitted driveways, within a public right-of-way is prohibited except as otherwise allowed through a right-of-way encroachment permit in accordance with §3.10 Right-of-Way Encroachments and all applicable city policies and regulations.

Section 6.03 MX-1 Restricted Mixed Use District

§6.03.01 *Purpose.* This district is to enable a mix of dwellings and home-based business activities beyond that otherwise permitted in Residential Districts. The following standards are intended to protect the residential character of the district such that any home-based business activities are unnoticeable from beyond the properties containing home-based businesses, with the exception of permitted signage.

§6.03.02 *Use Standards.* Only those uses shown in Table 6-6 are permitted, subject to the following:

- A. Auxiliary dwelling units are only permitted with detached single-family dwellings.
- B. A detached single-family dwelling is permitted one home-based business and one auxiliary dwelling unit.
- C. Any triplex or quadplex must be separated from the nearest triplex or quadplex on the same block frontage by at least two lots.
- D. Each dwelling unit in a duplex may have one home-based business but no auxiliary dwellings are permitted.
- E. Permitted business uses are limited to the hours 8am-9pm.

§6.03.03 *Area and Dimensional Requirements.* See Table 6-5.

§6.03.04 *Development Standards*

- A. All garbage, recycling and debris collection pick-up must occur along an adjoining alley, if applicable. Only residential-type garbage and recycling containers as approved or provided by the city are permitted.

§6.03.05 *Lighting.* Exterior lighting fixtures must be residential grade and fully-shielded.

§6.03.06 *Standards for Home-based Businesses.* The following standards, in addition to those in §7.10 Home-based Business, apply to the home-based business only and not to activities customarily associated with the dwelling:

- A. Signage may be freestanding only, may not exceed four sf in area and may not be illuminated. Colors and materials used for the sign structure and background should be consistent with those of the dwelling. If not consistent with the color scheme of the dwelling, colors used in the sign frame and background must be earthtone. Freestanding signs must be set back at least five feet from the sidewalk or front property line, whichever is greater.
- B. No more than one person may be employed on-site as part of the home-based business other than a resident of the dwelling. This does not include any workers providing maintenance, repair, cleaning and similar services normally associated with the dwelling.
- C. If on-street parking is not available, in addition to the parking required for the dwelling, one parking space must be provided for client, customer or other visitors and one parking space for the non-resident employee, if any. These spaces may not be counted toward any auxiliary dwelling on the premises. These spaces must be provided behind the front building line of the dwelling.

§6.03.07 Encroachment of any kind, other than permitted driveways, within a public right-of-way is prohibited except as otherwise allowed through a right-of-way encroachment permit in accordance with §3.10 Right-of-Way Encroachments and all applicable city policies and regulations.

Section 6.04 MX-2 Limited Mixed Use District

§6.04.01 *Purpose.* This district is intended to accommodate a mix of dwellings, home-based businesses and limited commercial uses. The following standards are intended to provide an environment conducive to development and reinvestment in residential uses, to enable home-based businesses, cottage industries and neighborhood scale businesses, and assure compatibility between permitted residential and nonresidential uses.

§6.04.02 *Use Standards.* Only those uses shown in Table 6-6 are permitted, subject to the following:

- A. The maximum floor area of a building occupied entirely for business or commercial uses is 7,500 sf.
- B. Auxiliary dwelling units are only permitted with detached single-family dwellings.
- C. A detached single-family dwelling is permitted one home-based business and one auxiliary dwelling unit.
- D. Each dwelling unit in a duplex may have one home-based business, with the written permission of the owner of the dwelling, but no auxiliary dwellings are permitted. One unit in a duplex may be converted fully to business use, subject to applicable building code requirements, only when the other unit is owned and occupied by the owner of the business. When a dwelling unit is converted fully to business use, it is no longer considered a home-based business.

E. A nonresidential use to be located between two residentially occupied lots must be approved as a Conditional Use to optimize compatibility with the adjacent dwellings.

F. The following types of uses are prohibited:

- 1) Automotive and other outdoor sales and rental businesses
- 2) Auto-oriented businesses, including but not limited to, fast food restaurants, gas stations, vehicle repair, and car washes

§6.04.03 *Area and Dimensional Requirements.* See Table 6-5.

§6.04.04 *Development Standards*

- A. All garbage, recycling and grease containers and similar appurtenances must be screened in accordance with Article 10 Landscaping. Containers must be maintained so that obnoxious odors are not noticeable beyond the property line. All garbage, recycling and debris collection pick-up must occur along an adjoining alley, if applicable.
- B. All storage or work activities must be fully within the building or an accessory structure.
- C. Business hours are limited to the hours 7AM-10PM.
- D. All new construction and building additions must be compatible with the prevailing character of existing development. Metal and vinyl siding, EIFS and painted or unpainted concrete block are prohibited as exterior materials, except however that concrete block may be used along but not above a raised foundation.
- E. Lighting. Outdoor lighting is limited to 5 foot candles. All fixtures must be fully-shielded to prevent sky spillage and prevent glare on adjoining properties and public ways. Light poles may not exceed 20 ft in height, must be architectural style/decorative type and must be Underwriters' Laboratories (or equivalent testing agency) listed. Outdoor lights must be turned off during non-business hours (10PM-7AM).
- F. Signage. See Article 9 Sign Regulations and the following limitations:
 - 1) For home-based businesses, signage may be freestanding or detached, may not exceed six sf in area and may not be illuminated. Colors and materials used for the sign structure and background should be consistent with those of the dwelling. If not consistent with the color scheme of the dwelling, colors used in the sign frame and background must be earthtone. Freestanding signs must be set back at least five ft from the sidewalk or front property line, whichever is greater.
 - 2) Standalone business and other nonresidential uses are permitted signage as specified in Article 9 Sign Regulations but may only be externally illuminated.
 - 3) Residential uses are permitted noncommercial signage as specified in Article 9.
- G. Parking and Loading. See Article 8 Parking and Loading Standards and the following limitations:
 - 1) Off-street parking for home-based businesses and nonresidential uses must be located behind the front building line. However, an administrative waiver may be approved per §11.01 for existing buildings provided the parking area complies with all requirements of Article 10 Landscaping Standards.

- 2) Overnight parking of vehicles over two axles is prohibited.
 - H. No odors, dust, smoke or similar impacts may be detectable at the property line.
 - I. Noise level at the property line may not exceed 60 dBA.
 - J. Vehicles providing pick-up or delivery may not exceed three-axle trucks. Pick-up and delivery is limited to the hours 7AM to 10PM.
- §6.04.05 Encroachment of any kind, other than permitted driveways, within a public right-of-way is prohibited except as otherwise allowed through a right-of-way encroachment permit in accordance with §3.10 Right-of-Way Encroachments and all applicable city policies and regulations.

Section 6.05 MHP Manufactured Housing District

- §6.05.01 *Purpose.* The purpose of this district is to provide minimum standards to assure the orderly development of manufactured and tiny home parks and to mitigate any incompatibility with surrounding development. The district is to be used in areas served by public water, sewer and electric power services as well as convenient shopping and schools.
- §6.05.02 *Uses*
- A. Permitted Uses: Manufactured home parks, tiny home parks and accessory buildings and uses, including but not limited to, swimming pool, tennis courts, clubhouses and other recreational facilities, storage buildings and offices, laundry and maintenance facilities customarily incidental to manufactured and tiny home parks
 - B. Conditional Uses: Day care center
 - C. Tiny homes and manufactured homes may not be sited within the same park except that, subject to express approval of the Commission, a manufactured home park may include one or more sections for the exclusive siting of tiny homes or a tiny home park may include one or more sections for the exclusive siting of manufactured homes.
 - D. Home-based businesses are permitted in accordance with §7.10 Home-based Businesses, except as follows:
 - 1) No home-based business that involves business-related visitation is permitted.
 - 2) Only those residing in the dwelling may be engaged in the business.
 - 3) Accessory structures may not be used as part of the business.
- §6.05.03 *Development Standards*
- A. Home Standards
 - 1) No home may be occupied until all requirements of this §6.05 have been complied with.
 - 2) A Placement Permit must be obtained from the City prior to the placement of any manufactured or tiny home. Application must include the following information:
 - a. Year of manufacture
 - b. Model and serial number
 - c. Size of the home

- d. Affidavit that no structural alterations have been made to the home
- 3) Each manufactured home must have a self-supporting deck or porch at least six feet wide and six feet long and a set of self-supporting steps at the rear entry. Steps and railing must comply with the City Building Code.
 - 4) Each manufactured home must bear a valid set-up inspection sticker from the Alabama Manufactured Housing Commission and have all applicable electrical, gas, water, sewer and HVAC permits.
 - 5) Tiny Homes on Wheels are permitted in Tiny Home Parks, but may only be approved as temporary living quarters, and must be inspected prior to placement and may be required to be inspected semi-annually, as determined by the Building Official.
 - 6) Skirting material must be designed exclusively for that purpose and must be underpinned as required by the Building Official.
- B. Site Standards. See also Table 6-7.
- 1) The site must have frontage on an arterial road, which has a right-of-way width of at least 50 ft.
 - 2) The park must be designed for at least ten home spaces.
 - 3) Density may not exceed 10 homes per acre.
 - 4) The park and each home is subject to all applicable City Fire Department regulations. All electric, water, sewer and other utility installations must comply with the applicable regulations of the state, city, public utility agencies and County Health Department. Utility installations must be performed by licensed installers in coordination with the Building Official and applicable public utility agencies. No utility connections will be approved until all requirements of this §6.05 have been met. Garbage collection and disposal must meet all applicable state, local and County Health Department regulations, including the City's Solid Waste Disposal Ordinance.
 - 5) No park may be opened for occupancy until a business license has been secured from the City and at least ten home spaces conforming to these regulations have been completed and approved by the Building Official.
 - 6) Parks must be permitted under license of the City, except upon recommendation of the Commission and under written permit of the County Health Department indicating compliance with all applicable state and county public health regulations.
 - 7) Individual home spaces may not be separately owned.
- C. Circulation and Parking Standards
- 1) All spaces must have access to internal streets with a right-of-way of at least 30 ft and a travelway width of at least 20 ft (see also Figure 6-1). Travelway compaction and surfacing must meet the requirements of the City Subdivision Regulations or as approved by the Commission with a recommendation by the Building Official. Direct access to home spaces from internal streets may be waived by the Commission when the park is designed so that spaces are clustered around an off-street parking area, cul-de-sac, or driveways serving no more than four spaces.

Correcting any damage to internal or external streets that arise from the moving of homes is the responsibility of the operator.

