City of Scottsboro

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Planning Commission
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   Jim Olyniec
   John Parsons
   Joe Porch
   James D. Stevens
   Terry Thomas
   Doug Wynn

Prepared with the assistance of:

KPS Group, Inc.
2101 First Avenue North
Birmingham, Alabama 35203
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Article 1  Title, Legal Status Provisions and Official Zoning Map

§1.1 Title
This Ordinance shall be known and may be cited as “The Zoning Ordinance of the City of Scottsboro, Alabama”.

§1.2 Short Title
This Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the “Scottsboro Zoning Ordinance”.

§1.3 Legal Status Provisions
1.3.1 Authority. This Ordinance has been drafted, subjected to public review, recommended by the Scottsboro Planning Commission, and adopted by the Scottsboro City Council under the authority of Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended.

1.3.2 Purpose. The purpose of this Ordinance is to guide development within the City of Scottsboro in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended; and generally to implement and support the developmental policies of the City of Scottsboro.

1.3.3 Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.

1.3.4 Conflict with Other Ordinances. In case of a conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City, the most restrictive shall in all cases apply.

1.3.5 Validity, Severability. If any Article, Section, Subsection, Paragraph, Item or any provision of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other Article, Section, Subsection, or part thereof of this Ordinance which is not of itself invalid or unconstitutional.

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or parts of Ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

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

1.4.1 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map of the City of Scottsboro, Alabama”, together with the date of the adoption of this Ordinance.

1.4.2 If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered promptly after the amendment has been approved by the City Council, hereinafter referred to as “the Council”. No amendment to this Ordinance shall become effective until after such change and entry has been made on said map.

1.4.3 No changes of any nature shall be made on the Official Zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes of
whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as described herein.

1.4.4 Regardless of the existence of purported copies of the Official Zoning Map, which may from time-to-time be published, the Official Zoning Map shall be located in the office of the City Clerk and shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.

1.4.5 Replacement of the Official Zoning Map

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

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

§1.5 Using this Ordinance

1.5.1 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.

1.5.2 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

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

§2.1  Interpretation

2.1.1  The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

2.1.2  The word “building” includes “structure.”

2.1.3  The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2.1.4  The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

2.1.5  The masculine gender shall include the feminine and the feminine gender shall include the masculine.

2.1.6  The word “shall” is mandatory; the word “may” is permissive.

2.1.7  The word “lot” includes the words “plot” or “parcel.”

2.1.8  Except as otherwise provided herein, all words have their customary dictionary meaning. The Zoning Official is authorized to make a final determination of the meaning of any term used in this Ordinance, which determination may be appealed to the Board.

§2.2  Definitions of Terms Used in this Ordinance

2.2.1  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”.

2.2.2  Access: A way or means of approach to provide physical entrance to a property.

2.2.3  Accessory Structure or Accessory Building: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

2.2.4  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.

2.2.5  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”.

2.2.6  Adjoining: See “Abutting.”

2.2.7  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.

2.2.8  Alley: A public or private way, other than a driveway, less in width than a street, designed for the special accommodation of the property it reaches, and not intended for general circulation.

2.2.9  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.

2.2.10 Animal Shelter: A non-profit or public facility providing shelter for small domestic animals.
2.2.11 **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 or is to be moved.

2.2.12 **Applicant**: A person submitting an application for development, variance, special exception, conditional use or rezoning.

2.2.13 **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 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.

2.2.14 **Automotive 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.

2.2.15 **Automotive 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.

2.2.16 **Automotive 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.

2.2.17 **Bakery, Retail**: An establishment, which bakes goods for on-premises retail sale only.

2.2.18 **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.

2.2.19 **Bed and Breakfast**: A single-family detached dwelling, or part thereof, where lodging and meals are provided on a daily basis; and in which the operator of the bed and breakfast resides.

2.2.20 **Bedroom**: A room marketed, designed or otherwise intended to function primarily for sleeping.

2.2.21 **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.

2.2.22 **Block, Double-tiered**: A block for single-family detached and duplex dwellings 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”.

2.2.23 **Board of Zoning Adjustment or Board**: The Board of Zoning Adjustment of Scottsboro, Alabama.
2.2.24 *Boarding House*: A single-family detached dwelling or part thereof in which, for compensation, lodging and meals are provided on a weekly or monthly basis.

2.2.25 *Broadcast Studio*: An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms.

2.2.26 *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 berms.

2.2.27 *Building*: A structure, having a foundation and roof supported by columns, or by walls, designed to be used as a place of occupancy, storage or shelter.

2.2.28 *Buildable Area*: The portion of the lot remaining after required yards and buffers, if any, have been provided.

2.2.29 *Building Area*: The portion of the lot occupied by the principal building and accessory and other structures.

2.2.30 *Building Code or City Building Code*: The International Building Code as adopted, and as may be amended, by the City Council.

2.2.31 *Building Height*: For flat roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.

2.2.32 *Building Line, Front*: A line extending across the width of a lot coincident with the front-most plane of the building, excluding eaves and cornices.

2.2.33 *Building Official*: The City official assigned by the City Council to administer the City Building Code and provisions of this Ordinance as specified herein, including his/her designee.

2.2.34 *Building, Principal*: The building in which is conducted the principal use of the concerned lot. This includes any structures attached to such building, including a garage, carport, porte-cochere, or porch.

2.2.35 *Building Spacing*: The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.

2.2.36 *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.

2.2.37 *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.
2.2.38 **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.

2.2.39 **City**: The City of Scottsboro, Alabama.

2.2.40 **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.

2.2.41 **Commercial Parking**: Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

2.2.42 **Commercial School**: A private, gainful business providing instruction in arts, business, crafts, trades or professions.

2.2.43 **Communication 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.

2.2.44 **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.

2.2.45 **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.

2.2.46 **Convenience Store**: A retail establishment, often associated with a gas station, selling food products and beverages, household items, newspapers, magazines and similar goods.

2.2.47 **Council or City Council**: The City Council of the City of Scottsboro.

2.2.48 **Country Club**: Land or buildings containing recreational facilities and clubhouse for private club members and their guests. Facilities in which the primary function is the operation of a casino, nightclub, dance hall or bingo hall is not considered a country club.

2.2.49 **Day Care Center**: A licensed facility, other than a residence, providing care for part of a 24-hour day to children, elderly, handicapped or infirm persons in accordance with the applicable regulations of the State of Alabama.

2.2.50 **Density**: The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.

2.2.51 **Development**: Any proposal to affect the use of land or structures including: subdivision, 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.

2.2.52 **Dwelling**: Any building or portion thereof, which is designed and used for residential occupancy.

2.2.53 **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.

2.2.54 **Dwelling, Caretaker**: A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
2.2.55 **Dwelling, Duplex**: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.

2.2.56 **Dwelling, Garden/Patio Home**: A detached, single-family dwelling on a small lot that is permitted a zero lot line on one side.

2.2.57 **Dwelling, Multi-Family**: A building containing three or more dwelling units on a commonly shared lot.

2.2.58 **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.

2.2.59 **Dwelling, Townhouse**: A single-family dwelling in a row of 3-8 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.

2.2.60 **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.

2.2.61 **Dwelling, Upper-story**: A dwelling unit located on a floor above a use of another type. Upper-story dwellings may commonly be referred to as “loft apartments.”

2.2.62 **Entertainment, Indoor**: A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.

2.2.63 **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.

2.2.64 **Family**: Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:

1. an individual
2. two or more persons related by legal adoption, blood, or a licit marriage plus up to two unrelated individuals
3. a group of not more than five unrelated persons.

2.2.65 **Farm**: Land used primarily for agricultural purposes.

2.2.66 **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.

2.2.67 **Fence**: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

2.2.68 **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.

2.2.69 **Fowl**: Chickens, turkeys, ducks, geese, quail, guineas, etc.

2.2.70 **Front-Accessed**: Having vehicular access from the front of the property, requiring a driveway along a front lot line.

2.2.71 **Freight Depot or 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.
2.2.72 *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.

2.2.73 *Gas Station:* An establishment dispensing automotive fuels at retail. A gas station that includes minor vehicle repair activities is considered a “service station.”

2.2.74 *Grade Level:* For buildings, the average level of the finished grade at the front building line. For trees, landscaping, signs and light fixtures, the level of finished grade at the base of the tree, plant, sign or fixture.

2.2.75 *Grocery Store:* A retail establishment primarily selling food, for off-premises consumption and/or preparation, as well as other convenience and household goods.

2.2.76 *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. Group care homes are further defined and regulated by the State of Alabama.

2.2.77 *Home Occupation:* A business, profession, occupation or trade conducted for gain or support as an incidental activity within a dwelling.

2.2.78 *Home Improvement Center:* A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.

2.2.79 *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.

2.2.80 *Hotel:* A lodging establishment, in which guest rooms are accessed from the interior of the building. Hotels may also include, as an incidental use, a liquor lounge.

2.2.81 *Improvement:* Any permanent item that becomes a part of, is placed upon or is affixed to real estate.

2.2.82 *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.

2.2.83 *Industry or Industrial Use:* Economic activities including resource extraction; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; wholesale trade; and warehousing.

2.2.84 *Industry, Heavy:* Meat or poultry processing, slaughterhouses, resource extraction, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.

2.2.85 *Industry, Light:* An industry characterized by one or more of the following:
1. smaller in bulk and area, employing fewer employees, and having lesser noise and other environmental impacts than heavy industries;
2. produce goods for end users rather than as intermediates for other industries;
3. produce goods of relatively high value per weight using moderate amounts of partially processed materials.

2.2.86 Institutional Use: Structures or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services; but not including those of an industrial nature such as garages, repair or storage yards, and warehouses. Institutional uses are further categorized as follows:

1. Low intensity: places of assembly up to 250 seats; day care centers and group care homes; and nursing care facilities and other homes for the aged up to 10,000 sf.
2. Medium intensity: government buildings up to 12,500 sf; elementary and junior high/middle school; places of assembly up to 500 seats; and health and other institutions up to 35,000 sf.
3. High intensity: government buildings greater than 12,500 sf; places of assembly greater than 500 seats; high schools, universities, colleges, and junior colleges; health and other institutions greater than 35,000 sf; and stadiums and arenas.

2.2.87 Internal Street: A street completely contained within the boundaries of a planned development whether dedicated for public use or not.

2.2.88 Junk Yard: See “Salvage Yard”.

2.2.89 Kennel: An establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for compensation.

2.2.90 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.

2.2.91 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; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.

2.2.92 Laundry Services: Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering plants.

2.2.93 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.

2.2.94 Livestock Sales: The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.

2.2.95 Lot: A parcel of land in one ownership, used or set aside and available for use as the site of one or more buildings and accessory structures or for any other permitted purpose.
2.2.96 **Lot, Corner**: A lot abutting two 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, for single-family detached and duplex dwellings, on a double-tiered block. A standard corner lot has a front yard, abutting the front yard of the adjoining interior lot, and a street side yard abutting the same of the adjoining standard corner lot.

2.2.97 **Lot, Interior**: A lot other than a corner lot.

2.2.98 **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.

2.2.99 **Lot, Through**: A lot that fronts on two streets that do not intersect at the boundaries of the lot.

2.2.100 **Lot Area**: The total area within the lot lines of a lot, excluding any rights-of-way.

2.2.101 **Lot Frontage**: The lot width measured at the front lot line.
2.2.102 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.

2.2.103 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 front lot line and a street side lot line. The shorter of the two shall be the front lot line. For all other corner lots, any lot line along a street frontage shall be considered a front lot line.

2.2.104 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 10 ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.

2.2.105 Lot Line, Side: Any lot line other than a front lot line or a rear lot line.

2.2.106 Lot Line, Street Side: For standard corner lots, that lot line corresponding with the longer of the two street frontages.

2.2.107 Lot of Record: A lot that exists as shown or described on a plat or deed that has been recorded in the Office of the Probate Judge.

2.2.108 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.
2.2.109 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.

2.2.110 Manufactured Homes

1. Class A Manufactured Home: A double-wide or larger 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 §6.7 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.

2.2.111 Manufactured Home Lot: A lot designed for the siting of a manufactured home in a Manufactured Home Subdivision.

2.2.112 Manufactured Home Space: A space designed for the siting of a manufactured home within a Manufactured Home Park.

2.2.113 Manufactured Home Subdivision: A subdivision designed and intended for the siting of Class A Manufactured Homes.

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

2.2.115 Manufacturing: Industrial uses that involve the processing and manufacturing of materials or products and the incidental storage, sale and distribution of such products.

2.2.116 Manufacturing, Heavy: The manufacture, predominantly from extracted or raw materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products.

2.2.117 Manufacturing, Light: The manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products.

2.2.118 Medical Clinic: A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis.

2.2.119 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.

2.2.120 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.

2.2.121 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.

2.2.122 Motel: A lodging establishment, in which guest rooms are accessed from the exterior of the building. Motels may also include, as an incidental use, a liquor lounge.

2.2.123 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.
2.2.124 Non-residential: Land uses including agricultural, institutional, commercial, lodging and industrial activities. Mixed-use developments shall also be considered non-residential uses.

2.2.125 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.

2.2.126 Office: See “Business Office”.

2.2.127 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.

2.2.128 Open Space, Common: Land area within a development owned and maintained by the developer or 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 required by this ordinance to remain in such use.

2.2.129 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.

2.2.130 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.

2.2.131 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.”

2.2.132 Personal Service: An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.

2.2.133 Perimeter: The boundaries or borders of a lot, tract or parcel of land.

2.2.134 Place of Assembly: A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.

2.2.135 Planning Commission or Commission: The Planning Commission of the City of Scottsboro, Alabama.

2.2.136 Premises: A lot, parcel, tract or plot or land together with the structures hereon.

2.2.137 Printing Establishment: Blue printing, copying, printing, engraving or other reproduction services.

2.2.138 Property Line: The lot line or boundary line.

2.2.139 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.

2.2.140 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.

2.2.141 Rear-Accessed: Having vehicular access by way of an alley or similar means and without a driveway along any front lot line.

2.2.142 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.
2.2.143 **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.

2.2.144 **Recycling Center**: Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

2.2.145 **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.

2.2.146 **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.

2.2.147 **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.

2.2.148 **Restaurant, Drive-in or Drive-Through**: An establishment where food and drink are rapidly prepared for drive-through or drive-in service, but which also includes on-premises dining.

2.2.149 **Restaurant, Standard**: An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated and served.

2.2.150 **Restaurant, Take-Out Only**: An establishment where food and drink are prepared and served for consumption off-premises only.

2.2.151 **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 flea markets and similar activities.

2.2.152 **Salvage Yard 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.

2.2.153 **School**: A public or non-profit school.

2.2.154 **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.

2.2.155 **Service Station**: A gas station that engages in minor vehicle repair activities.

2.2.156 **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.

2.2.157 **Site**: Land intended to have one or more buildings or intended to be subdivided into one or more lots.
2.2.158 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 §13.6.

2.2.159 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. A top floor, in which the floor area with eight ft or more of head clearance is 50% or less than the floor area of the story next below, is considered a “half story.” A basement is considered a story if its ceiling is more than five ft above grade level or if it is used for residential purposes.

