

# Headland



## Zoning Ordinance

Amended: October 1, 2024



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**Article 1 AUTHORITY, PURPOSE AND SCOPE**

**§1.1. Statutory Authority**

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

**§1.2. Short Title**

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

**§1.3. Purpose**

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

**§1.4. Applicability and Compliance**

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

**§1.5. Minimum Requirements**

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

No business license shall be issued for the use of a property unless such use and such property are in compliance with the provisions of this Ordinance.

**§1.6. Conflict with Other Regulations**

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

**§1.7. Severability**

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

**§1.8. Repeal of Conflicting Ordinances**

On the effective date of this Ordinance, all other local Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**§1.9. Using this Ordinance**

1.9.1. Organization. This Ordinance is organized as follows:

1. For purposes of organization, this Zoning Ordinance, is divided into Articles. The Article designation number represents the first digit(s) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number §6.4.2.3, the digit "6" represents the Article.
2. Each Article is subdivided into Sections, which are represented by the second digit(s); e.g., in the reference number §6.4.2.3, the digit "4" represents the Section.
3. Each Section is subdivided into Subsections, which are represented by the digit(s) following the Section designation number; e.g., in the reference number §6.4.2.3 the digit "2" represents the Subsection.
4. Each Subsection may be subdivided into Paragraphs, which are represented by the digit(s) following the Subsection designation; e.g., in the reference number §6.4.2.3 the digit "3" represents the Paragraph.
5. Each Paragraph may be subdivided into Items, which are represented by the lower-case letter following the Paragraph designation; which may then be further subdivided as (1), (2), (3)... and (a), (b), (c)...

1.9.2. Internal Referencing. All references to Articles, Sections, Subsections, Paragraphs and Items within this Ordinance shall refer to Articles, Sections, Subsections, Paragraphs and Items in this Ordinance unless otherwise specified. When

an Article, Section or other subdivision is referenced within a provision or requirement of this Ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

- 1.9.3. Page Numbering. Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.



**Article 2 DEFINITIONS**

**§2.1. Purpose of Definition**

For the purpose of this Zoning Ordinance, certain terms used in this Ordinance shall have the meanings defined by this Article. In the event a term is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

**§2.2. Interpretation**

The Zoning Official is authorized to make a final determination of the meaning of any term used in this Ordinance. In the case of any dispute, an appeal of the Zoning Official's determination may be filed with the ZBA.

**§2.3. Word Usage**

In the interpretation of this Zoning Ordinance, the provisions and rules of this Section shall be observed and applied, except when the context clearly requires otherwise. Words used or defined in one tense or form shall include the other tenses and derivative forms. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine. The word "shall" is mandatory and the word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

**§2.4. General Terms and Phrases**

- 2.4.1. *Abutting* Touching along a common side, boundary or property line. Two pieces of property that are separated by a right of way are "Adjacent", but not "Abutting".
- 2.4.2. *Access* A way or means of approach to provide physical entrance to a property.
- 2.4.3. *Accessory Structure* A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
- 2.4.4. *Accessory Use* A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot.
- 2.4.5. *Addition* A structure added to the original structure at some time after completion of or after a

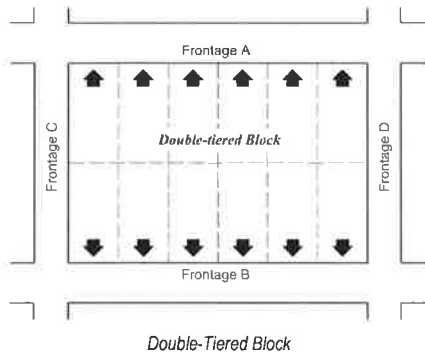
Certificate of Occupancy has been issued for the original structure.

- 2.4.6. *Adjacent* Either abutting or on the opposite side of a street, right of way, or easement that separates it from the subject property. Properties separated by a railroad shall not be considered "Adjacent".
- 2.4.7. *Alley* A travel way providing a means of access to abutting property and not intended for general traffic circulation.
- 2.4.8. *Alteration* Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to a building or structure whether horizontally or vertically or the moving of a building or structure from one location to another.
- 2.4.9. *Animal Unit* A unit of measurement that compares various animal types based on the amount of waste that they generate, as follows:

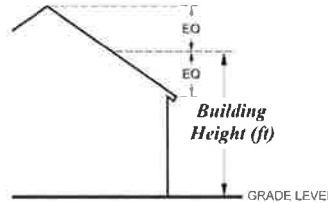
Animal Units	
Slaughter/feed cattle	1.0
Dairy cattle	1.4
Swine	0.4
Sheep and goats	0.1
Horses	2.0
Turkeys	0.02
Ducks	0.2
Laying hens or broilers	0.02

- 2.4.10. *Antenna* A device used to transmit and/or receive radio or electromagnetic waves between terrestrial structures and/or satellites.
- 2.4.11. *Applicable District* That zoning district in which a building, structure, property, or subdivision, for which a zoning application is submitted or permit is sought, is located.
- 2.4.12. *Applicant* A person submitting an application for development, a variance, a special exception use or rezoning.
- 2.4.13. *Bedroom* A room marketed, designed or otherwise intended to function primarily for sleeping.
- 2.4.14. *Basement* A portion of a building located wholly or partially underground, having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground and having a floor-to-ceiling height of not less than six and one-half (6.5) feet.

- 2.4.15. *Berm* A grass covered or landscaped mound of earth used to screen activities or uses.
- 2.4.16. *Block A* Tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
- 2.4.17. *Block, Double-tiered* A residential block bounded on all sides by streets and within which lots fronts only on two of the surrounding streets. The corner lots of such blocks are considered "Standard Corner Lots".



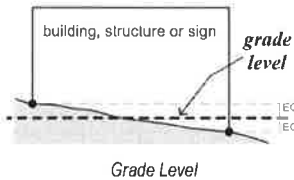
- 2.4.18. *Buffer* A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berm.
- 2.4.19. *Building* A structure designed to be used as a place of occupancy, storage or shelter.
  1. *Building, Accessory* A subordinate building on the same lot as the principal building.
  2. *Building, Principal* The building in which is conducted the principal use of the concerned lot.
- 2.4.20. *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.



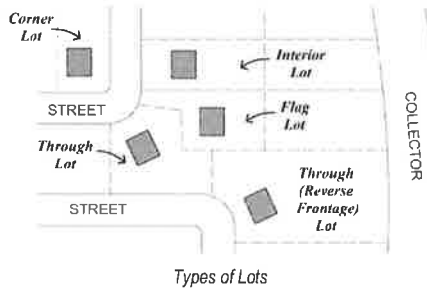
*Building Height for pitched-roof buildings*

- 2.4.21. *Building Line, Front* A line extending across the width of a lot coincident with the front-most plane of the building.
- 2.4.22. *Building Spacing* The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.
- 2.4.23. *City* The City of Headland, Alabama.
- 2.4.24. *Conditional Use A* use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. This use is permitted subject to approval by the Commission.
- 2.4.25. *Council or City Council* The City Council of the City of Headland.
- 2.4.26. *Density* The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.
- 2.4.27. *Development* The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
- 2.4.28. *Easement* Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.
- 2.4.29. *Engineer or Registered Engineer* A professional engineer registered in the State of Alabama.
- 2.4.30. *Family* Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:
  1. an individual

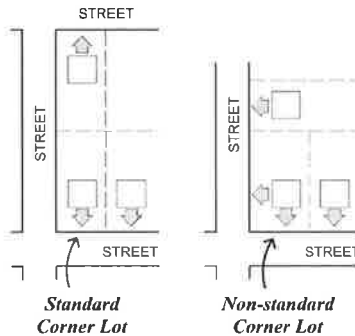
- 2. two (2) or more persons related by legal adoption, blood, or a licit marriage plus up to two (2) unrelated individuals
- 3. a group of not more than four (4) unrelated persons.
- 2.4.31. *Fence* An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 2.4.32. *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.
- 2.4.33. *Fowl* Chickens, turkeys, ducks, geese, quail, guineas, etc.
- 2.4.34. *Front-Loaded* Having vehicular access from the front of the property, requiring a driveway along a front lot line.
- 2.4.35. *Grade Level* For buildings, the average level of the finished grade at the front building line. For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant or fixture.



- 2.4.36. *Improvement* Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- 2.4.37. *Livestock* Cows, horses, goats, sheep, swine, ponies, etc.
- 2.4.38. *Lot* A parcel of land in one ownership, used or set aside and available for use as the site of one (1) or more buildings and accessory structures or for any other purpose.



- 2.4.39. *Lot, Corner* A lot abutting two (2) or more streets at their intersections or on two parts of the same street forming an interior angle of less than 135 degrees.
  1. *Non-Standard Corner Lot* A corner lot on other than a double-tiered block. Non-standard corner lots have two front yards, each abutting the front yards of the two interior lots adjoining it.
  2. *Standard Corner Lot* A corner lot on a double-tiered block. A standard corner lot has a primary front yard, abutting the front yard of the adjoining interior lot, and a secondary front yard abutting the same of the adjoining standard corner lot.

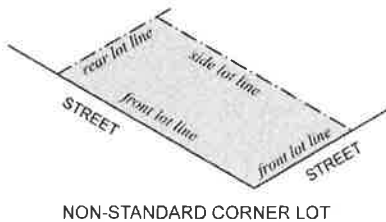
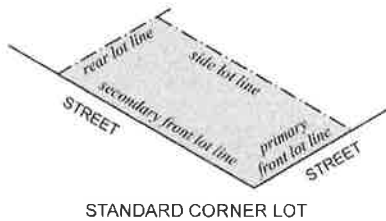
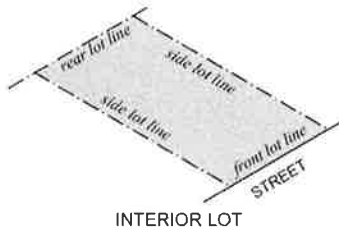


Standard and Non-Standard Corner Lots

- 2.4.40. *Lot, Flag* A parcel that does not meet the minimum lot width requirement at the minimum front yard setback but has direct access to a public street through a narrow strip of land (the flag) that is part of the same lot.
- 2.4.41. *Lot, Interior* A lot other than a corner lot.
- 2.4.42. *Lot, Reverse Frontage* A through lot fronting on both a major street and a parallel, lesser street.

Reverse frontage lots may be required to have access from the lesser street.

- 2.4.43. *Lot, Through* A lot that fronts on two streets that do not intersect at the boundaries of the lot.
- 2.4.44. *Lot Area* The total area within the lot lines of a lot, excluding any rights-of-way.
- 2.4.45. *Lot Frontage* The lot width measured at the front lot line.
- 2.4.46. *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.

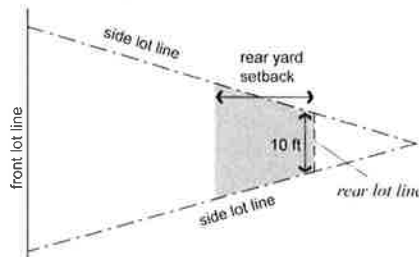


*Lot Line Configurations*

- 2.4.47. *Lot Line, Front* The lot line separating a lot from a street right-of-way. In the case of standard corner lots, there shall be a primary and secondary front

line. The shorter of the two shall be the primary front lot line. For all other corner lots, both lot lines shall be considered front lot lines.

- 2.4.48. *Lot Line, Rear* That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line ten (10) feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.



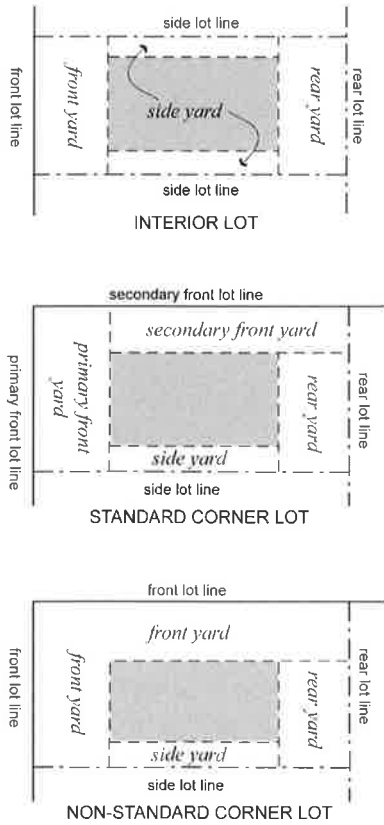
- 2.4.49. *Lot Line, Side* Any lot line other than a front lot line or a rear lot line.
- 2.4.50. *Lot Width* The minimum distance measured between the side lot lines at the front building line. For corner lots, lot width is the distance measured between the side lot line and the opposite lot line.
- 2.4.51. *Manufactured Home Lot* A lot designed for the siting of a manufactured home in a manufactured home subdivision.
- 2.4.52. *Manufactured Home Space* A space designed for the siting of a manufactured home within a manufactured home park.
- 2.4.53. *Nonconformities* Lawful uses of lots, structures or characteristics of uses, which, as a result of amendment to this Ordinance, no longer conform to all applicable zoning provisions.
- 2.4.54. *Non-residential* Land uses including agricultural, institutional, commercial, lodging and industrial activities. Mixed-use developments shall also be considered non-residential uses.
- 2.4.55. *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.

- 2.4.56. *Outdoor Storage* The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours.
- 2.4.57. *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.
- 2.4.58. *Perimeter* The boundaries or borders of a lot, tract or parcel of land.
- 2.4.59. *Planning Commission* or *Commission* The Planning Commission of the City of Headland, Alabama.
- 2.4.60. *Premises* A lot, parcel, tract or plot of land together with the structures hereon.
- 2.4.61. *Property Line* The lot line or boundary line.
- 2.4.62. *Rear-loaded* Having vehicular access by way of an alley or similar means so as not to require a driveway along a front lot line.
- 2.4.63. *Recreational Vehicle* A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is designed primarily as a temporary living accommodation of recreational and camping purposes.
- 2.4.64. *Satellite Dish Antenna* A parabolic or dish-shaped antenna designed to receive television broadcasts relayed by signals from communications satellites.
- 2.4.65. *Screen* To visually shield or obscure a building, structure or use from adjacent property or public view by means of opaque fencing, walls, berm or densely planted vegetation.
- 2.4.66. *Sight Distance, Intersection* The length of a line of sight between a motorist, stopped at an intersection or driveway, and the nearest intersection, alley or other access point to the left or to the right of the motorist.
- 2.4.67. *Site* Land intended to have one or more buildings or intended to be subdivided into one or more lots.
- 2.4.68. *Special Exception Use* A use that would not generally be appropriate in a zoning district without restriction(s), but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety and general welfare. See §12.6.
- 2.4.69. *Story* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the ceiling next above and including basements used for the principal use.
- 2.4.70. *Street* A vehicular way dedicated for public use including all land within the right-of-way. Streets are further classified as:
1. *Arterial* A major street serving as a primary artery, intended to mainly carry through traffic and to connect major activity centers in the City; including US Highway 431, State Highway 134, State Highway 173 (Broad Street) and CR-99.
  2. *Collector* A street that collects traffic from an area and moves it to the arterial network while providing some access to abutting property. A collector generally has lower design speeds than an arterial but higher than a local street. These include: Boynton Street, Cleveland Street, Early Walden Road, Experiment Road, Main Street, Mitchell Street, West King Street, West Railroad Street, Woods Road, Solomon Road, CR-9 (Rock Creek Road), CR-11, CR-13, CR-15, CR-19, CR-22, and CR-24 (Strickland Road).
  3. *Local Street* or *Minor Street* A minor street used primarily for access to abutting properties.
- 2.4.71. *Street Tree* Deciduous trees required as a part of street frontage landscaping or that are planted within a street right-of-way including the following types:
1. *Canopy Street Tree* A deciduous tree that reaches a mature height of at least twenty (20) feet.
  2. *Understory Street Tree* A deciduous tree that reaches a mature height of fifteen (15) to twenty (25) feet.
- 2.4.72. *Structure* A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water. All buildings are structures but not all structures are buildings.
- 2.4.73. *Subdivision* The division of a lot, tract or parcel or land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land or territory subdivided.

- 2.4.74. *Terrace* A level, landscaped or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.
- 2.4.75. *Thoroughfare* See "Street".
- 2.4.76. *Variance* A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.
- 2.4.77. *Yard* A minimum open area unobstructed from the ground up extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and the lot line.

- 1. *Front Yard* A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
- 2. *Rear Yard* A yard extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- 3. *Side Yard* A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

2.4.78. *Board of Adjustment* The Board of Adjustment of Headland, Alabama.



Yard Configurations

§2.5. Agricultural Uses

- 2.5.1. *Agriculture* 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.
- 2.5.2. *Farm Land* used primarily for agricultural purposes. See also §8.1.
- 2.5.3. *Farm Support Business* A commercial establishment engaged in the sale of farm support goods and services, including but not limited to the following: 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.
- 2.5.4. *Hobby Farm* The on-site production, principally for use or consumption of the property owner or tenant, of plants, animals, or their products, including, but not limited to, gardening, fruit production, poultry, and keeping and raising of livestock. This does not include the sale of products produced off-site but does include the sale of products produced on-site as long as such sales are incidental to the principal use of the property as a residence. See also §8.2.

- 2.5.5. *Kennel* An establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for compensation.
- 2.5.6. *Livestock Sales* The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
- 2.5.7. *Stable* An accessory building in which horses are kept for private or commercial use.

**§2.6. Residential Uses**

- 2.6.1. *Conservation Subdivision or Development* 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 §8.10.
- 2.6.2. *Dwelling* Any building or portion thereof, which is designed and used for residential occupancy.
- 2.6.3. *Dwelling, Accessory* A dwelling located on the same lot of and that is subordinate to a detached, single-family dwelling. Accessory dwellings are commonly referred to as guest houses, garage apartments, mother-in-law units or mews units
- 2.6.4. *Dwelling, Caretaker* A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
- 2.6.5. *Dwelling, Multi-Family* A building containing five (5) or more dwelling units on a commonly shared lot.
- 2.6.6. *Dwelling, Duplex* A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
- 2.6.7. *Dwelling, Multiplex* A building containing three to four dwelling units, each of which has direct access to the outside or to a common hall.
- 2.6.8. *Dwelling, Patio Home* A detached, single family dwelling on a small lot with one zero lot line on one side. Patio Homes are also commonly referred to as garden homes.
- 2.6.9. *Dwelling, Single-Family (Detached)* A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- 2.6.10. *Dwelling, Townhouse* A single-family dwelling in a row of at least three (3) 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 one or more vertical common fire-resistant walls.
- 2.6.11. *Dwelling Unit* One or more rooms occupied as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
- 2.6.12. *Dwelling, Upper-Story* A dwelling unit located on a floor above a non-residential use.
- 2.6.12.1. *Dwelling, Ground Floor* A dwelling unit located on the ground floor of a building located in the C-1 downtown district.
- 2.6.13. *Independent Living Facility* A multi-family residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
- 2.6.14. *Manufactured Homes*
  - 1. *Class A Manufactured Home* A double-wide Manufactured Home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the criteria in §4.4.1 and where the manufactured home has a length not exceeding four times its width.
  - 2. *Class B Manufactured Home* A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.
  - 3. *Class C Manufactured Home* A manufactured home built before 1976 that does not meet the definition of a Class A or Class B Manufactured Home. Class C Manufactured Homes are not allowed in the City, except as existing structures permitted prior to the adoption of this Ordinance.
- 2.6.15. *Manufactured Home Subdivision* A subdivision designed and intended for the siting of Class A Manufactured Homes.