- 2) Home spaces may not have direct access to external streets.
 - 3) Lighting fixtures must be provided along internal streets to provide a minimum average illumination level of 0.9 footcandles and a uniformity ratio designed for 6:1. Lighting fixtures for open space and recreation areas must provide a minimum average illumination level of 2 footcandles.
 - 4) Parking must be provided for each home as required in §8.02 Required Off-street Parking Spaces. Parking spaces must be of crushed stone, asphalt or concrete, as approved by the Building Official.
- D. Open Space and Recreation Standards. Recreational areas must be provided, suitably equipped and restricted to such use. At least 200 sf per home space must be provided for recreational use. Each recreational area must be at 2,500 sf in area.
- E. Landscaping Standards
- 1) Any parking area of more than ten parking spaces is subject to the landscaping requirements in §10.03 Landscaping for Vehicular Areas.
 - 2) Trash receptacles and similar site elements must be screened in accordance with §10.02 Screening.
 - 3) In addition to the buffer requirements of §10.01 Buffers, a landscaped buffer at least eight feet wide must be provided along the park's exterior street frontage. The buffer must be planted with evergreen shrubs and trees of such type as will attain at least 75% opaqueness to a height of at least six feet within 18 months of planting at time of original construction of the park. The Commission may reduce this width to five feet when a fence meeting the requirements of §10.04 Design Standards for Fences is provided.
- F. Home Space Standards. Refer also to Table 6-7 and Figure 6-1.
- 1) Each space must have adequate frontage on an internal street or other means of access to allow the placement or replacement of a manufactured home on the space without disruption of homes on adjoining spaces. The corners of each space must be marked with a 4x4 PT post or a T-Post with five feet of 1.5" schedule 40PVC with a cap driven over it, either must be firmly installed with five feet exposed above ground.
 - 2) Manufactured homes must be separated by at least 20 ft in all cases.
 - 3) Accessory structures must be set back at least five feet from side lines and ten feet from rear lines.
 - 4) Each space must have a pad for the siting of the home that is of crushed rock or other construction as approved by the Building Official. The pad must be at least ten feet by 40 ft or at least the size of the manufactured home, whichever is larger.
 - 5) Each space must have a patio of concrete or other suitable, permanent construction, at least 150 sf in area.
- 6) Accessory structures located within any space may be used for storage only, must have a maximum area of 144 sf and must be located toward the rear of the space and at least six feet from the home.
 - 7) Driveways and parking aprons on individual home spaces must be set back at least three feet from the nearest side line of the space.
 - 8) Steps, decks and porches must be self-supporting and may not be attached to the home. No permanent additions of any kind may be built onto or become a part of any manufactured home. This does not include wood fencing, brick or ornamental block screening around the edges of the manufactured home, which are not permanently attached to the ground.
- G. Storm Shelter Standards. Storm shelters must be provided on-site in any new manufactured home park and when an existing park is expanded by ten or more manufactured homes in accordance with the following:
- 1) Storm shelter must have a minimum floor area of seven sf for each manufactured home space and be located no more than 1,320 linear ft from the furthest home space in the manufactured home park.
 - 2) Shelters must be designed by a licensed structural engineer or architect, must comply with all applicable City Building Codes and be installed as approved by the Building Official. Shelters must meet all applicable requirements of the Americans with Disabilities Act and, if located within a floodplain, must meet all FEMA requirements.
 - 3) The park operator is responsible for making the storm shelter accessible and usable in times of need. Storm shelters may not be used for storage purposes if such storage reduces the minimum floor area required herein.
- H. Sign Standards
- 1) Each park may have one permanent sign per entrance no larger than 200 sf in area, subject to all other applicable standards of Article 9 Sign Regulations. Signs along the same frontage may not be placed closer together than 500 ft. If freestanding, the sign must be set back at least ten feet behind the front property line. The sign may be indirectly illuminated only.
 - 2) Street signs on internal streets must comply with City standards and specifications.
 - 3) Traffic control signs may be required in accordance with the Manual on Uniform Traffic Control Devices.
- I. Operational Standards
- 1) The park operator must ensure all manufactured homes have obtained all required permits before being placed in the park.
 - 2) The park operator must maintain the park, its facilities and equipment in a clean and sanitary condition free of litter, rubbish, and any flammable or hazardous materials.
 - 3) The park operator must maintain all grounds and structures free of insect and rodent harborage and accumulations of debris that may provide harborage or breeding places for insects and other pests. The park operator must also provide

measures to control insects and rodents in conformity with county and state public health regulations.

- 4) The park operator must provide each tenant a copy of all applicable provisions of Sylacauga Ordinance Regulating Manufactured Homes.
- 5) The park operator must maintain a register for each space, for twelve months after tenant departure, containing the following:
 - a) Name and address of tenant
 - b) Leasing information including date of entrance and departure
 - c) Registration of the manufactured home, including license number and state from which the license was issued

§6.05.04 Application, Approval

- A. Application Requirements. Application to the Commission must be accompanied by a development plan showing compliance with these regulations. The application must be in writing, signed by the applicant and must include the following:
 - 1) Location and legal description of the proposed site
 - 2) Vicinity map showing surrounding street system and uses of properties within 500 ft of the site boundaries
 - 3) Property map with dimensions, easements and required setbacks
 - 4) Topographic map with two-foot contour intervals
 - 5) Stormwater drainage plan
 - 6) Circulation plan including right-of-way and travelway width of external and internal streets, layout of internal streets and parking areas, driveway width and curb radii at entrances, corner radii at intersections of internal streets and location of all street signs and traffic control devices
 - 7) Layout of all home spaces along with all open spaces and common facilities for recreational use, garbage collection and storage facilities
 - 8) Landscape plan with locations, dimensions, planting and other materials for required buffers, screening and other landscaping
 - 9) Plans for the proposed water supply, sewage, garbage collection and disposal, electric system, and such other information as may be required by the County Health Department to determine compliance with applicable health regulations.
 - 10) Plans and specifications of all proposed structures, improvements and facilities
- B. Application must be accompanied with application fee, as set by the City Council, to cover all administrative and public notice costs.

§6.05.05 Nonconformities

- A. Any lawfully nonconforming park may continue to operate as such, provided it meets all applicable state and county public health requirements. However, no additional spaces may be created and no additional homes may be placed within the park, not including replacement of existing homes, until the park is brought into compliance with these regulations.

- B. Permits or licenses for individual units issued prior to the effective date of these regulations become void upon expiration, upon the moving of the home from its site or upon violation of any applicable regulations.

Section 6.06 PUD Planned Unit Development District

§6.06.01 *Purpose.* This district is intended to allow flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan (MDP). The intent is to enable more innovative development and redevelopment options, the purpose of which is to:

- A. Permit flexibility in zoning standards to allow more creative and harmonious designs to accommodate planned associations of uses such as industrial or commercial uses, residential developments, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- B. Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- C. Combine and coordinate uses, building forms and relationships and architectural styles;
- D. Exempt a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, and other regulations to achieve the intent described herein
- E. Permit higher densities of land in conjunction with provisions for usable open space, amenities and community services;
- F. Promote the preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion
- G. Give the developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of initial approval.

§6.06.02 *Minimum Requirements for Establishing a PUD District.* The tract must be a minimum of five contiguous acres, have a minimum street frontage of 200 ft, and not encompass any land which is not part of the PUD. A smaller site may be considered provided evidence that the:

- A. project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
- B. minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints, such as in the case of infill development;
- C. design concept fully integrates the development into the surrounding neighborhood or business area;
- D. arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site subject to the regulations of other available zoning districts.

§6.06.03 *Applicability.* Approval of a PUD District by the Council replaces the prior zoning of the site. All properties in an approved PUD are bound by the standards in its approved MDP, even if subsequently sold, unless and until the MDP is voided by the City on request of the owner. However, to maintain continuity of the MDP, in no case will any portion of a PUD District become nonconforming solely as a result of a portion of the tract being rezoned.

§6.06.04 *Procedure.* Creation of a PUD District includes the rezoning process outlined in §11.05 Amendment and the following:

- A. Application. The applicant must file a rezoning application together with the proposed MDP. If the property is already zoned PUD, the applicant must submit the proposed MDP for review by the Commission. The MDP includes a written document, which may include supporting graphic materials, and a plan set illustrating the intents of the development. The applicant must demonstrate through the MDP that the:
 - 1) proposed development is consistent with the intent and purpose of the Sylacauga Comprehensive Plan and of this Ordinance to promote public health, safety and the general welfare of the citizens
 - 2) value and character of property adjacent to the planned development will not be adversely affected
 - 3) proposed MDP meets the minimum requirements of all other regulating bodies
 - 4) establishment of a PUD District will be for the express purpose of improving the land for uses in accordance with an approved MDP
- B. Review Procedures
 - 1) Following a pre-application conference with the Building Official and the submission of a complete application and Preliminary MDP, the request will be placed on the agenda of the next regular Commission meeting.
 - 2) After holding a public hearing on the application for the PUD rezoning and/or approval of a Preliminary MDP, the Commission will make a recommendation for approval, approval with changes, or denial to the Council. With the consent of the applicant, postpone its recommendation for no longer than 60 days to allow time for further review of materials or for the applicant to make and provide requested changes.
 - 3) If the proposal is deemed by the Commission to be unacceptable, the reasons for that determination will be set forth in its recommendation to the Council.
 - 4) Any changes approved by the Commission are considered binding on all subsequent development, unless otherwise modified or waived in writing by the Council.
 - 5) Once the Commission has rendered its decision, the MDP and all related materials, including any changes made thereto, are forwarded to the Council. The Council will approve, approve with changes, or disapprove the rezoning following a public hearing on the matter.
 - 6) Once approved by the Council, the Preliminary MDP is considered the Final MDP and the applicant may proceed with development. However, any revisions,

updates, additions, or changes of any type, require that the MDP be amended in accordance with §6.06.05.

- 7) No excavation, demolition or construction is permitted until the MDP has been approved by Council. Upon approval of the MDP, the applicant may then apply for any subdivision approvals or other development permits.
- C. MDP Submittal. PUD applications are submitted to the Planning and Code Department and must include a conceptual plan showing the entire development site and all phases of the proposed development, and must graphically express the overall development concept for the site at completion. The applicant must submit 12 copies of the written document, three copies of the plan set, and an electronic version of said materials in a format approved by the Building Official. The MDP must be drawn to scale by an engineer or architect and shall must include the following:
- 1) A legal description and survey of the total site
 - 2) A general description of the surrounding area, including current zoning and/or land uses
 - 3) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant and how they are consistent with the City's Comprehensive Plan. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made in relation to the overall growth of the community
 - 4) If the development is to be built in stages or phases, a general indication, of how the staging is to proceed, including an estimated date when construction of the PUD will begin.
 - 5) Delineation of the various land use areas, indicating for each area its general extent and acreage. In residential use areas, the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e. multifamily dwellings, single-family detached, single-family attached, duplexes, etc.) must be provided, and for nonresidential use areas, the gross square footage of the nonresidential uses
 - 6) A calculation of the residential density in dwelling units per gross acre including internal streets and open spaces
 - 7) Any proposed innovative development criteria regarding setbacks or other location methods, minimum finished floor areas, signage, parking and loading areas, open spaces, landscaping, screening and buffers. Any standards of the MDP that vary from the requirements of this Ordinance or the Subdivision Regulations must be described explicitly
 - 8) The interior open/green space system. Description of how common open space is to be owned and maintained consistent with the requirements of §3.07 Common Open Spaces and Facilities
 - 9) Infrastructure connections to existing transportation, water, stormwater and sewage systems