2.2.160 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, and as further classified following:
   a. Major Arterials include US 72, AL 279 (south of Broad Street), and AL 35 (from B.B. Comer Bridge to US 72).
   b. Minor Arterials include AL 79, AL 279 (north of Broad Street), AL 35 (north of US 72), and Broad Street.

2. Collector: A street that collects traffic from an area and moves it to the arterial network while providing some access to abutting property, including but not limited to: Bob Jones Road, Goose Pond Drive, County Park Road, Clemons Road, Woods Cove Road, Snodgrass Road, Scott Street, and Jefferson Drive.

3. Local Street or Minor Street: A minor street used primarily for access to abutting properties.

2.2.161 Street Line: The right-of-way line of a street.

2.2.162 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.

2.2.163 Studio: A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.

2.2.164 Subdivision: The division of a lot, tract or parcel or land into two 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.

2.2.165 Tree, Canopy: A deciduous tree that reaches a mature height of at least 20 ft.

2.2.166 Tree, Understory: A deciduous tree that reaches a mature height of 15-25 ft.

2.2.167 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.

2.2.168 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.

2.2.169 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.
2.2.170 **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.

2.2.171 **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.

2.2.172 **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.
In some cases, there may be lots-of-record platted along dead end streets without cul-de-sac turnarounds. In such cases, the side and rear yards are defined as shown below. In such cases, the side and rear yards are determined by the Zoning Official based on the arrangement of abutting lots.

**Special Yard Configurations: Lots at Dead-End without Cul-de-Sac**

4. *Street Side Yard:* For standard corner lots, a yard extending from the front yard to the rear yard between the principal building and the street side lot line and measured perpendicular from the street side lot line to the closest point of the principal building.

2.2.173 *Zero Lot Line:* A lot line with no required setback.

2.2.174 *Zoning Official:* The City official assigned by the City Council to administer this Ordinance, including his/her designee.

§2.3 **Abbreviations used in this Ordinance**

2.3.1 *BR* – Bedroom

2.3.2 *CR* – County Road

2.3.3 *Dr.* – Drive

2.3.4 *DU* – Dwelling Unit

2.3.5 *EQ* – equal

2.3.6 *FAA* – Federal Aviation Administration

2.3.7 *FEMA* – Federal Emergency Management Agency

2.3.8 *ft* – foot or feet

2.3.9 *GFA* – Gross Floor Area

2.3.10 *GLA* – Gross Leasable Area

2.3.11 *max.* – maximum

2.3.12 *min.* – minimum

2.3.13 *na* – not applicable

2.3.14 *oc* – on center
2.3.15 PL – Property line or Lot Line
2.3.16 ROW – Right-of-way
2.3.17 sf – square feet
2.3.18 % - percent
2.3.19 § - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified
Article 3 Establishment of Districts

§3.1 Districts

For the purposes of this Ordinance, the City is hereby divided into the types of districts designated as follows:

3.1.1 AR Agricultural and Recreational
3.1.2 R-1 Low Density Residential
3.1.3 R-2 Medium Family Residential
3.1.4 R-3 Single and Two Family Residential
3.1.5 R-4 Multi-Family Residential
3.1.6 R-5 Group Housing Residential
3.1.7 P-1 Planned Unit Development
3.1.8 P-2 Planned Neighborhood Development
3.1.9 P-3 Planned Industrial Development
3.1.10 T-1 Manufactured Home
3.1.11 C-1 Central Business
3.1.12 C-2 Neighborhood Business
3.1.13 C-3 General Commercial
3.1.14 C-4 Regional Commercial
3.1.15 INST Institutional
3.1.16 M-1 Light Manufacturing
3.1.17 M-2 Heavy Manufacturing

§3.2 District Boundaries

The boundaries of the above districts are hereby established as shown on the Official Zoning Map.

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits.
4. Boundaries indicated as following railroad lines shall be construed to be mid-way between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line it shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. When physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by Paragraphs 1 through 6 above, the Board of Zoning Adjustment, hereinafter referred to as “the Board”, shall interpret the district boundaries.

8. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, the Board may permit, as a special exception, the extension of the Regulations for either portion of the lot not to exceed 50 ft beyond the district line into the remaining portion of the lot.
Article 4  Nonconformities

§4.1 Purpose of Regulations
Within the districts established by this Ordinance, as amended, there exists lots, structures, uses of land and structures and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

4.1.1 Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, land, or structure and land in combination shall not be extended or enlarged after the passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off premises, or by the addition of other uses, of a nature that would be prohibited generally in the district involved.

4.1.2 To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.

1. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

2. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to building, such excavation or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

§4.2 Nonconforming Lots of Record

4.2.1 In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of this Ordinance, or amendment thereto, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails to meet the requirements for area or width, or both, that are generally applicable in the districts, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the applicable district.

4.2.2 Variance of yard requirements shall be obtained only through action of the Board.

4.2.3 If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of this Ordinance, or amendment thereto, and if all parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner, which diminishes compliance with lot width and area requirements established by this Ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

§4.3 Nonconforming Uses of Land

Where at the time of passage lawful use of land exists, which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost less than $1,000 (determined by the Building Official), the use may be continued so long as it remains otherwise lawful, provided:
4.3.1 No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance or amendment thereto.

4.3.2 No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel than that occupied by such use at the effective date of this Ordinance or amendment thereto.

4.3.3 If any such nonconforming use of land ceases for any reason for a period of more than 30 consecutive days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the applicable district.

4.3.4 No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

§4.4 Nonconforming Structures

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

4.4.1 No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

4.4.2 Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to a condition exceeding more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.

4.4.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the applicable district.

§4.5 Nonconforming Uses of Structures or of Structures and Premises in Combination

If lawful use involving individual structures with a replacement cost of $1,000 or more (determined by the Building Official) or of structures and premises in combination, exists at the effective date of this Ordinance, or amendment thereto, the lawful use may be continued so long as it remains otherwise lawful, subject to:

4.5.1 No existing structure devoted to a use not permitted by this Ordinance in the applicable district shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the applicable district.

4.5.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance, or amendment thereto, but no such use shall be extended to occupy any land outside such building.

4.5.3 If no structural alterations are made, any nonconforming use of structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

4.5.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for this Ordinance, and the nonconforming use may not thereafter be resumed.

4.5.5 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for 18 months during any three year period (except
when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with this Ordinance.

4.5.6 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

§4.6 Nonconforming Improvements

When there exist nonconforming improvements on a developed site, such as driveway access points, landscaping, buffers, screening, or off-street parking or loading facilities, such improvements shall be made to conform to the applicable provisions of this Ordinance in the following circumstances:

1. When the premises remains vacant for a period of two (2) or more years;
2. When the use of the premises is expanded or changes to a more intensive use.

§4.7 Repairs and Maintenance of Nonconforming Structures

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

4.7.1 If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized officials to be unsafe or unlawful by reason of physical condition, it shall not therefore be restored, repaired or rebuilt except in conformity with this Ordinance.

4.7.2 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§4.8 Uses Under Special Exception Provisions are not Nonconforming

Any use, which has been approved by the Board as a Special Exception, other than a change through Board action from nonconforming use to another use not generally permitted in the district, shall not be considered a nonconforming use.
Article 5 Supplementary Regulations

§5.1 Uses

5.1.1 Permitted, Special Exception and Conditional Uses. In each district no other uses other than the types specified as uses permitted-by-right or by approval of a Special Exception (see §13.6) or Conditional Use (see §12.11) shall be allowed. Uses permitted-by-right are permitted upon application to the Zoning Official. Permits shall only be issued for Special Exception or Conditional Uses upon approval by the Board or the Commission, respectively.

5.1.2 Interpretation of Uses. The Use Tables in this Ordinance (i.e., Table 6-1 and Table 7-1) are not intended to be all-inclusive. Therefore, the Zoning Official may make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics.

5.1.3 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.

2. If the unclassified use would not be compatible with the intent of the existing zoning district, the applicant may request rezoning to another district in which the Zoning Official determines the unclassified use is best suited. If rezoning is sought, the unclassified use may only be permitted by special exception in the requested district. Following final action on the unclassified use, the Commission may initiate an amendment to this Ordinance to list the use in the most appropriate district(s).

§5.2 Area and Dimensional Regulations

The regulations set by this Ordinance shall be the minimum regulations and shall apply to each class or kind of structure or land, and particularly, expect as hereinafter provided:

5.2.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with this Ordinance.

5.2.2 No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;

2. To accommodate or house a greater number of families;

3. To occupy a greater percentage of lot area;

4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any manner contrary to the provisions of this Ordinance.

5.2.3 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 otherwise specified in this Ordinance.

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

5.2.5 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5.2.6 All territory, which may hereafter be annexed to the City, shall be considered to be in the Low Density Residential District, unless otherwise classified. However, if an annexation petitioner desires to have property classified within any zone other than R-1, following annexation, the petitioner must obtain the approval from the Commission prior to the submission of the formal annexation request to the Council, and the Council must approve such zoning classification.

5.2.7 Each structure hereafter erected or altered shall comply with the area and dimensional regulations applied by this Ordinance. Exceptions to these requirements are as follows:

1. Where the owner of a lot of official record at the time of adoption of this Ordinance does not own sufficient adjacent land to enable such owner to conform to area and dimensional requirements, one building and its accessory structures may be built provided the setbacks and other requirements conform as closely as possible, in the opinion of the Board, to the requirements of the applicable district; and further provided that neither side yard shall be reduced to less than five ft in width, except where a lesser or no side yard setback is required.

2. No building shall be required to be set back more than the average of the setbacks of the existing principal buildings within 100 ft each side thereof.

§5.3 Height

Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, cooling towers, water tanks, and industrial structures, when required by manufacturing process and provided the structure does not exceed 25% of the lot area, except in those districts where height restrictions are for the protection of aircraft.

§5.4 Structures

It is the intent of this Ordinance that there shall be but one principal structure plus any permitted accessory structures on any lot used for single-family or duplex dwellings; however, any and all accessory structures shall not be used as living quarters, unless specifically permitted by this Ordinance. This shall not apply to single-family and duplex dwelling developments under condominium ownership that otherwise meet the area and dimensional requirements of this Ordinance. Protective shelters classified as accessory structures may provide temporary living quarters in times of danger or emergency.

§5.5 Future Street Lines

On any lot which, as of the effective date of this Ordinance or amendment thereto, may be reduced in area by widening a public street to the right-of-way width indicated on any duly adopted federal, state, regional county or municipal plan, or as same may be hereafter amended, the minimum required yards, lot area, lot width, and lot coverage area shall be measured by considering such future street lines as the lot line of the concerned lot. However, upon a recommendation by the City Engineer, the Commission may modify this requirement as it applies to streets under the City’s jurisdiction.

§5.6 Rear Yard Abuts a Public Street

When the rear yard of a lot abuts a public street, all buildings or structures on that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within 25 ft of that setback line shall observe the side yard requirements of the adjoining properties fronting on that street.

§5.7 Intersection Visibility

To provide a clear view at intersections, there shall be an unobstructed triangular area at the intersection of any two streets or a street with a driveway, alley or railroad. The size of this triangular area shall be determined in accordance with Table 5-1. Such distance shall be measured from the
position of a car stopped at the intersection to the centerline of the intersecting street, as shown in Figure 5.7. Within this triangular area, no structure, sign or planting shall be permitted which obstructs motorists view between a height of 2.5 ft and eight ft above grade level at the intersection.

### Table 5-1 Sight Distance Requirements

<table>
<thead>
<tr>
<th>Design Speed of intersecting street (mph)</th>
<th>Intersection Sight Distance (ft)(^1)</th>
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<tbody>
<tr>
<td>15</td>
<td>170</td>
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<tr>
<td>20</td>
<td>225</td>
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<td>25</td>
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<td>35</td>
<td>390</td>
</tr>
<tr>
<td>40</td>
<td>445</td>
</tr>
</tbody>
</table>

\(^1\) Distances are intended as a minimum guideline. Site conditions such as grades, traffic volumes, signalization types, etc. may warrant increases in desired sight distances.

![Figure 5.7 Intersection Sight Distance](image)

§5.8 Rear Dwelling Prohibited

No accessory structure or building on the lot of a single-family or duplex dwelling, other than the principal building used for such single-family or duplex dwelling, may be used for residential purposes, unless specifically approved as part of a Planned Development.

§5.9 Location of Accessory Buildings

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

5.9.1 No accessory building shall be erected in any required front or side yard and shall not occupy more than 30% of any required rear yard. Accessory buildings shall be at least five ft from all lot lines and from any building on the same lot.

5.9.2 No accessory building not an integral part of the principal building shall be located within 60 ft from the front lot line.

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

§5.10 Access to Public Streets

Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel with street frontage. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
§5.11 Fences, Walls, Hedges

Notwithstanding other provisions of this Ordinance, fences, wall and hedges may be permitted in any required yard, or along the edge of any yard, provided no fence, wall, or hedge shall exceed 2.5 ft in height within the clear sight triangle required by §5.7.

§5.12 Essential Community Facilities

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such facility or service does not violate any other applicable provision of this Ordinance.

Nothing contained in this Section shall be construed to permit the erection, construction or enlargement of any building, tower, or maintenance depot for provision of an essential community facility or service except as otherwise permitted in this Ordinance.

§5.13 Access Streets

The following regulations shall apply to all commercial and industrial developments located on major arterials:

5.13.1 There shall be provisions made by the developer whereby adequate land shall be set aside to provide an access street parallel to the major arterial.

5.13.2 The developer shall provide a paved access street for the length of the lot frontage and that meets City specifications.

5.13.3 Ingress and egress points to the access road from private property shall be coordinated by the developer with the City Engineer.

5.13.4 The Commission may waive any parts of this provision governing access streets if its is determined by the City Engineer that direct access will not adversely affect traffic safety and movement on the major arterial and any adjoining streets.

§5.14 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 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-residential 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, as amended.

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 vehicle 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.

§5.15 Manufactured Homes and Portable Buildings

5.15.1 Manufactured homes not in use may be stored only in conforming manufactured home sales lots, within the confines of a building, or in individual lots in conforming Manufactured Home Parks with only one manufactured home permitted per manufactured home space.

5.15.2 Portable buildings meeting the definitions of Class A or B manufactured homes may be used as bona fide construction offices on any premises for which a Building Permit has been issued and remains valid.
5.15.3 Portable buildings meeting the definitions of Class A or B manufactured homes may be used as accessory structures on lots in non-residential districts that are already developed with a permanent structure that houses the principal use. In such cases, the portable building may only house a use that is customarily incidental to the principal use, including a caretaker dwelling, but shall only be placed behind the front building line. Where such placement is insufficient to obscure public views of the portable building, screening may be required by the Zoning Official, consistent with the standards in §11.3 Screening.

5.15.4 In accordance with §12.3 Building Permit Required, the placement of any manufactured home on property, whether temporarily or permanently, shall require a Building Permit. This shall not apply to the placement of a manufactured home on a previously approved manufactured home park space nor the placement of a manufactured home for sale on an approved manufactured home sales lot.

§5.16 Swimming Pool

5.16.1 Swimming pools shall not be located closer to any lot line than 10 ft, and non-commercial pools shall be enclosed by a fence or wall not less than five ft to prevent uncontrolled access.

5.16.2 Private swimming pools may be established in residential districts for the exclusive use of the occupants of the subject property and their guests and provided that no part of the swimming pool extends into any required front or side yard.