2.6.16. *Manufactured Home Park* Land used or designed to accommodate a manufactured home community of multiple spaces for rent or lease.

**§2.7. Institutional Uses**

Institutional uses include structures or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services; but do not include those of an industrial nature such as garages, repair or storage yards, and warehouses. For the purposes of this Ordinance, institutional uses may also be categorized as shown following:

*Intensity Classification of Institutional Uses*

Low Intensity

- places of assembly up to 150 seats
- day care centers; group care homes
- nursing care facilities and other homes for the aged up to 10,000 sf

Medium Intensity

- government buildings up to 12,500 sf
- health institutions up to 35,000 sf
- elementary and junior high/middle schools;
- places of assembly up to 300 seats
- stadiums and arenas up to 3,000 seats
- other institutions up to 35,000 sf

High Intensity

- government buildings 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
- other Institutions greater than 35,000 sf

2.7.1. *Animal Shelter* A non-profit or public organization providing shelter for small domestic animals.

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

2.7.3. *Club* A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or

dues, which holds regular meetings and has a constitution or by-laws.

2.7.4. *Country Club* Land or buildings containing recreational facilities and clubhouse for private club members and their guests.

2.7.5. *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.

1. *Emergency Care Home* A group care home, serving up to ten (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.

2. *Family Care Home* A group care home, serving up to ten (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 multi-family zones, Code of Alabama, 1975* as amended.

2.7.6. *Hospital* An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

2.7.7. *Independent Living Facility* See "Independent Living Facility" in [§2.6 Residential Uses](#).

2.7.8. *Nursing Care Facility* A licensed institution providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in an assisted or independent living facility.

2.7.9. *Park* Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. Parks owned and operated by a property owners association are referred to as "Common Open Spaces."



- 2.7.10. *Place of Assembly* A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- 2.7.11. *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.
- 2.7.12. *Public Utility Facility* A facility that provides public utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
- 2.7.13. *Recycling Center* Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
- 2.7.14. *School* A public or non-profit school.

**§2.8. Commercial Uses**

- 2.8.1. *Animal Hospital* See "Veterinary Hospital."
- 2.8.2. *Bakery, Minor* An establishment, which bakes goods for on-premises retail sale only.
- 2.8.3. *Bank or Financial Institution* A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union, finance company and similar uses.
- 2.8.4. *Bed and Breakfast* A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.
- 2.8.5. *Boarding House* A dwelling or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered.
- 2.8.6. *Business Office or Professional Office* A room or group of rooms used for the conduct of a business, profession, service, industry and generally furnished with desks, tables and communications equipment.
- 2.8.7. *Business Support Service* A business which supplies support services primarily to business establishments, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
- 2.8.8. *Campground* A plot of ground 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.
- 2.8.9. *Commercial Parking* Parking of motor vehicles on a temporary basis within a commercially-operated, off-street parking lot or garage.
- 2.8.10. *Commercial School* A private, gainful business providing instruction in arts, business, crafts, trades or professions.
- 2.8.11. *Convenience Store* A retail establishment of up to 5,000 sf selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods for off-premises consumption. A convenience store also selling vehicle fuels is considered a "gas station."
- 2.8.12. *Distilleries*. An establishment that produces and packages alcoholic beverages, except beer and wine, in accordance with state law, and which may include a tasting room and accessory retail sales.
- 2.8.13. *Entertainment, Indoor* A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.
- 2.8.14. *Entertainment, Outdoor* An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
- 2.8.15. *Garden Center or Nursery* The growing, cultivation storage and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
- 2.8.16. *Gas Station* An establishment involving the retail dispensing of automotive fuels. A gas station which includes minor vehicle repair activities is considered a "service station."
- 2.8.17. *Grocery Store* A retail establishment primarily selling food, for off-premises consumption and/or preparation, as well as other convenience and household goods.
- 2.8.18. *Home Occupation* A business, profession, occupation or trade conducted for gain or support as an incidental activity within a dwelling.

- 2.8.19. *Home Improvement Center* A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
- 2.8.20. *Hotel* An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the interior of the building. Hotels may also include, as an incidental use, a liquor lounge.
- 2.8.21. *Laundry Services* Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering, dry cleaning, and dyeing plants.
- 2.8.22. *Liquor Lounge* A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises only. This includes but is not limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment.
- 2.8.23. *Live-Work* A type of mixed-use development, in which one (1) single-family dwelling unit is located in the same building as a non-residential use. Typically, the dwelling unit is located in an upper floor with the non-residential use at ground level. The business use is typically owned or managed by the resident.
- 2.8.24. *Maintenance Service* An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.
- 2.8.25. *Medical Clinic* A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an out-patient basis.
- 2.8.26. *Medical Support Service* A place of business, which supplies medical support services to individuals, medical practitioners, clinics and hospitals, including but not limited to a pharmacy, medical and surgical supply store, and an optician.
- 2.8.27. *Mini-Warehouse* A structure group of structures partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-volatile, non-toxic and non-explosive materials.
- 2.8.28. *Mixed Use or Mixed Use Development* The combination of a residential use with commercial and/or lodging uses on the same site or within the same building.
- 2.8.29. *Motel* An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the exterior of the building. Motels may also include, as an incidental use, a liquor lounge.
- 2.8.30. *Open Air Market* Retail sales of arts, crafts, produce, discount or used goods which are located partially or wholly outside of an enclosed building. This may include produce market, craft market, farmers market or similar activities.
- 2.8.31. *Outdoor Storage*. See [§2.4.55 Outdoor Storage](#).
- 2.8.32. *Personal Service* An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.
- 2.8.33. *Printing Establishment, Minor* Blue printing, copying, printing, engraving or other reproduction services with 2,500 sf or less of floor space.
- 2.8.34. *Recreation* A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, 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.
- 2.8.35. *Restaurant, Fast Food* An establishment where food and drink are rapidly prepared for drive-through or drive-in service.
- 2.8.36. *Restaurant, Standard* An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated and served.
- 2.8.37. *Restaurant, Take-Out Only* An establishment where food and drink are prepared and served for consumption off-premises only.
- 2.8.38. *Retail, General*
1. *General Retail, Enclosed* Retail sales of goods and services including, but not limited to; food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses and similar retail activities.

2. *General Retail, Unenclosed Retail* sales of goods and services conducted partially or fully outside of a building, including but not limited to sidewalk sales, flea markets, outdoor food service and similar activities.
- 2.8.39. *Service Station* A gas station that engages in minor vehicle repair activities.
- 2.8.40. *Shopping Center* A group of commercial establishments located on a lot planned and developed in a unified manner and design with shared parking and driveway facilities and under a common ownership or management authority.
- 2.8.41. *Studio* A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- 2.8.42. *Truck Stop* An establishment involving the maintenance, servicing, storage or repair of commercial vehicles; the retail dispensing of motor vehicle fuels; and the sale of accessories or equipment for trucks and similar commercial vehicles. Truck stops may include overnight accommodations or dining.
- 2.8.43. *Vehicle and Equipment Sales, Rental and Service* An establishment engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.
- 2.8.44. *Vehicle Repair, Major* An establishment engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities all of which shall be performed entirely within an enclosed building.
- 2.8.45. *Vehicle Repair, Minor* An establishment engaged in 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.
- 2.8.46. *Vehicle Sales or Rental* An establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.
- 2.8.47. *Veterinary Hospital* A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
- §2.9. Industrial Uses**
- 2.9.1. *Bakery, Major* An establishment which bakes goods primarily for wholesale and/or retail and in which may include storage and distribution facilities.
- 2.9.2. *Construction Service* A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail) such as a building contractor, trade contractor or wholesale building supply store.
- 2.9.3. *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.
- 2.9.4. *Laundering Plants* Establishments primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.
- 2.9.5. *Manufacturing, General* The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.
- 2.9.6. *Manufacturing, Light* The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products.
- 2.9.7. *Printing Establishment, Major* Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.
- 2.9.8. *Recycling Plant* A facility, other than a junkyard, in which recoverable resources, such as newspapers, magazines, books and other paper products; glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

- 2.9.9. *Research Laboratory* A building or group of buildings in which are located facilities 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.
- 2.9.10. *Resource Extraction* The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.
- 2.9.11. *Sanitary Landfill* A State-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
- 2.9.12. *Truck Terminal* An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
- 2.9.13. *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.
- 2.9.14. *Wrecking or Junk Yard* 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.
- §2.10. Telecommunications Uses**
- 2.10.1. *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.
- 2.10.2. *Antenna Tower* A structure that is intended to support antennas and related equipment used to transmit and/or receive telecommunications signals.
- 2.10.3. *Broadcast Studio* An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms.
- 2.10.4. *Telecommunication Tower* A transmission tower that either (1) serves an individual user and is not available to the general public; (2) is privately owned and operated for the purpose of leasing tower space to others; and/or (3) is a single-purpose facility and not part of a cellular network.
- 2.10.5. *Wireless Communication* Any personal wireless services as defined by the Telecommunications Act of 1996 and licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, ground based repeaters for satellite radio services, microcell antennae and similar systems, which exist now or may be developed in the future and exhibit technological characteristics similar to them.
- 2.10.6. *Wireless Facility* Any component of the wireless communication installation including any towers, antennas, antenna array, and any structure or device used to contain ancillary equipment for a wireless facility.
- §2.11. Abbreviations used in this Ordinance**
- 2.11.1. ac – Acre(s)
- 2.11.2. bldg. – Building
- 2.11.3. BR – Bedroom
- 2.11.4. CR – County Road
- 2.11.5. Dr. – Drive
- 2.11.6. DU – Dwelling Unit
- 2.11.7. EQ – equal
- 2.11.8. FCC – Federal Communications Commission
- 2.11.9. ft – foot or feet
- 2.11.10. GFA – Gross Floor Area
- 2.11.11. max. – maximum
- 2.11.12. min. – minimum
- 2.11.13. na – not applicable
- 2.11.14. oc – on center
- 2.11.15. PL – Property line or Lot Line

Article 3 DEFINITIONS

2.11.16. ROW – Right-of-way

2.11.17. sf – square feet

2.11.18. % - percent

2.11.19. § - Section, Subsection, Paragraph or Item within  
this Ordinance or other regulations, as specified

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**Article 3 ESTABLISHMENT OF DISTRICTS**

**§3.1. Official Zoning Map**

The City is hereby subdivided into General Purpose, Special Purpose and Planned Development Districts as shown on the Zoning Map of the City of Headland. This Zoning Map, together with all explanatory materials it contains, is hereby made a part of this Ordinance, and shall be maintained by the office of the City Clerk. Any changes made in district boundaries, or any other matter portrayed on the map by Ordinance, shall be entered on the map within ten (10) days of adoption of such Ordinance.

**§3.2. Zoning Districts and Purposes**

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

**3.2.1. General Purpose Districts:**

1. O-L Open Land District. The purpose of this District is to provide and preserve land for agricultural and forestry uses and other compatible uses. The district regulations are designed to maintain the essentially natural, open and rural character of these areas by requiring certain minimum yard and area standards.
2. R-1.1 Single Family Residential District. The purpose of this District is to provide and preserve land for single family dwelling units. The District regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and places of worship, and to preserve the openness of the areas by requiring certain minimum yard and area standards.
3. R-1.2 Single Family Residential District. The purpose of this District is to provide and preserve land for single family dwelling units. The District regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and places of worship, and to preserve the

- openness of the areas by requiring certain minimum yard and area standards.
4. R-1.3 Residential Estate. The intent and purpose of this district is to provide for and protect the quiet and peaceful character of very low density, single family residential development and accessory uses normally necessary and compatible with such use. Regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single family dwellings situated on lots having an area of at least three (3) acres and to discourage and encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district. The keeping and raising of domesticated equine, bovine, feline and canine pets is considered compatible and customary in zones of this designation.
  5. R-2 One to Four Family Residential District. The purpose of this District is to provide and preserve land for single family and multiplex (2-4 units) dwelling units. The District regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and places of worship; and to preserve the openness of the areas by requiring certain minimum yard and area standards.
  6. R-3 Multiple family Residential District. The purpose of this District is to provide and preserve land for multiple-family dwelling units and other compatible uses. The District regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and places of worship; and to prevent overcrowding of the land by requiring certain minimum yard and area standards.
  7. M-H Manufactured Home Residential District. The purpose of this District is to provide and preserve land for manufactured home parks and subdivisions. The District regulations are designed to provide areas of open space and

privacy comparable to other detached single family neighborhoods. The Commission and the Council shall treat all developments in this District as subject to review using the procedures outlined for Conditional Uses in §14.7.

8. T-H Townhouse and Patio Home Residential District. The purpose of this District is to protect and preserve land for use for attached (townhouse) and detached (patio home) single-family dwellings. The District regulations are designed to provide areas of open space and privacy comparable to other detached single family neighborhoods.
9. INST Institutional District. The purpose of this district is to provide for and protect uses that are institutional in nature, while encouraging their reasonable use and enjoyment in ways that are compatible with surrounding districts. The Commission and the Council shall treat all developments in this District as subject to review using the procedures outlined for Conditional Uses in §14.7.
10. C-1 Central Business District. The purpose of this District is to provide for the continued use and reinvestment in land and buildings in historic Downtown Headland. Permitted uses include retail sales, personal and professional services, entertainment, and public services and facilities. The use of upper floors for residential use is also encouraged. Wholesaling and warehousing are limited to that which is accessory to a principal retail use. The district regulations are designed to preserve Downtown Headland's traditional, compact and pedestrian-oriented development pattern.
11. C-2 General Business District. The purpose of this District is to provide and preserve land for general retail sales, personal and professional services, and other compatible businesses. The district regulations are designed to protect surrounding residential uses by requiring certain minimum yard and area standards.
12. M-1 Light Industrial District. The purpose of this District is to provide for manufacturing, processing, assembly, warehousing, wholesaling and related activities. M-1 Districts are intended to have convenient access to arterial roadways and/or railroads. To minimize adverse impacts on surrounding non-industrial properties due to noise, vibration, heat, waste,

dust, odor or glare, M-1 Districts are to be located and developments designed so that they are separated from less intensive land uses.

**§3.3. Overlay Districts**

Overlay Districts provide for regulation of the character of special corridors and places within the city, regardless of and in addition to the regulations applicable in General Purpose and Planned Development Districts. These include:

- 3.3.1. HC: Highway Corridor Overlay District

**§3.4. Planned Development Districts**

Planned Development Districts are intended to provide optional methods of land development to encourage imaginative solutions to environmental design issues. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. These include:

- 3.4.1. PN: Planned Neighborhood District

**§3.5. Interpretation of District Boundaries.**

The boundaries of the Zoning Districts as shown on the Official Zoning Map are intended, as far as possible, to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Where any district boundary cannot be accurately determined from the Map, the Board of Adjustment shall determine where such boundary is officially located.

**§3.6. Annexed Property**

Following the adoption of this Ordinance, any property annexed into the City shall be immediately and automatically placed in the O-L: Open Land District, or such district(s) as determined by the City Council to be compatible with the intent of the Comprehensive Plan. Any subsequent rezoning of such property shall follow the procedures for map amendments set forth in this Ordinance.

**§3.7. Abandoned Right-of-way**

Whenever any street, alley or other public way is vacated or abandoned by official action of the City the zoning district adjoining each side of such street, alley or public way shall be automatically extended



Article 3 ESTABLISHMENT OF DISTRICTS

to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

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**Article 4 DISTRICT REGULATIONS**

**§4.1. Area and Dimensional Regulations**

Structures shall be located on each lot in accordance with the area and dimensional regulations specified for the district in Table 4.1 unless modified by any applicable Use-Specific Regulations.

**§4.2. Use Regulations**

Uses shall be permitted within each district as specified in Table 4.2.

**§4.3. Regulations for Residential Districts**

4.3.1. The following general regulations shall apply in the R-1.1, R-1.2, R-1.3, R-2, R-3, M-H and T-H Districts:

1. No land shall be zoned to a residential district with a minimum lot area requirement of less than 15,000 sf unless such land shall be connected to the municipal sanitary sewer system.
2. Only low intensity institutional uses, as defined in Article 2, shall be permitted by right in a Residential District. Existing institutional uses may be expanded to medium intensity in a Residential District only upon approval of a Conditional Use. Institutional uses may be expanded to high intensity only upon rezoning to the INST District.

4.3.2. M-H Districts

1. Only Class A Manufactured Homes, which shall conform to the following requirements, shall be permitted in Manufactured Home Subdivisions:
  - a. The manufactured home shall have a minimum of 960 sf of enclosed and heated living area.
  - b. The roof shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and shall be finished with a type of shingle commonly used in standard residential construction.
  - c. All roof structures shall have an eave projection of no less than six (6) inches, which may include a gutter.
  - d. The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding, wood, or hardboard, comparable in composition, appearance

and durability to the exterior siding commonly used in standard residential construction

- e. All manufactured homes shall be set up in accord with the standards set by the Alabama Manufactured Home Institute.
  - f. The moving hitch, wheels and axles, and transporting lights shall be removed prior to occupancy.
2. Only Class A and B manufactured homes shall be permitted in manufactured home parks.
  3. Class C manufactured homes are prohibited.
  4. See §8.13 for requirements for Manufactured Home Parks.

**§4.4. Regulations for Business and Institutional Districts**

4.4.1. The following general regulations shall apply in the INST, C-1 and C-2 Districts:

1. All principal buildings shall be permanent buildings. Principal buildings shall not be tents, shelters, portable buildings or other non-permanent structures.
2. No minimum lot area or lot width shall be required, although each lot shall be adequate in size to allow for the proposed use, as well as the required parking, buffers (if required), and servicing of the building(s).
3. Each structure shall have on premises a service yard adequate for the handling of waste and garbage and the loading and unloading of vehicles. Such service yard shall be paved, have access to a public street or alley, and be located to the side or the rear of the principal structure.
4. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes shall exceed twenty-five (25) feet in height measured from grade level and shall be designed and installed so as to direct the beam of light away from any adjacent residential areas.

4.4.2. C-1 District

Buildings shall extend to within fifteen (15) ft of the front property line unless this requirement may be modified by the Planning Commission upon Site Plan review. In no case shall parking be

permitted forward of the front building line except to continue a legal nonconforming condition.