- 10) Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function
 - 11) Signage Master Plan for all permanent signage, including street and traffic signs
 - 12) Any planned interim uses
 - 13) A traffic study may be required, if determined to be necessary by the City Engineer
 - 14) A proposed schedule for completion of the overall development and any individual phases.
 - 15) Signed Engineering Contract (as provided by the Commission secretary)
 - 16) Application fee, as set from time to time by the Council, to cover administrative and public notice costs
- §6.06.05 Additional Provisions
- A. Amendments. To facilitate minor adjustments to the approved MDP as may be necessary, the Building Official may approve minor changes. Major changes must be approved by the Commission and Council, including the following:
 - 1) An increase or reduction in the land area of the PUD site
 - 2) An increase or reduction of more than five percent in the total number, or in the type, of dwelling units approved
 - 3) A reduction in the amount of resource protection, recreation or other open space or land designated for commercial use by more than five percent
 - 4) Addition, removal or rearrangement of streets, or reduction in the number of pedestrian or bicycle facilities
 - 5) Changes to the Development Schedule
 - B. Duration of Master Development Plan Approval
 - 1) A building permit must be applied for within 365 calendar days from the date of Council approval. Failure to do so within this time period, voids the MDP. No building permit may be issued without a valid MDP. Upon receipt of a written request from the applicant, the Council may extend this period for one additional year.
 - 2) Once a Building Permit is issued, the improvements set forth in the MDP must be completed according to the schedule approved as part of the MDP.
 - C. The Board may not grant variances that would have the effect of amending an approved MDP.
 - D. Subdivisions/Resurveys. The PUD site must be subdivided, if applicable, in accordance with the Subdivision Regulations, except as expressly modified in approval of the MDP, and must conform to the approved MDP and all applicable provisions of this Ordinance. The MDP must be approved prior to, or simultaneously with, the preliminary plat approval.
 - E. No amendment of this Ordinance affects a PUD approved prior to such amendment. The PUD may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the PUD approval expire or be voided, any newly submitted MDP must conform to the regulations in effect at the time of the new submittal.
- F. Violation of the Approved MDP. Any deviation from the MDP, which is not approved in accordance with this §6.06.05, constitutes a violation of this Ordinance.
- §6.06.06 *Development Standards.* Property development standards must be proposed in the MDP and must be consistent with the developmental policies of the Comprehensive Plan. All provisions of this Ordinance and Subdivision Regulations apply except where specifically addressed in this §6.06 or within the approved MDP.
- A. Development must be compatible with site topography. The development should be planned and designed to minimize disruption of flood prone areas, steep slopes, tree canopy, and sensitive plant and animal habitats. As much as possible, natural spaces should be linked together, which may be in the form of a greenway trail system.
 - B. Harmonious design, incorporating a variety of building types and variations in building styles, is encouraged.
 - C. The development may not adversely affect property in the vicinity and must be compatible with adjacent properties with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination of these may be required for the protection of adjoining properties.
 - D. Adequate water, sewer, streets and other facilities and utilities must be available to the PUD or there must be a definite proposal for making them available at the expense of a party other than the City. The Commission may impose such reasonable conditions that it finds necessary to protect and promote the public health, safety, and welfare of the City.
- §6.06.07 Use Standards
- A. Permitted Uses: Multifamily dwellings, attached and detached single-family dwellings, day care centers, hotels, parks, recreation facilities, general retail, indoor and outdoor entertainment, business and professional offices, restaurants, bars, night clubs, places of assembly, public buildings or facilities, and similar uses expressly approved as part of the MDP.
 - B. Conditional Uses: Veterinary offices, automobile dealerships with or without service bays, car wash, and gas stations with auto repair.
 - C. Special District: Any uses not permitted or conditionally permitted may be proposed for inclusion in one or more Special Districts and must be expressly approved as part of the MDP. Unless otherwise determined by the Council, all uses proposed for a Special District are treated as Conditional Uses.
- §6.06.08 *Density Standards.* Areas designated for residential development may not exceed the gross densities outlined in Table 6-8 Density and Open Space Standards.
- §6.06.09 *Open Space Standards.* Common Open Space must be provided in the amounts shown in Table 6-8. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through an amendment to the MDP.

- A. Maintenance provisions must be included in the MDP, consistent with §3.07 Common Open Spaces and Facilities, for all common open spaces not left in a natural state. Common open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the PUD.
- §6.06.10 Circulation Standards
- A. The circulation system must support multi-modal transportation; residential areas, commercial areas and open space areas must be interconnected to allow easy access to and from each.
 - B. Vehicular access must be from streets capable of supporting existing traffic and traffic to be generated by the development. Access points must be located and designed in accordance with accepted access management practices to separate through and local traffic, maintain capacity, and enhance safety of motorists, pedestrians and bicyclists. Streets, driveways and parking, loading and service areas must be designed to provide safe access to all uses and facilities.
 - C. All streets must meet City requirements, except as expressly modified through the approved MDP.
 - D. Vehicular circulation must be designed to minimize conflicts with pedestrians and bicycles.
 - E. Public sidewalks must be provided on both sides of all public or private streets.
 - 1) Sidewalks within any commercial area must be at least eight feet wide.
 - 2) Sidewalks within any residential area must be at least six feet wide.
 - 3) Sidewalks must comply with the applicable requirements of the Americans with Disabilities Act.
 - 4) Crosswalks must be well lit and clearly marked.
 - F. All streets must meet the requirements of the City of Sylacauga.
- §6.06.11 *Signage*. A Signage Plan must be submitted as part of the MDP and must generally conform to Article 9 Sign Regulations and this Subsection 11. The Commission uses the most compatible sign height, size and location requirements in the Sign Regulations as a guide in reviewing proposed Signage Plans. All permitting and building code requirements apply to signs in a PUD.
- A. Off-premise signs are prohibited.
 - B. Street signs must be uniform in design throughout a PUD. If a standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.
- §6.06.12 *Stormwater Management Standards*. The design and development of the PUD should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. PUDs are subject to the following, in addition to any other applicable regulations:
- A. Storm water detention or retention basin shall be required
 - B. Untreated, direct storm water discharges to wetlands or surface waters are not allowed

- C. Post development peak discharge rates should not exceed predevelopment peak rates
- D. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

§6.06.13 Landscaping.

- A. The standards of Article 10 Landscaping Standards apply unless alternate standards are approved with the MDP to address buffering, screening and landscaping for vehicular areas.
- B. Street trees. A minimum of one canopy street tree per 50 ft. of street frontage shall be provided and evenly spaced. Street trees shall be located in a continuous planting strip, or in tree wells, adjacent to the curb. In the case of overhead utility lines, understory street trees may be substituted.

- §6.06.14 *Outdoor Lighting*. Street lighting must be provided along all streets. Street lights must be installed on both sides of the street at intervals no greater than 100 ft. A larger number of smaller lights - as opposed to fewer, high-intensity lights - should be used.

Article 7. USE SPECIFIC REGULATIONS

Section 7.01 Adult Entertainment

Because of their very nature, Adult Entertainment businesses are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two such uses are hereafter permitted within 1,000 ft of each other or a tattoo parlor, as measured between the nearest property lines. Nor may an adult entertainment use be located closer than 750 ft to the nearest boundary of any residential district or the nearest property lines of the following protected uses: child day care center or learning center; church or other place of assembly; businesses in which more than 50% of annual revenue is derived from the sales of goods and/or offering of services, recreation or entertainment to minors; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted adult entertainment use to become nonconforming.

Section 7.02 Alternative Financial Services

Because of their very nature, Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan/pawn businesses, pawn shops and check cashing establishments, are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two such uses are hereafter permitted within 1,000 ft of each other, as measured between the nearest property lines. Nor may any such use be located closer than 500 ft to the nearest boundary of any residential district, as measured from the nearest property line of the proposed alternative financial service.

Section 7.03 Amateur Radio Towers

Amateur radio towers may not exceed 65 ft in height, may be placed in the established rear yard only and must be set back a distance equal to the height of the tower from all property lines. Additional height may be approved by the Planning Commission through Conditional Use approval, see §11.06 Conditional Uses.

Section 7.04 Attached Dwellings

§7.04.01 Site Design

- A. A group of attached dwellings may not exceed eight dwelling units. Groups must be planned so that units on the same block frontage all have vehicular access from the front of the lots or all have vehicular access from the rear.
- B. When an end unit of an attached dwelling does not front on a street, an open space at least 20 ft wide must be provided between it and any adjacent dwelling. The open space may be contained within either or both of the lots or a common open space.
- C. Whenever dwellings front on a common open space rather than a street, the required front yard setback may be waived and the open space must be at least 40 ft deep. This space may not include vehicular drives or parking areas.
- D. Swimming pools are not permitted on individual lots unless the lot is of sufficient width to meet all applicable requirements.

§7.04.02 Pedestrian Access

- A. Sidewalks at least five feet wide meeting City specifications must be provided across the applicable street frontage of attached dwelling lots.
- B. An easement appurtenant across lots must be provided where a resident of an attached dwelling must cross an adjoining lot to reach his or her own lot.

§7.04.03 Parking

- A. For front setbacks less than 25 ft, off-street parking must be within a front-loaded garage or within common or individual parking areas accessed at the rear of units by an alley or common drive.
- B. No parking is permitted on a driveway less than 20 ft deep from the back of sidewalk to the front building line.

Section 7.05 Auxiliary Dwelling Units

Auxiliary Dwelling Units (ADUs) may only be permitted as an accessory use to a permitted single-family detached dwelling in accordance with the following:

- §7.05.01 *Permit Required.* An Accessory Dwelling Unit Permit is required for all ADUs. ADUs may be maintained in perpetuity but only in compliance with these regulations. Any ADU permitted use will automatically expire whenever:
 - A. The ADU is altered to the extent it no longer conforms to the plans approved by the City
 - B. Required off-street parking is no longer provided on the premises
 - C. The permittee ceases to own or reside on the premises (applies to R-1 District only)

§7.05.02 Limitation in R-1 District

Because the R-1 District is intended for single-family detached dwellings, an ADU may only be permitted when the owner of the principal dwelling resides on the premises. This ensures that the ADU remains subordinate to the principal dwelling.

§7.05.03 Area and Dimensional Requirements

- A. ADUs are permitted only on lots of at least 10,000 sf, except where the district requires a larger lot. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each of the dwellings.
- B. ADUs must be set back from lot lines are required in §3.03.04 Accessory Structures. If detached from the principal dwelling, the ADU must be set back at least ten feet from the principal dwelling.
- C. The habitable floor area of an ADU must be at least 200 sf but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive.
- D. Detached ADUs may not be located closer to any front lot line than the principal dwelling.

§7.05.04 Review and Approval

- A. Except where permitted by right in agricultural districts, all ADU structures must be reviewed and approved by the Commission prior to approval of an ADU Permit or any associated building permit.
- B. Submittal requirements:
 - 1) A scaled site drawing showing all existing structures and proposed structure, if any
 - 2) An elevation drawing showing the proposed height of the structure
 - 3) A rendering showing exterior materials and colors and/or samples of the same
 - 4) A scaled foundation and interior floor plan

§7.05.05 Additional Requirements

- A. No more than one ADU is permitted on the lot of a single-family detached dwelling, regardless of the lot size.
- B. ADUs may have a separate 911 address for emergency purposes. If a separate mailbox is used for the ADU, it must be co-located with the mailbox for the principal dwelling, in accordance with US Postal Service regulations.
- C. One parking space, in addition to that required for the principal dwelling, must be provided.
- D. ADUs must comply with the City Building Code, be installed on a permanent foundation and must maintain the appearance of the principal dwelling, including colors, materials and architectural style.
- E. ADUs may not have separate entrances from the street. If the lot abuts an alley, access to the ADU may be from the alley regardless of whether the principal dwelling has access from the alley.

- F. An ADU may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.
- G. If an existing residential garage is converted to an ADU, off-street parking requirements for the principal dwelling and ADU must be met concurrently with the conversion.
- H. An ADU may not be used as a Short-Term Rental.

Section 7.06 Bed and Breakfast

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

- §7.06.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.
- §7.06.02 For each and every approved guest room, one parking space must be provided, in addition to the spaces required for the residence. Such additional required parking spaces must be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking is prohibited except on lots one acre or larger in size. Where allowed, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable.
- §7.06.03 Food service is limited to overnight guests of the Bed and Breakfast. No dining facilities may be open to the general public. Guest rooms may not contain cooking equipment.
- §7.06.04 One freestanding sign only and no larger than 15 sf is permitted, regardless of whether the Bed and Breakfast is on a corner lot. Signs may not be illuminated in residential districts or the MX-1 District.

Section 7.07 Boarding Houses

- §7.07.01 The owner or lessee must reside within the dwelling used as a boarding house with said structure serving clearly as that person's permanent residence.
- §7.07.02 The living quarters of the permanent residents and boarders must be in the principal dwelling and no separate structure on the premises may be used for dwelling purposes.
- §7.07.03 No separate exterior doorways for individual boarding rooms are permitted.
- §7.07.04 Not more than two parking spaces are permitted forward of the front building line.

Section 7.08 Conservation Subdivisions

- §7.08.01 Intent
 - A. To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development
 - B. To promote the creation of accessible green space
 - C. To protect sensitive, environmental land features to promote the public health and safety
 - D. To reduce erosion, sedimentation, land disturbance, and removal of vegetation

- E. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers
- F. To reduce perceived density by providing access to and views of open space.