§5.17 Additional Regulations for Areas of Special Flood Hazard

All properties within Areas of Special Flood Hazard, as defined in Ordinance 439 Flood Damage Prevention Ordinance, City of Scottsboro, shall also be subject to the applicable regulations of said ordinance in addition to the requirements of this Ordinance. Wherever there is a conflict between the provisions of this Ordinance and those of Ordinance 439, the more restrictive shall apply.

§5.18 Ownership and Maintenance of Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities (including stormwater detention ponds and similar facilities) to be owned and maintained by a developer or a homeowner, property owner, or condominium association, including where such open spaces are required by this Ordinance, the following shall apply:

5.18.1 Owner’s Association. In the case of an owner’s association, such association 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.

5.18.2 Management Plan, Submittal. The applicant shall submit, along with a proposed preliminary plat or site plan, as applicable, a plan for the 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.
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 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.

§5.19 Noise Standards

In addition to the separation and landscaping requirements of §11-1 Buffers, no use shall produce continuous, recurring, scheduled or intermittent noise beyond its property and that exceeds the levels indicated in Table 5-2.

5.19.1 Any use which may produce noise levels in excess of those permitted at the property line as indicated in Table 5-2 shall be required to incorporate noise baffles or other noise suppression techniques in order to comply with these requirements.

<table>
<thead>
<tr>
<th>Use or Zoning of Abutting Property</th>
<th>Daytime 7 am-9 pm</th>
<th>Nighttime 9 pm – 7 am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>75 dB</td>
<td>70 dB</td>
</tr>
<tr>
<td>Commercial or Institutional</td>
<td>80 dB</td>
<td>75 dB</td>
</tr>
<tr>
<td>Industrial</td>
<td>85 dB</td>
<td>80 dB</td>
</tr>
</tbody>
</table>

5.19.2 Exemptions. The following uses and activities shall be exempt from this §5.19:

1. Noise from safety signals, warning devices, and emergency pressure relief valves
2. Noise from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
3. Noise from aircraft or railways
4. Noise from utility stations, utility substations or utility plants
5. Noise from construction activities occurring between 7:00 am and sundown or from temporary operation of maintenance equipment or activities in residential and commercial areas between the hours of 7:00 am and 9:00 pm.

5.19.3 Where a change in zoning or use occurs on abutting property, the noise from a pre-existing industrial or commercial use shall be subject to the pre-existing restrictions, as if the zoning or use of the abutting property had not changed.

§5.20 Lighting Standards

The intent of these standards is to reduce the impacts of glare, light trespass and light pollution while promoting safety and energy conservation. For all non-residential and multi-family developments, the following shall apply:

5.20.1 Definitions. For this §5.20, the following terms shall have the meanings provided herein:

1. **Floodlighting**: Artificial lighting so directed or diffused as to provide comparatively uniform illumination over a large area.
2. **Full Cut-off Light Fixture**: A light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above 90-degree horizontal plane from the base of the fixture.
3. **Glare**: The sensation produced by a bright light source that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.

4. **Glare, Direct**: Glare resulting from direct line-of-sight eye contact with a direct light source.

5. **Light Trespass**: Light from an artificial source that is intruding into an area where it is not wanted or does not belong.

6. **Light Fixture Shield**: A non-reflective covering, canopy or other such device fitted over a light source preventing light from illuminating an area not intended to be illuminated.

7. **Uplighting**: Any light source that distributes illumination above a horizontal plane.

5.20.2 Standards.

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to prevent light trespass and glare onto adjacent properties or roadways.

2. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent residential property.

3. Light fixtures shall be full cut-off fixtures, with the following exceptions:
   a. Holiday lighting from November 15 to March 1.
   b. Sensor activated lights, provided that:
      1) it is located in such a manner as to prevent glare and lighting onto properties of others or into the public right-of-way;
      2) the light is set to illuminate only when activated and to extinguish within 5 minutes after activation has ceased; and
      3) the light must not be triggered by activity that occurs off of the subject property.
   c. All temporary emergency lighting needed by fire and police departments or other emergency agencies.
   d. Floodlights with external shielding if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way.
   e. Uplighting for flags, address markers, and architectural features and low-voltage landscape lighting, provided that direct illumination is focused exclusively on the object and away from adjoining properties and public streets and sidewalks. In all cases, uplighting must not cause glare or light trespass.
   f. Light fixtures that have a maximum output of 1,000 lumens per fixture (equal to a single 60-watt incandescent light), regardless of the number of lamps, provided:
      1) the bulb of the fixture is not visible;
      2) the fixture uses frosted, opalescent, clear or iridescent glass;
      3) the fixture has an opaque top or is under an opaque portion of the building
      4) if the fixture utilizes clear glass, the output of the fixture must be shielded by the architecture of the structure; and
      5) all fixtures must not cause glare or light trespass beyond the property.
   g. Floodlighting used for outdoor recreational facilities provided:
      1) To the extent practicable, all light fixtures/light poles used to illuminate playing fields, courts and other outdoor recreational facilities, shall be set back a minimum of one foot for every foot in height from any residential property line or right-of-way.
2) In any case, floodlighting shall be turned off no later than one hour after an event is concluded. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area. All sports and event lighting must be equipped with a glare-control package (louvers, shields or similar devices) and the fixtures must be aimed so that beams are directed and fall within the primary playing area and light trespass is minimized.

4. In parking lots, light fixture poles shall not be more than 30 feet in height.

5. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a no more than two (2) inches from the ceiling. No other portions of the canopy not included in the sign area shall be illuminated.

5.20.3 Lighting Plan Required. For all non-residential and multi-family developments involving off-street parking areas in excess of 20 spaces, a lighting plan shall be submitted as part of the required Site Plan. The Lighting Plan shall be prepared by a registered engineer, design or lighting professional and shall include the information listed in Appendix 5.
Article 6  Residential District Regulations

The following Sections present the specific regulations, which govern development within each of the City’s residential zoning districts.

§6.1 Residential District Regulations, Generally

6.1.1 Uses Permitted. Uses shall be permitted in each residential district as indicated in Table 6-1. Any use not specified in Table 6-1 as permitted is prohibited (except as provided in §5.1 Uses). Any additional uses shall be allowed only through amendment of this Ordinance. Refer to the specific district regulations for any limitations that may apply to certain uses.

6.1.2 General Development Criteria. All developments shall comply with the area and dimensional requirements in Table 6-2, the provisions specified in the regulations of the applicable district and the provisions referenced following, where applicable:

1. See Article 5 Supplementary Regulations.
2. See Article 9 Supplementary Use Regulations.
3. See Article 10 Parking and Loading Requirements.
4. See Article 11 Landscaping, Screening and Buffers.
   a. Buffers shall be provided, pursuant to §11.1, when a new use of higher intensity is developed abutting an existing use of lesser intensity.
   b. Landscaping shall be provided around and within vehicular areas pursuant to §11.2.
   c. Screening shall be provided for outdoor storage areas, dumpsters, and similar site elements pursuant to §11.3.

§6.2 Low Density (R-1) Residential District

6.2.1 Intent. The R-1 District is designed to facilitate the development of single-family, low-density residential areas, with additional facilities limited to those which enhance and preserve the residential neighborhood environment.

6.2.2 No new R-1 District may be established, which contains less than five acres.

§6.3 Medium Density (R-2) Residential District

6.3.1 The R-2 District is designed to facilitate the development of single-family, medium-density residential areas, with additional facilities limited to those which enhance and preserve the residential neighborhood environment.

6.3.2 No new R-2 District may be established, which contains less than five acres.

§6.4 Single and Two Family (R-3) Residential District

6.4.1 Intent. The R-3 District is designed to facilitate the development of single-family and low-density multi-family dwelling units, not to exceed two (2) dwelling units per structure, and additional uses which enhance the residential environment of the district.

6.4.2 No new R-3 District may be established, which contains less than five acres.

6.4.3 Development Criteria:
   1. More than one two-family unit structure may be erected on the same lot provided there shall be a minimum distance of 20 ft between structures, and provided all other area and dimensional requirements are satisfied.
### Table 6-1 Uses Permitted in Residential Districts

<table>
<thead>
<tr>
<th>Districts</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
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<td>Public Buildings (fire stations, libraries, etc.)</td>
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<td>Public Recreational Facility (parks, playgrounds, stadiums)</td>
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<td>Public Utility Facility, §9.6</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>Public Utility Service</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>School, Public or Private</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Y – The use is permitted by right, subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §5.1.2 and §5.1.3.

SE – Special Exception Use, requires approval by the Board of Zoning Adjustment (see §13.6). May also be subject to district limitations.

C – Conditional Use, required approval by the Commission (see §12.11). May also be subject to district limitations. A use followed by a numeric cross-reference is also subject to the Supplementary Use Regulations referenced. A blank cell indicates that the use is prohibited.
# Table 6-2 Area and Dimensional Requirements for Residential Districts

Refer also to the applicable District Regulations for any Development Criteria that may modify or supplement the requirements shown herein.

<table>
<thead>
<tr>
<th>District</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4 ¹</th>
<th>R-5 townhouse</th>
<th>R-5 patio home</th>
<th>T-1 ²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>15,000 sf</td>
<td>10,500 sf</td>
<td>7,000 sf</td>
<td>10,000 sf plus 1,600 sf per unit for over 4 units</td>
<td>1,500 sf</td>
<td>6,000 sf</td>
<td>8,000 sf</td>
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<tr>
<td>Min. Lot Width (at Building Line)</td>
<td>100 ft</td>
<td>70 ft</td>
<td>60 ft</td>
<td>100 ft</td>
<td>20 ft</td>
<td>60 ft ³</td>
<td>60 ft</td>
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<tr>
<td>Min. Lot Frontage</td>
<td>50 ft</td>
<td>50 ft</td>
<td>35 ft</td>
<td>35 ft</td>
<td>18 ft</td>
<td>35 ft</td>
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<tr>
<td>Min. Front Yard Setback</td>
<td>40 ft</td>
<td>35 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>10-15 ft ⁴</td>
<td>20 ft</td>
<td>25 ft</td>
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<tr>
<td>Min. Rear Yard Setback</td>
<td>45 ft</td>
<td>40 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
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<tr>
<td>Min. Side Yard Setback 1-story Multi-story</td>
<td>15 ft</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft</td>
<td>0 ft; 12 ft at end of group</td>
<td>0 ft one side; 0 ft other side</td>
<td>10 ft</td>
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<tr>
<td>Min. Street Side Yard Setback</td>
<td>30 ft</td>
<td>25 ft</td>
<td>20 ft</td>
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<td>na</td>
<td>na</td>
<td>na</td>
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<tr>
<td>Max. Lot Coverage</td>
<td>25%</td>
<td>25%</td>
<td>30%</td>
<td>35%</td>
<td>55%</td>
<td>40%</td>
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<tr>
<td>Max. Building Height</td>
<td>2 ½ stories or 35 ft</td>
<td>2 ½ stories or 35 ft</td>
<td>2 ½ stories or 35 ft</td>
<td>3 stories or 45 ft</td>
<td>3 stories or 45 ft</td>
<td>1 story or 20 ft</td>
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<tr>
<td>Accessory Structures</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
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### Supplemental Requirements for Non-residential Uses

<table>
<thead>
<tr>
<th>District</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4 ¹</th>
<th>R-5 townhouse</th>
<th>R-5 patio home</th>
<th>T-1 ²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>30,000 sf</td>
<td>30,000 sf</td>
<td>30,000 sf</td>
<td>30,000 sf</td>
<td>30,000 sf</td>
<td>na</td>
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</tr>
<tr>
<td>Min. Yard Setbacks</td>
<td>40 ft</td>
<td>40 ft</td>
<td>30 ft</td>
<td>30 ft</td>
<td>30 ft</td>
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<tr>
<td>Min. Lot Width (at Building Line)</td>
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<td>na</td>
<td>na</td>
<td>100 ft</td>
<td>na</td>
<td></td>
</tr>
</tbody>
</table>

¹ Minimum lot size, minimum lot width (at building line), and minimum street side yard for single-family dwellings shall be as provided for the R-3 District.

² Requirements are for Manufactured Home Subdivisions lots. For Manufactured Home Parks, refer to §6.7.

³ Minimum lot width at building line may be reduced to 50 ft if lots are rear-accessed.

⁴ See §6.6.5.4a for specific requirement.

## §6.5 Multi-Family (R-4) Residential District

### 6.5.1 Intent

The R-4 District is designed to facilitate the development of multi-family dwellings, and additional uses which enhance the residential environment of the district.

### 6.5.2 No new R-4 District may be established, which contains less than 10 acres.

### 6.5.3 Development Criteria:

1. More than one multi-family dwelling may be erected on the same lot provided there shall be a minimum distance of 20 ft between structures, and provided all other area and dimensional requirements are satisfied.

2. Multi-family dwellings shall be buffered from any single-family and duplex dwellings as required in §11.1.
§6.6 **Group Housing (R-5) Residential District**

6.6.1 The R-5 District is designed to facilitate the development of garden/patio homes and townhouses, and additional uses which enhance the residential environment of the district.

6.6.2 No new R-5 District may be established, which contains less than five acres.

6.6.3 Patio home developments and townhouse developments shall not share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer. Patio home developments and townhouse developments shall be similarly separated.

6.6.4 All lots shall be served by water and sewer. All utilities shall be placed underground or in an alley for rear-accessed lots.

6.6.5 Development Criteria for Townhouses:

1. All lots shall front on a street; and each townhouse shall have a front entrance facing a street and be accessible from the rear.

2. No less than three nor more than eight townhouses shall be located within a continuous building group.

3. Each townhouse shall be located on a separate platted lot except where developed under condominium ownership.

4. Except as provided herein, minimum dimensional requirements shall be as shown in Table 6-2.
   a. Front Yard: Townhouses shall be set back no less than 10 ft from the nearest edge of a required sidewalk. Where the front yard is less than 15 ft, the ground floor of the unit shall be no less than two ft above grade level at the sidewalk.
   b. Rear yard: Where an alley is present at the rear of the lot, the minimum rear yard setback for accessory buildings shall be 12 ft from the alley centerline.
   c. A side yard shall only be required at the end of a row of townhouses, in which case the minimum width shall be 12 ft. However, when the end unit abuts a street, the minimum front yard setback shall apply.
   d. 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 provided on and to the rear of the individual townhouse lots, or grouped in bays in the interior of blocks.

6. Common open spaces and facilities shall comply with §5.18.

6.6.6 Development Criteria for Patio Homes:

1. No patio home shall be located less than 25 ft from any boundary of the development that abuts an R-1, R-2 or R-3 District.

2. Though a zero lot line is permitted on one side, there shall be a minimum spacing of ten ft between the sides of all patio homes.

§6.7 **Manufactured Home (T-1) District**

6.7.1 Intent. The T-1 District is designed to provide locations within the City for the development of planned Manufactured Home Parks. The areas are developed and located to provide safe and sanitary living conditions for occupants and are conveniently located near shopping centers, schools and other community facilities.
6.7.2 No new T-1 District may be established, which contains less than five acres. A Site Plan shall be submitted with all requests for establishment of a Manufactured Home District including those materials listed in Appendix 1.