**§4.5. O-L District Regulations**

- 4.5.1. Land sought to be subdivided for the purposes of development other than that permitted in Table 4.2 must be rezoned to an appropriate zoning classification, in accordance with Article 13.
- 4.5.2. One principal dwelling and one accessory dwelling only shall be permitted on any individual property and only when such property is used for farming, forestry or similar agricultural uses.
- 4.5.3. Not more than 200 animal units, as defined in Article 2 shall be permitted on any one farm operation. The keeping, breeding, raising of more than 200 animal units shall be considered a concentrated animal feeding operation and shall only be permitted in the M-1 District.

Article 4 DISTRICT REGULATIONS

**Table 4.1 ZONING DISTRICT AREA AND DIMENSIONAL REGULATIONS**

	Minimum Yard Setbacks				Min. Lot Width	Max. Lot Coverage	Min. Lot Area/ Max. Density	Max. Bldg. Height
	Front	Secondary Front <sup>1</sup>	Rear	Side				
<b>O-L</b>	35 ft		35 ft	25 ft	na	20%	na	35 ft or 2-1/2 stories
<b>R-1.1</b>	30 ft	25 ft	35 ft	10 ft	85 ft	25%	15,000 sf	2-1/2 stories
<b>R-1.2</b>	25 ft	20 ft	30 ft	8 ft	65 ft	35%	12,500 sf	2-1/2 stories
<b>R-1.3</b>	350 ft	200 ft	400 ft	100 ft	200 ft	30%	3 acres	2-1/2 stories
<b>R-2</b>	25 ft	20 ft	25 ft	8 ft	50 ft	40%	10,000 sf	2-1/2 stories
<b>R-3</b>	20 ft	15 ft	20 ft	8 ft	50 ft	60%	10,000 sf for 1-family 5,000 sf for first 2 and 2,000 sf for each thereafter	3 stories
<b>M-H</b> <sup>3</sup>	25 ft		30 ft	8 ft	75 ft	60%	5,000 sf for individual lot	2 stories
<b>T-H</b>	15 ft	na <sup>2</sup>	0, 10 ft <sup>4</sup>	see §8.11		60%	2,000 sf for attached 2,500 sf for detached	2-1/2 stories
<b>INST</b>	na		25 ft	10 ft	na	60%	na	2 stories
<b>C-1</b>	0 ft		20 ft	0 ft	na	80%	na	2 stories
<b>C-2</b>	25 ft		20 ft	0 ft	na	60%	na	2 stories
<b>M-1</b>	30 ft		30 ft	20 ft	na	25%	na	35 ft or 2 stories

Commented [jrf1]: omission in current ordinance?

<sup>1</sup> Secondary front yard requirements only apply to corner lots of detached single-family and duplex dwellings in the R-1.1, R-1.2, R-1.3, R-2 and R-3 Districts, in all other cases the front yard setback is required on each frontage of a corner lot.

<sup>2</sup> No minimum depth is required so long as an unencumbered rear yard with a minimum area of 400 sf is maintained.

<sup>3</sup> Requirements are for Manufactured Home Subdivisions, see §8.13 for Manufactured Home Park requirements.

<sup>4</sup> A minimum 10 ft side yard shall be required at the end of a row of attached townhouses when such end does not face a street.

**Table 4.2 USE REGULATIONS**

USES / DISTRICTS	O-L	R-1.1	R-1.2	R-1.3	R-2	R-3	T-H	M-H	INST	C-1	C-2	M-1
Airport	C											C
Animal Shelter									R		R	
Assisted Living Facility						C			R		R	
Bakery, Major												R
Bakery, Minor										R	R	
Bank or Financial Service, including drive-up service											R	
Bank or Financial Service, excluding drive-up service										R	R	
Bed and Breakfast, see §8.9	SE				R	R						
Boarding House					R	R						
Broadcast Studio											R	
Business or Professional Office										R	R	
Business Support Service										R	R	
Car Wash											R	
Campground	SE										C	
Cemetery	R	R			R	R			R	R	R	
Club									R	R	R	
Conservation Subdivision/ Development, see §8.10		R	R		R	R						
Construction Service											SE	R
Convenience Store										R	R	
Country Club	SE	R	R		R	R	R				R	
Day Care Center						SE		SE	R	R	R	
Day Care Home	R	R	R		R							
Distilleries										C	C	
Dwelling, Accessory, see §8.8	R	R		R	R							
Dwelling, Caretaker	R								R	R	R	R
Dwelling, Duplex					R	R						
Dwelling, Multifamily (5+ units)						R						
Dwelling, Multiplex (3-4 units)					R	R						
Dwelling, Single Family Detached	§4.5	R	R	R	R							
Dwelling, Patio Home					R							
Dwelling, Townhouse, see §8.11							R					
Dwelling, Upper Story, see §8.12										R	R	
Dwelling, Ground Floor see §8.15										C		
Emergency Care Home					C	C			C			
Entertainment, Indoor										R	R	

\* – Municipal uses are subject to statutory review and approval of the Planning Commission.

R – The use is permitted by right.

SE – The use requires action by the Board of Adjustment as a special exception per §12.6.

C – The use is conditional and requires review by the Commission and action by the Council per §14.7.

A blank cell in the Table indicates that the use is not permitted.

Article 4 DISTRICT REGULATIONS

Table 4.2 USE REGULATIONS												
USES / DISTRICTS	O-L	R-1.1	R-1.2	R-1.3	R-2	R-3	T-H	M-H	INST	C-1	C-2	M-1
Entertainment, Outdoor											C	
Family Care Home					C	R			C			
Farm, see §8.1	R											
Farm, Hobby, see §8.2	R	SE										
Farm Support Business	C											R
Funeral Home											R	
Garden Center or Nursery	C									SE	R	
Gas Station										SE	R	R
Grocery Store										R	R	
Home Improvement Center											R	
Home Occupation, see §8.3	R	R	R		R	R	R					
Hospital									C			
Hotel										R	R	
Independent Living Facility						R						
Industry, Heavy												SE
Kennel	R										SE	SE
Landfill, Inert or Sanitary												C
Laundering Plant												R
Laundry Service										R	R	
Liquor Lounge										SE	SE	
Livestock Sales	R											R
Live-Work, see §8.12										R	SE	
Maintenance Service											R	R
Manufactured Home Park, see §8.13								R				
Manufactured Home Subdivision								R				
Manufacturing, General												SE
Manufacturing, Light												R
Medical Clinic									R	R	R	
Medical Support Service									R	SE	SE	
Mini warehouse, see §8.4											SE	R
Mixed Use Development, see §8.12										C	C	
Motel											SE	
Nursing Care Facility									R			
Open Air Market	C										SE	R
Parks and Open Spaces	R	R	R		R	R	R	R	R	R	R	R
Parking, Commercial										C	SE	R
Personal Service										R	R	
Place of Assembly*		R	R		R	R			R			

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R - The use is permitted by right.

SE - The use requires action by the Board of Adjustment as a special exception per §12.6.

C - The use is conditional and requires review by the Planning Commission and action by the City Council per §14.7.

A blank cell in the Table indicates that the use is not permitted.

Table 4.2 USE REGULATIONS												
USES / DISTRICTS	O-L	R-1.1	R-1.2	R-1.3	R-2	R-3	T-H	M-H	INST	C-1	C-2	M-1
Printing Establishment, Major												R
Printing Establishment, Minor										R	R	
Public Facility*	R	R	R		R	R	R	R	R	R	R	R
Public Utility Facility*	R	R	R		R	R	R	R	R	R	R	R
Recreation, Indoor										R	R	
Recreation, Outdoor	C										R	
Recreational Vehicle Park											C	
Recycling Center										SE	SE	R
Recycling Plant												SE
Rehabilitation Facility									R	R	R	
Research Laboratory											SE	R
Resource Extraction												C
Restaurant, Fast Food											R	
Restaurant, Standard										R	R	
Restaurant, Take Out Only										R		
Retail, General, Enclosed										R	R	
Retail, General, Unenclosed											SE	
School, Commercial									R	R	R	
School, Non-Profit or Public									R			
Service Station										C	R	R
Shopping Center										R	R	
Short Term Rental, see §8.14		SE	SE		SE	SE				R	R	
Short Term Rental, Occupied, see §8.14		SE	SE		SE	SE						
Stable	R											
Storage, Indoor											SE	R
Storage, Outdoor												R
Studio										R	R	
Telecommunications Towers, see §8.6	C								C		C	C
Truck Stop											C	C
Truck Terminal												SE
Vehicle and Equipment Sales, Rental and Service												R
Vehicle Repair, Major												R
Vehicle Repair, Minor										SE	R	R
Vehicle Sales or Rental											R	
Veterinary Hospital									R	SE	R	R
Wholesaling Establishment											SE	R
Wireless Facilities, see §8.5	R	SE	SE		SE	SE	SE	SE	R	R	R	R

\* – Municipal uses are subject to statutory review and approval of the Planning Commission.

R – The use is permitted by right.

SE – The use requires action by the Board of Adjustment as a special exception per §12.6.

C – The use is conditional and requires review by the Commission and action by the Council per §14.7.

A blank cell in the Table indicates that the use is not permitted.



Article 4 DISTRICT REGULATIONS

Table 4.2 USE REGULATIONS												
USES / DISTRICTS	O-L	R-1.1	R-1.2	R-1.3	R-2	R-3	T-H	M-H	INST	C-1	C-2	M-1
Wrecking and Junk Yards, see §8.7												SE

\* – Municipal uses are subject to statutory review and approval of the Planning Commission.

**R** – The use is permitted by right.

**SE** – The use requires action by the Board of Adjustment as a special exception per §12.6.

**C** – The use is conditional and requires review by the Planning Commission and action by the City Council per §14.7.

A blank cell in the Table indicates that the use is not permitted.

**Article 5 OVERLAY DISTRICT REGULATIONS**

**§5.1. HC Highway Corridor Overlay District**

Recognizing the special nature of certain streets and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, this section sets forth regulations that will help ensure that development in these critical areas is visually pleasing and economically viable. This section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base zoning district regulations in the corridor unless the base zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped, the following requirements shall apply. The Commission and the Council shall treat all developments in this District as subject to review using the procedures outlined for Conditional Uses in §14.7.

- 5.1.1. These regulations shall apply to all lots, parcels and tracts that have any frontage upon US Highway 431 and any lots within 400 feet of either right-of-way line of US Highway 431.
- 5.1.2. Setbacks. All structures shall be set back at least twenty (20) feet from the right-of-way line. All garages, car washes or other service bays shall be located at least forty (40) feet from front lot lines; and all garage, car wash, or service bay openings shall be oriented at not less than ninety (90) degrees to the primary street frontage.
- 5.1.3. Building Materials. All building cladding materials on facades visible to pedestrian and vehicular traffic shall incorporate natural materials such as wood or stone and/or manufactured materials such as brick and stucco.
- 5.1.4. Landscaping.
  - 1. Street frontage landscaping.
    - a. A fifteen (15) foot landscaping strip shall be installed along all frontages and shall include one canopy street tree per forty (40) ft, or one understory street tree per each thirty (30) ft, of frontage.
    - b. Evergreen shrubs shall be provided at a spacing no greater than five (5) feet on center. If used in combination with a fence meeting the requirements of §10.4, shrubs may be deciduous and may be spaced no more than eight (8) feet on center.

- 2. Perimeter Landscaping. Landscaping strips of a minimum width of five (5) feet shall be installed along all side and rear property lines. Each landscaping strip shall contain one (1) understory tree and five (5) shrubs per every fifty (50) feet of property line, but excluding any length along the property line comprising a cross access drive between two non-residential uses.
- 3. Interior Landscaping. No more than twenty (20) contiguous (side-by-side) parking spaces shall be constructed without a landscaped island. At least half of such islands shall be at least nine (9) feet wide; the remainder shall be at least four and one half (4.5) feet wide. All such islands shall contain at least one (1) understory or canopy tree.
- 4. All sites shall be developed in such a way that significant existing trees are preserved and incorporated into the landscaping of the site.

5.1.5. Lighting.

- 1. Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner that direct or indirect illumination from the source of light shall not exceed one (1) foot candle when measured from any property line adjoining a residential district.
- 2. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that, acting together, the resulting light is controlled and not directed across an adjacent property.

5.1.6. Fences and Screening.

- 1. Lot areas within which repair of vehicles of any type occurs and storage areas of vehicles that are visibly damaged or under repair shall be screened as required in §10.3. Properties that are nonconforming as to this provision at the time of adoption of this Ordinance shall be screened within two (2) years from such date.
- 2. Utility meters, air conditioners and other mechanical units shall not be located on any facade of the primary structure that faces US Highway 431 and shall be screened as required in §10.3.
- 3. Dumpsters and all other refuse collection devices shall be located behind the front

building line and shall be screened as required in §10.3.

4. No type of wire fencing material shall be used forward of the front building line.
  5. Fences in any front yard shall not exceed four (4) feet in height.
- 5.1.7. Additional Requirements.
1. Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced.
  2. Joint access easements and stubouts shall be provided at adjoining property boundaries. This shall not apply to residential developments.
  3. Visibility at an entrance or exit shall not be impaired in any way by display, landscaping or parked vehicles.
  4. Residential uses.
    - a. Individual residential lots shall not have direct access to the highway. Residential developments shall have access from a cross street designed and constructed in accordance with the City Subdivision Regulations, except as provided in Item b immediately below.
    - b. Residential lots may front on US Highway 431 only in accordance with the following:
      - (1) an alley or private or shared drive, with an outlet on a public street other than US Highway 431, is provided for each such lot
      - (2) each such lot has a minimum lot width of 85 feet along the highway frontage
      - (3) a front yard setback from the highway of at least fifty (50) ft is provided
    - c. For residential uses that back up to the highway, a screen fence shall be provided as a part of the street frontage landscaping (§5.1.4.1) and the rear of the residential lot(s). The fence shall extend and be of uniform design along the entire highway frontage of the development.

new development will contribute to the image, economy and safety of the community. The following regulations apply to all land within the overlay district designated along Main Street, Cleveland Street, Church Street, King Street, Broad Street and Highway 134, in addition to the regulations of underlying zoning districts.

- 5.2.1. Dimensional Requirements. The following apply to lots fronting on the above-named major streets.
1. Any newly subdivided lots intended for residential use shall have a minimum street frontage of at least 85 ft. This does not apply to lots that front on minor streets; however, residential development on any such double frontage lots, if permitted, shall be separated from the major street by a planted buffer and shall have no vehicular access from the major street in accordance with §4.4.2 Lots of the Subdivision Regulations. The buffer shall extend and be of uniform design along the entire major street frontage.
  2. New single-family dwellings shall have a minimum floor area of 2,500 sf. Where permitted, new duplex dwellings shall have a minimum floor area of at least 1,250 sf per unit. However, when the average floor area of dwellings within 500 ft, as measured from the property lines of the site, is less than required herein, the average floor area of the adjacent dwellings shall be the minimum floor area required.
  3. New residential uses shall have a minimum setback of 30 ft from the lot line along the major street or as required in accordance with §7.8.3 for infill development.

## §5.2. Major Street Overlay District

Recognizing the special nature of certain streets and the impacts of development along these corridors on the image and economy of the community, on property value and on traffic safety, this section sets forth regulations to help assure

**Article 6 PLANNED DEVELOPMENT DISTRICTS REGULATIONS**

**§6.1. General Provisions**

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

- 6.1.1. Any petition for the establishment of a Planned Development District shall be made in the form of a proposed Development Plan as prescribed in §14.6 shall be submitted to the Commission for its review and recommendation. The recommendation, which shall be in writing, shall state the Commission's consideration of the following:
  1. That the proposed development is consistent with the intent and purpose of the Comprehensive Plan and of this Ordinance to promote public health, safety and the general welfare.
  2. That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.
  3. That the final plan for the proposed development meets the requirements of all other regulating bodies.
- 6.1.2. The establishment of a Planned Development District will be for the express purpose of improving the tract of land for uses and in accordance with an approved Development Plan for the particular tract of land.
- 6.1.3. The owner of a tract of land may petition the Council for an amendment to the official zoning map creating a Planned Development District only at or following such time as the Development Plan has been approved and favorable recommendation on the zone change has been rendered by the Commission.
- 6.1.4. If, within 365 days from the effective date of the amendment, the Zoning Official has not received an application for a building permit, the Council may, by appropriate action, repeal the amendment establishing the Planned Development District. Once a building permit is issued, the improvements set forth in the Development Plan must be completed within twelve (12) years from date of issuance, otherwise, the Council may repeal the

amendment establishing the Planned Development District.

- 6.1.5. The Zoning Official may not issue a building permit unless the proposed improvements are substantially as shown in the Development Plan approved as a prerequisite to the amendment establishing the Planned Development District.
- 6.1.6. Unless specific variations are noted on the development plan and approved by the Commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use as provided in this Ordinance shall apply.
- 6.1.7. The Commission and Council retain the authority to waive any provisions in this Article or to impose requirements greater than herein stated in any Planned Development District.