§7.08.02 *Applicability.* The Conservation Subdivision option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in any residential district. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

§7.08.03 Density Determination

- A. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, applicable to the site. In making this calculation, the following may not be included in the total area of the tract:
 - 1) Designated floodway
 - 2) Bodies of open water over 5,000 sf of contiguous area
- B. The above notwithstanding, the maximum permitted density is nine units per gross acre.
- C. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. A minimum 15 ft of space between dwellings must be provided.

§7.08.04 Application Requirements

- A. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. For specific submittal requirements, refer to the Appendix.
- B. Conservation Subdivision Plan. The applicant must prepare a Conservation Subdivision Plan, which yields no more lots than identified under §7.08.03D Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan (see §7.08.06), and must be submitted prior to the issuance of a grading permit.
- C. Instrument of Permanent Protection. An instrument of permanent protection, as described in §7.08.07, must be placed on the open space at the time of issuance of a grading permit.

§7.08.05 *Other Requirements.* The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.

§7.08.06 *Open Space Management Plan.* For the purposes of this Section, “open space” is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

A. Standards

- 1) The minimum open space must comprise at least 25% of the gross tract area.
- 2) The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
 - a. The 100-year floodplain
 - b. Riparian zones of at least 75 ft width along all perennial and intermittent streams
 - c. Slopes above 25% of at least 10,000 sf contiguous area
 - d. Wetlands, as defined by the Corps
 - e. Existing trails that connect the site to neighboring areas
 - f. Archaeological sites, cemeteries and burial grounds.
- 3) The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
 - a. Important historic sites
 - b. Existing healthy, native forests of at least one-acre contiguous area
 - c. Individual existing healthy trees greater than eight inches caliper
 - d. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- 4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.
- 5) At least 25% of the open space must be suitable for passive recreational use.
- 6) At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.
- 7) The open space must be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or off-street walkways.

B. Permitted Uses of Open Space

- 1) Conservation of natural, archeological or historical resources
- 2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas
- 3) Passive recreation areas, such as open fields, walking or bicycle trails

- 4) Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- 5) Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas.
- 6) Easements for drainage, access, and underground utility lines
- 7) Other conservation-oriented uses compatible with the purposes of this Section.

C. Prohibited Uses of Open Space

- 1) Golf courses
- 2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections
- 3) Agricultural and forestry activities not conducted according to accepted best management practices
- 4) Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.

D. Ownership and Management of Open Space. See §3.07 Common Open Spaces and Facilities.

§7.08.07 *Legal Instrument for Protection of Open Space.* The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:

A. A permanent conservation easement in favor of either:

- 1) a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
- 2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.

B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

C. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

§7.08.08 *Tax Assessment of Open Space.* Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

Section 7.09 Cottage Developments

Cottage Developments are permitted only on sites served by public water and sewer and in accordance with the following:

- §7.09.01 *Number of Units.* Cottage Developments include a minimum of four to a maximum of twelve detached single-family dwellings.
- §7.09.02 *Frontage Conditions.* Lots within Cottage Developments are exempt from the requirement for each lot to have street frontage, as follows:
- A. Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street and/or Common Open Space. In no case may the rear of a dwelling unit front on a street.
 - B. Where a Cottage Development is to be developed on an existing reverse frontage lot, the rear of cottage lots may face the street of higher classification provided they are separated from the street by one of the following: 1) an alley/driveway and a 20 ft buffer or 2) a 40 ft buffer.
- §7.09.03 *Area and Dimensional Requirements*
- A. Minimum Common Open Space: 250 sf per unit and not less than forty (40) ft in width at any point.
 - B. Permitted Total Floor Area per Dwelling.
 - 1) One-Story units: 800 - 1,000 sf
 - 2) Two-Story units: 1,200 – 1,400 sf
 - C. Maximum Height: two stories
 - D. Minimum Building Setbacks
 - 1) Dwellings must be set back at least 20 ft from an exterior lot line and must observe the front yard setback for the district along any street ROW.
 - 2) No setback is required between a dwelling and the Common Open Space; however, no building projections may extend into or over the Common Open Space.
 - E. Minimum Parking Setback. 40 ft from a street ROW and 20 ft from exterior lot lines
 - F. Alley Setback. Where located along an existing alley, structures and parking must be set back from the alley centerline at least 12 ft. Where a new alley is constructed for the Cottage Development, the minimum setback is 20 ft from the alley centerline and any rear or side lot line of abutting properties. Within this setback a buffer must be provided trees spaced no greater than 30 ft on center and a continuous hedge. Existing natural vegetation may be counted toward this requirement.
- §7.09.04 *Ownership and Management of Open Space.* See §3.07.
- §7.09.05 *Parking.* Parking must be provided as required for single-family detached dwellings. Parking must be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces must be:
- A. clustered together or provided individually at the rear of each home
 - B. separated from the common area by landscaping, wall or architectural screen

- C. screened from streets and adjacent residential uses by landscaping, wall or architectural screen.

Section 7.10 Home-based Business

All home-based businesses located in a residential district or MX-1 District must comply with the following standards, except as modified for the MX-1 District:

- §7.10.01 There may be no group instruction, assembly or activity of more than two persons (except up to six persons for a family day care operation). Barbers and hair stylists are permitted home-based businesses but are limited to one chair and one customer at a time and may sell related products to customers only.
- §7.10.02 Visitation by any patrons, customers or clients is permitted only during the hours 8AM to 9PM. No sales or other events may be held that are open to the general public or otherwise draw multiple visitors to the business at the same time.
- §7.10.03 Any alterations to the dwelling must maintain its exterior appearance, including but not limited to its construction type and materials. Any accessory structure containing any part of the business must also be consistent in exterior appearance with the dwelling.
- §7.10.04 Outdoor lighting is limited to that normally associated with residential use. No indoor or outdoor lighting may cause glare beyond the property line.
- §7.10.05 Except as allowed in the MX-1 and MX-2 Districts, no signage is permitted in association with the home-based business. This does not alter signage allowances for the dwelling.
- §7.10.06 Home-based businesses may not create a disturbance (noise, vibration, glare, fumes, odors, electrical interference, etc.) or blight of any nature, which may reasonably be considered a nuisance. No odors, dust, smoke or similar impacts may be detectable at the property line. Noise level at the property line may not exceed 55 dBA.
- §7.10.07 Vehicles providing pick-up or delivery may not exceed two-axle trucks. Pick-up and delivery is limited to the hours 8AM to 9PM.
- §7.10.08 All storage or work activities must be fully within the dwelling or an accessory structure (including an ADU, except in R-1 District). No signage, display of merchandise or other articles of any kind may indicate from the exterior that the premises is used for any purpose other than that of a dwelling, unless required by state or federal licensing requirements in which case the sign is limited to one square foot in size. Home occupations may not display any commodity for advertising purposes or for sale upon the premises.
- §7.10.09 No person may be employed other than a resident of the premises. This does not include any workers providing maintenance, repair, cleaning and similar services normally associated with the dwelling.
- §7.10.10 The business must be clearly incidental and subordinate to the residential use. The business may be within the dwelling, accessory structure or both provided the total area used for the business does not exceed 25% of the floor area of the dwelling.
- §7.10.11 Traffic generated by the dwelling and home-based business may not exceed a total of twenty trips per day.

- §7.10.12 The following businesses are not permitted as home-based businesses: nail and tanning salons; restaurants; offices of a physician or dentist and medical clinics; mortician; dancing studio; nursery school (other than an approved family day care or group day care home); veterinary hospital, kennel or pet grooming business; nursing care facility; tea rooms; and any retail business (other than by appointment only, on-line or mail order) or similar occupation.

Section 7.11 Junkyard

- §7.11.01 No automobile wrecking yard, salvage yard or junkyard may be established closer than 300 ft to an established residential district.
- §7.11.02 All outdoor storage of salvage and wrecking operations must be completely contained within a fence or wall of not less than six nor more than ten feet in height. The fence or wall must be designed in accordance with §10.04 Design Standards for Fences.
- §7.11.03 The storage of wrecked automobile, junk, or salvaged materials may not exceed the height of the required screen fence or wall.

Section 7.12 Keeping of Chickens or Honeybees

In the R-1 and R-2 Districts and on any detached single-family lot, the keeping of chickens and honeybees is permitted subject to the following:

- §7.12.01 Chickens or bees may be kept only on the premises of an occupied single-family detached dwelling and only in the rear yard.
- §7.12.02 Keeping of Chickens
- Not more than six hens are permitted; roosters are prohibited.
 - Except when under the personal control of the resident, chickens must be confined within a coop or run at all times.
 - Coops and runs are subject to the setback requirements in §3.03.04 Accessory Structures. No structure for the keeping of chickens may be located within 50 ft of the nearest dwelling.
 - A coop must be at least 80 sf but not more than 120 sf in area.
 - The activity and associated structures must be maintained in a condition such that no odors or noises are produced that create a nuisance for adjoining properties.
- §7.12.03 Keeping of Honeybees
- Not more than four beehives are permitted, except that one additional beehive is permitted for each 2,500 sf of additional lot area above the minimum lot size of the applicable district.
 - Beehives must be set back no less than 20 ft from the nearest property line.
 - There must be an adequate, accessible water source on site and located within 50 ft of the beehive(s).
 - If the landing platform of a hive faces and is within 25 ft of any lot line, there must be a flight path barrier (fence, structure or plantings) not less than six feet in height, located in front of the hive.

Section 7.13 Mini-storage Facilities

- §7.13.01 The use of storage compartments is limited to the storage of personal property. No other use is permitted except a manager's office. However, this does not preclude periodic auctions held on the premises to dispose of items that have been abandoned by virtue of expiration of a lease.
- §7.13.02 No storage of volatile, toxic or explosive materials is permitted, either inside the structure(s) or on the premises.
- §7.13.03 The Commission may require screening around the perimeter of the site as part of any required Conditional Use or Site Plan approval. Any outdoor storage must be screened as required in §10.02 Screening.

Section 7.14 Mobile Food Vendors

Mobile food vendors must obtain a business license from the City in addition to any other permits or licenses required by law and must conform to all requirements of the County Health Department. The following requirements apply in addition to those provisions associated with business licensing.

- §7.14.01 Motorized vehicles and trailers used as part of the mobile food vendor must be ALDOT-approved for operation on streets.
- §7.14.02 Mobile food vendors are allowed on private property, when permitted in the applicable district, and only with the written permission of the property owner. They are allowed in City-owned parking lots with prior approval of the Mayor.
- §7.14.03 Mobile food vendors on private property may not take up any required parking space or obstruct access to the property or on-site circulation.
- §7.14.04 Mobile food vendors may use a valid on-street parking space, but may not remain in the space for more than two hours. The two-hour time limit does not apply between 5PM-8AM or during special public events approved by the Council. On-street parking spaces within 100 ft of the public entrance of a Standard Restaurant may not be used by a mobile food vendor during the restaurant's hours of operation. This distance is reduced to 50 ft during special public events approved by the Council.

Section 7.15 Short-Term Rentals

The following regulations apply to short term rental of dwellings in residential districts only. For purposes of this section, "Short Term Rental (STR)" means the rental of a dwelling unit for less than 30 days per rental period.

- §7.15.01 *Licensing.* The property owner must have a valid Short Term Rental License from the City before a property can be advertised or operated for short term rental. An individual license must be obtained for each STR property.
- The property owner must provide with the STR License application the name and telephone number of an emergency contact that will respond within one hour to complaints about the condition or operation of the STR or conduct of renters or their guests. The emergency contact must be able to respond on-site within 12 hours if requested by the City. The emergency contact must answer calls 24 hours a day, seven days a week for the duration of each short-term rental period. Prior to

any change to the emergency contact, the owner must submit the revised contact information to the City Clerk.