6.7.3 Manufactured Home Classifications. Only Class A manufactured homes and site-built homes shall be permitted in Manufactured Home Subdivisions. Only Class A and Class B manufactured homes shall be permitted in Manufactured Home Parks. Class C manufactured homes and non-manufactured homes are prohibited in Manufactured Home Parks.

6.7.4 Development Criteria for Manufactured Home Subdivisions.
1. Area and dimensional requirements shall be as shown in Table 6-2.
2. Only site-built single-family detached dwellings and Class A manufactured homes shall be permitted. Class A manufactured homes shall comply with the following:
   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 ft for each 12 ft 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 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 blocked and tied down in conformance with the standards set forth in Section 11-49-219, Code of Alabama, 1975, as amended, and shall have 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.
   f. The moving hitch, wheels and axles, and transporting lights shall be removed prior to occupancy.

6.7.5 Development Criteria for Manufactured Home Parks
1. Only Class A and Class B manufactured homes shall be permitted.
2. The main service roadway for the Manufactured Home Park shall have access to a public street. All streets and rights-of-way within Manufactured Home Parks shall comply with the City Subdivision Regulations and all other applicable street construction standards of the City.
3. All off-street parking shall have access to an interior roadway within the park. No direct access shall be allowed between manufactured home spaces and any exterior street.
4. Requirements for Manufactured Home Spaces:
   a. Min. area: 2,800 sf
   b. Min. width: 32 ft
   c. Min. front and rear yards: 25 ft
   d. Min. side yard: 10 ft
5. No more than 10 manufactured home spaces may be developed per gross acre of land area.
6. Accessory uses may not constitute more than 10% of the total site.
7. No manufactured home shall be less than 25 ft from the property lines of the park where it adjoins a residential district.
8. All manufactured homes shall be blocked and tied down in conformance with the standards set forth in Section 11-49-219, Code of Alabama, 1975, as amended, and shall have 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.

9. Signage shall be identified on the site plan and allowable as approved through the review process.

10. No permanent addition of any kind shall be built onto or become a part of any manufactured home, unless wheels and axles of the manufactured home are removed and the manufactured home is mounted on a permanent foundation. All construction shall comply with the requirements of the City Building Code.

11. Utilities.
   a. A sanitary sewer collection system shall be extended to every manufactured home space.
   b. Every home space shall be provided with an individual branch water line in accordance with all applicable standards of the City and service provider. Each lot shall have a water meter.
   c. Every home space shall be provided with individual electrical service in accordance with all applicable standards of the City and service provider. A primary service line shall not be located across the top of any manufactured home.

12. Density Incentive for Storm Shelters. The Commission may increase the maximum allowed density (§6.7.5.5) to 12 manufactured home spaces per gross acre when the developer and/or park operator installs and maintains storm shelters in accordance with the following:
   a. Storm shelters:
      1) Have a minimum floor area of seven sf for each manufactured home space and be located no farther than 1,320 linear ft from the furthest home space in the Manufactured Home Park.
      2) Be designed for compliance with all applicable City Building, Mechanical, Plumbing and Electrical Codes by a licensed structural engineer or architect and built in accordance with plans as approved by the Building Inspector.
      3) Be designed and constructed to meet all FEMA requirements and guidelines if located in a flood plain.
      4) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
   b. The park operator 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.

13. Future Additions. Additions of ten or more manufactured home spaces to the park shall comply with either the normally allowed maximum density in §6.7.5.5 or the increased density allowed pursuant to §6.7.5.12. If the addition will include storm shelter provisions as specified in §6.7.5.12, the density calculation shall be based on the gross park acreage including the proposed new spaces. Otherwise, the density calculation shall be based only on the acreage of the area containing the spaces proposed to be added.
Article 7  Non-Residential District Regulations

The following Sections present the specific regulations that govern development within the City’s non-residential zoning districts.

§7.1  Non-Residential District Regulations, Generally

7.1.1 Uses Permitted. Uses shall be permitted in each residential district as indicated in Table 7-1. Any use not specified in Table 7-1 as permitted is prohibited (except as provided in §5.1 Uses). Any additional uses shall be allowed only through amendment of this Ordinance. Refer to the specific district regulations for any limitations that may apply to certain uses.

7.1.2 General Development Criteria. All developments shall comply with the area and dimensional requirements in Table 7-2, the provisions specified in the regulations of the applicable district and the provisions referenced herein, where applicable:

1. See Article 5 Supplementary Regulations.
2. See Article 9 Supplementary Use Regulations.
3. See Article 10 Parking and Loading Requirements.
4. See Article 11 Landscaping, Screening and Buffers.
   a. Buffers shall be provided, pursuant to §11.1, when a new use of higher intensity is developed abutting an existing use of lesser intensity.
   b. Landscaping shall be provided around and within vehicular areas pursuant to §11.2.
   c. Screening shall be provided for outdoor storage areas, dumpsters, and similar site elements pursuant to §11.3.
5. Lot Frontage. It is intended that each non-residential development front on and be visible from a public street and that accesses to abutting developments are either shared or adequately separated for safety and legibility. Therefore, while the lot frontage requirements in Table 7-2 allow flexibility in the design and arrangement of non-residential developments, no lot or site plan shall be approved when the narrowness of a lot frontage, from which access is to be taken, conflicts with these intents and the requirements of §10.4 Driveway Spacing.
6. Portable buildings may be permitted for temporary construction offices and as accessory structures in non-residential districts pursuant to §5.15.

§7.2  Agricultural (AR) District

7.2.1 Intent. The AR District is designed to facilitate the continued use of property for an encourage the new development of agricultural and recreational related uses.

7.2.2 No new AR District may be established which contains less than five acres.

7.2.3 Any structure used for the housing of livestock or poultry of any kind, including any facilities for watering, feeding and animal waste/manure storage and disposal shall not be located closer than 100 ft to any property line.

§7.3  Central Business (C-1) District

7.3.1 Intent. The C-1 District is designed to facilitate and preserve a central area of intensive commercial, financial, professional, governmental and cultural activities scaled to pedestrian needs.

7.3.2 No new C-1 District may be established, which contains less than four acres.

7.3.3 Development Criteria:
1. Rear yard requirement shall be waived if the lot abuts a public alley and if loading and unloading facilities are provided.

2. Requirements for Upper-story Dwellings
   a. Minimum size of 800 sf of living space per dwelling unit.
   b. Maximum of one resident per 300 sf of living space; maximum of two unrelated individuals per dwelling unit.
   c. Developers shall furnish the Building Inspector with architectural or engineered building plans complying with all adopted editions of the Building, Plumbing, Mechanical, Electrical, Fire and Life Safety Codes.
   d. The removal of solid waste, size and location of cans must be approved by the Scottsboro Sanitation Superintendent.

§ 7.4 Neighborhood Commercial (C-2) District

7.4.1 Intent. The C-2 District is designed to facilitate the unified grouping of retail and personal service facilities that provide for the daily needs of residential neighborhoods. The facilities are intended to blend with residential uses.

7.4.2 No new C-2 District may be established, which contains less than three acres.

7.4.3 Development Criteria:
   Single-family detached dwellings, existing prior to the effective date of this Ordinance, shall be subject to Article 4 Nonconformities except as follows: If damaged by fire or natural disaster, such dwellings may be renovated, repaired or replaced, on the existing foundation only, regardless of the amount of damage.

§ 7.5 General Commercial (C-3) District

7.5.1 Intent. The C-3 District is designed to facilitate the development of general and personal business activity, with an orientation toward vehicular accessibility.

7.5.2 No new C-3 District may be established, which contains less than five acres.

7.5.3 Development Criteria:
   1. Rear yard requirements shall be waived if a lot abuts an alley and if loading and unloading facilities are provided.
   2. The minimum front yard setback shall be 100 ft along U.S. Highway 72 and 60 ft along all other arterials.

§ 7.6 Regional Commercial (C-4) District

7.6.1 Intent. The C-4 District is designed to facilitate the development of commercial establishments which cater specifically to motor vehicle use.

7.6.2 No new C-4 District may be established, which contains less than 15 acres.

7.6.3 Development Criteria:
   The minimum front yard setback shall be 100 ft along U.S. Highway 72 and 60 ft along all other arterials.

§ 7.7 Institutional (INST) District

7.7.1 Intent. The INST District is designed to facilitate the development of community and regional-scale institutional uses.
§7.8 Light Manufacturing (M-1) District

7.8.1 Intent. The M-1 District is designed to facilitate the development of light industrial uses, including light manufacturing and assembly plants.

7.8.2 No new M-1 District may be established, which contains less than 10 acres.

§7.9 Heavy Manufacturing (M-2) District

7.9.1 Intent. The M-2 District is designed to facilitate the development of industrial uses, including heavy industrial and manufacturing uses, which are more acceptably operated in a defined area due to their community impact.

7.9.2 No new M-2 District may be established, which contains less than 10 acres.

<table>
<thead>
<tr>
<th>Table 7-1 Uses Permitted in Non-Residential Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Districts</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
</tr>
<tr>
<td>Dairy Farm with on-site retail sales</td>
</tr>
<tr>
<td>Farm</td>
</tr>
<tr>
<td>Farm Support Business</td>
</tr>
<tr>
<td>Fruit and Produce, Wholesale</td>
</tr>
<tr>
<td>Grain and Feed Manufacturing</td>
</tr>
<tr>
<td>Hatchery, Aquaculture</td>
</tr>
<tr>
<td>Kennel</td>
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<tr>
<td>Livestock Sales</td>
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<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Caretaker Dwelling, as an accessory use</td>
</tr>
<tr>
<td>Home Occupation, §9.3</td>
</tr>
<tr>
<td>Independent Living Facility</td>
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<tr>
<td>Upper-story Dwelling, §9.10</td>
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<td>Residential Accessory Structure</td>
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<tr>
<td>Single-family Detached Dwelling</td>
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<tr>
<td><strong>Institutional Uses and Utilities</strong></td>
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<tr>
<td>Animal Shelter</td>
</tr>
<tr>
<td>Assisted Living Facility, Nursing Care Facility</td>
</tr>
<tr>
<td>Bus Station</td>
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<td>Cemetery, §9.2</td>
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<td>Club, Private</td>
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<tr>
<td>Communications Tower, §9.9</td>
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<tr>
<td>Country Club</td>
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</table>

Y – The use is permitted by right, subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §5.1.2 and §5.1.3.

SE – Special Exception Use, requires approval by the Board of Zoning Adjustment (see §13.6). May also be subject to district limitations.

C – Conditional Use, required approval by the Commission (see §12.11). May also be subject to district limitations.

A use followed by a numeric cross-reference is also subject to the Supplementary Use Regulations referenced. A blank cell indicates that the use is prohibited.

Table continued on following page
<table>
<thead>
<tr>
<th>Districts</th>
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<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>INST</th>
<th>M-1</th>
<th>M-2</th>
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<tbody>
<tr>
<td><strong>Institutional Uses and Utilities (cont.)</strong></td>
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<td>Ambulance, Security Service</td>
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<td>Amusement, Indoor or Outdoor</td>
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<td>Automotive Parts Sales</td>
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<tr>
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</table>

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<th>Districts</th>
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<td>Entertainment, Indoor (comedy club, movie theater, etc.)</td>
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<td>Laundry Service (pick-up station)</td>
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<td>Liquor Sales for off-premises consumption only</td>
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<td>Liquor Sales with on-premises consumption</td>
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<td>Maintenance Service (janitorial, plumbing, exterminator)</td>
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<td>Manufactured Home Sales, Repair</td>
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<td>Manufacturing, Heavy</td>
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<td>Manufacturing, Light</td>
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<td>Medical or Dental Clinic</td>
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<td>Medical Support Services</td>
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<td>Mini-warehouse, §9.11</td>
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<td>Personal Services (barber, salon, tailor, shoe repair, etc.)</td>
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<td>Printing Service</td>
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</table>

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<th>C-2</th>
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<td>Resource Extraction and Processing</td>
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<td>Restaurant, Fast Food (with drive-through or drive-in)</td>
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<td>Restaurant, Standard</td>
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<td>Salvage or Junk Yard</td>
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<td>Studio (artist, photography, dance, etc.)</td>
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<td>Wholesaler, no on-site storage</td>
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<tr>
<td>Wholesaler, with on-site storage</td>
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<td>Wood or Lumber Processing (sawmills, planning mills, etc.)</td>
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### Table 7-2 Area and Dimensional Requirements for Non-Residential Districts

Refer also to the applicable District Regulations for any Development Criteria that may modify or supplement the requirements shown herein.

<table>
<thead>
<tr>
<th>District</th>
<th>AR</th>
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<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
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<tbody>
<tr>
<td>Min. Lot Size</td>
<td>1 acre</td>
<td>na</td>
<td>5,000 sf</td>
<td>na</td>
<td>15,000 sf</td>
<td>5,000 sf</td>
<td>1 acre</td>
<td>1 acre</td>
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<tr>
<td>Min. Lot Width (at Building Line)</td>
<td>200 ft</td>
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<td>25 ft</td>
<td>75 ft</td>
<td>25 ft</td>
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<tr>
<td>Min. Lot Frontage</td>
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<td>25 ft</td>
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<tr>
<td>Min. Front Yard Setback</td>
<td>50 ft</td>
<td>10 ft</td>
<td>25 ft</td>
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<td>Max. Lot Coverage</td>
<td>5%</td>
<td>na</td>
<td>35%</td>
<td>75%</td>
<td>75%</td>
<td>50%</td>
<td>50%</td>
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<tr>
<td>Max. Building Height</td>
<td>2 ½ stories or 35 ft</td>
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<td>3 stories or 45 ft</td>
<td>5 stories or 65 ft</td>
<td>5 stories of 65 ft</td>
<td>3 stories of 45 ft</td>
<td>4 stories or 50 ft</td>
<td>4 stories or 50 ft</td>
</tr>
</tbody>
</table>

1. It is the intent of this Ordinance that lots of sufficient size be used for any commercial, industrial or related use to provide adequate parking and loading space and buffers, if applicable, in addition to the space required for the other normal operations of the business or service.

2. Refer to District Regulations for exceptions to these general front yard requirements.

3. In the C-1 District, no front yard setback is required for lots fronting on the Courthouse Square.
§8.1 Planned Development Regulations, Generally

8.1.1 Procedure. 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:

1. Any petition for the establishment of a Planned Development District shall be made in the form of a Master Plan as prescribed in this Section and shall be submitted to the Commission for review and recommendation. It shall be the burden of the applicant to show through the Master Plan:
   a. That the proposed development is consistent with the intent and purpose of the Scottsboro Strategic Plan and of this Ordinance to promote public health, safety and the general welfare.
   b. That the value and character of property adjacent to the planned development will not be adversely affected.
   c. That the proposed Master Plan meets the requirements of all other regulating bodies.
2. The establishment of a Planned Development District will be for the express purpose of improving the land for uses in accordance with an approved Master Plan.
3. After a recommendation by the Commission, rezoning to a Planned Development District may be considered by the Council concurrently with consideration of the Master Plan. Such rezoning, if approved, shall remain valid for the duration of the Master Plan approval (see §8.1.5).
4. Unless specific variations are noted on the Master 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.

8.1.2 Master Plan Submittal. Any application for a Planned Development District shall be submitted to the Zoning Official and shall include a conceptual plan showing the entire development site and all phases of the proposed development, and shall graphically express the overall development concept for the site at completion. The Master Plan shall also include a proposed schedule for completion of the overall development and any individual phases. The Master Plan shall be drawn to scale by an engineer, architect or landscape architect registered in the State of Alabama and shall include the information listed in Appendix 2.