**§6.2. PN Planned Neighborhood District**

- 6.2.1. Purpose and Intent. The purpose of this section is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A Planned Neighborhood (PN):
  1. Is compact and designed for the human scale;
  2. Provides a mix of uses in close proximity to one another within the neighborhood;
  3. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
  4. Incorporates a system of relatively narrow, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments; and
  5. Incorporates significant environmental features into the design.
- 6.2.2. Applicability. This section is an alternative set of standards for development for: 1) new development of forty (40) acres or more or 2) thirty (30) acres or more for development contiguous to existing neighborhoods.
- 6.2.3. Definitions. The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

1. *Building Scale* The relationship between the size of a building and its surroundings, including street width, open space, and surrounding buildings.
  2. *Commons* An open space, predominantly softscaped, and enclosed on at least two sides by attached or detached single-family dwellings.
  3. *Plaza* An civic space, predominantly hardscaped, and enclosed on at least sides by building facades. Plazas may be publicly or privately owned but, in either case, are designed and maintained for public use.
  4. *Square* A Common Open Space that serves as the focal point for a Planned Neighborhood. It is typically surrounded by commercial, institutional or mixed-uses.
- 6.2.4. Development Plan Submittal Requirements. The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed PN development. In addition to the submittal requirements of [§14.6 Development Plans](#), any request for approval of a Development Plan shall also include:
1. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, location of storm water infiltration areas, and other significant storm water best management practices.
  2. A pattern book representing the site design and architectural patterns of typical residential and non-residential buildings. Design patterns shall be conveyed with illustrations of typical proposed elevations including building heights, widths and façade treatments.
  3. the location of sidewalks, trails, passages and other pedestrian and bicycle circulation elements
  4. typical street cross sections including streetscape elements (curb and gutter, planting strips, street and pedestrian lighting, street trees, paving patterns, etc.) and crosswalk designs;
  5. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
- 6.2.5. Ownership and Maintenance of Public Space. See [§7.14](#).
- 6.2.6. Permitted Uses and Arrangements. A PN should consist of a mix of residential areas, one or more neighborhood center(s), and common open space(s).
1. Open Space. At least ten (10) percent of the gross acreage must be open space. At least twenty-five (25) percent of the open space shall be common open space or dedicated for public use. Ninety (90) percent of the lots within residential areas shall be within 1,400 feet from a common open space or park.
  2. Residential Areas. A mix of the following land uses may be located with flexibility throughout the residential portions of the site. Higher density residential uses should be located nearest a neighborhood center. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the development.
    - a. Single-family detached dwellings, duplexes and row houses
    - b. Townhouses
    - c. Multi-family dwellings,
    - d. Independent and assisted living, group care homes, and similar residential care facilities
    - e. Accessory dwellings
    - f. Open Space Uses. The following are permitted:
      - (1) Neighborhood parks
      - (2) Commons
      - (3) Playgrounds
      - (4) Storm water retention/detention facilities (where incorporated into one of the above)
  3. Neighborhood Centers. A PN will include a neighborhood center composed of a mix of commercial, residential, institutional, and open space uses as identified herein. The development should be laid out such that all residential blocks are within 2,800 feet, measured along pedestrian routes, from a neighborhood center.
    - a. Commercial Uses. The interior square footage of individual businesses should not exceed 6,000 sf, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are permitted and encouraged:

Article 6 PLANNED DEVELOPMENT DISTRICTS REGULATIONS

- (1) Food services, including but not limited to neighborhood grocery stores; butchers and bakeries; restaurants; cafes; coffee shops; neighborhood bars or pubs
  - (2) Retail uses, including but not limited to florists; nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artists; apparel shops and home décor stores
  - (3) Services, including but not limited to day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning
  - (4) Accommodations, including but not limited to bed and breakfasts, small hotels or inns
- b. Residential Uses. The following are permitted:
- (1) Duplexes, townhouses and row houses
  - (2) Multi-family dwellings, including independent and assisted living and group living quarters
  - (3) Upper-story dwellings and live-work units
- c. Civic or Institutional Uses. The following are permitted:
- (1) Municipal offices, fire stations, libraries, museums, and post offices
  - (2) Places of assembly
  - (3) Schools
- d. Open Space Uses. The following are permitted:
- (1) Squares
  - (2) Plazas
  - (3) Pocket parks
  - (4) Playgrounds
  - (5) Storm water retention/detention facilities (where incorporated into one of the above)

6.2.7. Density Standards

1. Density in Residential Areas. Maximum residential shall be as follows:
  - a. Single family, attached or detached: 8 du per acre
  - b. Multi-family dwellings: 15 du per acre
  - c. 1 accessory dwelling per single family lot

2. Density in Neighborhood Centers:
  - a. Single family, attached: 10 du per acre
  - b. Multi-family dwellings: 20 du per acre.
3. Non-residential GFA. The total ground floor area of non-residential uses, including off-street parking areas, shall not exceed twenty-five (25) percent of the development except where the PN is oriented around and integrated with, through the interconnection of vehicular, bicycle, and pedestrian ways, adjacent residential development.

6.2.8. Design Standards

1. Lot and Block Standards.
  - a. Blocks shall be 400-800 feet long. Blocks longer than 600 feet shall have a permanent pedestrian passage across the depth of the block. The passage shall be located not more than 300 feet from the nearest cross street. The passage shall be provided in an easement not less than twelve (12) feet in width. The walkway shall be no less than eight (8) feet in width.
  - b. A variety of residential lot sizes should be provided that allow for diverse housing types.
  - c. Lots less than fifty (50) feet in width shall have vehicular access from other than the front of the lot, such as an alley or common driveway at the side or rear.
2. Building Frontage Standards.
  - a. All non-residential buildings should abut a public sidewalk or a plaza. Civic or institutional buildings may also front on squares, lawns or similar landscaped frontages.
  - b. Single-family detached dwellings, duplexes and row houses shall have a front yard setback (measured to sidewalk) between eight (8) and twenty-five (25) feet. Unenclosed porches shall not extend closer than eight (8) feet to the sidewalk.
  - c. Townhouses and multi-family buildings shall be built to within eighteen (18) feet of the sidewalk. If located closer than twelve (12) feet to the sidewalk, the first floor level shall be at least two (2) feet above or at least three (3) feet below sidewalk level.

3. Rear Setbacks.

- a. Single-family dwellings, attached and detached, shall be set back no less than thirty (30) feet from the rear lot line.
- b. Specific rear setbacks are not required for other uses. Where a multi-family or non-residential use abuts, at the rear, a single-family lot, a buffer, pedestrian passage, alley or similar separation of at least twenty (20) feet in width is required.
- c. Accessory structures shall be set back from rear lot lines as required in §7.12.

4. Side Setbacks.

- a. A minimum, aggregate side yard of ten (10) feet shall be provided between detached dwellings, duplexes and row houses. No side setbacks shall be required for townhouses.
- b. No side setbacks are required for multi-family and non-residential uses. However, where a multi-family or non-residential use abuts a single-family detached dwelling, duplex or row house along a side lot line, a minimum building separation of twenty (20) feet shall be required.
- c. Accessory structures shall be set back from side lot lines as required in §7.12.

6.2.9. Circulation Standards. The circulation system shall provide for different modes of transportation; shall provide links within and between residential areas, neighborhood center(s), and open spaces; and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide access from streets of lesser classification, and promote safe and efficient mobility.

1. Pedestrian Circulation. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. Sidewalks shall be provided as follows:

- a. Public sidewalks shall be provided on both sides of any street within a neighborhood center or medium or high-density residential area and only on one side of any street within low-density residential areas in accordance with the following:
  - (1) Neighborhood centers: sidewalks shall be at least ten (10) feet wide with a clear

pedestrian zone of at least six (6) feet in width

- (2) Medium and high density residential areas (4 or more du/acre): sidewalks shall be at least five (5) feet wide and buffered from the street by a planting strip at least four (4) feet wide
- (3) Low density residential areas (less than 4 du/acre): sidewalks shall be at least four (4) feet wide and buffered from the street by a planting strip at least six (6) feet wide
- b. Residential Paths. Clear and well-lighted paths shall connect residential building entrances to the adjacent public sidewalk. Shared paths are acceptable.
- c. Neighborhood Center Walkways. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.
- d. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- e. Crosswalks. Crosswalks shall be well lit and clearly marked.

2. Vehicular Circulation. Vehicular circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as on-street parking, narrow travel lanes, horizontal curves, curb extensions, roundabouts, and medians may be used to encourage slow traffic speeds.

3. Street Layout. The development plan should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

- a. Corner curb radii should be kept to the minimum practicable given the size of vehicles expected to use the particular intersection and the intended rate of speed at which turns will be taken.
- b. All streets shall terminate at other streets or at public land, with the following exceptions:
  - (1) Local streets may terminate in stub streets;
  - (2) Local streets may terminate other than at other streets or public land when there is

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a connection to the pedestrian and bicycle path network at the terminus.

- (3) Where circumstances prevent the local street from terminating at another street or public land and the exceptions under Items (1) and (2) above are not practical, the local street may terminate in a cul-de-sac or "close" in accordance with the standards contained in the Subdivision Regulations.

6.2.10. Parking Standards. Parking areas for shared or community use should be encouraged. In addition:

1. In multi-family and non-residential areas, parking lots shall be located at the rear or side of buildings and shall include interior landscaping as required in §10.2.
2. Off-street parking shall be accessed from an alley or shared driveway, except that single-family dwellings with lots greater than sixty (6) feet may have individual driveways.
3. Parking lots and parking garages shall be separated from intersections by a building containing a use other than parking.
4. Adjacent on-street parking, if created as a part of the PN, may apply toward minimum parking requirements.
5. Parking for residential uses shall be provided on-site.
6. Paving shall be as normally required by the City except as follows:
  - a. Ribbon driveways may be used for single-family detached dwellings, duplexes, and row houses to reduce impervious surfaces.
  - b. To reduce impervious surfaces, interlocking pavers, grid pavers, or other pervious paving systems may be required for remote parking lots and parking areas for periodic uses.

6.2.11. Outdoor lighting. Street lighting shall be provided along all streets. Generally, a larger number of smaller lights – as opposed to fewer, high-intensity lights – should be used. Street lights shall be installed on both sides of the street at intervals of no greater than eighty (80) feet. Exterior lighting shall be cut-off type or directed downward to reduce glare onto adjacent properties.

6.2.12. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. Height: Structures shall be no more than three (3) stories, forty-five (45) feet for single-family residential or four (4) stories, sixty-five (65) feet for commercial, multi-family residential or mixed uses.
2. The architectural features, materials, and the articulation of a facade shall be continued on all sides visible from a public street or common area.
3. Principal buildings shall face onto a public street; except however that up to five (5) percent of the total number of single-family dwelling units may front directly on a commons.
4. Principal buildings and their main entrances shall not face directly toward a parking lot.
5. Porches or other architectural elements should define the front entrance to residences.
6. For commercial buildings, a minimum of fifty (50) percent of the street level facade shall be window or door openings.
7. Buildings on opposite sides of the same street should be similar in scale and setback.

6.2.13. Landscaping and Screening Standards.

1. Street trees. A minimum of one canopy street tree per forty (40) feet of street frontage shall be provided and evenly spaced. Street trees shall be located in the planting strip between the sidewalk and curb or in tree wells adjacent to the curb. In the case of existing overhead utility lines, understory street trees may be used, at a maximum spacing of thirty (30) feet.
2. Screening shall be provided as required in Article 10.

6.2.14. Storm Water Management. The design and development of the PN should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be protected/maintained to the maximum extent practicable. PN developments shall be subject to the following, in addition to any other applicable regulations:



1. Untreated, direct storm water discharges to wetlands or surface waters are not allowed.
  2. Post development peak discharge rates should not exceed predevelopment peak rates.
  3. Erosion and sediment controls must be implemented to remove eighty (80) percent of the average annual load of total suspended solids.
  4. Redevelopment storm water management systems should improve existing conditions and meet standards to the extent practicable.
  5. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
- 6.2.15. Utilities. Overhead utilities shall only be permitted in easements or alley rights-of-way at the rear of lots. Overhead utilities are permitted to cross streets as necessary to comply with this requirement. Otherwise, utilities shall be located underground.

**Article 7 SUPPLEMENTAL REGULATIONS**

**§7.1. General Regulations**

Except as otherwise provided for in this Ordinance:

- 7.1.1. No land may be used except for a purpose permitted in the applicable district.
- 7.1.2. No building shall be erected, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used except for a use permitted in the applicable district.
- 7.1.3. No building shall be erected, enlarged, reconstructed, moved or structurally altered except in conformity with the area and height limits of the applicable district.
- 7.1.4. The minimum lot area, yard setbacks, open spaces and parking spaces required by this Ordinance for each and every building, shall not be encroached upon or counted toward the requirements for any other building unless specifically provided for otherwise in this Ordinance.
- 7.1.5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and one principal use on one lot except as otherwise permitted for non-residential uses, multi-family complexes and condominium developments. Accessory structures shall not include living quarters except as provided in [§8.8 Accessory Dwellings](#).
- 7.1.6. No private permanent building, fence, wall or other structure shall be placed or constructed within a public right-of-way or easement.
- 7.1.7. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.

**§7.2. Joint Occupancy**

Except as specifically provided for upper-story dwellings, ground floor dwellings, accessory dwellings, live-work buildings, home occupations and caretaker dwellings, no structure shall be erected, structurally altered for or used as a dwelling simultaneously with any other use.

**§7.3. Public Utilities**

Utility poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits

and other utility structures necessary for electric power, telephone or telegraph service, distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City. This is not to be construed to include the erection or construction of buildings.

**§7.4. Buildings to be Moved**

Any building or structure to be moved to any location within the city limits shall be considered, for the purpose of this Ordinance, to be a new building under construction; and, as such, it shall conform to all applicable provisions of this Ordinance.

**§7.5. Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates, or which are inoperable or otherwise disabled for a period of seven (7) consecutive days, shall not be stored or parked on any residentially zoned property, whether occupied as a residence or not, or on property used for residential purposes in a non-residentially zoned district other than in a completely enclosed building. For the purposes of this section, a vehicle shall be deemed inoperable or otherwise disabled if it is unable to operate on the streets and roadways of the State of Alabama in full compliance with the various provisions of the [Code of Alabama, 1975](#).

Campers, travel trailers, or recreational vehicles may be stored in any district provided that they are parked in either the side or rear yards, or in a garage or accessory structure conforming to the requirements of this Ordinance. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

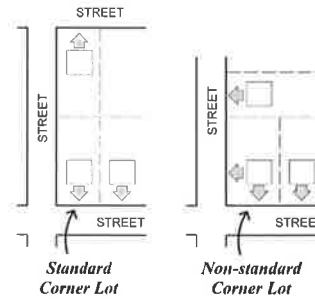
**§7.6. Intersection Visibility**

To provide a clear view at intersections, there shall be an unobstructed triangular area at the junction of any two streets or a street with a driveway or alley. The size of this triangular area is a function of the classification of the streets, which in turn is a function of the relative volume and speed of traffic on them.

- 7.6.1. For streets that intersect at an oblique angle; or, in cases where in the opinion of the Commission there are unusual circumstances that require special consideration, the intersection shall be referred to the Zoning Official who shall recommend a triangular unobstructed area using

the standards contained in the latest edition of the *Manual of Uniform Traffic Control Devices*.

- 7.6.2. Where a driveway or alley intersects with a public street, an unobstructed triangular area measuring ten (10) feet from the intersection along the right-of-way and ten (10) feet from the intersection along the edge of the driveway or alley.
- 7.6.3. Within the triangular areas defined above, nothing shall be planted, placed, erected, or allowed to grow that will interfere with visibility between a height of two and one half (2.5) feet and eight (8) feet above finished grade at the intersection of the two street center lines or the right-of-way and driveway or alley edge.



Standard and Non-Standard Corner Lots

**§7.7. Area Modification for Lots of Record**

The Board of Adjustment shall approve all proposed development involving non-conforming lots of record. See Article 11 Nonconformities.

**§7.8. General Yard Requirements**

- 7.8.1. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and, unoccupied for storage, servicing or similar uses, except as provided for herein.
- 7.8.2. More than one (1) multiple dwelling, office, institutional, industrial or public building may be located upon a lot or tract of land, but such dwellings shall not encroach upon the front, side or rear yards required by the district regulations.
- 7.8.3. The front yard requirements of this Ordinance shall not apply on vacant lots where the average depth of existing front yards on developed lots within one hundred (100) feet on either side and within the same block and zoning district is less than the minimum front yard required by this Ordinance. In such cases the required front yard depth shall not be less than the average front yard on the existing developed lots on either side.
- 7.8.4. Through lots shall provide the required front yard on both sides.
- 7.8.5. Standard corner lots for detached single-family and duplex dwellings, as specified in the applicable residential district, shall have a primary (greater) front yard setback and a secondary (lesser) front yard setback. Corner lots, in all other cases, shall provide a front yard on each street.

**§7.9. Height Modification**

The height regulations set forth in Table 4-1 do not apply to spires, belfries, cupolas, antennas, telecommunications towers, and water tanks; or to any ventilation structures, chimneys, or any other such facilities are not intended for human occupancy and that are normally required to be placed on the roof.

**§7.10. Fences and Walls**

- 7.10.1. Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line of residentially zoned property, or adjacent thereto, to a height not exceeding six (6) feet above the ground; except that no such fence, wall, or hedge located in a (primary or secondary) front yard shall exceed a height of four (4) feet. Where such lot line is adjacent to a non-residentially zoned property, fences, walls, or hedges may be erected, placed, grown, or maintained to a height not exceeding eight (8) feet.
- 7.10.2. Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line on any non-residentially zoned property to a height not to exceed eight (8) feet.

**§7.11. Projections Into Required Yards**

- 7.11.1. The following projections into required yards may be allowed:
  1. Architectural features such as, but not limited to, chimneys, roof overhangs, or eaves may project up to two and one-half (2.5) feet, but shall not be closer than three (3) feet to any property line.

2. Terraces, steps, uncovered porches and similar features that extend no more than three (3) feet above the ground may project into a required yard but shall be no closer than five (5) feet to any property line.
3. Within residential districts, satellite dish antennas may be located only within a rear yard and shall be no closer to any property line than ten (10) feet, measured from the closest edge of the structure.

Such projections shall not be included in the calculation of required setbacks.

- 7.11.2. Driveways and sidewalks are exempt from the provisions of this Section.

#### §7.12. Accessory Structures

It is the intent of this Ordinance that accessory structures be permitted for uses that are reasonable and customary to the District and permitted use and shall not include or be used for human habitation. No accessory structure other than a permitted sign shall be erected in any required front yard.

- 7.12.1. Accessory structures shall not exceed thirty-five (35) feet in height except as provided in Section 5 below, and shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from the rear and side lot lines and ten (10) feet from any other structure on the same lot.
- 7.12.2. On any corner lot which adjoins another residential lot at the rear, no part of any structure within twenty-five (25) feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along the side yard.
- 7.12.3. Private swimming pools constructed in a residential district as an accessory structure to a residence shall be located in the rear yard only, shall be constructed not closer than ten feet to the property line, shall be enclosed by a protective wall, fence or similar type barrier of a minimum height of four feet with suitable locks on all gates and exits, and shall be subject to a permit from the County Health Department.
- 7.12.4. Storm and fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such structures may contain or be added to other structures, or may

be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

#### §7.13. Manufactured Homes

- 7.13.1. All manufactured homes shall be located in approved manufactured home parks or subdivisions regardless of whether or not such manufactured homes are occupied.
- 7.13.2. It shall be unlawful for any manufactured home to be parked within the corporate limits of the city for any purpose at a site other than a manufactured home park or subdivision or manufactured home sales establishment complying with the provisions of this Ordinance.
- 7.13.3. A manufactured home may be temporarily parked and used as a bona fide construction office and the quarters of a lone night watchman at a construction site provided a permit is secured from the Zoning Official. The permit shall expire upon completion of the construction for which the permit is issued.

#### §7.14. Ownership and Management of Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities to be owned and maintained by the developer or a homeowner, property owner, or Condominium association, the following shall apply:

- 7.14.1. If not owned and maintained by the developer, an association representing the owners shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities located thereon shall be borne by the association.
- 7.14.2. Management Plan. The applicant shall submit a plan for management of open space and/or common facilities that:
  1. 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;

2. 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;
  3. provides that any changes to the plan be approved by the Commission; and
  4. provides for enforcement of the plan
- 7.14.3. In the event the party responsible for maintenance of the Common Open Space 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. Such costs shall become a lien on all involved properties.

#### **§7.15. Parking Lot Lighting**

Exterior lighting for parking areas serving nonresidential uses shall provide a minimum overall average illumination level of one (1) footcandle and a minimum illumination level of 0.25 footcandles as measured at the parking surface.