- B. Insurance. All STR licensees must obtain and maintain vacation rental property insurance that covers the commercial lodging use of the site. Proof of insurance must be provided within 30 days of approval of the STR License. Proof of insurance must be resubmitted each year for renewal of the STR License.
- C. Notice. Each owner must, upon issuance of an STR License, provide written notice to the City Clerk and to all owners or property within a radius of 500 ft of the STR property, which includes the following information:
 - 1) The names of the owner and emergency contact (if not the owner), including telephone numbers
 - 2) The City's Code Enforcement telephone number by which members of the public may report violations
 - 3) The maximum number of renters permitted to stay in the unit
 - 4) The maximum number of vehicles allowed to be parked at the property
- D. Taxation. The licensee is responsible for collecting and reporting taxes from any rental arrangement that is not subject to an established collection agreement with the City.

§7.15.02 Standards

- A. The dwelling may only be rented for lodging use. It may not be rented for weddings, parties, concerts or similar events or used for such events during any short-term rental period.
- B. Occupancy. The dwelling may not be rented to more than one guest party simultaneously. Occupancy is limited to the most restrictive of the following:

- 1) No more than two persons per bedroom plus two persons
- 2) No more than four persons per parking space

The number of bedrooms and parking spaces are determined by the Building Official as part of the STR License. The Building Official may inspect the dwelling to verify information submitted with the STR License application.

The owner must, by written agreement with the renter, limit overnight occupancy of the STR to the maximum occupancy approved with the STR license.

- C. No on-premises signage legible from any right-of-way may advertise the STR.
- D. The short term rental must comply with all applicable City regulations including but not limited to building construction, fire safety, noise, and garbage collection and disposal.
- E. There must be adequate off-street parking to accommodate all guest parking needs. No recreational vehicles, buses or trailers may be stored on the street or forward of the front building line.
- F. No food may be prepared or served to rental guests by the licensee.
- G. A copy of the STR license, emergency contact information and house rules that comply with this section must be posted in a conspicuous place in the dwelling.

- H. Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the City Code of Ordinances, the owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence.

§7.15.03 *Violations.* If, after investigation, the Building Official determines that any provisions of this Section have been violated, the Building Official will notify the owner in writing stating the provisions violated, necessary corrective action, and a compliance due date, as applicable.

- A. Fines. In addition to the other remedies set out in this Subsection, violations will be subject to fines as follows:

- 1) Violation warning. The Ordinance Enforcement Officer may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating a provision of this Section.
- 2) First violation. The first time a person is found to have violated one of the provisions of this Section, the person is subject to a fine of \$150.
- 3) Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this Section, the person will be subject to a fine of \$500 for each subsequent violation.

- B. If a violation of building, fire safety or property maintenance regulations has not been corrected by the compliance date, the Ordinance Enforcement Officer or Fire Official may cause the STR License to be temporarily suspended. When the violation has been corrected, the license is re-instated for the remainder of its current approval period. The Building Official may approve an extension of the compliance date if substantial progress toward compliance has been made and provided that the public will not be adversely affected by the extension.

- C. Recurring violations. When noise, occupancy, parking or other violations concerning the conduct of the STR or its renters or their guests are found to have occurred during more than one rental period in the same license year or within any six-month period, the Ordinance Enforcement Officer will request a hearing before the Council. Following a public hearing on the matter, the Council may revoke the STR License for the remainder of its current approval period and suspend the ability of the owner to renew the license for an additional year. No STR License may be renewed unless all outstanding penalties assessed against the licensee are paid in full to the City.

Section 7.16 Upper-story Dwellings, Live-Work Buildings

§7.16.01 Upper-story dwellings in mixed-use buildings must be located on a floor level above a use of another type, unless expressly permitted by district regulations. Emergency egress and fire separation must comply with City Building and Fire Codes.

§7.16.02 *Live-Work.* Single-family dwellings in mixed-use buildings are normally intended for the occupancy of the proprietor of the associated use within the building. In such cases, the dwelling unit may be accessible from within the associated use. If the

dwelling is to be occupied by other than the proprietor of the associated use, the dwelling must have an entrance separate from the associated use.

§7.16.03 Multifamily Dwellings in a Mixed-Use Building

- A. No nonresidential use may be located on the same floor in the same building with any dwelling units.
- B. Dwelling units must be accessible from a shared exterior entrance or one interior entrance commonly shared between the uses housed in the upper floors of the building.
- C. Dwelling units may not be accessible directly from another unit or use within the building.

Article 8. PARKING AND LOADING STANDARDS

Section 8.01 Off-street Parking and Loading Terms

Terms used in this Article have the following meanings:

- §8.01.01 **EMPLOYEE.** The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- §8.01.02 **GROSS LEASABLE AREA (GLA).** The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- §8.01.03 **LOADING AREA.** That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- §8.01.04 **LOADING SPACE.** An off-street space or berth used for the unloading or loading of commercial vehicles.
- §8.01.05 **OCCUPANCY LOAD.** The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- §8.01.06 **PARKING AISLE.** That portion of the parking area consisting of lanes providing access to parking spaces.
- §8.01.07 **PARKING AREA.** An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
- §8.01.08 **PARKING SPACE.** That portion of the parking area set aside for the parking of one vehicle.
- §8.01.09 **STACKING SPACE.** An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

Section 8.02 Required Off-street Parking Spaces

Unless otherwise provided for, all uses must provide parking in the amount prescribed in Table 8-1. When the requirement is not readily determinable by Table 8-1, the Building Official will determine parking requirements using the table as a guide. Where off-street public parking spaces are available within 500 feet from the concerned property, parking requirements may be reduced as determined by the Building Official. On-street parking spaces along and within the lot frontage may be counted toward parking requirements.

- §8.02.01 **Shared and Joint Parking.** A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If the combined uses will use the same spaces at different times, the spaces may be credited to each separate use. The applicant must present a joint parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces. Where appropriate, parking for multiple uses on the same premises may be reduced by calculation of shared parking requirements using Table 8-2.
- §8.02.02 **Location of Required Parking.** All required parking spaces must be on the same lot as the use served by the parking, except where otherwise permitted in this Ordinance. If required parking spaces cannot reasonably be provided on the same lot or premises as the use, remote parking may be permitted by a Special Exception if within 500 ft of premises. Written legal documentation must show that the applicant has the right to the spaces.
- §8.02.03 **Restrictions in Residential and MX-1 Districts.**
 - A. Parking for a nonresidential use not located on the same lot may only be permitted as a Special Exception by the Board (see §12.04).
 - B. Forward of the front building line, no more than two off-street parking spaces may be provided on an approved driveway, which must be located between the side building line and the corresponding lot line. Tandem parking is not permitted forward of the front building line, unless the building is set back at least 50 ft from the front lot line. See Figure 8-1. However, circular driveways are permitted in front of detached single-family dwellings subject to the following:
 - 1) The lot must be at least 80 ft wide
 - 2) On corner lots, the driveway must be separated from the intersection subject to the Access Management requirements of the Subdivision Regulations.
 - 3) The circular drive may not take up more than 50% of the area of the established front yard.
 - 4) The circular drive must have an inside radius of at least 15 ft.
- §8.02.04 **Design Requirements**
 - A. Parking space dimensions must comply with the requirements in Table 8-3.
 - B. Stacking space must be 10 ft in width and 20 ft in length and be separate from parking aisles and spaces.
 - C. Parking areas must be designed so that vehicles may exit the premises without backing onto a public street, excluding parking areas that serve single-family or duplex lots.

- D. Landscaping must be provided in accordance with §10.03 Landscaping for Vehicular Areas.
- E. Installation of off-street parking may not cause the destruction of any public right-of-way or easement, sidewalks, or trees located on any public right-of-way except for approved driveways.
- F. Parking areas must be surfaced with dust-free materials resistant to erosion, such as concrete, asphalt or pavers. The Building Official or other reviewing authority may permit an alternate surface in agricultural and manufacturing districts and in the 100-year floodplain. Parking spaces must be demarcated with painted lines or other markings except for those serving single-family or duplex dwelling units and where a parking surface has been approved that does not allow marking.
- G. Off-street parking must be maintained in good condition, i.e. free of pot holes, weeds, and trash.
- H. Driveways with more than two parking spaces must provide adequate turn-around space on the lot.
- I. Parking lots must be designed so that storm water is directed back into the site toward adequate drainage channels. Parking areas of 20 or more spaces may be required to provide on-site storm water detention. In such cases, drainage plans must be stamped by a registered engineer.
- J. Collection bins (see also §3.03.07) may not take up any required parking space or obstruct vehicular circulation.

§8.02.05 Access Controls

- A. Access points to public streets must be approved by the Street Superintendent. The proposed location, width, drainage structure, traffic conditions, sight distances and resurfacing must be provided with request for approval.
- B. Driveways must be located as far from street intersections as practicable and the number of driveways serving any one premises must be kept to the minimum necessary.
- C. The width of driveways within a public right-of-way must be kept to a minimum.
- D. Driveways must be at least five feet from the nearest edge of a street drainage inlet.
- E. Driveways crossing a sidewalk must be in accordance with ADA design standards.

Section 8.03 Off-Street Loading

§8.03.01 *Required Off-Street Loading Spaces.* Nonresidential uses must provide off-street space for the loading and unloading of materials or goods without encroaching upon or interfering with the use of adjoining properties, public streets, alleys and sidewalks. See Table 8-4 for loading requirements.

§8.03.02 Off-street Loading Design Standards

- A. Each loading space must have a minimum rectangular area of 12 ft in width and 55 ft in length, exclusive of driver and maneuvering space. Minimum vertical clearance is 14 ft.
- B. Loading space for two or more buildings on the same lot may be shared as long as the amount of space meets the combined requirements of all buildings to be served.

- C. Loading spaces may not be located in a required front yard or within five ft of any property line.
- D. Loading spaces may not be located or designed in a manner that interferes with the circulation of traffic, nor result in a vehicle encroaching into a street right-of-way during loading or unloading.

Section 8.04 Change in Parking and Loading Requirements

Whenever there is an alteration of a structure, an expansion of a use or a change in use, which increases the parking and loading requirements, the use must conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

Article 9. SIGN REGULATIONS

Reserved.

Article 10. LANDSCAPING STANDARDS

This Article establishes standards for buffers required between incompatible land uses; screening of certain activities from public views, and landscaping associated with vehicular areas in multifamily and nonresidential developments. For the purposes of this Article, “fences” and “walls” have the same meaning.

Section 10.01 Buffers

§10.01.01 *Applicability.* Buffers must be provided as required in Table 10-1 and as described in this Section. Buffers are the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with §10.05. Buffer requirements are based on the developing land use and the existing, abutting use.

§10.01.02 Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.

§10.01.03 Buffer requirements may be modified by the approving authority as follows:

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

Section 10.02 Screening

Screening provides visual separation of certain site elements from public areas and adjoining properties.

§10.02.01 *Applicability.* For all multifamily, nonresidential and mixed use developments, the following require screening, except in the M-4 District:

- A. Garbage collection, recycling and refuse handling areas
- B. Maintenance areas or utility structures associated with a building or development
- C. Utility meters and air conditioners/mechanical units
- D. Outside runs for veterinary clinics, animal shelters, and kennels
- E. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
- F. Any other uses for which screening may be required by the reviewing authority

§10.02.02 *Design Requirements.* Screening must comply with the following and as approved by the reviewing authority:

- A. Location of the site element should be the first consideration in providing required screening. The reviewing authority may lessen screening requirements when the location of the site element obscures it from public view and from neighboring properties.
- B. Screening may not impede any drainage way or block access to any above-ground, pad-mounted transformer. The utility company may require a minimum clear distance.
- C. The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
- D. Multiple site elements may be screened together.
- E. Site elements that produce objectionable noise or odors must be located to minimize any nuisance to the public and abutting properties.
- F. Shrubs must be evergreen and spaced no more than six feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight feet on center.