8.1.3 Effect of the Plan, Amendment. Once approved, a Master Plan shall become a binding condition upon the site, and each phase shall be substantially consistent with the Plan. The Building Inspector may not issue a Building Permit unless the proposed improvements are substantially as shown in the approved Master Plan. Minor changes may be approved by the Zoning Official. Major changes shall require approval by the Commission. Any of the following shall constitute a major change:

1. Any increase or reduction in the land area of the project site;
2. A change of 5% or more in the total number, or in the type, of dwelling units approved;
3. A reduction of 5% or more of the approved amount of resource protection area or recreation or open space;
4. Any significant addition, removal, or rearrangement of land uses or streets;

8.1.4 Effect on Prior Zoning. Approval of a Planned Development District by the Council replaces the prior zoning of the site.

8.1.5 Duration of Master Plan Approval.

1. If, within 365 days from the effective date of the Master Plan approval, the Building Inspector has not received an application for a Building Permit, the Master Plan approval shall become void and the property shall revert to the zoning classification assigned to the property prior to the PDD
approval. Upon receipt of a written request from the applicant, the Council may extend this period for one year.

2. Once a Building Permit is issued, the improvements set forth in the Master Plan shall be completed within the time period set forth in the schedule approved as part of the Master Plan.

§8.2 Planned Unit Development (P-1) District

8.2.1 Intent. The P-1 District is designed to provide flexibility, in contrast with the regulations of conventional zoning districts, for the creation of a variety of residential and mixed-use developments in order to encourage innovation, creativity and efficiency in the use of land and the creation of usable open spaces.

8.2.2 Site Requirements: Each P-1 District shall contain at least 15 acres.

8.2.3 Uses Permitted. Residential, institutional and commercial uses shall be allowed. At least 60% of the site shall be planned for residential use. Any use not specified above as permitted is prohibited. Any additional uses shall be allowed only through amendment of this Ordinance.

8.2.4 Off-Street Parking Requirements. Parking standards are determined through the review process, with minimum standards consistent with the normal parking requirements of this Ordinance. Joint usage of parking facilities is encouraged and may be, at the option of the Commission and Council, serve as a basis for the reduction of total parking spaces required.

8.2.5 Development Criteria:

1. Similar uses and densities of uses should face one another across streets, i.e., detached single-family dwellings should face other single-family dwellings. The following relationships are also acceptable:
   a. Any uses may face recreational or other open spaces.
   b. High-density residential uses may face non-residential uses.

2. Non-residential and higher density residential uses should be located on major internal streets and/or near to major external streets. Higher density residential uses should be placed to provide a transition between lower density residential uses and non-residential uses, if applicable.

3. The development should be planned and designed to minimize disruption of flood prone areas, steep slopes, tree canopy, and sensitive plant and animal habitats. As much as possible, such natural spaces should be linked together, which may be in the form of a greenway trail system.

4. An interconnected network of pedestrian routes should be provided, which may consist of sidewalks and off-road paths. Such pedestrian facilities are most critical in areas with high-density residential, retail and mixed-use development.

5. At least 10% of the site shall be retained, improved and maintained as open space for the recreational use of residents. Small remnant spaces and linear strips less than 40 ft in average width, and other spaces with limited accessibility shall not be counted toward this criteria.

6. Landscaping. Trees, shrubs and other landscaping treatments should be included where buildings are set back from frontages.

7. Buffers and screening. Uses within the development that are incompatible with existing adjacent uses shall be buffered and/or screened in a manner consistent with §11.1 Buffers and §11.3 Screening. Alternative methods for buffering and screening of uses internal to the development may be proposed by the developer.

8. Commercial development may not be started until residential development is 25% complete and occupied.
§8.3 Planned Neighborhood (P-2) District

8.3.1 Intent. The P-2 District is designed to facilitate the development of neighborhoods that, through the arrangement, proximity and interconnection of varied residential densities and neighborhood-serving non-residential uses, create an attractive, safe and comfortable neighborhood environment that encourages walking, bicycling, accessibility and community interaction and recreation. A Planned Neighborhood:

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.

8.3.2 Site Requirements. For new development, a Planned Neighborhood shall include 40 acres or more, or 2) 30 acres or more for development contiguous to existing neighborhoods.

8.3.3 Definitions. The following definitions shall be observed, unless otherwise indicated by context:

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**: A civic space, predominantly hardscaped, and enclosed on at least two 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 traditional neighborhood. It is typically surrounded by commercial, institutional or mixed-uses.

8.3.4 Master Plan Submittal. In addition to the requirements of §8.1.2 Master Plan Submittal, applications shall also include:

1. A pattern book representing the site design and architectural patterns of typical residential and non-residential buildings. Design patterns may be conveyed with illustrations of typical proposed elevations including building heights, widths and façade treatments;
2. The location of sidewalks, trails, passages and other pedestrian and bicycle circulation elements; and
3. A utilities plan showing underground and aboveground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.

8.3.5 Ownership and Maintenance of Open Spaces. See §5.18.

8.3.6 Permitted Uses and Arrangements. A Planned Neighborhood should consist of a mix of residential areas, one or more neighborhood center(s), and common open space(s).

1. **Open Space.** At least 10% of the gross acreage must be open space. At least 25% of the open space shall be common open space or dedicated for public use. All medium and high-density residential blocks shall be within 1,400 ft 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. Residential Uses. Single-family detached dwellings, duplexes and row houses; townhouses; multi-family dwellings; independent and assisted living, group care homes, and similar residential care facilities; and accessory buildings (including accessory dwellings)

b. Open Space Uses. The following are permitted: neighborhood parks; Commons; playgrounds; and storm water retention/detention facilities (where incorporated into one of the above)

3. Neighborhood Centers. A Planned Neighborhood will include a neighborhood center composed of a mix of the following uses. The development should be laid out such that all residential blocks are within 2,800 ft, measured along pedestrian routes, from a neighborhood center.

a. Commercial Uses. Individual businesses should generally not exceed 6,000 sf. In addition, the following uses are permitted and encouraged:

1) Food services, including but not limited to neighborhood grocery stores; butchers and bakeries; restaurants; coffee shops; neighborhood bars

2) Retail uses, including but not limited to florists; nurseries; hardware stores; book stores; studios and shops of artists; clothing and home décor stores

3) Services, including but not limited to day care centers; music, dance or exercise studios; business and professional offices; barber; hair salon; dry cleaning

4) Bed and breakfasts and other small lodging uses

b. Residential Uses. The following are permitted: single-family detached dwellings, duplexes, townhouses and row houses; multi-family dwellings, including independent and assisted living facilities and group living quarters; and upper-story dwellings

c. Civic or Institutional Uses. The following are permitted: municipal offices, fire stations, libraries, museums, and post offices; places of assembly; and schools

d. Open Space Uses. The following are permitted: squares; plazas; pocket parks; playgrounds; storm water retention/detention facilities (where incorporated into one of the above)

8.3.7 Density, Height and Design Standards. P-2 developments shall comply with Table 8-3 and:

1. One accessory dwelling per single-family lot shall be permitted in addition to the permitted densities provided in Table 8-3.

2. Non-residential GFA. The total ground floor area of non-residential uses, including off-street parking areas, shall not exceed 25% of the development except where the Planned Neighborhood is oriented around and integrated with, through the interconnection of vehicular, bicycle, and pedestrian ways, adjacent residential development.

3. Lot and Block Standards

a. Blocks shall be 400-800 ft long. Blocks longer than 600 ft shall have a permanent pedestrian passage across the depth of the block. The passage shall be located not more than 300 ft from the nearest cross street and shall be provided in an easement not less than 12 ft in width. The walkway shall be no less than eight ft in width.

b. Residential lot sizes should be varied to allow for diverse housing types.

c. Lots less than 60 ft in width shall be rear-accessed.

4. Building Frontage Standards. Setbacks shall be consistent along a block frontage and as follows:

a. For single-family detached dwellings, unenclosed porches may extend no closer than eight ft to the back of sidewalk.
b. For any dwellings located closer than 10 ft to the back of sidewalk, the first floor level shall be at least two ft above or at least three ft below sidewalk level.

c. Non-residential buildings are not required to be set back from front lot lines, but shall abut directly on a public sidewalk or be set back at the edge of a plaza. Civic or institutional buildings may also be set back at the edges of squares, lawns or similar frontages.

5. Side and Rear Building Spacing. Except as required in Table 8-3, side and rear building spacing shall be proposed in the Master Plan and in accordance with the City Building Code. Accessory structures shall be set back from side and rear lot lines as required in §5.9.

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<th>Table 8-3 Density, Height and Dimensional Standards, P-2 District</th>
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<th>Neighborhood Centers</th>
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<td>Uses</td>
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8.3.8 Circulation Standards. The circulation system shall support multi-modal transportation; interconnect 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 10 ft wide with a clear pedestrian zone of at least six ft in width

2) Medium and high density residential areas (4 or more DU/acre): sidewalks shall be at least five ft wide and buffered from the street by a planting strip at least four ft wide
3) Low density residential areas (less than four DU/acre): sidewalks shall be at least four ft wide and buffered from the street by a planting strip or swale at least six ft wide
b. In neighborhoods center, well-lit walkways of at least five ft in width shall connect building entrances to public sidewalks and to associated parking areas.
c. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
d. Crosswalks shall be well lit and clearly marked.

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

8.3.9 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.
   2. Off-street parking shall be accessed from an alley or shared driveway, except that single-family dwellings with lots wider than 60 ft may have individual driveways.
   3. Parking lots and parking garages should be separated from intersections by a building containing a use other than parking.
   4. On-street parking, if created as a part of the development, 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.

8.3.10 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. Streetlights shall be installed on both sides of the street at intervals of no greater than 80 ft.

8.3.11 Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
   1. The architectural features, materials, and the articulation of a facade shall be continued on all sides visible from a public street or common area.
2. Principal buildings and their main entrances shall face a public street; except however that up to five percent of the total number of single-family dwelling units may front directly on a commons.

3. Porches, stoops or other architectural elements should define the front entrance to residences.

4. For commercial buildings, at least 50 percent of the street level facade shall be window or door openings.

5. Buildings on opposite sides of the same street should be similar in scale and setback.

8.3.12 Landscaping and Screening Standards

1. Street trees. A minimum of one canopy street tree per 40 ft of street frontage shall be provided and evenly spaced. Street trees shall be located in a continuous planting strip, or in tree wells, adjacent to the curb. In the case of existing overhead utility lines, understory street trees may be substituted.

2. Screening shall be provided as required in §11.3.

8.3.13 Storm Water Management. The design and development of the Planned Neighborhood 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. Planned Neighborhood 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 80% 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.

8.3.14 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.

§8.4 Planned Industrial Development District

8.4.1 Intent. The PID District is designed to facilitate the development of industrial and compatible non-residential uses within integrally planned, multi-tenant industrial sites. The PID District provides flexibility from normally required Manufacturing District regulations to encourage creative and efficient site planning; to encourage shared and cross access within industrial developments; and to promote the development of stable, high-quality employment centers. Furthermore, provisions for common open spaces and on-site pedestrian circulation are encouraged.

8.4.2 Site Requirements. Each PID District shall contain a minimum of 15 acres and a minimum frontage of 200 ft on a public street.

8.4.3 Master Plan Submittal. The Master Plan shall be prepared in accordance with §8.1 and shall include the information listed in Appendix 2.

8.4.4 Ownership and Maintenance of Open Spaces. See §5.18.

8.4.5 Permitted Uses. All those uses permitted by right, upon Special Exception and as Conditional Uses in the M-1 and M-2 Districts in Table 7-1 may be permitted subject to approval of the Master Plan, including any conditions attached thereto. Additional non-residential uses, including but not limited to, dining, meeting facilities and personal service establishments, may be approved as a part of the
Master Plan provided they are designed and arranged exclusively for the use of businesses within the PID, their employees and visitors.

8.4.6 Development Criteria.

1. Building setbacks shall only be required as follows:
   a. No front setback shall be required along the developed side of internal streets when a planting strip at the back of curb and a sidewalk, each five ft in width, are provided. Otherwise, the minimum front setback shall be 75 ft.
   b. No side or rear yards are required except:
      1) Buildings shall be separated in accordance with City Building and Fire Codes.
      2) Buffers shall be provided where normally required by §11.1. Any uses involving the manufacturing, storage or use, in any manner, of explosives or volatile materials shall be set back from internal and external property lines as required by the Commission upon a recommendation from the Fire Marshal.
   c. Any vehicular use area located forward of the front building line shall be separated from any public or internal streets by frontage landscaping as normally required by §11.2.3.

2. Building Heights. The maximum building height shall be five stories or 75 ft, whichever is less. However, all buildings located within 200 ft of the nearest boundary line of an R-1, R-2, R-3 or R-5 District shall not exceed three stories or 45 ft in height, whichever is less.

3. Open Space. At least 20% of the PID acreage shall be provided as open space and improved for the recreational use of PID tenants, employees and their visitors. Required buffers or other required landscaping shall not be counted toward this requirement.

4. Internal Streets shall comply with the design requirements of the Subdivision Regulations and any applicable City specifications. Internal streets may be dedicated to the City or privately maintained.

5. Parking, Loading and Access.
   a. Off-street parking shall be provided consistent with the requirements of Article 9. Parking may be provided on individual sites, in common areas, and as on-street parking on internal streets.
   b. Abutting sites should use shared and/or cross access. Parking and loading areas should be located to the side or rear of buildings.

6. Design Standards. The Master Plan shall include design standards consistent with the following:
   a. All-metal facades are discouraged. One or more masonry materials (i.e., concrete, concrete block, stucco/EIFS, brick, and stone) should be used on all building elevations visible from public and internal streets.
   b. Building entrances, if not fronting on public or internal streets, should be identifiable from such streets.
   c. Attached signage is recommended. The Master Plan shall establish specific height and placement standards on any freestanding signage.
   d. The Master Plan shall provide for landscaping, buffers and screening as normally required in Article 11 except:
      1) Landscaping along the perimeter of vehicular use areas shall not be required except along street frontages.
      2) Buffers shall not be required between uses internal to the PID.

7. Noise Standards. PID Developments shall comply with the noise standards in §5.19.
Article 9 Supplementary Use Regulations

§9.1 Automobile Wrecking, Salvage and Junk Yards
9.1.1 No operation shall be located nearer than 300 ft from any established residential district.
9.1.2 All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid fence or wall as required by §11.3 Screening.
9.1.3 The storage of salvaged or junk materials shall not exceed six ft in height from grade level.

§9.2 Cemetery
9.2.1 All cemeteries hereafter established shall have direct access to major streets with ingress and egress so designed to minimize traffic congestion.
9.2.2 Any new cemetery shall be located on a site containing not less than 10 acres. Structures shall be set back as required in the applicable district. All grass or burial lots shall be set back no less than 25 ft from any lot line.