Article 8 USE-SPECIFIC REGULATIONS

**Article 8 USE-SPECIFIC REGULATIONS**

**§8.1. Farm**

8.1.1. The following farming activities shall be permitted:

1. Forage, sod, grain and seed crops
2. The keeping, feeding and raising of up to 200 animal units, as defined by Article 2, including, but not limited to, the following types of animals:
  - a. Dairy and slaughter/feed cattle
  - b. Swine, sheep, goats
  - c. Poultry
3. Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation, including greenhouses and the incidental sale of items customarily associated with a nursery operation
4. Bees and apiary products
5. Fisheries
6. Fruit and vegetables of all kinds

However, animal slaughtering and commercial food or fish processing operations are prohibited.

8.1.2. Area and Dimensional Regulations.

1. Minimum lot area – 1 acre for each animal unit for the first 5 animal units and 0.75 acres for each animal unit after the first 5 animal units
2. Minimum setback of livestock barns and commercial poultry houses, including facilities for watering, feeding and manure/animal waste storage and disposal:
  - a. from adjoining property lines - 100 ft
  - b. from street right-of-way lines - 200 ft
  - c. from nearest existing residence (other than that of the owner) - 200 ft

8.1.3. A booth or stall (farm stand) from which farm produce grown on the same premises and sold to the general public shall be permitted subject to the following:

1. Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
2. Sales areas shall not occupy any part of a required off-street parking or loading area.

8.1.4. Permitted incidental structures and activities commonly associated with a farm include, but are not limited to: barns, silos, animal pens, loading

and unloading platforms, chutes and other accessory structures.

**§8.2. Hobby Farms**

- 8.2.1. The minimum lot area shall be two (2) acres.
- 8.2.2. Hobby farms shall not contain more than five (5) animal units as defined in Article 2.
- 8.2.3. Setback and area requirements.
  1. Farm animals shall be housed not less than 200 feet from any adjacent lot not zoned O-L District.
  2. At least one (1) acre of lot area shall be required for each animal unit.
  3. Minimum setback of structures for the housing of animals and any facilities for watering, feeding and manure/animal waste storage and disposal:
    - a. from adjoining property lines - 50 ft
    - b. from street right-of-way lines - 100 ft
    - c. from nearest existing residence (other than that of the owner) - 100 ft
  4. Offensive animal odors shall not be detectable at the property line.

**§8.3. Home Occupations**

- 8.3.1. Where permitted, Home Occupations shall comply with the following requirements:
  1. No persons other than members of the family residing on the premises shall be employed by the home occupation.
  2. The home occupation must clearly be secondary and incidental to the use of the dwelling unit as a residence. No more than twenty-five (25) percent of total heated and ventilated floor area, up to a maximum of 500 sf, shall be devoted to the home occupation.
  3. The appearance of the dwelling unit shall not be altered, nor shall the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.
  4. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the home occupation; nor shall any accessory structure

be built for the purpose of operating the home occupation.

5. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation; nor shall there be any sign advertising the home occupation.
  6. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and other than in the front yard.
  7. The operation of a home occupation shall not create any nuisance such as noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries.
- 8.3.2. Any person desiring to operate a home occupation shall submit an application to the Zoning Official. The applicant shall present evidence of ownership of the property in question, or a signed and notarized letter from the owner authorizing the application. The Zoning Official shall have ten (10) days in which to act on an application.
- 8.3.3. No more than one home occupation shall be approved in any residential dwelling unit.
- 8.3.4. Final approval of a home occupation shall be contingent upon the applicant obtaining a valid business license from the City.

#### §8.4. Mini-warehouses

- 8.4.1. Any outdoor storage shall be screened as required in §10.3.
- 8.4.2. No storage of volatile, toxic or explosive materials shall be permitted, either inside the structure(s) or on the premises.
- 8.4.3. Storage spaces shall not be used for commercial activities. However, this shall not include periodic auctions, which are held on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.
- 8.4.4. Screen fencing shall be installed around the perimeter of the development meeting the requirements of §10.3 and §10.4. Said fencing shall be a minimum of eight (8) feet in height.

#### §8.5. Wireless Facilities

8.5.1. General Requirements. Applications for wireless facilities shall include the following:

1. A network design plan for all of the service provider's existing and planned sites in the City and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
2. A qualified electrical engineer licensed by the state of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur.
3. Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles.
4. The City may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
5. If the facility is abandoned in the future, the applicant shall be required to remove the wireless antennae and equipment from the site within 180 days.
6. Wireless facilities and all equipment shall be designed to be in compliance with the City noise ordinance.
7. All applications shall include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.
8. No transmissions from a wireless facility shall interfere with any existing public safety communications.

8.5.2. Design Requirements. The following specific design requirements shall apply to each type of wireless facility:

1. General Design Standards.

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- a. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated.
  - b. No signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.
  - c. All wireless facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.
  - d. In considering a wireless facility for approval by Special Exception, the ZBA shall have the authority to impose conditions on the placement and/or concealment of the facility as necessary to achieve the intents of the regulations herein.
2. Building-Mounted Facilities.
- a. Building-mounted wireless facilities shall not exceed ten (10) feet above the building surface on which they are located. An additional one (1) foot of height may be added for every ten (10) feet the antenna is set back from the building parapet. Distributed, repeater, or microcell antenna systems mounted on buildings within non-residential districts shall conform to the height limit of the applicable zoning district.
  - b. Building mounted antennae shall be integrated with the building design so as to be visually unobtrusive.
  - c. Building mounted antenna equipment shall be screened from public view.
3. Structure-Mounted Facilities. Wireless facilities, including distributed, repeater and microcell antenna systems, mounted on a utility pole/structure shall be subject to the following:
- a. An antenna system mounted on a structure within the public right-of-way shall be limited in height to the height of that particular structure.
  - b. Antenna systems shall be located and designed to minimize their visibility on utility poles or other structures.
  - c. Antenna systems' equipment shall be screened from public view.

- d. If proposed to be located in a district in which above-ground utilities are prohibited, the Board of Adjustment may approve such installation by Special Exception provided the structure on which it is to be mounted may be located out of public view, such as within an alley or wooded area.

**§8.6. Telecommunication Towers**

All communication towers are subject to the regulations of this section, which provides minimum considerations and criteria for communication towers and facilities. It is the City's express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. The provisions of this section are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the City.

- 8.6.1. The location and design of all communication towers shall duly consider the following public health, safety and general welfare objectives:
- 1. Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
  - 2. View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
  - 3. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
  - 4. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.
  - 5. Existing Communication Services. The proposed tower facility will comply with FCC and other applicable standards so as not to



interfere with existing communication services in the area.

6. Health Effects. The proposed tower will comply with all applicable federal, state, county and City health standards so as not to cause detrimental health effects to persons in the surrounding area.
- 8.6.2. The Building Official and City Engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. These criteria are considered the minimum necessary to protect the public health, safety and general welfare. The Commission may also impose higher standards if it deems them to be necessary to further the objectives of this Section.
- 8.6.3. Setbacks.
1. Where permitted, the distance between the base of the tower, including guys, accessory facilities and property lines abutting residential districts, public parks and roads must equal twenty (20) percent of the tower height. Property lines adjacent to other uses (e.g. agricultural, industrial) shall require a setback equal to the rear yard setback established for the underlying zone.
  2. Notwithstanding item 1 above, when located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty (50) feet.
  3. Site plan review by the Commission may result in reduction of the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Commission shall not reduce the setbacks to the detriment of affected residential properties.
- 8.6.4. Appearance.
1. Towers shall be of a monopole type and shall maintain an exterior finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
  2. The design of the tower shall be of a type that has the least visual impact on the surrounding area as determined by the Commission.
  3. The design of the tower compound shall, to the greatest extent possible, maximize use of

building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

- 8.6.5. Lighting. Towers shall not be artificially lighted unless required by FAA or other authority for safety purposes. Where required, the Commission shall review the available lighting alternatives to assure that lighting proposed would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with §8.6.7 Security Devices, below.
- 8.6.6. Landscaping.
1. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
  2. The standard buffer shall consist of a minimum eight (8) feet wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer shall be planted with an attractive combination of trees, shrubs, vines and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, site review by the Commission may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
  3. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security fencing in combination with four feet of evergreen trees, shrubs, vines and/or other plantings.
  4. Where the visual impact of the tower would be minimal, such as in remote, agricultural or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Commission.
  5. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth

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around the property perimeter may be a sufficient buffer.

6. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.
- 8.6.7. Security Devices. The facility shall be fully secured. A minimum eight (8) feet high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wired, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.
- 8.6.8. Access. Driveways and onsite parking shall be provided to assure the operator's access to the facility for maintenance or emergency services.
- 8.6.9. Co-Location.
  1. No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would serve the area that, the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with the subsection on Certification of Shared Use Design below.
  2. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.
- 8.6.10. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners' expense. The owner shall provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations, which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.
- 8.6.11. Application. Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.
  1. Statement of Impact on Health, Safety and Welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of this guideline.
  2. Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.
  3. Rendering. A rendering of the tower, accessory facilities and compound shall depict colors, materials and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
  4. Justification for a New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
  5. Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two (2) shared users.
  6. As Built Survey. A Registered Engineer, shall certify that the proposed communication tower is to be constructed and installed in accordance with the submitted site plan including the installation of any required buffer yard.
  7. Total anticipated capacity of the structure, including the number and types of antennae that can be accommodated.
  8. Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment.

**8.6.12. Exceptions.**

1. Towers camouflaged using any of various concealment techniques in order to blend in with the native landscape will be subject to administrative review by the Building Official, as are other types of concealment techniques.
2. Concealment techniques are design methods used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the wireless telecommunications facility and surrounding development.
3. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal uses, or an accessory structure that is normally associated with the principal use occupying the property.
4. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation.

**§8.7. Wrecking and Junk Yards**

- 8.7.1. No automobile wrecking yard, salvage yard or junkyard shall be established closer than 300 feet to an established residential district.
- 8.7.2. All outdoor storage of salvage and wrecking operations shall be completely contained within a fence or wall of not less than six (6) nor more than ten (10) feet in height. Such fence shall be designed in accordance with §10.4.
- 8.7.3. The storage of wrecked automobile, junk, or salvaged materials shall not exceed the height of the required screen fence or wall.

**§8.8. Accessory Dwellings**

- 8.8.1. Accessory dwellings shall only be permitted as an accessory use to a permitted single-family detached dwelling.

**8.8.2. Area and Dimensional Requirements.**

1. Accessory dwellings shall only be permitted on lots with a minimum lot size of 10,000 sf.
2. The minimum habitable floor area shall be 300 sf and the maximum habitable floor area shall be thirty (30) percent of the gross floor area of the principal dwelling. For instance, a principal dwelling with a gross floor area of 2,000 sf shall be permitted an accessory dwelling no larger than 600 sf.
3. Setbacks. If detached from the principal dwelling, accessory dwellings shall be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure and shall be set back as otherwise required of accessory structures.

**8.8.3. Additional Requirements.**

1. One (1) parking space, in addition to that required for the principal dwelling, shall be provided.
2. Accessory dwellings, whether attached to the principal structure or contained within an accessory structure, shall maintain the appearance of the principal dwelling, including colors, materials, and style, and shall not create additional entrances toward the front of the property.

**§8.9. Bed and Breakfasts**

Bed and breakfasts shall only be permitted in single-family detached dwellings, shall only be operated by the owner and resident of the dwelling, and shall comply with the following provisions:

**8.9.1. Use Regulations.**

1. Intensity of Use. All guest rooms shall be located within the principal structure.
2. Individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

- 8.9.2. Parking. For each and every approved guest room, there shall be provided one (1) parking space, in addition to the spaces required for the residence. Such additional required parking spaces shall be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking shall be prohibited.

**§8.10. Conservation Subdivision/Development**

**8.10.1. Intent.**

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or by environmental regulations, which may limit the amount or type of development;
2. To enhance quality of life by promoting the creation of accessible green space;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
5. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
6. To reduce perceived density by providing access to and views of open space.

8.10.2. **Applicability.** The Conservation Subdivision/Development option is available as a use by right in all residential districts. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

8.10.3. **Ownership of Development Site.** If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

8.10.4. **Density Determination.** The maximum number of lots shall be 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, as applicable to the site. In making this calculation, the following shall not be included in the total area of the parcel:

1. The 100-year floodplain;
2. Bodies of open water over 5,000 sf of contiguous area; and

3. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

**8.10.5. Application Requirements.**

1. **Site Analysis Map.** Concurrent with the submission of a Site Plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. The preliminary Site Plan shall include the following:

- a. Property boundaries;
- b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
- c. All boundaries of applicable regulated buffer areas, easements, and ROWs;
- d. Topography at 5-foot or smaller intervals;
- e. All Primary and Secondary Conservation Areas labeled by type, as described in §8.10.6;
- f. General vegetation characteristics;
- g. General soil types;
- h. Planned location of protected Open Space;
- i. Existing roads and structures; and
- j. Potential connections with existing greenspace and trails.

2. **Conservation Subdivision Plan.** The developer shall prepare a conservation subdivision plan, which yields no more lots than identified under §8.10.4. The conservation subdivision plan shall identify open spaces to be protected in accordance with §8.10.6 and may include lots which do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall include an open space management plan, as described in §8.12.6, and shall be prepared and submitted prior to the issuance of a grading permit.

3. **Instrument of Permanent Protection.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §8.10.7, shall be placed on the open space at the time of issuance of a grading permit.

4. **Other Requirements.** The Applicant shall adhere to all other applicable requirements of

the applicable district and the Subdivision Regulations.

8.10.6. Open Space Management Plan. For the purposes of Conservation Subdivisions, "open space" is defined as the portion of the 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.

1. Standards to Determine Open Space.

- a. The minimum restricted open space shall comprise at least twenty-five (25) percent of the gross tract area.
- b. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:
  - (1) The 100-year floodplain;
  - (2) Riparian zones of at least seventy-five (75) feet width along all perennial and intermittent streams;
  - (3) Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;
  - (4) Wetlands, as defined by the Corps pursuant to the Clean Water Act;
  - (5) Existing trails that connect the site to neighboring areas; and
  - (6) Archaeological sites, cemeteries and burial grounds.
- c. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
  - (1) Important historic sites;
  - (2) Existing healthy, native forests of at least one acre contiguous area;
  - (3) Individual existing healthy trees greater than eight (8) inches caliper; and
  - (4) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- d. Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the twenty-five (25) percent minimum area requirement

(exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

- e. At least thirty-three (33) percent of the open space shall be suitable for passive recreational use.
- f. At least seventy-five (75) percent of the open space shall be in a contiguous tract, which may be divided by a local street whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- g. The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the open space.

2. Permitted Uses of Open Space:

- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails constructed of porous paving materials;
- d. Passive recreation areas, such as open fields;
- e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary 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.
- f. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- g. Easements for drainage, access, and underground utility lines;

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- h. Other conservation-oriented uses compatible with the purposes of this Section.

3. Prohibited Uses of Open Space:

- a. Golf courses;
- b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;
- c. Agricultural and forestry activities not conducted according to accepted best management practices;
- d. Impoundments; and
- e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

4. Ownership and Management of Open Space. See §7.14.

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

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

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

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

**§8.11. Townhouses**

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

8.11.1. General Requirements.

- 1. Each townhouse shall be located on a separate platted lot.
- 2. Minimum dimensional requirements shall be as shown in Table 4-1.
- 3. A side yard shall only be required at the unattached end of a row of townhouses, in which case the minimum width shall be ten (10) feet. When the unattached end is adjacent to a street, the minimum front yard setback shall apply.
- 4. Each townhouse shall have its own yard containing not less than 400 sf, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- 5. Off-street facilities shall be either provided on and to the rear of the individual townhouse lots, or grouped in bays in the interior of blocks.
- 6. All lots shall front on a public street.
- 7. Common open spaces and facilities shall comply with §7.14.

8.11.2. Requirements for detached townhouses. The following specific requirements apply to detached townhouses only:

- 1. Each detached townhouse shall have: one side yard of at least ten (10) feet, the other side yard may be as little as zero feet, with each lot containing at least 2,400 sf with a minimum

width of twenty-four (24) feet at the front building line. Additionally, each lot shall have one yard containing at least 600 sf, reasonably secluded from view of streets or neighboring property.

2. When a detached townhouse with a zero lot line is included in a townhouse complex, the lot adjacent to the zero setback side must be under the same ownership at the time of initial construction (ensuring that there will be no infringement on the property rights of owners of adjacent property). Additionally, a five-foot easement for water drainage and wall maintenance must be established on the yard adjacent to the zero setback. This easement shall be shown on the plat and included in the restrictions and covenants for the development. Fences and walls may be located on or along this easement provided gates and other openings are provided so as not to block drainage or wall access.
3. On the zero lot line side, townhouses shall not:
  - a. Project over the lot line, except that roof overhang may penetrate the drainage and maintenance easement on the adjacent property a maximum of thirty (30) inches, provided the roof shall be so designed so that water runoff shall be restricted to the drainage easement area.
  - b. Have windows, doors or other openings.

**§8.12. Upper-story Dwellings**

Upper-story dwellings in mixed-use buildings shall be located on a floor level above a use of another type. Emergency egress and fire separation shall comply with all requirements of the Building and Fire Codes.

- 8.12.1. Live-Work. Single-family dwellings in mixed-use buildings are normally intended for the occupancy of the proprietor of the associated use(s) 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 shall have an entrance separate from the associated use.
- 8.12.2. Multi-family Dwellings in a Mixed-Use Building.

1. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building.
2. Dwelling units shall not be accessible directly from another unit or use within the building.