§10.02.03 Requirements for Specific Uses

- A. Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate for access. The fence must be at least two feet taller than the container.
- B. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.
- C. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

§10.02.04 Design Standards

- A. Prior to occupancy of the premises, the buffer must provide an opaque visual barrier, from the ground to four feet above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six feet above grade throughout the length of the buffer.
- B. Required plantings must be evergreen and may be supplemented with other plant materials.
- C. The buffer width may be reduced as provided in Table 10-1 when a fence is provided that is five to seven feet tall and that meets the requirements in §10.04.

Section 10.03 Landscaping for Vehicular Areas

§10.03.01 *Applicability.* These regulations apply to vehicular areas on a nonresidential, multifamily or mixed-use development used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. If the size of an existing vehicular area is increased by more than 20% or by ten or more spaces, the new vehicular area must comply with this Section.

§10.03.02 Requirements

- A. Required trees must be a species that reaches a mature height of at least 20 ft.
- B. Each vehicular area must have interior landscaping covering at least five percent of the total vehicular area.
- C. Where the vehicular area abuts a side or rear lot line, a landscaping strip of five feet or wider must be provided and planted with evergreen shrubs and one tree per 50 ft of lot line. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.
- D. Driveway connections between adjacent businesses and other compatible uses are encouraged and are subtracted from perimeter landscaping requirements.
- E. Street Frontage Landscaping
 - 1) A landscaped strip at least ten feet wide must be located between any vehicular area and an adjoining street. All required trees and shrubs must be within the lot.
 - 2) Shrubs must be evergreen and spaced no more than five feet on center.
 - 3) At least one tree per 50 lf of street frontage must be planted.
 - 4) When a fence, meeting the requirements of §10.04 and that is between 2.5 to 3.5 feet tall, is provided, the landscaping strip may be reduced to five feet and no shrubs will be required.
- F. Shopping cart returns must be set back at least two feet from the edge of adjoining parking spaces to prevent interference with the door swing of parked vehicles. Landscaping along the perimeter of shopping cart returns is preferred, and if provided, must be three feet in width. Returns must be designed to secure carts when stored, which may include curbing.

Section 10.04 Design Standards for Fences

Fences used to meet the landscaping requirements of this Article 10 are subject to the following:

§10.04.01 Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements.

No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.

§10.04.02 Shrubs and trees must be planted on the exterior side of the fence.

§10.04.03 If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface and spaced no greater than 50 ft on center.

Section 10.05 Landscaping Plan

A Landscaping Plan must be submitted with development applications involving required buffers, screening or landscaping. The plan must be drawn to a scale no larger than one inch equals 50 ft and contain the information listed in the Appendix.

Section 10.06 Modifications

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

§10.06.01 Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.

§10.06.02 Where impending development of adjacent property would make these standards unreasonable or impractical.

§10.06.03 Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.

§10.06.04 Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome.

Section 10.07 Maintenance and Irrigation

§10.07.01 All required fences must be permanently maintained in good condition and replaced or repaired as needed. Plant material required as part of any buffer, screen or landscaping must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

§10.07.02 Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

Article 11. ADMINISTRATION AND ENFORCEMENT

Section 11.01 Enforcing Officer

These regulations are administered by the Building Official and enforced by the Ordinance Enforcement Officer. These officials have the right to enter any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of these regulations.

Section 11.02 Building Permit Required

It is unlawful to commence the excavation for or the construction of any structure, including accessory structures, make structural repairs, changes or additions to any existing electrical, HVAC, plumbing or gas systems or to store building materials or erect any structure, including

accessory structures, until the Building Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with these regulations. Application for a building permit is made to the Building Official on forms provided for that purpose.

Section 11.03 Approval of Plans, Issuance of Building Permit

§11.03.01 Applications for a building permit for excavation, construction, use of land, moving or alteration must be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Building Official to determine conformance with this Ordinance:

- A. The actual shape, proportion and dimension of the lot to be built upon
- B. The shape, size, and location of all structures to be erected, altered, or moved and any structures already on the lot
- C. The existing and intended use of all structures
- D. The setbacks, lot lines, building lines on adjoining lots and other information necessary to determine conformance
- E. Drainage plan, including topographic information, when required by the Building Official.

§11.03.02 If the proposed excavation, construction, moving or alteration conforms to this Ordinance, the Building Official will issue a building permit accordingly. If an application for a building permit is not approved, the Building Official will state in writing the cause for disapproval. Issuance of a building permit will, in no case, be construed as waiving any provision of this Ordinance.

§11.03.03 The final approved site plan, including one hard copy and one electronic copy, must be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the approved site plan.

§11.03.04 Building permits become null and void if construction does not begin with one year or if work above the foundation has not begun within two years from the date of issuance.

Section 11.04 Certificate of Occupancy Required

No land or structure, hereafter erected, moved or altered in its use may be used until a certificate of occupancy is issued stating that such land or structure is in conformity with this Ordinance.

Within three days after the owner or his agent has notified the Building Official that a building or premises is substantially ready for occupancy or use, it is the duty of the Building Official to make a final inspection and to issue a certificate of occupancy if the building or premises conforms with this Ordinance. If a certificate is refused, the Building Official must provide notice of and reason for the refusal to the owner.

Section 11.05 Amendments

The regulations and boundaries of districts established by this Ordinance may be amended, supplemented, or repealed by the Council upon receipt of a report by the Commission. Petitions

to amend the Zoning Map may be initiated by the owner of property proposed to be rezoned, by the Commission or by the Council.

§11.05.01 *Action on Petition.* Proposed amendments must first be submitted to the Commission for its recommendation and report. The Commission has 60 calendar days within which to submit its recommendations to the Council. The Commission must hold a public hearing and give public notice thereof, as required by law. If the Commission fails to submit a report within the 60 day period, it is deemed to have approved the proposed amendment and the Council will proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended.

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

Section 11.06 Conditional Uses

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land uses in the vicinity: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Ordinance, and any other development policies and/or regulations of the City; and whether and to what extent all steps possible have been taken by the developer to minimize adverse effects on surrounding properties and on the public health, welfare and safety in general.

§11.06.01 *Application.* Applications for conditional uses must first be submitted to the Commission for its consideration. Applications must be filed at least 20 working days prior to the date on which the application is scheduled to be heard, and must include a Site Plan per Appendix A-2. Notice is provided to adjoining landowners.

The Commission must approve, approve with conditions or deny the request within 60 days unless an extension of that time is agreed upon by the applicant. The Commission must hold a public hearing and give public notice. If the Commission fails to render its decision within the 60 day period, it is deemed to have approved the proposed conditional use.

§11.06.02 *Criteria.* The Commission will review the proposal for compliance with the Comprehensive Plan, this Ordinance and other applicable City policies and regulations. The Commission must determine that satisfactory provisions have been made concerning the following:

- A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
- B. The location and accessibility of off-street parking and loading areas
- C. The location and accessibility of refuse and service areas and their potentially adverse effects on surrounding properties

- D. The screening and buffering of potentially adverse views and activities from surrounding properties
- E. Control of noise, glare, odor, stormwater runoff, and other potential impacts on surrounding properties
- F. The availability, location, and capacity of utilities
- G. The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties
- H. The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area

§11.06.03 *Conditions.* The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest, in relation to the issues listed above and to any other factor it deems relevant. Such approval and conditions will be attached to the property, structure, and/or use and not to a particular person. Violations of conditions attached to any conditional use are considered violations of this Ordinance.

Section 11.07 Statutory Review

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

Section 11.08 Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of this Ordinance are declared a nuisance *per se*. The Building Official is authorized to apply to a court of competent jurisdiction to abate the nuisance created by unlawful use of a structure, land or building. Whenever the Building Official has declared a structure to be in violation of this Ordinance, the owner or occupant must, within 72 hours from receipt of notice, must vacate the premises until the structure or premises has been adapted to conform to this Ordinance. Notification will be by one of the following methods:

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

Section 11.09 Penalties, Remedies

Any person violating any provision of this Ordinance will be fined as follows. Each day such violation is committed or permitted to continue constitutes a separate offense. The conviction of a violation and imposition of any fine does not exempt the violation from being made to comply.

§11.09.01 If corrected within 72 hours of receipt of correction notice, there is no monetary penalty

- §11.09.02 If not corrected within 72 hours, a second correction notice will be issued and the owner will be subject to a fine of \$100.
- §11.09.03 If the violation has not been corrected within 72 hours of receipt of the second notice, a final notice will be issued and the owner will be subject to an additional fine of \$100-500 per day until the violation is corrected plus any additional penalties as determined through court proceeding.

When a structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or a structure or land is used in violation of this Ordinance, the Building Official or an adjacent property owner, who would be especially damaged by the violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent, correct or abate the violation.

Section 11.10 Fees

A schedule of fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance is established and may be amended from time to time by the Council.

Article 12. BOARD OF ADJUSTMENT

Section 12.01 Appointment, Duties and Responsibilities

The Board of Adjustment ("the Board") previously established is hereby continued, and its members are appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended.

Section 12.02 Meetings, Procedures and Records

Meetings of the Board are held at the call of the chairman and are open to the public. The Board must adopt and publish rules of procedure; keep minutes of its proceedings; and keep records of its official actions, all of which must be a public record.

Section 12.03 Powers and Duties

The Board has the following powers:

- §12.03.01 *Interpretation of Boundaries.* To hear and decide upon interpretation of district boundaries shown on the Official Zoning Map in accord with criteria specified in §1.05 Zoning Map.
- §12.03.02 *Appeals.* To hear and decide appeals of any order, requirement, decision or determination made by the Building Official, acting under the authority of this Ordinance.
- §12.03.03 *Variances.* To hear and decide appeals for a variance from the provisions of this Ordinance in accordance with §12.05 Variances.
- §12.03.04 *Special Exceptions.* To hear and decide Special Exceptions for uses designated in Articles 4, 5 and 6 and any other Special Exceptions provided for in this Ordinance.

Section 12.04 Administrative Appeals

- §12.04.01 Appeals to the Board may be made by any person aggrieved or affected by a decision made by the Building Official relating to the provisions of this Ordinance.

Appeals must be filed within 15 working days of the date of the decision. Appeals must be filed in writing on forms made available by the City.

- §12.04.02 An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board after the notice has been filed, that by reason of facts cited in the certification a stay would cause imminent peril to life or property.

- §12.04.03 The Board may affirm, reverse wholly or in part, or modify the Building Official's decision.

Section 12.05 Variances

An application for a variance from the requirements of this Ordinance may be filed by a property owner where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of exceptional topographic conditions, or other exceptional conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of this Ordinance would result in exceptional and unnecessary hardship on the owner.

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

- §12.05.01 *Application.* An application must be filed on forms made available by the City at least 20 calendar days before the scheduled hearing date before the Board. The City must provide notice to all adjacent property owners.

- §12.05.02 *Criteria.* The applicant must show that the variance, if granted, will conform to all the criteria listed below:

- A. The variance will not allow establishment of a use that is not permitted in the district.
- B. There are conditions peculiar to the land or buildings that do not apply generally to land or buildings in the vicinity, and the conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of the land or buildings.
- C. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
- D. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
- E. The variance will not grant any special privilege that is denied to other land or structures in the same zoning district.

- F. The variance as requested is the minimum variance that will enable the reasonable use of the property.
- G. The variance will be in harmony with the general purpose and regulations of the district, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

§12.05.03 *Conditions.* The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to a variance are considered violations of this Ordinance.

Section 12.06 Special Exceptions

§12.06.01 *Application.* Applications for Special Exceptions must be filed at least 20 working days before the scheduled hearing date before the Board. The application must be filed by the property owner or authorized agent on a form made available by the City. The City must provide notice to all adjoining property owners.