§9.3 Home Occupation
9.3.1 A home occupation shall be limited to the gainful occupation or profession conducted by members of the family residing entirely within the dwelling unit.
9.3.2 No internal or external alterations shall be made which are not customary to dwellings. In any dwelling unit, all home occupations, collectively, shall not occupy more than 25% of the gross floor area of the dwelling nor exceed 500 sf, whichever is more restrictive.
9.3.3 The entrance to the space devoted to the home occupation shall be from within the dwelling.
9.3.4 No display shall be permitted or goods or services that are visible from the outside of the structure except for one non-illuminated sign having an area of not more than two sf, which may be placed flat on a door, wall or window only.
9.3.5 Home occupations shall be limited to goods and services provided to individuals or groups not exceeding, at any given time, five in number.

§9.4 Drive-In Theater
9.4.1 The site must have direct access to a major street with ingress and egress separated and marked to minimize traffic congestion.
9.4.2 The theater screen shall not be visible from any public street within 1500 ft.
9.4.3 Automobile parking in the viewing area shall be effectively screened on all sides consistent with the standards in §11.3 Screening.
9.4.4 All accessory structures shall comply with the yard setbacks required for principal structures in the applicable district.
9.4.5 Off-street admission waiting space for patrons shall be equal to 20% of the capacity of the theater. The sale of refreshments and play area shall be limited to the use of patrons of the theater.
9.4.6 No central loudspeaker system is permitted.
9.4.7 All parking and access ways shall be adequately lighted; however, all lighting shall be shielded to prevent glare or reflection onto a public street or adjoining property.
§9.5 Service Stations

9.5.1 Buildings shall be set back no less than 50 ft from all street lines, except where pump islands and vehicular areas are located to the side and/or rear of the building in which cases the normal district setbacks shall apply.

9.5.2 Gasoline pumping islands shall not be located closer than 30 ft to any street line; however, when pump islands are constructed perpendicular to the street, the pump island shall be located no less than 45 ft from the street line.

9.5.3 Attached and detached canopies shall not extend closer than 15 ft from the street line.

§9.6 Utility Stations and Substations

9.6.1 All electrical power substations shall be enclosed within a fence or wall or be so designed to be inaccessible to unauthorized persons. Electrical power substations in all zones except manufacturing districts shall be enclosed by a planting screen with a minimum height of six ft and otherwise in accordance with §11.3 Screening.

9.6.2 Required setbacks for buildings shall apply to power substations and shall be measured from the fencing enclosure except that setbacks along property lines adjacent to streets and alleys shall not be less than 15 ft regardless of other setback requirements and that such enclosures shall not be constructed closer than 10 ft to adjoining properties.

9.6.3 Utility lines shall approach the substation from the side opposite the main traffic artery where possible. Distribution lines may be run underground from any orientation.

9.6.4 Public or privately owned utility stations other than electrical power substations shall be enclosed by a planting screen of such height, depth and density to screen the structure from view. Fencing shall be required where such structures present hazards to animals or people. Structures extending above the ground in excess of two ft shall comply with the same regulations as required for power substations.

9.6.5 Should the public utility company not be able to comply with the above regulations, it may submit a proposed site plan of the desired installation to the Commission for approval and recommendations to the Council. The site plan shall include those materials listed in Appendix 1, as applicable.

§9.7 Conservation Subdivision

9.7.1 Intent:

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or 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.

9.7.2 Applicability. The Conservation Subdivision/Development option is permitted for detached single-family and duplex development on sites of at least 15 acres and otherwise in accordance with Table 6-1. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.
9.7.3 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.

9.7.4 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 any regulations applicable to the site that may limit its development density. In making this calculation, the following shall not be included in the total area of the parcel:

1. Bodies of open water over 5,000 sf of contiguous area; and
2. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

9.7.5 Application Requirements.

1. Site Analysis Map. Concurrent with the submission of a Preliminary Plat or 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 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 five ft or smaller intervals;
   e. All Primary and Secondary Conservation Areas labeled by type, as described in §9.7.6;
   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 §9.7.4. The conservation subdivision plan may include lots that do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall identify all open spaces to be protected and include an open space management plan pursuant to §9.7.6. The Conservation Subdivision Plan shall be submitted, in full, 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 §9.7.7, 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.

9.7.6 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. Such open spaces shall be in accordance with the following:

1. The minimum restricted open space shall comprise at least 25% of the gross tract area.
2. 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:
   a. The 100-year floodplain;
   b. Riparian zones of at least 75 ft width along all perennial and intermittent streams;
   c. Slopes above 25% of at least 10,000 sf contiguous area;
   d. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act;
   e. Existing trails that connect the site to neighboring areas; and
   f. Archaeological sites, cemeteries and burial grounds.

3. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
   a. Important historic sites;
   b. Existing healthy, native forests of at least one acre contiguous area;
   c. Individual existing healthy trees greater than eight inches caliper; and
   d. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.

4. Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

5. At least 33% of the open space shall be suitable for passive recreational use.

6. At least 75% 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.

7. 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.

8. Open Spaces may contain the following:
   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 10% 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;
h. Other conservation-oriented uses compatible with the purposes of this Section.

9. Open Spaces may not contain the following:

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.


9.7.7 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.

9.7.8 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.

§9.8 Bed and Breakfasts

9.8.1 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:

9.8.2 Use Regulations.
   1. All guest rooms shall be located within the principal structure.
   2. Bed and Breakfasts located in Residential Districts shall be limited to four guest rooms and shall not employ any individuals not residing on the premises.
   3. Individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

9.8.3 Parking. For each and every approved guest room, there shall be provided one 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.
No parking shall be permitted forward of the front building line except upon a driveway. Recreational vehicle parking shall be prohibited.

§9.9 Communication Towers

9.9.1 Purpose. The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers, hereafter referred to as towers. It is the Commission's express intent that the construction of new towers be an option of last resort, to the extent feasible, location of antennae on existing towers, building rooftops, and other suitable structures should first be sought. These guidelines 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.

9.9.2 Applicability. All communication towers are subject to these guidelines except the following:

1. Amateur Radio, Receive and Transmit, Antennas. This section shall not govern any tower, or the installation of any antenna, that is 100 ft or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence, or used exclusively and incidentally for the purposes to support a commercial business.

2. Existing Towers and Antennas. If an additional antenna is co-located on an existing tower after the adoption of this ordinance, then security fencing and landscaping requirements are applicable as part of the permitting process except that operating existing towers shall not be subject to this provision if there is no increase in the height of the tower or of the antenna on such towers up to the towers' present structural capability.

3. Residential satellite dish less than four ft in diameter.

9.9.3 Definitions

1. Alternative-tower structure: clock towers, bell towers, church steeples, light/power poles, electric transmission towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative communication tower structures, and the like. A tower compound is a tower(s) and other facilities.

3. Antenna: A electromagnetic device, which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes 'whips', 'panels' and parabolic 'dishes'. An electromagnetic device includes any exterior apparatus designed for telephonic, radio, or television.

4. Antenna Support Structure: Any structure on which radio antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guys), wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four leg, (towers); rooftops of existing buildings or structures such as elevated water storage tanks.

5. Cellular Site: A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low-lying existing structures, a support structure for transmitter/receiver antennas are usually required.

6. Height: Vertical distance from nominal ground elevation at base of tower to top of antenna or tower, whichever is higher.

7. Mini-cellular Site: A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or
antennae do not exceed 20 ft in height above the existing structure, and 'whips', 'panels', and parabolic 'dishes, do not exceed 100 sf. A mini-cellular site accommodates the use of existing structures such as buildings, billboards and water towers.

9.9.4 Objectives. The proposed locations and design of all communications 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 the City Building Code or other applicable standards as adopted by the City; 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 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 agency standards so as not to interfere with existing communications services to the area.

6. Health effects. The proposed tower will comply with all applicable federal, state and county health standards so as not to cause detrimental health effects to persons in the surrounding area.

9.9.5 Development Criteria. The Zoning Official shall review all communications towers requesting permits for compliance with the applicable criteria listed below. Any of these criteria may be waived or adjusted by the Commission if the circumstances of a particular case so warrant. In any event, these criteria are considered the minimum necessary to protect the public health, safety, and general welfare; the Commission may impose higher standards if it deems necessary to further the objectives of these guidelines.

1. Co-location. 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 to achieve co-location shall be submitted in accordance with §9.9.6.4. Towers shall be designed to maximize share use to the extent possible, given the structural and technical limitations of the type of tower proposed. If feasible, each tower shall, at a minimum, be designed to accommodate a minimum of two shared users.

2. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Scottsboro Planning Department with a copy of the notice to the FCC of intent to cease operations and shall be given 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 operation. In the event an abandoned or unused tower and related facilities are not removed within 12 months of the cessation of operation at a site, the tower and related facilities may be removed by the City and the costs of removal assessed against the property.

3. Setbacks. Towers shall be setback from all property lines a distance equal to its height. Guy wires and accessory buildings and facilities shall meet the minimum setback requirements of the zoning district. As an alternative to setback requirement for towers located in non-residential zoning districts, a statement from a registered engineer may be provided certifying that, in the event of structural failure the tower would fall within the boundaries of the property. In all cases, towers shall be set back a distance equal to the height of the tower from a public right-of-way.

4. Appearance
a. Towers shall maintain a galvanized steel, concrete finish or similar neutral finish so as to reduce the visibility or camouflage the structure, unless other standards are required by the FAA.

b. The design of towers shall be of a type that has the least visual impact on the surrounding area.

c. The design of a tower compound shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment. These guidelines are also required of roof-mounted towers, antennas, and related equipment co-locating on existing towers.

d. Where communications towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 ft of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.

e. No signs or other forms of advertising is permitted on an antenna or tower unless for safety/security precautions.

5. Lighting. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the Commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with §9.9.5.7 Security Devices below.

6. Landscaping
   a. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.

   b. The standard buffer shall consist of a minimum eight foot wide landscaped strip outside the perimeter security fencing. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or groundcovers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1000 ft of a residence, additional buffering may be imposed 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. The Commission shall approve buffer plan and type of plants proposed.

   c. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth tone colored security fencing in combination with evergreen shrubs, trees, and/or other plantings.

   d. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or heavy industrial areas, the landscaping requirement may be reduced or waived.

   e. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

   f. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.

7. Roof Mounted Towers and Antennas
   a. Rooftop mounted towers and antennas may be located on any non-residential building.

   b. Such tower or antenna shall be setback from any residential zoning district a minimum distance equal to two (2) times the full height of the tower and antenna, but in no event less than 100 ft.

   c. The building on which such tower or antenna is placed shall be at least 50 ft high and the tower or antenna will add no more than 20 ft total to the height of the building.
d. Antennas shall not be mounted to extend horizontally beyond the face of the building.

8. Principal, Accessory and Joint Uses

a. Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

b. Towers may be located on sites containing another principal use in the same buildable area. In determining requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within a lot.

As long as all siting, setback, separation and general requirements of this ordinance are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning applicable district.

The minimum distance between a tower and the principal use located on the same lot shall be, for a monopole or lattice tower the greater of 20% of the tower height or 25 ft, and for a guy tower, the greater of 100% or 25 ft.

c. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

d. Towers constructed or antennas installed in accordance with this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

9. Security Devices. The facility shall be fully secured. A minimum eight ft high fence shall be installed around the perimeter of the compound. Security fencing shall require screening in accordance with §9.9.5.4 above. Other security measures shall include locks and alarms.

10. Access

a. driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off street parking area.

b. equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street except in non-residential areas, in which case access may be from the local street.

9.9.6 Application. Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review guidelines:

1. Statement of impact on health, safety and welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of these guidelines.

2. Site plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, existing land uses and zoning districts of the surrounding area, and other information necessary to access compliance with the development criteria of these guidelines.

3. Rendering. A rendering of the tower, accessory facilities, and compound shall show colors, materials, and treatment. If lighting or other FAA requirement for tower color is proposed, evidence of such requirement shall be submitted.

4. Justification for new tower. A proposal for a new tower shall be documented by the applicant stating the planned equipment for the proposed tower cannot be accommodated on an existing tower or other alternative structure 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. The affidavit shall include evidence from a licensed professional engineer or qualified industry expert supporting such claim. The evidence shall include one or more of the following:

a. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area to meet the applicant's engineering requirements.

b. That existing towers or structures are not of sufficient height or strength to meet applicant's engineering requirements.

c. That the applicant's proposed antenna or existing towers and/or antennas would cause electromagnetic interference as a result of the installation of the proposed antenna.

d. That the costs or contractual provisions required by the tower owner to share an existing tower or structure are unreasonable.

e. That the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5. Certification of shared use design. A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed towers structural design can accommodate a minimum of two shared users, in accordance with §9.9.5 Development Criteria.

6. As built survey. A qualified professional engineer, registered in the State of Alabama, shall certify that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

§9.10 Upper Story Dwellings

9.10.1 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.

9.10.2 All upper-story dwellings, whether or not intended for occupancy by the owner of the use located below the dwelling, shall have an entrance separate from the associated use.

9.10.3 Multi-family Dwellings in a Mixed-Use Building.

1. No non-residential use shall be located on the same floor in the same building with any multi-family dwelling units.

2. 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.

3. Dwelling units shall not be accessible directly from another unit or use within the building.

§9.11 Mini-warehouses

9.11.1 No storage of volatile, toxic or explosive materials shall be permitted, either inside the structure(s) or on the premises.

9.11.2 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.

9.11.3 Screen fencing shall be installed around the perimeter of the development meeting the requirements of §11.3 Screening.

§9.12 Day Care Facilities

9.12.1 Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a 24 hour day for children under 16 years of age, for the aged, or for
persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.


1. State regulation. All day care facilities shall comply with all applicable State regulations.

2. Inspections. The Building Official shall have the right to enter and inspect the premises for compliance purposes after advance notice to the property owner.

3. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.

4. Sewage facilities. Day care facilities using, or proposing to use, an on-site sewage disposal system shall obtain a written approval from the County Health Department.

5. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and adjacent streets. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.

6. Expansion to Day Care Center. The care of more than 12 individuals at a time constitutes a Day Care Center, which may require, in the case of expansion of a Family Day Care Home, to a district in which Day Care Centers are permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), on-lot sewage disposal facilities, parking spaces, and the drop-off circulation pattern.

7. Application and permitting procedure. Any individual proposing a family day care home shall submit an application for a Day Care Home Permit to the Building Official. If the application demonstrates compliance with this Section, the Building Official shall grant the permit. Group day care homes shall only be permitted as Special Exception Uses in accordance with §13.6 and the provisions of §9.12.3 below.

9.12.3 Family Day Care Homes and Group Day Care Homes. Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the general provisions of §9.12.2 and of this §9.12.3.

1. Family Day Care Homes shall:
   a. only be permitted in single-family detached dwellings
   b. have a current State registration certificate (proof of registration renewal must be supplied to the City every two (2) years)
   c. have no external signage
   d. be limited to the care of no more than six (6) children
   e. not receive children for care before 7:00 am nor continue care after 7:00 pm.

2. Group Day Care Homes shall be limited to no more than 12 individuals receiving care in accordance with applicable state regulations.

9.12.4 Day Care Centers. In addition to the other provisions of this Section, Day Care Centers shall comply with the following:

1. The facility shall have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the City every year.
2. A fence with a minimum height of four ft shall physically contain the children within the outdoor
play area. Natural or physical barriers may be used in place of fencing so long as such barriers
functionally contain children.