**§8.13. Manufactured Home Parks**

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

- 8.13.1. The project site shall contain a minimum area of eight (8) acres and have at least 100 feet frontage upon a public street. Approval of a Manufactured Home Park requires submission and approval of a Development Plan in accordance with §14.6.
- 8.13.2. Area and Dimensional Requirements.
  1. Maximum Density: seven (7) manufactured homes per gross acre
  2. All principal or accessory structures shall be set back at least thirty (30) ft from the exterior lot lines of the park.
  3. Requirements for Manufactured Home Spaces:
    - a. Minimum area: 5,000 sf
    - b. Minimum width: fifty (50) feet
    - c. Minimum front, rear and side yards: ten (10) feet.
    - d. Maximum coverage by home and accessory structures: forty (40) percent.
- 8.13.3. Each designated space shall provide at least two (2) parking spaces, maintained with an all-weather wearing surface such as asphalt and concrete. All off-street parking spaces shall have access to an interior roadway within the park. No direct access shall be allowed between manufactured home spaces and any exterior street.
- 8.13.4. Manufactured homes shall front upon an interior roadway having a minimum right-of-way of fifty (50) feet, and a paved surface of at least twenty-two (22) feet in width. This interior roadway shall be an all-weather surface of concrete or asphalt and built to City standards.
- 8.13.5. Street lighting shall be provided throughout the park with lighting units so spaced and equipped with luminaries placed at such heights as will

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provide an average luminance of four (4) lumens per square meter reaching the ground surface, and the luminance ratio shall be set at a maximum of six (6) to one (1). Light shall be directed downward

- 8.13.6. A manufactured home park shall be located on a well-drained piece of property, and shall be graded to ensure adequate treatment of surface water runoff.
- 8.13.7. Utilities.
  1. A sanitary sewer collection system shall be extended to every manufactured home space. The connection from each shall be made under and/or within five (5) feet of the manufactured home, and shall be equipped with a seal.
  2. Every manufactured home space shall be provided with an individual branch service line with a minimum diameter of 3/4 inches, and delivering potable water. A cut-off shall be installed on each branch, as well as a back flow prevention device approved by a nationally recognized testing agency. All connections to the water distribution system shall be under, and/or within five (5) feet of the manufactured home. Each lot shall have a water meter, and the service line from the meter to the manufactured home shall be buried a minimum depth of twelve (12) inches in the ground.
  3. Every manufactured home lot within the park shall be provided with individual electrical service. Each such service shall be mounted on a treated wooden pole or a metal pedestal; and shall be equipped with a circuit breaker, or a switch and fuses, housed in a panel approved for exterior use. The power supply wiring from the service to the manufactured home shall be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual manufactured home. The supply cable shall be encased in metal or plastic pipe and buried to the depth required by City regulations. A primary service line shall not be located across the top of any manufactured home.
- 8.13.8. The following accessory uses may be permitted:
  1. Clubhouse, laundry, swimming pool, and other similar facilities for the common use of the residents of the park.
  2. No more than one (1) caretaker dwelling of conventional construction, containing at least 600 square feet of floor space.
  3. Storage areas for boats, recreational vehicles, and other types of vehicles that exceed thirty (30) feet in length shall be fenced and landscaped. Storage of such vehicle shall not be allowed upon individual manufactured home spaces or on the internal roads in the park.
- 8.13.9. Manufactured home parks shall not be platted or otherwise divided for fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned, or owned in common by the residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within the park.
- 8.13.10. Manufactured housing spaces shall be clearly staked or otherwise identified; and shall have a permanent marker displaying a number and/or letter of a minimum height of three (3) inches so that they may easily be read from the interior roadway. All individual utility meters shall also be numbered for easy identification by service personnel.
- 8.13.11. All manufactured homes shall be blocked and tied down in conformance with the standards of the Alabama Manufactured Housing Commission.
- 8.13.12. All manufactured homes shall have a skirting installed between the base of the structure and the ground. This skirting shall be made of concrete block, wood, vinyl, or other approved materials. Any opening in the skirting shall not be greater than two (2) inches square.
- 8.13.13. Storm Shelters.
  1. Every manufactured home park of ten (10) or more spaces shall be provided with above- or below-grade storm shelters, which shall:
    - a. Have a minimum floor area of seven (7) sf for each manufactured home space in said manufactured home park.
    - b. Be designed by a licensed structural engineer or architect and built in accordance with plans as approved by the Zoning Official.
    - c. Be designed and constructed to meet all Federal Emergency Management Agency



(FEMA) requirements and guidelines if the shelter is located in a flood plain.

- d. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the City's currently adopted editions of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code and National Electrical Code, where applicable.
  - e. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
  - f. Be located no farther than 1,320 linear feet from the furthest manufactured home space in the manufactured mobile home park.
2. The manufactured home park owner shall be responsible for making the storm shelter accessible and usable in times of need. It is unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of this subsection.
  3. For any addition of ten (10) or more manufactured home spaces, a storm shelter complying with this subsection shall be provided. For any addition of fewer than ten (10) manufactured home spaces to an existing manufactured home park there is no requirement that an additional shelter be provided to serve such additional spaces. However, when two or more such additions of fewer than ten (10) manufactured home spaces result in a cumulative addition of ten (10) or more manufactured home spaces, a storm shelter which complies with the requirements of this subsection shall be provided to serve such additional spaces.
  4. Any manufactured home park of ten (10) or more manufactured home spaces which has an existing above- or below-grade storm shelter as of the effective date of the ordinance codified herein, which does not conform to the requirements of this subsection, shall be deemed a nonconforming manufactured home park with regard to these requirements and may continue to exist for so long as said existing shelter remains in place and usable; provided, however, any manufactured home spaces added to such community after such effective

date shall require storm shelters as provided herein.

**§8.14. Short-Term Rentals**

- 8.14.1. Purpose. The intent of the short-term rental article is to provide a set of use regulations that will allow short term rental dwellings within the city limits of Headland and establish minimum standards for their use while also minimizing incompatibility with surrounding residential and commercial areas. These standards provide additional protection for the substantial investment, both private and public, being made while promoting a mix of lodging options that support the city's tourism base and local economy, upholding the health, safety, and welfare of the public.
- 8.14.2. Definitions
  1. *Dwelling*. Any building which is designed or used exclusively for residential occupancy.
  2. *Dwelling Unit*. Any portion of a building used as a separate abode for residency which may or may not have its own cooking or kitchen accommodations.
  3. *Short Term Rental (STR)*. A residential dwelling/dwelling unit that is not owner occupied that is used for transient occupancy by guests. Short Term Rental (STR) may or may not be advertised through an online website. These dwelling/dwelling units are not inhabited by the property owner nor used as their primary residence.
  4. *Occupied Short Term Rental (OSTR)*. An owner-occupied residential dwelling unit containing not more than four (4) bedrooms that is used for transient occupancy by guest. Occupied Short Term Rental (OSTR) may or may not be advertised through an online website. These dwelling units are inhabited by the property owner and are used as their primary residence.
  5. *Short Term Rental Manager*. Any person(s) or entity that arranges rental, cleaning, listing, advertising, or otherwise assist in the operation of a Short-Term Rental for profit. Short Term Rental manager does not include listing services or online platforms for Short Term Rental listings.

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6. *Transient.* Person(s) occupying a dwelling/dwelling unit by rent for less than 180 consecutive days.
  7. *Permanent Residence.* Occupancy of a dwelling/dwelling unit by the same individual(s) for a period of more than 180 consecutive days and the usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence.
  8. *Occupancy.* For the purpose of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling/dwelling unit as a single housekeeping unit.
  9. *Adjacent Property Owners.* The owner of a property that physically adjoins or is directly across the street from the property in question.
- 8.14.3. General Regulations for Both STR And OSTR
1. Property must be within the corporate city limits of Headland.
  2. Dwelling/dwelling unit must be on site, and able to be occupied.
  3. All building and fire codes must be met and inspected by the city building official and fire marshal yearly before business license will be renewed.
  4. No commercial events such as concerts are allowed.
  5. No on-site signage promoting or advertising the rental shall be permitted, except for a rental nameplate.
  6. Property shall not be rented for a period of less than 24 hours, nor shall it be rented continuously for greater than 180 days by the same individual(s).
  7. Short Term Rental Application for Certificate of Use and Occupancy must be completed prior to the Board of Adjustment hearing when applicable and, also prior to permitting and licensing. Permit shall be valid for a period of three (3) years.
  8. Each STR/OSTR is required to obtain a City of Headland Business License and renew it yearly.
  9. Each STR/OSTR shall have a basic floor plan, drawn to scale, on letter sized (8.5x11) laminated paper. It must include all rooms with walls, doors, windows, smoke detectors identified for each floor. The floor plan must also include fire extinguisher locations and emergency escape routes must be clearly marked. The floor plans must be clearly posted in the common living area of the STR/OSTR.
  10. Proof of insurance evidencing homeowners fire, hazard, and liability insurance. Liability coverage must have limits of not less than 1 million dollars per occurrence. This proof of insurance must be provided within 30 days of issuance of permit and Business license including yearly renewal.
  11. Proof of notification to adjacent property owners. Adjacent property owners must be notified of STR/OSTR permit application by certified mail. The notification must include all pertinent information found on the Notification letter that is in the permit package. Proof of notification shall be in the form of a copy of the notification letter along with the certified mail receipt.
  12. Once a permit has been obtained, the permit number or a picture of the permit must be included in the listings on all STR/OSTR rental postings.
  13. STR/OSTR manager's contact information, emergency services information along with city contact information for violations must be posted in each dwelling/dwelling unit.
  14. Dwelling/dwelling units may not be rented to more than one (1) party simultaneously. Occupancy is limited to two (2) persons per bedroom plus two (2) i.e., 2 bedrooms allows 4 persons plus 2, so total 6.
  15. The STR/OSTR property owners and all occupants must comply with all applicable city ordinances and regulations including, but not limited to, building construction, fire safety, noise, garbage collection and disposal.
  16. Only registered/contracted guests may utilize the STR/OSTR.
  17. In residential districts, at least one (1) off street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property. No recreational vehicles, buses, boats, or trailers

may be parked or stored on the street or forward of the property line.

18. Any requested STR/OSTR that is in a residential district that is governed by a HOA or covenants must provide the City and Board of Adjustment with signed and notarized letters from the governing HOA or covenant board stating that the STR/OSTR is allowed.
19. The maximum occupancy and the number of bedrooms shall be determined by the city building official as part of the STR/OSTR permit application process.
20. The property owner must, by written agreement with the renter, limit overnight occupancy of the STR/OSTR to the maximum occupancy approved by the STR/OSTR permit.
21. A copy of this ordinance, a copy of the STR/OSTR permit, all emergency contact information, and a copy of the Good Neighbor Guidelines must be placed in each property prior to each rental.
22. The property owner is solely responsible for collecting and reporting all taxes from any rental agreement for the STR/OSTR.
23. All STR/OSTR property owners and/or their agents must comply with all Fair Housing Act guidelines.
24. All STR/OSTR property owners and/or their agents shall verify the renters' identity prior to the execution of any rental agreement.
25. Prior to any change to emergency contact information, the property owners and/or their agents shall submit a revised emergency contact list to the city building official.

8.14.4. OSTR Specific Regulations

1. The property owner of an Occupied Short-Term Rental (OSTR) must reside in the dwelling as his/her primary residence for a minimum of 180 days per calendar year.
2. No OSTR shall be operated/rented without the owner present on site.
3. No food shall be prepared or served to guests by the property owner(s).

8.14.5. Discretionary

1. The Board of Adjustment shall determine to its satisfaction that the STR/OSTR will not be

detrimental to the neighborhood or surrounding properties, considering the physical relationship of the proposed use to the surrounding structures.

2. The Board of Adjustment may, in its discretion, establish a cap on the maximum number of nights per calendar year that a property can be rented to a single renter, not less than 24 hours, nor to exceed 180 consecutive days.
3. In cases of renewal, the Board of Adjustment will consider the number of complaints, violations, and other departures from this ordinance and regulations that a property has experienced.

8.14.6. Conditional Uses Both STR and OSTR

Both STR(s) and OSTR(s) requesting to be permitted within Residential Districts must submit an application requesting a Special Exception with the Board of Adjustment

1. Special Exception approvals will be granted for a period of three (3) years unless otherwise specified by the Board of Adjustment.
2. Before a Special Exception can be renewed, the property owner shall submit an audit to determine the number of nights that a property has been rented per calendar year. In the event the property has not been rented a reasonable amount of time within each calendar year, the Board of Adjustment, keeping within the spirit of this ordinance, reserves the right to deny the Special Exception renewal.

8.14.7. Nonconforming Issues

STR(s)/OSTR(s) currently in existence within the corporate city limits of Headland will be allowed to continue to operate in accordance with the provisions of nonconforming use. The items below must be met with supporting documentation provided.

1. The dwelling/dwelling unit is currently being used as a STR/OSTR.
2. The dwelling/dwelling unit has been used as a STR/OSTR for a minimum of ninety (90) days before this ordinance becomes effective.
3. The dwelling/dwelling unit and all associated items must be in compliance with the business license ordinance of the City of Headland.
4. Each nonconforming STR/OSTR must comply with all aspects of this ordinance before the anniversary date of their business license. This includes all aspects of this ordinance including

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but not limited to Special Exception, if required and all permitting requirements and inspections. Failure to do so will result in denial of renewal of business license.

8.14.8. Violations

The following procedures shall apply in the event a violation of this ordinance occurs.

1. If, after investigation, the city determines that any provisions of this ordinance have been violated, the city will notify the property owner in writing stating the provisions violated, necessary corrective action and a compliance due date, as applicable. In addition, the city will use best efforts to immediately contact the property owner or emergency contact by telephone of any reported violation. Upon receipt of notice by telephone, the property owner or emergency contact shall have the obligation to immediately contact the renter concerning such violation and request the renter to immediately take action to remedy the violation. Any violations of this ordinance by the renters shall be considered a violation by the property owners.
2. Fines. In addition to the other remedies set out in this section, violations will be subject to fines as follows:
  - a. Violation warning. The city may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned of cited for violating a provision of this ordinance.
  - b. First violation. The first time a person is found to have violated one of the provisions of this ordinance, the person is subject to a fine of \$500.00.
  - c. Second and subsequent violations. Any second or subsequent that a person is found to have violated the provisions of this ordinance, the person is subject to a fine of \$1,000.00 for each subsequent violation.
3. If a violation of building, fire safety, or property maintenance regulations has not been corrected by the compliance date, the city may suspend the STR/OSTR permit. When the first-time violation has been corrected, the permit shall be re-instated for the remainder of its current approval period. The city may approve an extension of the compliance date if substantial progress toward compliance has been made provided that the public will not be adversely affected by the extension.
4. Recurring violations. When noise, occupancy, parking, trespass or other violations concerning the conduct at the STR/OSTR or by its renters or their guests are found to have occurred more than once in the same calendar year, or within any six (6) month period, or if a fine assessed against a STR/OSTR property owner is not paid within thirty (30) days of delivery of notice of the fine, the city may set a hearing before the municipal court for the revocation of the permit related to that STR/OSTR as to which a violation has occurred.
5. If the holder of the STR/OSTR permit disagrees with the finding of a violation by the city, the permit holder may request a hearing before the municipal court. Following a public hearing on the matter, the municipal court may find in favor of the permit holder thereby eliminating any penalties assessed against the permit holder or the municipal court may confirm the city's decision and confirm the penalties assessed against the permit holder pursuant to this ordinance including revocation of the STR/OSTR permit.
6. Written notice of any fines and hearings on violations and permit revocations shall be delivered to the property owner. Notice of hearings shall be given at least ten (10) days before the hearing. Notice shall be deemed delivered when placed in the U.S. mail to the address listed on the permit application.
7. Any person(s) who disagree with the decision of the city council, shall have the right to appeal de novo to the Circuit Court of Henry County, Alabama.

8.14.9. Severability and Enforceability

The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other part of this ordinance, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

This ordinance shall not affect the ability of property owners to enforce restrictive covenants or other restrictions that may apply to the use of real property as set forth in documents in

the chain of title to the real property or to the contracts between parties that affect the use of the real property.

#### **§8.15. Ground Floor Dwellings**

In no case shall an entire building in the C-1 District be used Ground Floor Dwellings. Ground Floor Dwellings in mixed use buildings shall not occupy more than fifty (50) percent of the gross floor area of the building with the remaining floor area reserved for retail use. The reserved retail floor area must face the downtown square. The maximum number of Ground Floor Dwellings shall not exceed twenty (20) percent of the buildings in the C-1 District and shall only be allowed on secondary streets or alleys. Ground Floor Dwellings shall not face the downtown square or have entrances/exits facing the downtown square. Only secondary street or alley facing entrances/exits are allowed. All parking, mailboxes, and refuse services shall be located on secondary streets or alleys. Emergency egress and Fire separation shall comply with all requirements of the Building and Fire Code.

##### **8.15.1. Live-Work Single Family Ground Floor Dwellings**

Single Family Ground Floor 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 the associated use. If the building is to be occupied by persons other than the proprietor of the associated use, the dwelling shall not be accessible from the associated use and shall have a separate entrance/exit as described in §8.15.

##### **8.15.2. Multi-Family Ground Floor Dwellings**

Multi-Family Dwellings in a mixed-use building shall not be accessible directly from another dwelling unit or an associated use within the building. Multi-Family Dwellings shall be accessible from either a shared exterior entrance/exit with a common hallway and individual interior entrances/exits or with separate entrances/exits. All entrances/exits shall be as described in §8.15.

Article 9 OFF-STREET PARKING AND LOADING REQUIREMENTS

**Article 9 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**§9.1. Off-street Parking and Loading Terms**

The following off-street parking and loading terms, when used in this Article, shall have the meanings defined in this Section:

- 9.1.1. *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.
- 9.1.2. *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.
- 9.1.3. *Loading Area* That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 9.1.4. *Loading Space* An off-street space or berth used for the unloading or loading of commercial vehicles.
- 9.1.5. *Occupancy Load* The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- 9.1.6. *Parking Aisle* That portion of the parking area consisting of lanes providing access to parking spaces.
- 9.1.7. *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.
- 9.1.8. *Parking Space* That portion of the parking area set aside for the parking of one (1) vehicle.
- 9.1.9. *Stacking Space* An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

**§9.2. Required Off-street Parking Spaces**

Unless otherwise provided for, all uses shall conform with the minimum parking space requirements outlined in [Table 9.3.1](#). In situations where the required number of parking spaces is not readily determinable by [Table 9.3.1](#), the Zoning Official is authorized to determine the parking space requirements using the table as a guide.

- 9.2.1. No off-street parking spaces are required for nonresidential uses in the C-1 Downtown Business District.
- 9.2.2. Shared and joint parking.
  - 1. Subject to approval by the Commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements for the development using the shared parking demand information in [Table 9.3.2](#). An example is provided in [Figure 9.3.2](#).
  - 2. A joint parking area may contain required parking spaces for more than one (1) use, provided the combined number of spaces complies with the parking for all uses. If, however, the combined uses wish to make use of the same spaces at different times, the same spaces may be credited to each separate use. The applicant for a combined use facility must present documentation of a combined parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces.
- 9.2.3. Off-street Parking Design Requirements
  - 1. The minimum parking space dimensions shall be as shown in [Table 9.3.3](#) and [Figure 9.3.3](#).
  - 2. In parking areas of twenty (20) or more parking spaces, up to twenty (20) percent of the spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight (8) feet width and sixteen (16) feet length. These spaces shall be conspicuously marked for compact cars only.
  - 3. Stacking space shall contain a minimum rectangular area of ten (10) feet in width and twenty (20) feet in length and be separate from parking aisles and spaces.
  - 4. Handicapped parking spaces shall be provided and designed in accordance with the applicable provisions of the City Building Code.

5. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve single-family or duplex lots; although, backing into arterials shall be prohibited in all cases.
  6. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the Fire Code.
  7. All parking areas shall be surfaced with dust-free materials.
  8. Parking spaces [except those serving one (1) or two (2) dwelling units] shall be demarcated with painted lines or other markings.
  9. All parking areas shall be maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc.
  10. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Parking areas of twenty (20) or more spaces may be required to provide on-site storm water detention to mitigate the sudden discharge of high volumes of storm water into the public drainage system. Drainage plans shall be subject to approval by the Commission and City Engineer.
- 9.2.4. Location of Required Parking. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
1. Required parking within planned residential developments may be provided in common parking areas.
  2. If the number of required parking spaces cannot reasonably be provided on the same lot or premises as the served use, remote parking may be permitted by a Special Exception if within 400 feet of the concerned lot(s). Such Special Exception requires written legal documentation that the user of such remote spaces has the right to such spaces.