§12.06.02 *Criteria.* The Board will review requests for compliance with this Ordinance and all other applicable regulations of the City. The Board must determine that satisfactory provisions have been made concerning the following, among other considerations:

- A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
- B. The location and accessibility of off-street parking and loading areas
- C. The location and accessibility of refuse and service areas and potentially adverse effects on surrounding properties
- D. The screening and buffering of potentially adverse views and activities from surrounding properties
- E. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties
- F. The availability, location, and capacity of utilities
- G. The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties
- H. The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.

Section 12.07 Abatement of Hazard or Nuisance

The Board may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion

hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the Board, notice of which is sent by registered mail to the owners and/or operators of the property on which the use is conducted and to owners of property within 300 ft of the concerned property, in addition to due notice by advertisement in a newspaper of general circulation. The Board holds an abatement hearing upon receipt of a petition signed by any person affected by the hazard or nuisance or on its own initiative. The Board will issue an abatement order only upon finding that reasonable evidence has been presented of the hazard or nuisance. The order must specify the date by which the hazard or nuisance must be abated.

Section 12.08 Rehearings

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

- A. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- B. The decision resulted from an error in procedures made by the Board, the Building Official, or any other City officials.
- C. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

§12.08.02 Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing. Any applicant wishing a rehearing must appear before the Board to present one or more of the qualifying conditions listed in this Section. If the Board finds that one or more of the qualifying conditions exist, the applicant may submit a new application to be heard at a subsequent meeting.

Section 12.09 Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may within 15 working days thereafter make an appeal to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried *de novo*.

Article 13. LEGAL STATUS PROVISIONS

Section 13.01 Severability

All portions of this Ordinance are severable. If any article, section, portion or clause of this Ordinance is held to be unconstitutional or invalid by any court of competent jurisdiction, such decision may not affect the validity of any other clause, portion, section or article of this Ordinance.

Section 13.02 Conflicting Ordinances

The existing Zoning Ordinance of the City and all subsequent amendments conflicting with this revision of the Zoning Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 13.03 Adoption

This ordinance becomes effective immediately upon its adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
SYLACAUGA THIS 17th day of March 2020**

Table 4-1: Uses Permitted in Residential Districts						
	R-1	R-2	R-2MH	R-3	RT-1	R-4
Residential Uses						
Auxiliary Dwelling Units, subject to §7.05	C	P		P	P	
Caretaker Dwelling	SE	SE		SE	SE	
Duplex		P	P	P	P	
Manufactured Home, on its own lot			P			P
Multifamily Dwelling, more than 4 units per building				E		
Quadplex				P	P	
Single-family, attached, subject to §7.04				P	P	
Single-family, Cottage Development, subject to §7.09		P		P	P	
Single-family, detached	P	P	P	P	P	
Single-family, semi-detached				P	P	
Triplex				P	P	
Day Care Facilities						
Child or Adult Day Care Center		C	C	C	C	C
Child Day Care Group Home		C	C	C	C	C
Child Day Care Home	P	P	P	P	P	P
Residential Care Facilities						
Assisted Living Facility				C		
Emergency Care Home				P		
Family Care Home				P		
Independent Living Facility				P		
Nursing Care Facility				C		
Transitional Care Home				P		
Other Nonresidential Uses						
Amateur Radio Tower	P	P	P	P	SE	P
Bed and Breakfast, subject to §7.06	C	C		C		
Boarding House, subject to §7.07				P	P	
Cemetery	C	C	C	C	C	C
Golf Course	C	C	C	C	C	C
Home-based Business, subject to §7.10	P	P	P	P	P	P
Institutional Use, Low intensity	C	C	C	C	C	C
Institutional Use, Medium intensity	C	C	C	C	C	C
Parks, Playgrounds and Nature Preserves	P	P	P	P	P	P
Public Buildings	C	C	C	C	C	C
Public Utility Facility	P	P	P	P	P	P
Recreation Facility, Public	C	C	C	C	C	C
Residential (Country) Club	C	C	C	C	C	C
Short-term rental, subject to §7.15		P		P	P	
Small Cell Facilities	SE	SE	SE	SE	SE	SE
<p>P – The use is permitted by right</p> <p>E – Uses existing as of the effective date of this Ordinance are permitted. New construction and expansion of an existing use is prohibited.</p> <p>SE – Special Exception Use, requires approval by the Board of Adjustment per §12.04</p> <p>C – Conditional use, requires approval by the Planning Commission per §11.06</p> <p>A blank cell indicates the use is not permitted.</p>						

Table 4-2 Area and Dimensional Requirements for Residential Districts						
	Min Lot Size	Min Lot Width	Minimum Required Yards			
			Front		Rear	Side
			Primary	Secondary		
R-1	12,000 sf	100 ft	35 ft	25 ft	45 ft	10 ft
R-2 Detached single-family Duplex	8,500 sf 10,500 sf	75 ft 80 ft	30 ft	20 ft	20 ft	10 ft
R2-MH Detached single-family and manufactured homes Duplex	8,500 sf 10,500 sf	75 ft 80 ft	30 ft	20 ft	20 ft	10 ft

R-3						
Detached single-family	7,200 sf	60 ft				
Attached single-family	2,400 sf	24 ft				
Semi-detached single-family	6,000 sf	50 ft				
Duplex	9,500 sf	65 ft	25 ft	15 ft	20 ft	10 ft
Triplex	11,500 sf	70 ft				
Quadplex	13,500 sf	75 ft				
Multifamily (over 4 units)	15,000 sf	75 ft				
RT-1						
Detached single-family	7,200 sf	60 ft				10 ft
Attached single-family	2,400 sf	24 ft				0/10 ft ¹
Zero lot line single-family	5,000 sf	40 ft				0/10 ft ¹
Semi-detached single-family	5,000 sf	40 ft	20 ft	10 ft	25 ft	0/10 ft ¹
Duplex	9,200 sf	65 ft				10 ft
Triplex	11,200 sf	70 ft				10 ft
Quadplex	13,200 sf	75 ft				10 ft
R-4	n/a	40 ft	20 ft	10 ft	25 ft	10 ft
Maximum Building Area	R-1	R-2	R-2MH	R-3	RT-1	R-4
	25%	30%	30%	35%	60%	50%
¹ The larger dimension is required on the unattached side or non-zero lot line.						

Table 5-1: Uses Permitted in Nonresidential Districts						
	B-1	B-2	I	M-1	M-2	M-4
Commercial Uses						
Ambulance Service		P		P	P	
Alternative Financial Services, subject to §7.02		P				
Automobile Repair, Minor	C	P		P		
Automobile Repair, Major		C		P		
Business or Professional Office	P	P				
Broadcast Studio	P	P		P		
Business Support Service	P	P		P		
Commercial Kitchen	C	P		P		
Construction Service, Major		C		P	P	
Construction Service, Minor	P	P		P		
Car Wash	C	P				
Cottage Industry	P	P		P		
Farm Support Business		C		P		
Funeral Home	C	P				
Gas Station	C	P		C		
Home-based Business	P	P				
Live-work, subject to §7.16	P	P				
Medical Clinic	C	P				
Mini-storage Facility, subject to §7.13	C	P		P		
Outdoor Storage		C		P	P	P
Parking, Commercial	C	P		P		
Repair Service	C	P		P		
Research Laboratory	C	C		P	P	
School, Commercial		P	C	P		
Studio	P	P		P		
Truck Stop		C		C	P	
Vehicle and Equipment Sales, Rental and Service		C		P		
Vehicle Sales or Rental		P				
Wholesaling Establishment		P		P		
Day Care Facilities						
Child or Adult Day Care Center	P	P	P			
Adult Day Care Home	P		P			
Child Day Care Group Home	P					
Child Day Care Home	P					

Table 5-1: Uses Permitted in Nonresidential Districts						
	B-1	B-2	I	M-1	M-2	M-4
Dwellings						
Auxiliary Dwelling Unit, subject to §7.05	P					
Caretaker Dwelling	P	P	P	P	P	P
Duplex	E	E				
Multifamily dwellings (more than 4 units per bldg.)	E	E				
Quadplex	E					
Single-family attached, subject to §7.04	P					
Single-family detached	E	E				
Triplex	E					
Upper-story dwellings, subject to §7.16	P	P				
Institutional and Assembly Uses						
Low intensity	P	P	P			
Medium Intensity	C	P	P			
High Intensity		C	P			
Airport				C	C	
Animal Shelter		C	C	P		
Cemetery	C	C	C			
Club, Private	P		P			
Hospital			C			
Lodging Uses						
Bed and Breakfast	P	P				
Boarding House, subject to §7.07	SE					
Hotel, more than 16 rooms		P				
Hotel, Boutique (16 or fewer guest rooms)	P	P				
Motel		P				
Short Term Rental, subject to §7.15	P					
Manufacturing and Industrial Uses						
Heavy Industry					C	
Laundering Plant				C	P	
Junkyard, subject to §7.11					C	C
Manufacturing, General				C	P	
Manufacturing, Light				P	P	
Recycling Center	C	P	C	P		
Recycling Plant					P	
Resource Extraction						C
Sanitary Landfill					P	C
Small-scale Industry		P		P	P	
Timber production						P
Warehousing and Distribution Center				P	P	
Personal services						
Personal services (general)	P	P				
Pet grooming	P	P				
Laundry services	P	P				
Tattoo parlor, subject to §5.03.02		P				
Veterinary Hospital with boarding		C				
Veterinary Hospital without boarding	C	P				
Recreation and Entertainment						
Bars and Nightclubs, excluding Adult Entertainment	P	P				
Campground		C				
Country Club	P	P				
Entertainment, Adult, subject to §7.01				P	P	
Entertainment, Indoor	C	P				
Entertainment, Outdoor	C	C				
Golf Course		C				
Parks, Playgrounds and Nature Preserves	P	P	P			
Recreation, Commercial	C	P				
Recreation Facility, Public	C	C	C			

Table 5-1: Uses Permitted in Nonresidential Districts						
	B-1	B-2	I	M-1	M-2	M-4
Residential Care Facilities						
Assisted Living Facility	P	P	P			
Emergency Care Home	P	P	P			
Family Care Home	P		P			
Independent Living Facility	P	P	P			
Nursing Care Facility	P		P			
Transitional Care Home	P		P			
Restaurant						
Fast Food Restaurant	C	P				
Pick-Up and Delivery Only Restaurant	P	P				
Standard Restaurant	P	P				
Standard Restaurant with accessory liquor sales	P	P				
Retail						
General Retail up to 11,000 sf	P	P				
General Retail larger than 11,000 sf	E	P				
Alcohol and liquor sales for off-premises consumption	C	P				
Garden centers, nurseries and greenhouses	C	P				
Mobile Food Vendor, subject to §7.14	P	P		P	P	
Pawn shop		P				
Unenclosed Retail		C		P		
Telecommunications and Utilities						
Amateur Radio Tower	SE	SE		P	P	P
Public Utility Facility	SE	SE	SE	P	P	P
Small Cell Facilities	SE	P	SE	P	P	P
P – The use is permitted by right E – Uses existing as of the effective date of this Ordinance are permitted. New construction and expansion of an existing use is prohibited. SE – Special Exception Use, requires approval by the Board of Adjustment per §12.04 C – Conditional use, requires approval by the Planning Commission per §11.06 A blank cell indicates the use is not permitted.						

Table 5-2: Area and Dimensional Standards for Nonresidential Districts						
	Minimum Yard Setbacks			Minimum Lot		Maximum Building Height
	Front	Side	Rear	Area	Width	
B-1	20 ft	0 ft	20 ft	1	1	35 ft or 2-1/2 stories
B-2	0 ft	0 ft	0 ft	1	1	45 ft or 3 stories
I	20 ft	10 ft	10 ft	1	1	45 ft or 3 stories
M-1	2	0 ft	0 ft	1	1	65 ft or 5 stories
M-2	2	0 ft	0 ft	1	1	80 ft
M-4	2, 3	0 ft ³	0 ft ³	1	1	80 ft
¹ It is the intent of this Ordinance that lots be of sufficient size to be used for the proposed use, including adequate parking and loading areas. ² The minimum front yard setback for new structures equals the average of the setbacks of the existing buildings within 100 ft on each side of the concerned property. ³ All open operations must be set back at least 200 ft from the boundary of any zoning district other than the M-4 District.						