3. On corner lots, access shall only be from the street of lesser classification.

4. Play equipment shall be located at least 10 ft from all lot lines.

5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours.
   Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks,
drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent
properties.
Article 10  Parking and Loading Requirements

§10.1 Off-Street Parking and Loading Terms

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

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.

2. Gross Leasable Area (GLA) The total floor area for which the tenant pays rent and that is designed for the tenant’s occupancy and exclusive use. GLA does not include public or common areas, such as utility rooms, stairwells and corridors.

3. Loading Area: That area used to satisfy the requirements of this Ordinance for truck loading and unloading.

4. Loading Space: An off-street space or berth used for the unloading or loading of commercial vehicles.

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.

6. Parking Aisle That portion of the parking area consisting of lanes providing access to parking spaces.

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.

8. Parking Space That portion of the parking area set aside for the parking of one vehicle.

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.

§10.2 Required Off-street Parking Spaces

In all zoning districts there shall be provided, at the time any permitted use is established, enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth in this Article pursuant to Table 10-1. For uses not specifically mentioned in the Table, parking requirements shall be determined by the Zoning Official using the most analogous use in the Table. Fractional off-street parking space requirements shall be counted as a whole space if the fraction is greater than one-half (1/2).

Off-street parking areas shall not be considered as loading or unloading areas. No off-street parking facility, in existence at the effective date of these regulations, shall be reduced to less than the amount required for the use involved.

10.2.1 Site Plan Review. All off-street parking areas with six or more parking spaces shall be subject to site plan review by the Commission.

10.2.2 Off-street Parking Design Requirements

1. The minimum parking space dimensions shall be as shown in Table 10-2 and Figure 10.2.2.

2. In parking areas of 20 or more parking spaces, up to 20% of the spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight ft in width and 16 ft in length. These spaces shall be conspicuously marked for compact cars only.
3. Stacking space shall contain a minimum rectangular area of 10 ft in width and 20 ft 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. All off-street parking areas shall be so designed and be of such size that no vehicle is required to back into a public street for egress, except for lots devoted to single family and duplex dwellings. However, 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 permanent off-street parking areas shall be of a hard surface or in such a manner that no dust will result from continuous use. All parking areas shall be maintained in good condition, i.e. free of potholes, weeds, trash, refuse, etc.

8. Parking spaces, except those serving single-family and duplex dwellings, shall be clearly marked and meet all City specifications.

9. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Drainage plans shall be subject to approval by the City Engineer.

10. The area between the street and an off-street parking lot shall have a curb, or similar barrier, as approved by the Zoning Official, separating the parking lot from the sidewalk to prevent the encroachment of vehicles onto the sidewalk.

10.2.3 Location of Required Parking

1. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
   a. Required parking within planned residential developments may be provided in common parking areas.
   b. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, remote parking may be permitted by a Special Exception if within 500 ft of the concerned lot. Such Special Exception requires legal documentation that the applicant has the right to use such remote spaces.

2. No off-street parking shall extend beyond any lot line, unless approved by the City Engineer for common parking areas with cross access between uses on abutting lots.

10.2.4 Joint and Shared Parking. Joint off-street parking facilities for two or more uses may be established so long as the required number of off-street parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. However, subject to approval by the Commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements using the shared parking demand information in Table 10-3.

10.2.5 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.
### Table 10-1 Required Off-Street Parking Spaces by Use

<table>
<thead>
<tr>
<th><strong>Agricultural Uses</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Farm</td>
<td>1 per 1.05 employees</td>
</tr>
<tr>
<td>Farm Stand</td>
<td>1 per 250 sf of retail floor area</td>
</tr>
<tr>
<td>Farm Support Business</td>
<td>1 per 1.05 employees, plus 1 per company vehicle</td>
</tr>
<tr>
<td>Stable</td>
<td>1 per 3 persons of occupancy load plus 1 per 1.05 employees</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>Residential Uses</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling</td>
<td>1 per DU</td>
</tr>
<tr>
<td>Boarding House</td>
<td>1 per BR</td>
</tr>
<tr>
<td>Duplex</td>
<td>2 per DU</td>
</tr>
<tr>
<td>Independent Living Facility</td>
<td>2 per 3 DUs plus 1 space per employee</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>2 per Manufactured Home</td>
</tr>
<tr>
<td>Multi-family Developments</td>
<td>1 per studio, efficiency or 1-BR unit; 1.75 per 2-BR unit; 2.0 per 3+ BR unit</td>
</tr>
<tr>
<td>Single-family Dwelling, attached or detached</td>
<td>2 per DU</td>
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</tbody>
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<tr>
<th><strong>Institutional Uses</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living Facility</td>
<td>1 per 4 residents plus 1 per employee</td>
</tr>
<tr>
<td>Club</td>
<td>1 per 100 sf of non-storage and non-service floor area</td>
</tr>
<tr>
<td>Community Center</td>
<td>1 per 300 sf of GLA</td>
</tr>
<tr>
<td>Country Club</td>
<td>1 per 3 persons of occupancy load</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load</td>
</tr>
<tr>
<td>Group Care Home or Rehabilitation Facility</td>
<td>1 per 4 beds plus 1 per employee</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee</td>
</tr>
<tr>
<td>Library</td>
<td>1 per 500 sf of GLA</td>
</tr>
<tr>
<td>Nursing Care Facility</td>
<td>1 per 4 beds plus 1 per employee</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>1 per 3 seats in the main assembly space</td>
</tr>
<tr>
<td>Public Facility</td>
<td>1 per 300 sf of GLA</td>
</tr>
<tr>
<td>School, Commercial</td>
<td>1 per 3 students plus 1 per employee</td>
</tr>
<tr>
<td>School, Elementary or Junior High/Middle</td>
<td>1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)</td>
</tr>
<tr>
<td>School, High</td>
<td>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)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>Commercial Uses</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Hospital</td>
<td>1 per 300 sf of GLA</td>
</tr>
<tr>
<td>Appliance Store</td>
<td>1 per 400 sf of GLA</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>1 per 350 sf of GLA</td>
</tr>
<tr>
<td>Automotive Sales</td>
<td>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</td>
</tr>
<tr>
<td>Automotive Parts Store</td>
<td>1 per 400 sf of GLA plus 1 per employee</td>
</tr>
<tr>
<td>Automotive Rental Establishment</td>
<td>1 per 400 sf of GLA plus 1 per rental vehicle</td>
</tr>
<tr>
<td>Automotive Repair, Major and Minor</td>
<td>1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle</td>
</tr>
</tbody>
</table>

Table continued on following page
<table>
<thead>
<tr>
<th>Commercial Uses (cont.)</th>
<th>Minimum Required Off-Street Parking Spaces by Use (cont.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank (no drive-thru)</td>
<td>1 per 250 sf of GLA</td>
</tr>
<tr>
<td>Bank (drive-thru only)</td>
<td>1 per 2 employees plus 3 stacking spaces per teller</td>
</tr>
<tr>
<td>Bank (with drive-thru)</td>
<td>1 per 350 sf GLA plus 3 stacking spaces per teller</td>
</tr>
<tr>
<td>Barber or Beauty Shop</td>
<td>2.5 per chair</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 per guest bedroom plus 2 spaces</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>3.5 per bowling lane</td>
</tr>
<tr>
<td>Call Center, Telemarketing Office</td>
<td>1 per 150 sf of GLA or 1 per employee, whichever is greater</td>
</tr>
<tr>
<td>Car Wash (full service or automated)</td>
<td>1 per employee plus 4 stacking spaces per bay</td>
</tr>
<tr>
<td>Car Wash (self-service)</td>
<td>3 stacking spaces per approach lane plus 2 drying spaces per stall</td>
</tr>
<tr>
<td>Clinic</td>
<td>6 per practitioner</td>
</tr>
<tr>
<td>Commercial School</td>
<td>1 per 3 students of occupancy load plus 1 per employee</td>
</tr>
<tr>
<td>Dry Cleaning Pick-Up</td>
<td>1 per 300 sf of GLA</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>1 per 600 sf of GLA</td>
</tr>
<tr>
<td>Gas Station/ Convenience Store</td>
<td>1 per 300 sf of GLA plus 1 stacking space per fuel island</td>
</tr>
<tr>
<td>General Retail Business</td>
<td>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</td>
</tr>
<tr>
<td>Home Improvement Center</td>
<td>1 per 400 sf of GLA</td>
</tr>
<tr>
<td>Hotel or Motel</td>
<td>1 per room plus 1 per employee</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per 2 washing machines</td>
</tr>
<tr>
<td>Liquor Lounge (free standing)</td>
<td>1 per 100 sf of GLA</td>
</tr>
<tr>
<td>Mini-Warehouse</td>
<td>5 spaces adjacent to leasing office (if any)</td>
</tr>
<tr>
<td>Office, business or professional</td>
<td>1 per 250 sf of GLA</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Open Air Market</td>
<td>1 per 500 sf of display area plus 1 per employee</td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td></td>
</tr>
<tr>
<td>Golf Course:</td>
<td>4 per hole</td>
</tr>
<tr>
<td>Miniature Golf:</td>
<td>2 per tee</td>
</tr>
<tr>
<td>Golf Driving Range:</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Other:</td>
<td>1 per 3 persons of occupancy load</td>
</tr>
<tr>
<td>Pool Hall</td>
<td>1 per table</td>
</tr>
<tr>
<td>Restaurant, Carry-Out and/or Delivery</td>
<td>1 per employee plus 1 per 300 sf of GLA</td>
</tr>
<tr>
<td>Restaurant, Drive-in</td>
<td>1 per ordering station plus 1 per employee</td>
</tr>
<tr>
<td>Restaurant, Drive-thru</td>
<td>1 per 100 sf of GLA plus 4 stacking spaces per drive-thru window</td>
</tr>
<tr>
<td>Restaurant, Standard</td>
<td>1 per 3 seats of occupancy load</td>
</tr>
<tr>
<td>Service Station</td>
<td>2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island</td>
</tr>
</tbody>
</table>

**Industrial Uses**

| 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 |
Table 10-2 Parking Lot Dimensional Requirements

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width (A)</th>
<th>Stall Length (B)</th>
<th>Stall Depth (C)</th>
<th>Curb Length (D)</th>
<th>Aisle Width (E)</th>
<th>Interlock (F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8 ft</td>
<td>22 ft</td>
<td>8 ft</td>
<td>22 ft</td>
<td>12 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>30°</td>
<td>9 ft</td>
<td>20 ft</td>
<td>17.4 ft</td>
<td>17 ft</td>
<td>15 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>45°</td>
<td>9 ft</td>
<td>20 ft</td>
<td>20.2 ft</td>
<td>12 ft</td>
<td>15 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>60°</td>
<td>9 ft</td>
<td>19 ft</td>
<td>21 ft</td>
<td>10.4 ft</td>
<td>20 ft</td>
<td>24 ft</td>
</tr>
<tr>
<td>90°</td>
<td>9 ft</td>
<td>19 ft</td>
<td>19 ft</td>
<td>9 ft</td>
<td>20 ft</td>
<td>24 ft</td>
</tr>
</tbody>
</table>

Figure 10.2.1 Parking Dimensions

Table 10-3 Typical Shared Parking Demand by Use and Time of Day

<table>
<thead>
<tr>
<th>Parking Demand* by Use</th>
<th>Weekday 8am-5pm</th>
<th>Weekday 6pm-12am</th>
<th>Weekday 12am-6am</th>
<th>Weekend 8am-5pm</th>
<th>Weekend 6pm-12am</th>
<th>Weekend 12am-6am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60%</td>
<td>100%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Office</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Commercial</td>
<td>90%</td>
<td>80%</td>
<td>5%</td>
<td>100%</td>
<td>70%</td>
<td>5%</td>
</tr>
<tr>
<td>Lodging</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>70%</td>
<td>100%</td>
<td>10%</td>
<td>70%</td>
<td>100%</td>
<td>20%</td>
</tr>
<tr>
<td>Entertainment</td>
<td>40%</td>
<td>100%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>40%</td>
<td>80%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Institutional (non-church)</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Institutional (church)</td>
<td>10%</td>
<td>5%</td>
<td>5%</td>
<td>100%</td>
<td>50%</td>
<td>5%</td>
</tr>
</tbody>
</table>

* Different parking demands may be used than the typical shown here if documented in a parking demand study.
§10.3 Off-Street Loading

In all zoning districts where permitted uses require the receipt or distribution of material or merchandise by truck or similar vehicle, off-street loading and unloading space shall be provided. Such requirements shall apply to new structures or that portion of existing structures that are altered or expanded after the effective date of this Ordinance.

10.3.1 One space shall be required for the first 20,000 sf of floor area plus one additional space for each 20,000 sf of floor area up to 100,000 sf and one space for each additional 40,000 sf thereafter. However, the approving authority may waive loading requirements for uses under 8,000 sf.

10.3.2 Off-street Loading Design Standards

1. The minimum size of a loading space shall be 15 ft by 50 ft, exclusive of driveway and maneuvering space. Each space shall allow vertical clearance of 14 ft.

2. Joint or combined off-street loading space for two 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 buildings to be served.

3. No street or alley shall be considered as part of the off-street loading area.

4. All loading areas shall be so designed and located to permit traffic to exit facing a street or alley. Off-street loading spaces may occupy required yard areas provided that no loading space shall be located within 10 ft of the front lot line nor within five ft of any side or rear lot line.

5. No loading space shall be used to meet parking requirements, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.

§10.4 Driveway Spacing

The following regulations shall govern ingress and egress to all lots:

10.4.1 Within the first 15 ft of the lot (measured from the front lot line along which a driveway is proposed) driveways shall not exceed the following widths:

1. Single-family and duplex dwellings: 13 ft

2. Multi-family dwellings: 25 ft (for two travel lanes)

3. Non-residential uses: 30 ft (for two travel lanes)

10.4.2 Access points shall be in accordance with Table 10-4 Driveway Spacing and the following:

1. Single-family and duplex dwellings with greater lot frontage may only have a second access if approved by the City Engineer after a determination that traffic safety and movement at the particular location will not be adversely impacted by the additional access.

2. Corner lots-of-record may have a driveway with less than the above required distance from the intersecting street provided the driveway will be located along the street of lesser classification (as applicable) and as far as practicable from the intersection, and that, in the opinion of the City Engineer, the driveway will not adversely affect traffic safety and movement on adjoining streets.

10.4.3 No two access points on the same lot frontage shall be closer than 50 ft from their nearest edges.

10.4.4 The area between the street and a driveway parallel to the street shall have a curb at least six inches in height and six inches in width separating the drive from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

10.4.5 No curbs on public streets or rights-of-way shall be cut or altered without written approval of the City.
10.4.6 Where access to a State or Federal Highway is controlled by regulations other than those stated herein, those rules and regulations shall prevail.

<table>
<thead>
<tr>
<th></th>
<th>Minimum Spacing</th>
<th>Max. number of driveways per frontage length</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>from intersections</td>
<td>from other driveways</td>
</tr>
<tr>
<td>All Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Arterial</td>
<td>250 ft</td>
<td>200 ft</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>200 ft</td>
<td>150 ft</td>
</tr>
<tr>
<td>Single-Family and Duplex Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>125 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>Local</td>
<td>75 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>All other Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>150 ft</td>
<td>125 ft</td>
</tr>
<tr>
<td>Local</td>
<td>100 ft</td>
<td>75 ft</td>
</tr>
</tbody>
</table>
Article 11 Landscaping, Screening and Buffers

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. Required landscape plans shall include the information listed in Appendix 3.