<i>Agricultural Uses</i>	
Farm	1 per 1.05 employees
Farm Stand	1 per 250 sf of retail floor area
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
<i>Residential Uses</i>	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Manufactured Home	2 per Manufactured Home
Multi-family Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit
Single-family Dwelling (attached/detached)	2 per DU
<i>Institutional Uses</i>	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club	1 per 100 sf of non-storage and non-service floor area
Community Center	1 per 300 sf of GLA
Country Club	1 per 3 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

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Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	1 per 5 students plus 2 per 3 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
<i>Commercial Uses</i>	
Animal Hospital	1 per 300 sf of GLA
Appliance Store	1 per 400 sf of GLA
Art Gallery	1 per 350 sf of GLA
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 250 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	2.5 per chair
Bowling Alley	3.5 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
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 3 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	Under 50,000 sf: 1 per 200 sf of GLA 50,000-99,999 sf: 1 per 250 sf of GLA 100,000+ sf: 1 per 300 sf of GLA
Home Improvement Center	1 per 400 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (free standing)	1 per 100 sf of GLA
Mini-Warehouse	5 spaces adjacent to leasing office (if any)



<b>Table 9.3.1 Required Off-Street Parking Spaces by Use</b>	
Office, business or professional	1 per 250 sf of GLA
Movie Theater	1 per 3 seats
Open Air Market	1 per 500 sf of display area plus 1 per employee
Outdoor Recreation	
Golf Course:	4 per hole
Miniature Golf:	2 per tee
Golf Driving Range:	1 per tee
Other:	1 per 3 persons of occupancy load
Pool Hall	1 per table
Restaurant, Carry-Out and/or Delivery	1 per employee plus 1 per 300 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 100 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 3 seats of occupancy load
Shopping Center	see General Retail, plus requirements for other uses
Tourist Home, Bed and Breakfast	1 per guest bedroom plus 2 spaces
<i>Industrial Uses</i>	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle but not less than 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

Article 9 OFF-STREET PARKING AND LOADING REQUIREMENTS

Table 9.3.2: 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 the typical shown here if documented in a parking demand study.

Figure 9.3.2: Shared Parking Reduction Worksheet Example 1\*

Shared vs. Conventional Demand	Conventional parking demand	A	B	C	D	E	F
		Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
1- Residential	100	60	100	100	80	100	100
2 - Office	100	100	20	5	5	5	5
3 - Commercial	100	90	80	5	100	70	5
4 - Lodging	100	70	100	100	70	100	100
5 - Restaurant	100	70	100	10	70	100	20
6 - Total Parking Needed	500	390	400	220	325	375	230
Conventional Demand = <u>500 spaces</u>							
Shared Parking Demand (greatest value from Line 6 Columns A-F) = <u>400 Spaces</u>							
Shared Parking Reduction = <u>100 Spaces</u>							
* Figures in italics are sample calculations only.							

Table 9.3.3: 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 feet	22 feet	8 feet	22 feet	12 feet	20 feet	na
30°	8.5 feet	20 feet	17.4 feet	17 feet	15 feet	20 feet	3.9 feet
45°	8.5 feet	20 feet	20.2 feet	12 feet	15 feet	20 feet	3.2 feet
60°	9 feet	19 feet	21 feet	10.4 feet	20 feet	24 feet	2.3 feet

90°	9 feet	19 feet	19 feet	9 feet	20 feet	24 feet	na
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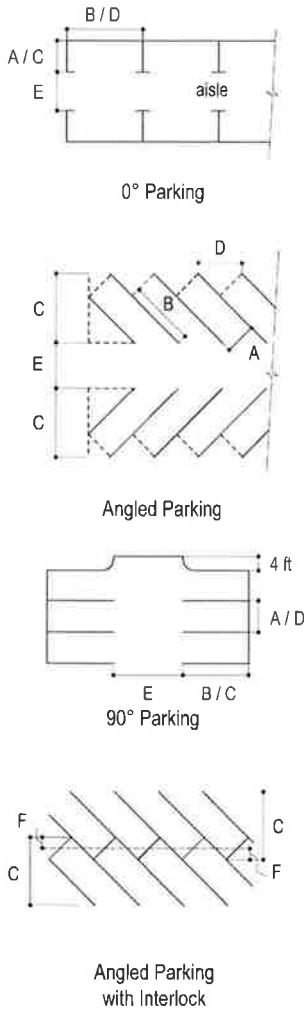


Figure 9.3.3 Parking Dimensions

9.2.5. Parking Prohibitions

1. The use of off-street parking in any residential district for non-residential purposes is prohibited.
2. The use of any required parking space for the storage of any motor vehicle for sale or for any purpose other than parking is prohibited.

§9.3. Access Controls

- 9.3.1. Proposed driveways or access points shall be reviewed by the Zoning Official, City Engineer and shall be approved by the Commission. The proposed location, width, drainage structure, traffic conditions, sight distances and resurfacing shall be provided with request for approval.
- 9.3.2. The maximum number of and minimum spacing between driveways and from intersections shall comply with the City Access Management Standards.
- 9.3.3. Driveways shall be a minimum of five (5) feet from the nearest edge of a street drainage inlet.

§9.4. Off-Street Loading

- 9.4.1. Required Off-Street Loading Spaces. All nonresidential structures and uses shall provide and maintain adequate off-street space for the loading and unloading of materials or goods, and for delivery and shipping, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of adjoining properties, public streets, alleys and sidewalks by pedestrians and vehicles.
  1. Each retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use shall provide off-street loading space as follows:
    - a. Less than 8,000 sf of gross floor area: no off-street loading space required unless the Commission determines that the specific use requires such space.
    - b. 8,000 but less than 20,000 sf of gross floor area: one (1) off-street loading space is required.
    - c. 20,000 but less than 60,000 sf of gross floor area: two (2) off-street spaces are required.
    - d. Over 60,000 sf of gross floor area: two (2) off-street spaces are required, plus one (1) additional space for every 50,000 sf of gross floor area or fraction thereof over 60,000 sf.
  2. For each auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use, shall provide off-street loading space as follows:
    - a. Less than 10,000 sf of floor space: no off-street loading space is required unless the

Commission determines that the specific use requires such space.

- b. 10,000 but less than 40,000 sf of gross floor space: one (1) off-street loading space is required.
- c. Over 40,000 sf of floor space: one (1) off-street loading space plus one (1) additional space for every 50,000 sf or fraction thereof over 40,000 sf.

#### 9.4.2. Off-street Loading Design Standards

1. Each loading space shall have a minimum rectangular area of twelve (12) feet in width and fifty-five (55) feet in length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen (14) feet.
2. Joint or combined off-street loading space for two (2) or more buildings on the same lot can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.
3. No loading space shall be located within the front yard or within five (5) feet of any property line.
4. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.

#### §9.5. 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 shall conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

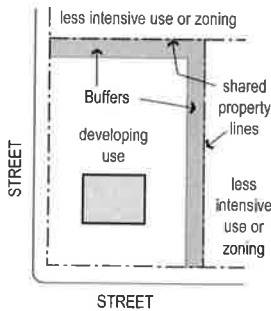
**Article 10 LANDSCAPING REGULATIONS**

The intent of this Article is to require a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in high traffic corridors. For the purposes of this Article, "fences" and "walls" shall have the same meaning. Landscaping shall not be planted in a manner or location, which causes a hazard to vehicles entering or within the public right-of-way.

**§10.1. Buffers**

Buffers shall be provided in accord with the requirements of Table 10.1 and as described herein.

- 10.1.1. Applicability. A Landscaping Plan shall be provided in accordance with §10.5. Except as otherwise provided herein, buffer requirements shall be based on the developing land use and the existing, abutting use.



Buffer Illustration

- 10.1.2. General Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers: whether the buffer is comprised of planted, natural, or a combination of planted and natural vegetation.
1. Required yards, where corresponding with the buffer area, may overlap and may be counted toward a buffer width requirement.
  2. The buffer requirement, if any, shall be the responsibility of the developing land use.
  3. Buffer requirements may be modified by the approving authority in certain cases 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 with said plan, the buffer may be modified to be consistent with the planned use of such neighboring property.
- b. If the land use relationship between two abutting lots changes so that a lesser Buffer would be required, the width of the previously provided buffer may be reduced accordingly.
- c. Up to one-half (1/2) of the width of an abutting alley may be counted toward the buffer width requirement but the landscaping density requirements shall not be reduced.
- d. Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.

4. Buffers shall not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a pedestrian access way through a required buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is otherwise installed in compliance with the approved Landscaping Plan. The City may require supplemental plantings to mitigate the effect of any such land disturbance in the buffer.

10.1.3. Design Standards

1. Prior to occupancy of the premises, the buffer shall provide a visually impervious barrier, from the ground to five (5) feet above grade level throughout the entire length of the buffer. Within one year after installation, the buffer shall be at least six (6) feet above grade throughout the entire length of the buffer.
2. Required plantings shall be evergreen.
3. The required buffer width may be reduced as provided in Table 10.1 when a fence is provided that is five (5) to seven (7) feet tall and that meets the requirements in §10.4.

**§10.2. Landscaping for Vehicular Areas**

- 10.2.1. Applicability. These regulations apply to areas used for off-street parking and loading; vehicular

storage, display, maneuvering and washing; and the dispensing of motor fuels.

10.2.2. A Landscaping Plan shall be required as part of every development application for new construction, which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except single family dwellings, duplexes and multiplexes. If the size of an existing, applicable vehicular area is increased by ten (10) percent or ten (10) spaces, whichever is greater, the new vehicular area shall be made to comply with the requirements of this Section.

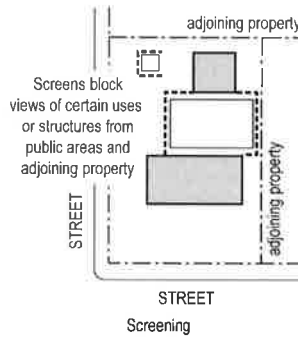
10.2.3. Requirements

1. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area.
2. A five (5) foot wide landscaping strip shall be provided along the parking lot perimeter and shall be planted with evergreen shrubs and one understory tree per each 40 foot of frontage (the width of any cross access drives may be discounted). Where this overlaps or conflicts with other landscaping requirements, the greater requirement shall govern.
3. The primary landscaping materials used in vehicular areas shall be canopy trees. Shrubs and other planting materials may be used to compliment the canopy trees, but shall not be the sole component of the landscaping.
4. Plantings shall be set back from the edge of the planted area as needed to protect such plantings from damage by vehicles.
5. Street Frontage Landscaping
  - a. A landscaped strip at least ten (10) feet wide shall be located between the vehicular area and the public right-of-way. The width may be reduced to five (5) feet when a fence, meeting the requirements of §10.4 and that is between two and one-half (2.5) to three and one-half (3.5) feet tall, is provided.
  - b. Shrubs shall be evergreen and spaced no more than five (5) feet on center. If used in combination with a fence meeting the requirements of §10.4, shrubs may be deciduous and may be spaced no more than eight (8) feet on center.
  - c. At least one street understory tree for every thirty-five (35) linear feet or one street

canopy tree for every forty-five (45) feet of required landscape strip shall be planted. Only street canopy and understory trees, as defined in Article 2, shall be counted toward these requirements.

§10.3. Screening

Screening is intended to provide visual separation of certain uses from public areas and adjoining properties.



10.3.1. Applicability. For all multi-family, non-residential and mixed use developments, the following shall require Screening:

1. Garbage collection, recycling and refuse handling areas
2. Maintenance areas or utility structures associated with a building or development
3. Water meters, gas meters, electric meters and air conditioners/mechanical units
4. Loading areas
5. Outside runs for veterinary clinics, animal shelters, and kennels
6. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair)
7. Any other uses for which screening may be required by the reviewing authority

Article 10 LANDSCAPING REGULATIONS

Table 10.1 Buffer Requirements By Use									
Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & greenways
	detached	attached			low/medium/high				
Residential and Lodging									
Buffer Class Required									
Detached, single-family	na	na	A	A	A			A	na
Attached, single-family	A	na	A	A	A			A	na
Multi-family	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	na	na	na	na	na	na	na
Medium intensity	A	A	A	na	na	na	na	na	A
High intensity	B	B	B	A	A	na	na	na	A
Business/Commercial									
Offices up to 50,000 sq. feet.	A	A	A	na	A	na	na	na	A
Offices greater than 50,000 sq. feet.	B	B	B	A	B	A	na	na	A
Amusement; outdoor entertainment	B	B	B	A	B	A	na	na	A
Retail, shopping centers, and restaurants up to 50,000 sq. feet.	B	B	A	A	A	A	na	na	A
Retail, shopping centers, and restaurants greater than 50,000 sq. feet.	B	B	B	A	B	A	na	na	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	na	na	A
Industry									
Warehousing, storage, telecommunications towers 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 100 linear feet						
	With fence/wall	Without fence/wall							
A	10 feet	15 feet	8						
B	15 feet	20 feet	10						
C	22 feet	30 feet	12						



10.3.2. Design Requirements. The design of screening shall be in accord with the following and as approved by the reviewing authority:

1. Location on site should be the first consideration in providing required screening. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility to the public and neighboring properties.
2. Screening shall not be placed so as to impede any drainage way and shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.
3. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred.
4. Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this Section, may count toward these requirements.
5. Uses requiring screening, when co-located, may be screened together.
6. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.
7. Shrubs shall be evergreen and spaced no more than five (5) feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight (8) feet on center.
8. Trees shall be evergreen and, when used in the absence of a fence, shall be used together with shrubs to provide a continuous, opaque screen.

10.3.3. Requirements for specific uses.

1. Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three (3) sides. Opaque gates shall be installed for access. The fence shall be at least two (2) feet taller than the container.
2. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.

3. Mechanical equipment on roofs or on site shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
4. Outdoor storage, where permitted, shall be screened to a height of six (6) feet or two (2) feet taller than the material or equipment to be screened, whichever is greater.
5. Service areas, loading docks, 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 their location is insufficient to effectively screen the use, required screening shall be at least six (6) feet in height.

**§10.4. Design Standards for Fences**

Fences used as a part of any required buffer, screen, or perimeter landscaping shall comply with the following:

- 10.4.1. Fences shall be of masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.
- 10.4.2. Required shrubs and trees shall be planted on the exterior side of the fence.
- 10.4.3. If a fence is longer than 100 feet in one direction, it shall have columns of wood or masonry, which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) feet on center.

**§10.5. Landscaping Plan**

A Landscaping Plan shall be required as part of every development application for new construction which requires a buffer, screening and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals fifty (50) feet and shall contain the following information:

Article 10 LANDSCAPING REGULATIONS

- 10.5.1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- 10.5.2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
- 10.5.3. Existing and proposed buildings and structures, including signs, garbage containers, utility and drainage structures.
- 10.5.4. Existing buildings and structures on abutting property adjacent to any required screening or buffers.
- 10.5.5. Bodies of water including detention and retention areas.
- 10.5.6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
- 10.5.7. Sufficient information and detail to demonstrate compliance with the requirements of this Section.

**§10.6. Modifications**

The planting requirements of this Article shall be applied equally to similarly classified and situated properties, but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances determined by the Commission:

- 10.6.1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward the requirements of this Article. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a Building Permit, such natural vegetation shall be left undisturbed until the Zoning Official has evaluated it for its suitability as a buffer or screen, as applicable. The Zoning Official may require that the developer retain such natural vegetation. However, additional planting may be required to fully achieve the requirement.
- 10.6.2. Where impending development of adjacent property would make these standards unreasonable or impractical.
- 10.6.3. Where, after inspection by the Zoning Official, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- 10.6.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to

poor soil conditions, intense shade or similar conditions.

**§10.7. Maintenance and Irrigation**

- 10.7.1. All plantings required in this Article shall be permanently maintained in good growing condition by the party or parties required to provide such plantings and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition and whenever necessary, repaired or replaced by the party or parties required to provide such fence.
- 10.7.2. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- 10.7.3. All required landscaping shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.

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**Article 11 NONCONFORMITIES**

It is the purpose of this Article to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

**§11.1. General Provisions**

- 11.1.1. The City's developmental policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls also take into account the vested interests of the owners, and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.
- 11.1.2. Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.
- 11.1.3. Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.
- 11.1.4. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration of such structure is not otherwise in violation of the provisions of this Ordinance.
- 11.1.5. No nonconformity shall be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being moved.
- 11.1.6. Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless

it shall thereafter conform to all the regulations of this Ordinance.

- 11.1.7. The burden of establishing the lawful nonconforming status of any improvement, structure or use under the terms of this Article in all cases shall be upon the owner of such nonconformity and not upon the City.

**§11.2. Definition of Nonconformities**

For the purposes of this Article the following definitions shall apply:

- 11.2.1. *Nonconforming Lot of Record.* Any vacant lot legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the dimensional regulations of the applicable zoning district.
- 11.2.2. *Nonconforming Developed Lot.* Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot area or other dimensional regulations of the applicable zoning district.
- 11.2.3. *Nonconforming Improvements.* Any physical improvements, including drainage improvements, driveways, landscaping, lighting and parking areas, but not including buildings, structures or signs, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the applicable regulations for such improvements in this Ordinance.
- 11.2.4. *Nonconforming Structure.* Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the applicable zoning district.
- 11.2.5. *Nonconforming Use.* An activity using land, buildings, and/or structures for purposes, which were legal prior to the effective, date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations of this Ordinance.
- 11.2.6. *Nonconformity, Minor.* Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an

activity otherwise in compliance with the applicable regulations of this Ordinance.

- 11.2.7. *Nonconformity, Major.* Any property, which is used for an activity that is not fully in compliance with the regulations for the applicable zoning district.

**§11.3. Nonconforming Lots of Record.**

Nonconforming lots of record may be developed for any use permitted in the applicable district provided such development conforms to all other regulations in this Ordinance or a variance from such regulations is granted to permit such development.

**§11.4. Minor Nonconformities.**

Minor nonconformities may be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless the Board of Adjustment grants a variance from such regulations.

**§11.5. Major Nonconformities.**

- 11.5.1. A nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser intensity of use as the original use.
- 11.5.2. A nonconforming use shall not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.
- 11.5.3. A structure containing a nonconforming use shall not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto.
- 11.5.4. A nonconforming use shall not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.
- 11.5.5. A nonconforming use which changes to a permitted use within the applicable district, shall not thereafter revert to a nonconforming use.
- 11.5.6. If a nonconforming use is damaged in any manner to the extent that the restoration costs would exceed sixty (60) percent of the value of that use immediately before such damage occurred, or is discontinued and remains vacant for one year or more, any subsequent use of that lot and/or structure shall be in full compliance with

the regulations governing the district in which it is located as specified in this Ordinance.