Table 6-1: Uses Permitted in Agricultural Districts			
	AG-1	AG-2	AG-3
Residential Uses			
Auxiliary Dwelling Units, subject to §7.05	P	P	P
Caretaker Dwelling	P	P	P
Manufactured Home, on its own lot	SE	SE	SE
Single-family, detached	P	P	P
Day Care Facilities			
Child Day Care Group Home	P	P	P
Child Day Care Home	P	P	P

Table 6-1: Uses Permitted in Agricultural Districts			
	AG-1	AG-2	AG-3
Residential Care Facilities			
Emergency Care Home	P	P	P
Family Care Home	P	P	P
Transitional Care Home	C	C	C
Agricultural and Other Nonresidential Uses			
Airport	C	C	C
Amateur Radio Tower, subject to §7.03	P	P	P
Bed and Breakfast, subject to §7.06	C	P	P
Boarding House, subject to §7.07	C	C	C
Cemetery	C	P	P
Entertainment, Outdoor	C	P	P
Fish Hatcheries	P	P	P
Golf Course	C	P	P
Home-based Business, subject to §7.10	P	P	P
Farm Support Business	C	P	P
Institutional Use, Low intensity	C	P	P
Institutional Use, Medium intensity	C	C	C
Keeping and raising of livestock	P	P	P
Kennel	C	P	P
Parks, Playgrounds and Nature Preserves	P	P	P
Public Buildings	C	P	P
Public Utility Facility	P	P	P
Recreation, Commercial (Outdoor)	C	C	P
Recreation Facility, Public	C	C	P
Residential (Country) Club	C	C	P
Short-Term Rentals, subject to §7.15	P	P	P
Slaughterhouse		C	P
Stockyard		P	P
Veterinary Hospital	C	P	P
Telecommunications Tower	C	P	P
Wireless Equipment	P	P	P
P – The use is permitted by right SE – Special Exception Use, requires approval by the Board of Adjustment per §12.04 C – Conditional use, requires approval by the Planning Commission per §11.06 A blank cell indicates the use is not permitted.			

Table 6-2 Area and Dimensional Requirements for Agricultural Districts						
	Min Lot Size	Min Lot Width	Minimum Required Yards			Max Bldg. Area
			Front	Rear	Side	
AG-1	1 ac ¹	100 ft	40 ft	45 ft	10 ft	20%
AG-2	5 ac	300 ft	80 ft	80 ft	50 ft	25%
AG-3	60 ac	500 ft	100 ft	100 ft	70 ft	25%
¹ Lots of record at least 10,000 sf, but less than one acre, do not require Board approval for any new construction or building additions for a permitted use provided all other requirements are complied with.						

Table 6-3 Animal Equivalent Units per Acre ¹			
Cattle over 2 yrs. old	1.0	Horses, mules and donkeys over 2 yrs. old	1.25
Cattle 6-12 mos. old	0.5	Horses, mules and donkeys up to 2 yrs. old	0.8
Cattle 12-24 mos. old	0.75	Sheep and goats over 2 yrs. old	0.2
Turkeys, ducks and chickens	0.02	Sheep and goats up to 2 yrs. old	0.15
¹ Only those portions of the property eligible for keeping livestock and poultry under the regulations of §6.01 may be counted toward the calculation of allowable Animal Equivalent Units.			

Table 6-4 Uses Allowed in the DTB District	
Dwellings	
Auxiliary Dwelling, subject to §7.05	P
Dwellings (located on ground floor), subject to §6.02.02	P

Table 6-4 Uses Allowed in the DTB District

Upper-story Dwellings, subject to §7.16	P
Day Care and Residential Care Facilities	
Child or Adult Day Care Center	C
Emergency Care Home	C
Family Care Home	C
Transitional Care Home	C
Nonresidential Uses	
Alcohol sales for on- or off-premises consumption, includes Bars and Nightclubs	P
Amateur Radio Tower	P
Bakery, Minor	P
Boarding House	C
Business or Professional Office	P
Business Support Service	P
Cottage Industry	C
Entertainment, Indoor	P
Funeral Home	C
Gas Station	C
Hotel	P
Institutional Use, Low Intensity	P
Institutional Use, Medium or High Intensity	C
Laundry Services	P
Maintenance Service	P
Mobile Food Vendor, subject to §7.14	P
Parks, Playgrounds	P
Personal services	P
Place of assembly, 99 max. occupancy	P
Place of assembly, 100-500 max. occupancy	C
Public Utility Facility	P
Residential (Country) Club	C
Restaurant, Fast Food	C
Restaurant, Standard	P
Restaurant, Take-out Only	P
Retail, General (Enclosed only)	P
School, Commercial	C
Short Term Rental, subject to §7.15	P
Small Cell Facilities	SE
Studio, Art Gallery	P
Vehicle Repair, Major	C
Vehicle Repair, Minor	P
Veterinary Hospital, Animal Boarding	C
P – The use is permitted by right C – Conditional use, requires approval by the Planning Commission per §11.06 SE – Special Exception use, requires approve by the Board of Adjustments per §12.04	

Table 6-5 Area and Dimensional Requirements for MX-1, MX-2 and DTB Districts

	Min. Lot Area	Min. Lot Width	Minimum Yard Setbacks			Maximum Height	Max. Bldg. Area
			Front	Rear	Side		
MX-1	8,500 sf ¹	50 ft ¹	20 ft ²	20 ft	10 ft ^{1, 3}	35 ft or 2-1/2 stories	35%
MX-2	8,500 sf ¹	50 ft ¹	25 ft ²	20 ft	10 ft ^{1, 3}	35 ft or 2-1/2 stories	45%
DTB	n/a ⁴	n/a ⁴	0 ft	0 ft	0 ft	55 ft or 3 stories	n/a

¹ For single-family attached, refer to §7.04 Attached Dwellings

² The average existing setback of lots on the same block frontage may be used if less than 25 ft.

³ For zero-lot line dwellings, a minimum of 10 ft is required on one side and 0 ft is required on the opposite side when a maintenance easement is provided on the zero lot line side.

⁴ Lots must be of sufficient size and width to accommodate the proposed use and necessary parking, circulation and loading areas, taking into consideration the use of alleys and public parking where applicable.

Table 6-6 Uses Allowed in MX-1 and MX-2 Districts		
	MX-1	MX-2
Dwellings		
Auxiliary Dwelling, subject to §7.05	P	P
Duplex	P	P
Quadplex	C	P
Single-family attached, subject to §7.04	P	P
Single-family detached	P	P
Triplex	C	P
Day Care and Residential Care Facilities		
Adult Day Care Home	C	P
Child Day Care Group Home	C	P
Child Day Care Home	P	P
Emergency Care Home	C	C
Family Care Home, up to 10 residents plus two caregivers	C	P
Family Care Home, more than 10 residents plus caregivers	-	C
Transitional Care Home	C	C
Nonresidential Uses		
Amateur Radio Tower, subject to §7.03	P	P
Bakery, Minor	-	C
Bed and Breakfast, subject to §7.06	C	C
Business and Professional Offices	-	P
Business Support Service	-	P
Cemetery	C	C
Commercial School	-	C
Cottage Industry	-	C
Golf Course	C	C
Home-based Business, subject to §7.10	P	P
Institutional Use, Low Intensity	C	C
Laundry Services	-	P
Maintenance Service	-	P
Parks, Playgrounds and Nature Preserves	P	P
Personal Services	C	P
Place of assembly, 99 max. occupancy	C	P
Place of assembly, 100-300 max. occupancy	C	C
Public Facility (Public and Government Buildings)	C	C
Public Utility Facility	P	P
Recreation Facility, Public	C	C
Residential (Country) Club	C	C
Restaurant, Standard	-	C
Retail, General (Enclosed only)	-	P
Short Term Rental, subject to §7.15	C	P
Small Cell Facilities	SE	SE
Studio, Art Gallery	-	P
P – The use is permitted by right C – Conditional use, requires approval by the Planning Commission per §11.06 SE – Special Exception use, requires approval by the Board of Adjustment per §12.04 A blank cell indicates the use is prohibited in the district.		

Table 6-7: Area and Dimensional Standards for Manufactured and Tiny Home Parks, MHP District		
Minimum Site Area	5 ac	
Minimum Lot Frontage	100 ft	
Minimum Front Yard	50 ft	
Minimum Side and Rear Yards	25 ft	
Maximum Building Height	One story or 18 ft	
Home Space Requirements	Manufactured Home	Tiny Home
Minimum Width	40 ft	40 ft

Minimum Area	3,200 sf	2,500 sf
Minimum Front Yard	10 ft	15 ft
Minimum Rear Yard	10 ft	20 ft
Minimum Side Yard	5 ft	5 ft

Table 6-8 Density and Open Space Standards

	Single-family Detached Areas	Mixed Residential	Mixed-use Areas
Maximum Gross Density	6 du/acre	9 du/acre	12 du/acre
Minimum Common Open Space	25%	30%	20%

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

Agricultural Uses	
Farm	1 per 1.5 employees
Farm Stand	1 per 350 sf of retail floor area
Farm Support Business	1 per 1.5 employees, plus 1 per company vehicle
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
Residential Uses	
Auxiliary Dwelling Unit	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home lot (in manufactured home subdivision)
Multifamily Dwellings	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit
Single-family Dwelling	2 per DU
Institutional Uses	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club, Private	1 per 200 sf of non-storage and non-service floor area
Community Center	1 per 400 sf of GLA
Country Club	1 per 4 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 4 seats in the main assembly space
Public Facility	1 per 400 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	Subject to approval of the Commission
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
School, Vocational	Subject to approval of the Commission
Commercial Uses	
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 350 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	1.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall

Table 8-1 Required Off-Street Parking Spaces by Use	
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station / Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement or Appliance Store	1 per 500 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Mini-warehouse	5 spaces (adjacent to leasing office, if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation	
Golf Course:	3 per hole
Miniature Golf:	1 per hole
Golf Driving Range:	1 per tee
Other:	1 per 4 persons of occupancy load
Pool Hall	2 per 3 tables
Restaurant, Take-out or delivery only	1 per employee plus 1 per 350 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital	1 per 300 sf of GLA
Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

Table 8-2: Typical Shared Parking Demand by Use and Time of Day*						
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

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

Table 8-3: Parking Lot Dimensional Requirements							
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	n/a
30°	8.5 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	8.5 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	20 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	10 ft	20 ft	20 ft	9 ft	20 ft	24 ft	n/a

Table 8-4 Required Loading Spaces	
Retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use	<ul style="list-style-type: none"> • Less than 8,000 sf GFA: no space required unless the Commission determines that the specific use requires such space • 8,001-20,000 sf of GFA: 1 space • 20,001-60,000 sf GFA: 2 spaces • Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf
Auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use	<ul style="list-style-type: none"> • Less than 10,000 sf GFA: no space is required unless the Commission determines that the specific use requires such space • 10,001-40,000 sf GFA: 1 space • Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf

Table 10-1 Buffer Requirements By Use									
Developing Land Use	Existing Abutting Use								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	A	A	A			A	n/a
Attached, single-family	A	n/a	A	A	A			A	n/a
Multifamily	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Manufactured and tiny home parks, campgrounds	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width						Required trees per 120 lf		
	With fence/wall			Without fence/wall					
A	10 ft			15 ft			6		
B	15 ft			20 ft			8		
C	22 ft			30 ft			10		