**§11.6. Nonconforming Improvements**

Nonconforming improvements shall be brought into conformance with the applicable regulations for such uses in this Ordinance prior to occupancy by a new use, expansion of an existing use or prior to occupancy following a period of vacancy of one (1) year or longer. The Board of Adjustment may modify this requirement where it finds that the fully required improvements may not practicably be provided due to inadequate area on a developed lot.

**Article 12 BOARD OF ADJUSTMENT**

**§12.1. Establishment and Membership**

The Board of Adjustment heretofore established is hereby continued, and its members shall be appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. All members of the Board shall be citizens and residents of the City.

**§12.2. Meetings, Procedures and Records**

Meetings of the Board shall be held at the call of the chairman at such times and places as the board may determine. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**§12.3. Powers and Duties**

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

- 12.3.1. Interpretation of Boundaries. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in §3.5.
- 12.3.2. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a City official, other than the City Council, acting under the authority of this Ordinance.
- 12.3.3. Variances. To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship as defined in Section 5 of this Article, but where the spirit of the Ordinance can be observed and substantial justice done.
- 12.3.4. Special Exceptions. To hear and decide special exceptions upon which the Board is required to act for uses as shown in Table 4.2 and special

exceptions regarding manufactured homes as provided in this Article.

**§12.4. Administrative Appeals**

- 12.4.1. Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Zoning Official relating the provisions of this Ordinance. Any such appeal shall be filed with the Zoning Official within fifteen (15) days of the date of the action being appealed. The Zoning Official shall forthwith transmit to the Board papers constituting the record upon which the action appealed was taken.
- 12.4.2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Zoning Official's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.
- 12.4.3. All appeals shall be filed in writing on forms prescribed by the Board and made available by the Zoning Official.
- 12.4.4. The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the scheduled Board hearing the Zoning Official shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Zoning Official, which is being appealed, and the time, date, and location of the Board hearing.
- 12.4.5. The Board may affirm, reverse wholly or in part, or modify the Zoning Official's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Official.

**§12.5. Variances**

- 12.5.1. Any property owner may file an application for a variance from the requirements of this Ordinance

where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

12.5.2. 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 the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

12.5.3. An application shall be filed with the Zoning Official or Secretary of the Board at least thirty (30) days before the scheduled hearing date before the Board. The property owner shall file the application on a form made available by the City. At least fifteen (15) days prior to the scheduled hearing of the Board, the Zoning Official shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

12.5.4. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to *all* the requirements and standards listed below:

1. The granting of the variance will not permit the establishment of a use that is not otherwise permitted in the district in which the property is located.
2. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which

circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

3. There must be proof of unnecessary hardship. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered. It is not sufficient proof of hardship to show that greater value or profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
4. The granting of 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 property values within the adjacent neighborhood.
5. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.
6. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
7. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

**§12.6. Special Exceptions**

- 12.6.1. All uses permitted by special exception as listed in this Article shall require the submission of an

application to the Board of Adjustment. Such application shall be filed with the Zoning Official at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Zoning Official.

- 12.6.2. At least fifteen (15) days prior to the scheduled hearing of the Board of Adjustment, the Zoning Official shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.
- 12.6.3. The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and Ordinances of the City. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:
1. 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.
  2. The location and accessibility of off-street parking and loading areas.
  3. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
  4. The screening and buffering of potentially adverse views and activities from surrounding properties.
  5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
  6. The availability, location, and capacity of utilities.
  7. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.

8. The bulk, density, and lot coverage of structures, and yards and open areas, with reference 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. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

- 12.6.4. The Board of Adjustment may also grant special exceptions to allow the location and usage of a manufactured home for human habitation in any zoning district of the city permitting residences. Applicants for such special exception shall apply in writing showing justification and shall provide a list of all adjacent property owners showing mailing addresses as well as a scale drawing of the proposed site with the desired manufactured home location shown. Such special exception may be granted only if all of the following conditions are met:
1. Such manufactured homes must be for the use of the property owner or the property owner's family, to include in-laws, and are not to be rented or leased to any other person or persons.
  2. The property owner must first demonstrate extenuating circumstances such as family hardship, practical difficulty, or economic reasons deemed to be acceptable by the board of adjustment.
  3. Special exceptions may be granted for any period of one to five years. At the termination of the granted period, the property owner must either remove the manufactured home from this location, or apply for another special exception.
  4. Such special exceptions are not transferable. If there is a change of land ownership, the new property owner must apply for a new special exception if desired.
  5. Before granting or denying any such request the board of adjustment, after conducting a public hearing, shall consider the justifications or circumstances involved as well as the



objections or lack of objections of adjacent property owners, and the possible negative effects on neighborhood property values or qualities of life.

The Board of Adjustment may also grant special exceptions for business use of a manufactured home in a business zone upon showing of catastrophic circumstances created by Act of God or casualty damage. Such special exceptions will be valid for a period not exceeding one year and are not transferable.

**§12.7. Abatement of Nuisance**

The Board of Adjustment 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 of Adjustment may direct the Zoning Official to issue an abatement order, but such order may be directed only after a public hearing by the board, notice of which shall be sent by registered mail to the owners and/or operator of the property on which the use is conducted in addition to due notice or advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

**§12.8. Rehearings**

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

1. 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.

2. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Zoning Official, or any other City Officials.
3. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

12.8.2. Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

12.8.3. If the Board finds that one or more of the qualifying conditions exist, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

**§12.9. Appeals From Action of the Board of Adjustment**

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal there from 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 shall 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 shall be tried *de novo*.

**Article 13 AMENDING THE ORDINANCE**

**§13.1. Petition for Change**

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this Ordinance.

- 13.1.1. The submission of developmental plans/or subdivision plats shall not be required as a condition to amending the ordinance. However, in order to induce an approval recommendation for a rezone request from the Planning Commission and Council, an applicant may link the approval to a specific developmental project. Should the applicant not submit an application for a developmental plan and receive approval within six (6) months of Council approval, the zoning shall automatically revert to the previous zoning designation. Any change in the approved linked project shall automatically void the rezone request and will require resubmission of the rezone request and the request for approval. The six (6) month time limit may be extended at the discretion of the Planning Commission not to exceed a total of twelve (12) months.

**§13.2. Action On Petition**

- 13.2.1. The Planning Commission shall fix a reasonable time for a public hearing and shall give public notice thereof, as required by law. If it deems necessary, the Commission may also notify owners of surrounding property by mail and shall post a notice of such hearing on the concerned property. The notice shall be at a minimum eight (8) square feet and the cost shall be borne by the applicant.
- 13.2.2. Any proposed amendment, modification or repeal shall first be submitted to the Commission for its recommendation and report. The Commission shall have sixty (60) days within which to submit its recommendations to the Council. If the Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment and the Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended. Any party or parties wishing to speak for or against an amendment shall appear and speak at the public hearing.

- 13.2.3. Generally, new districts shall not be created unless the uses permitted in the proposed district are consistent with the uses identified in the concerned area in the Comprehensive Plan.

- 13.2.4. No amendment to create a commercial or industrial district shall be adopted unless there is a clear and demonstrated need in that area for the uses permitted in the proposed district.

**§13.3. Fees**

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or Ordinance. Such fees shall be computed so as to recover all cost incurred by the City in reviewing and processing zoning-related requests, including advertising fees and shall be adopted and revised as necessary by the Council.

**§13.4. Limit On Initiation of an Application for Ordinance Amendment**

No action shall 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 relevant to the amendment request have changed significantly since the prior hearing.

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**Article 14 ADMINISTRATION, ENFORCEMENT AND PENALTIES**

**§14.1. Enforcing Officer**

The provisions of this Ordinance shall be administered and enforced by the Zoning Official. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this Ordinance.

**§14.2. Permit Required**

It shall be unlawful to commence excavation for or the construction of any building or other structure, including accessory structures, signs or pools; or to commence the demolition of any structure; or to store building materials or erect temporary field offices; or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures; until the Zoning Official has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this Ordinance. Application for any and all permits required under this Ordinance shall be made to the Zoning Official on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the Ordinance. The City Council may from time to time set fees it finds appropriate to various types of permits.

**§14.3. Plans Required for Building Permit**

14.3.1. It shall be unlawful for the Zoning Official to approve any plans or issue any building permit for excavation or construction until the Zoning Official has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Official shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Zoning Official to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance:

1. The actual shape, proportion, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot, both above and below grade.
  3. The existing and intended use of all buildings or other structures.
  4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
  5. Every applicant for the use of land and by virtue of the provisions of this Ordinance, shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow. The applicant shall provide the Zoning Official with copies of all deed restrictions and/or covenants, which pertain to the subject property.
    - a. Cover Sheet with:
      - (1) Name and location of the development; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;
      - (2) Vicinity map;
      - (3) Zoning and existing and proposed land use of the site; and
      - (4) Date, scale, north arrow, and number of streets.
    - b. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
    - c. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
    - d. Public and private utilities, including sewage disposal system and water system.
    - e. Fire lanes and hydrants.
- 14.3.2. The Zoning Official shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the Fire Chief, Public Works Department, and Police Chief for their review and comment.

- 14.3.3. The Zoning Official shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant.
- 14.3.4. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Zoning Official. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan.
- 14.3.5. An approved site plan shall become null and void if significant development does not commence with twelve (12) months of approval.

#### §14.4. Uses.

- 14.4.1. Interpretation of Uses. This ordinance recognizes the limitations of the district use listings given the infinite variations of uses. Therefore, the Zoning Official is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Zoning Official interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Any appeals related to the Zoning Official's use interpretation may be filed with the Board of Adjustment.
- 14.4.2. Unclassified Uses. In the event the Zoning Official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:
1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by Special Exception upon approval and subject to the conditions set by the Board of Adjustment.
  2. If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Official shall determine the most appropriate zoning district classification and require the property in question to be rezoned as such. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Board. Following final action on the unclassified use, as (1) and (2) above may require, the Commission may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

#### §14.5. Site Plan Review

- 14.5.1. No building or structure, 1) located on property one acre or greater in size, regardless of its zoning, 2) located on property which is adjacent to a major thoroughfare, as defined by the Headland Comprehensive Plan, or 3) part of a development consisting of three or more residential units (excluding residential developments subject to subdivision regulations), regardless of the size of the property, shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a certificate of occupancy, upon any such land, until a site plan for the premises has been approved by the Commission.
- 14.5.2. Notwithstanding the foregoing, no site plan shall be required to be submitted or approved where the Zoning Official, upon reviewing an application for a building permit for changes in an existing building, is satisfied that the proposed changes will not increase the exterior dimensions of the building nor substantially increase the usable space within the building.
- 14.5.3. Notwithstanding the foregoing, no site plan shall be required to be submitted or approved where the Zoning Official, upon reviewing an application for a certificate of occupancy, is satisfied that the proposed use is permitted in the zone, and is substantially similar to the preceding use, and the property on which the use is proposed has been the subject of an approved site plan. A proposed use shall not be deemed substantially similar to a prior use where this ordinance imposes more stringent requirements for the proposed new use as to off-street parking, yards, height limits or minimum lot size.
- 14.5.4. The proposed site plan shall be submitted in triplicate to the Zoning Official. The Council may, at its discretion establish by resolution, a fee to cover the costs of the site plan review. Applicants seeking site plan review shall submit to the Zoning Official a proposed site plan which shall include the following:
1. One or more scaled drawings or maps (1"=20' unless size dictates a more appropriate scale), clearly showing the following:

Article 13 AMENDING THE ORDINANCE

- a. Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.
  - b. Existing and proposed topography of the site and the surrounding area at least two-foot contour intervals showing the location of existing woodlands, streams, and other significant features of the land.
  - c. Location and dimensions of existing and proposed buildings, structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, landscaping, pedestrian walks, open space, and recreational areas for use by employees, residents, tenants or the general public.
  - d. Proposed storm drainage plan.
  - e. Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
  - f. Proposed dedication of land for public use, including streets, easements, park and school sites.
  - g. The location of all existing and proposed power lines, gas lines, sewer and water lines, and the location of any easements to be granted for these utilities.
2. Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
  3. A statement of the area of land involved in the site, the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees expected per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.
  4. Restrictions on the use of property including proposed restrictive covenants.
  5. Plans for the protection of abutting properties.
  6. Written request for exceptions to or variations from the requirements of these regulations, if any are being requested.
  7. A statement defining the manner in which the City is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained.
  8. Such other additional information as may be reasonably required by the Planning Commission to accomplish the purpose of the site plan review function.
- 14.5.5. General conditions: The Commission shall approve the site plan only upon finding by it that the building, structures, facilities and uses proposed will not:
1. Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.
  2. Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.
  3. Constitute a violation of any provision of this ordinance or any other applicable law, regulation or ordinance.
- 14.5.6. Specific conditions:
1. The Commission, as a condition of approval of a site plan, may require additional screen planting, fences or walls when necessary to avoid adverse affect or impact upon the use or development of adjacent or neighboring properties.
  2. The Commission may establish minimum design standards acceptable for site plan development to ensure good site planning and to protect the health, safety and welfare of local citizens.
  3. The Commission may attach other conditions to the approval of the site plan where necessary to assure that the use of land in question will be consistent with the purpose and intent of this Ordinance.
  4. The concerned land shall be used and developed only in accordance with the plan approved or as modified by the Commission. The Commission in accordance with these regulations may modify a site plan. Use and

development of land that is the subject of the site plan or the construction of a building or structure thereon in a manner not in compliance with that plan shall constitute a violation of this ordinance.

5. One or more of the uses proposed for the concerned land shall be established on such land within 365 days after the date of approval of the plan or the plan shall become void; provided, that the Commission may extend such time upon request filed within such 365 days and may grant further extension; provided, that the total length of such extensions shall not exceed one year. Where the site plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more such buildings has been commenced.

**§14.6. Development Plans**

14.6.1. Initial Conference. Before submitting an application, the applicant shall schedule an appointment and meet with City staff to discuss procedures for approval, submittal requirements and design standards.

14.6.2. Any application for development within the city limits shall submit to the Zoning Official a conceptual plan showing the entire development site and all component stages or phases of the proposed development, and shall graphically express the overall development concept for the site at completion. The Development Plan shall include the following information:

1. The outer boundary or perimeter of the total development site, including a valid legal description.
2. A topographic map showing contours at two-foot intervals.
3. An identification of the characteristics of existing land uses and development for land adjoining the project site.
4. The rights-of-way, pavements and typical cross-sections of all streets within the development, and access to the public street system.
5. The type, number, and location of all structures.
6. The location, extent, and approximate acreage of all resource protection, recreation, and open space lands and other common areas.

7. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.
8. Location of all utilities, and surface water drainage facilities.

The Plan shall be drawn to scale by an engineer or architect registered in the State of Alabama.

14.6.3. A written report, illustrated as appropriate, shall accompany the Development Plan, and shall address the following topics:

1. A general description of the proposal.
2. The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants.
3. A plan for the provision of utilities and storm drainage facilities.
4. Plans for parking, loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts.
5. Presentation of the method for dedicating or reserving land or facilities for public use or for the use of the property owners.

14.6.4. Once approved, a Development Plan shall become a binding condition upon the development of the site, and each phase or stage shall be substantially consistent with the Plan. If the Commission finds that any stage or phase substantially deviates from the approved Plan, a new Development Plan shall be submitted for review and approval. Any of the following shall constitute a substantial deviation:

- a. An increase or reduction in the land area of the project site of more than five (5) percent.
  - b. A change in the total number, or in the type, of dwelling units approved of more than five (5) percent.
  - c. A reduction of five (5) percent or more of the approved percentage of resource protection, recreation or open space land.
  - d. Any significant addition, removal, or rearrangement of land uses or streets.
2. Approval of a Development Plan shall expire twelve (12) months after approval unless significant progress has been made toward implementation of the development.

**§14.7. Conditional Use Procedures**

- 14.7.1. 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 use in the vicinity of the proposed use: 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 of Headland; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare and safety in general.
- 14.7.2. All conditional uses where listed in Table 4.2 shall require the submission of an application to the Commission. Such application shall be filed with the Zoning Official by the property owner or designee at least thirty (30) days prior to the date on which the application is scheduled to be heard by the Commission, and shall include a site plan in accordance §14.5. At least fifteen (15) days prior to the scheduled Commission hearing, the Zoning Official shall give written notice to all adjoining property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application.
- 14.7.3. The Commission shall review the proposed conditional use for compliance with this Ordinance and other applicable codes and Ordinances, and for compatibility with the purposes of the proposed zoning district. In particular the Commission shall determine that satisfactory provisions have been made concerning the following:
  1. 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.

2. The location and accessibility of off-street parking and loading areas.
  3. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
  4. The screening and buffering of potentially adverse views and activities from surrounding properties.
  5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
  6. The availability, location, and capacity of utilities.
  7. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
  8. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.
- 14.7.4. The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use shall be deemed to be violations of this Ordinance.
  - 14.7.5. Within sixty (60) days of the public hearing on the conditional use application, unless an extension of time is agreed to by the applicant, the Commission shall render to the Council its recommendation either to approve the application for a conditional use, approve it with conditions, or deny it. The failure of the Commission to act within this time period shall constitute a recommendation that the application be approved.

**§14.8. Statutory Review**

The Commission shall review 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 shall be to determine whether or not such projects are consistent with the goals and policies of the Comprehensive Plan. The Commission's findings and recommendations shall be transmitted to the Council. Failure of the Commission to act on an official submission within sixty (60) days from the date of such submission shall be deemed to be approval of the project.

#### §14.9. Certificate of Occupancy Required

The owner, prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken after adoption of this Ordinance, shall obtain a Certificate of Occupancy. Within three (3) days after the owner has notified the Zoning Official that a building or premises or part thereof is ready for occupancy or use, the Zoning Official shall consult with the Fire Marshal regarding compliance with all provisions of this Ordinance, make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or, if such certificate is refused, state such refusal in writing with the cause. The Board of Adjustment shall hear appeals from the decision of the Zoning Official. One copy of the signed statement by the owner or his or her agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Zoning Official.

#### §14.10. Expiration of Building Permit

Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable, subject, however, to the provisions of any Ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.

#### §14.11. Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance *per se*. The Zoning Official is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Zoning Official has declared a

structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Zoning Official to vacate such premises, accomplish such vacation of said structure or premises until such structure or premises has been adapted to conform to the provisions of this Ordinance. Such notification shall be:

- 14.11.1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- 14.11.2. By depositing the notice in the United States as first class certified mail; or
- 14.11.3. By posting and keeping posted for seventy-two (72) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

#### §14.12. Penalties and Remedies

Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance, the Zoning Official may seek an injunction or writ of *mandamus* or take other appropriate action or proceedings to stay or prevent occupancy of such building, structure or land.