§11.1 Buffers

Buffers shall be provided in accord with the requirements of Table 11-1 and as described herein.

11.1.1 Applicability. Except as otherwise provided herein, buffer requirements shall be based on the developing land use and the existing, abutting use.

11.1.2 General Standards. To decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers:

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. If the land use relationships between two abutting lots changes so that a lesser Buffer would be required, the width of the previously provided buffer may be reduced accordingly.
   b. 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.
   c. 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.
### Table 11-1 Buffer Requirements By Use

<table>
<thead>
<tr>
<th>Developing Land Use</th>
<th>Buffer Class Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-family detached</td>
</tr>
<tr>
<td><strong>Residential and Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>Detached, single-family</td>
<td>na</td>
</tr>
<tr>
<td>Attached, single-family</td>
<td>A</td>
</tr>
<tr>
<td>Multi-family</td>
<td>B</td>
</tr>
<tr>
<td>Lodging</td>
<td>B</td>
</tr>
<tr>
<td>Manufactured home/RV parks</td>
<td>B</td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>Low intensity</td>
<td>A</td>
</tr>
<tr>
<td>Medium intensity</td>
<td>A</td>
</tr>
<tr>
<td>High intensity</td>
<td>B</td>
</tr>
<tr>
<td><strong>Business/Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Offices up to 50,000 sf</td>
<td>A</td>
</tr>
<tr>
<td>Offices greater than 50,000 sf</td>
<td>B</td>
</tr>
<tr>
<td>Amusement; outdoor entertainment</td>
<td>B</td>
</tr>
<tr>
<td>Retail, shopping centers, and restaurants up to 50,000 sf</td>
<td>B</td>
</tr>
<tr>
<td>Retail, shopping centers, and restaurants greater than 50,000 sf</td>
<td>B</td>
</tr>
<tr>
<td>Heavy commercial, including repair, contractor and automotive uses</td>
<td>B</td>
</tr>
<tr>
<td><strong>Industry</strong></td>
<td></td>
</tr>
<tr>
<td>Warehousing, storage, telecommunications towers and public utility facilities</td>
<td>C</td>
</tr>
<tr>
<td>Other industrial uses</td>
<td>C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Class</th>
<th>Width</th>
<th>Required trees per 100 linear feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With fence/wall</td>
<td>Without fence/wall</td>
</tr>
<tr>
<td>A</td>
<td>10 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>B</td>
<td>15 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>C</td>
<td>22 ft</td>
<td>30 ft</td>
</tr>
</tbody>
</table>

### 11.1.3 Design Standards

1. Prior to occupancy of the premises, the buffer shall provide a visually impervious barrier, from the ground to five ft above grade level throughout the entire length of the buffer through the use of shrubs and trees. Fences may also be used in combination with shrubs and trees (see Paragraph 3 below). Within one year after installation, the buffer shall be at least six ft 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 11-1 when a fence is provided that is 5-7 ft tall and that meets the requirements in §11.4. With a fence, maximum shrub spacing may be reduced to not more than eight ft.

§11.2 Landscaping for Vehicular Areas

11.2.1 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.

11.2.2 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 10% or 10 spaces, whichever is greater, the new vehicular area shall be made to comply with the requirements of this Section.

11.2.3 Requirements

1. The primary landscaping materials used in vehicular areas shall be canopy trees. Shrubs and other planting materials may be used to complement the required trees.

2. Required plantings shall be set back from the edge of the planted area or as otherwise needed to prevent damage by vehicles.

3. Interior Landscaping

Each vehicular area shall have interior landscaping covering not less than 5% of the total vehicular area.

4. Street Frontage Landscaping

   a. A landscaped strip at least 10 ft wide shall be located between the vehicular area and the street line. The width may be reduced to five ft when a fence, meeting the requirements of §11.4 and that is between 2.5 to 3.5 ft tall, is provided.

   b. Shrubs shall be evergreen and spaced no more than five ft on center. If used in combination with a fence meeting the requirements of §11.4, shrubs may be deciduous and may be spaced no more than eight ft on center.

   c. At least one understory tree for every 40 linear ft or one canopy tree for every 50 ft of required landscape strip shall be planted. Only canopy and understory trees, as defined in Article 2, shall be counted toward these requirements.

5. Perimeter Landscaping

A five ft 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 ft 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.

§11.3 Screening

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

11.3.1 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

11.3.2 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 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. Uses requiring screening, when co-located, may be screened together.

2. Screening shall not be placed so as to impede any drainage way and shall not block access to any aboveground, 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 that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.

6. Shrubs shall be evergreen and spaced no more than five ft on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight ft on center.

7. 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.

11.3.3 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 sides. Opaque gates shall be installed for access. The fence shall be at least two ft 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 ft or two ft 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 ft in height.

§11.4 Design Standards for Fences

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

11.4.1 No more than 25% of the fence surface shall be left open. The finished side of the fence shall face abutting property.

11.4.2 Required shrubs and trees shall be planted on the exterior side of the fence.

The Commission shall approve the design of fences to assure their functions, as required by this Article, are properly served. In particular, the Commission shall not approve a reduced buffer width pursuant to §11.1.3.3 without also approving the design of the fence.

§11.5 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:

11.5.1 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.

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

11.5.3 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.

11.5.4 Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade or similar conditions.

§11.6 Maintenance and Irrigation

11.6.1 All plant material shall be maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

11.6.2 All fencing shall be permanently maintained in good condition and whenever necessary, repaired or replaced by the party required to provide such fence.

11.6.3 All required landscaping shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.
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Article 12 Administrative Provisions

§12.1 Administration

The provisions of this Ordinance shall be administered and enforced by the Zoning Official, except as herein provided.

§12.2 Administrator

The Council shall designate a Zoning Official to administer this Ordinance. In addition, the Zoning Official and/or Building Official shall have the right to enter upon any premises during a reasonable period of time for the purposes of making inspections of the buildings or premises necessary to administer and enforce this Ordinance.

§12.3 Building Permit Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repairs (except repairs not changing the character of the structure and not exceeding $500 in cost, or painting or wallpapering) of any structure, including accessory structures, until the Building Official has issued for such work a Building Permit including confirmation by the Zoning Official that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Except on the written order of the Board, no Building Permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance. Application for a Building Permit shall be made to the Building Official on forms provided for that purpose.

§12.4 Application Requirements

It shall be unlawful for the Building Official to approve any plans or issue a Building Permit for any excavation or construction until such plans have been inspected in detail and have been found to be in conformity with this Ordinance. To this end, the Building Official shall require that every application for a Building Permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, drawn to an appropriate scale, including those materials listed in Appendix 4.

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, the Building Official shall issue a Building Permit accordingly. If an application for a Building Permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a Building Permit shall in no case be construed as waiving any provision of this Ordinance.

§12.5 Voiding of Building Permit

Any Building Permit granted under this Section shall become null and void on one year from the date of issuance of the permit. Exceptions may be made if the proposed development or construction has passed the first building inspection. The Building Official shall make every reasonable effort to notify a holder of a Building Permit, which is liable for voiding action before voidance is actually declared.

§12.6 Inspection

The construction or usage affected by any Building Permit shall be subject to four inspections: the first, when the foundation has been excavated; the second, when the foundation has been completed and the building lines have been established; the third, when all electrical and mechanical elements are in place; and the fourth, when the building or structure has been completed.

It shall be the duty of the holder of the Permit to properly notify the Building Official as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for
such inspection shall automatically cancel the Permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

§12.7 Certificate of Occupancy

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Official has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three (3) days after the owner or his agent has been properly notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

§12.8 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 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 made to conform to the provisions of this Ordinance. Such notification shall be:

12.8.1 By delivery to the owner personally, or by leaving notice at the owner’s residence with a person of suitable age and discretion; or

12.8.2 By depositing the notice as first class certified mail; or

12.8.3 By posting and keeping posted for 72 hours, a copy of the notice in a conspicuous place on the premises to be repaired.

§12.9 Penalties and Remedies of Violations

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 Building Official, Zoning Official or any other appropriate authority or any adjacent or neighboring property owner, who would be especially damaged by such violation, in addition to other remedies, 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.

§12.10 Amendment

12.10.1 Zoning Amendment Petition. The Council may amend, supplement, change, modify, or repeal the regulations, restrictions, boundaries of districts or any provisions of this Ordinance. Any member of the Council may introduce such amendment; or any official, board, commission or any other person may present an application to the Council requesting an amendment to this Ordinance.

12.10.2 Commission Review. No such amendment shall become effective unless such be first submitted to the Commission for its approval, disapproval, or recommendation. If the Commission disapproves
an amendment after such submittal, it shall require the favorable vote of the majority of the Council to become effective. Within 30 days of the public hearing on the application, unless an extension of time is agreed to by the applicant, the Commission shall issue a recommendation to the Council. Failure of the Commission to act within this time period shall constitute a positive recommendation.

The Commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of the Ordinance, or to the Official Zoning Map, and then report its approval, disapproval, or recommendations to the Council.

12.10.3 Public Hearing on Proposed Amendments. Upon the introduction of any amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the Council shall publish notice of such request for an amendment, together with a notice of the time and place set for public hearing by the Council on the requested change. Said notice shall be published in full, for one insertion, in a newspaper of general circulation. One week after the first insertion, the Council shall publish a synopsis of the proposed amendment. Both insertions must be published at least 15 days in advance of passage of the amendment. After the amendment is adopted, it shall be published in the same manner as all municipal ordinances pursuant to Section 11-45-8 of the Code of Alabama, 1975, as amended.

Within 30 days of the public hearing on the application, unless an extension of time is agreed to by the applicant, the Council shall approve the request, approve it with conditions or deny the request. Failure of the Council to act within this time period shall constitute approval.

12.10.4 Time Limit. After the Council has voted on an application for rezoning or other amendment of the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance will not be considered for a period of one year from the date of such action, provided, however, that the Council may adjust this time period if, in the opinion of a majority of the Council, an unusual situation or circumstance exists.

§12.11 Conditional Use Procedures

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted or special exception 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; 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.

12.11.1 All conditional uses 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 30 days prior to the date on which the application is to be heard, and shall include a site plan including those materials listed in the Appendix. At least 15 days prior to the 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 prepaid, addressed to such property owners at their addresses submitted with the request. 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.

12.11.2 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 applicable 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.

12.11.3 The Commission may impose such conditions 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.

12.11.4 Within 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 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 approval of the Conditional Use.

§12.12 Fees

Every applicant or petitioner seeking an amendment to the Zoning Ordinance or Official Zoning Map, other than amendments initiated by the City, or seeking approval of a Building Permit, Conditional Use, Variance or Special Exception shall pay to the City Clerk at the time of filing of petition or application, a fee as set from time to time by the Council to cover the cost of technical study, investigation and publication necessary in connection with such application. No such application shall be filed for consideration until such fee has been paid.
Article 13  Board of Zoning Adjustment

§13.1 Appointments, Duties and Responsibilities

A Board of Zoning Adjustment, hereinafter referred to as “the Board,” is hereby established. The appointment, procedure, powers and action of said Board shall be governed by Section 11-52-80 and Section 11-52-81, Code of Alabama 1975, as amended. All members of the Board shall be citizens and residents of the City.

§13.2 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. 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.

§13.3 Powers and Duties

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

13.3.1 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 §3.2.

13.3.2 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.

13.3.3 Variances. To hear and decide requests 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 this Article, but where the spirit of the Ordinance can be observed and substantial justice done.

13.3.4 Special Exceptions. To hear and decide special exceptions, as specified in this Ordinance, upon which the Board is required to act.

§13.4 Administrative Appeals

13.4.1 Appeals to the Board may be taken by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Zoning Official relating to this Ordinance. Any such appeal shall be filed with the Zoning Official within 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.

13.4.2 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 other than by a restraining order, which may be granted by the Board or by a court of record.

13.4.3 All appeals shall be filed in writing on forms provided by the Board and made available by the Zoning Official. At least 15 days prior to the scheduled Board hearing the Zoning Official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, 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 being appealed, and the time, date, and location of the Board hearing.

13.4.4 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.

§13.5 Variances

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 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 and unnecessary hardship upon such owner.

13.5.1 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.

13.5.2 Applications shall be filed with the Zoning Official at least 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 15 days prior to the scheduled hearing, the Zoning Official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, 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.

13.5.3 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 of the following:

1. The variance will not permit the establishment of a use not otherwise permitted in the district.

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 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 and 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 variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

5. The variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land or structures in the same district.
6. The variance is necessary for the reasonable use of the land or building and the variance is the minimum variance that will accomplish this purpose.

7. The variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the applicable district, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

13.5.4 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.

§13.6 Special Exceptions

13.6.1 All uses permitted by special exception shall require the submission of an application to the Board. Such application shall be filed with the Zoning Official at least 30 days before the hearing, and shall include a site plan including those materials listed in the Appendix. The application shall be filed by the property owner or authorized agent on a form made available by the Zoning Official. At least 15 days prior to the scheduled hearing, the Zoning Official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, 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 hearing.

13.6.2 The Board 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, storm 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.

13.6.3 The Board may impose such conditions that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance regarding 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.

13.6.4 The Board may also grant special exceptions for business use of a manufactured home in a non-residential district 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. Such special exception may be granted only if all of the following conditions are met:
1. 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.

2. 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.

§13.7 Abatement of Nuisance

The Board may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, vibration, fumes, dust, dire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Board may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board 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 only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

§13.8 Rehearings

13.8.1 All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision, or decision on a request 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.

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

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

§13.9 Appeals From Action of the Board

Any party aggrieved by any final judgment or decision of the Board may, within 15 days thereafter appeal therefrom 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 the 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.
Appendix 1: Site Plan Requirements for Conditional and Special Exception Uses

1. One or more scaled drawings or maps (1"=20' unless size dictates a more appropriate scale), clearly showing the following:
   2. Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.
   3. 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.
   4. 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.
   5. Proposed storm drainage plan.
   6. Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
   7. Proposed dedication of land for public use, including streets, easements, park and school sites.
   8. 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.
   9. 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.
   10. 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 excepted per shift, the total floor area of proposed commercial uses (or seating capacity for places of assembly, restaurants, indoor entertainment uses, etc.) and the proposed manner of illumination of signs.
   11. Restrictions on the use of property including proposed restrictive covenants.
   12. Plans for the protection of abutting properties.
   13. Written request for exceptions to or variations from the requirements of the Zoning Ordinance, if any are being requested.
   14. 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.
   15. Such other additional information as may be reasonably required by the Commission to accomplish the purpose of the site plan review function.
Appendix 2: Master Plan Requirements for Planned Developments

1. The outer boundary of the total development site, including a valid legal description;
2. A topographic map showing contours at five-foot or smaller intervals as required by the Zoning Official;
3. Description of the existing land uses and development adjoining the project site;
4. The rights-of-way and cross sections of all proposed streets, and proposed access to the surrounding public street system;
5. The type, number, and location of all structures;
6. The location, extent, and approximate acreage of all resources protection, recreation, and open spaces;
7. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.
8. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, and any proposed storm water best management practices;
9. A written report, illustrated as appropriate, shall accompany the Master Plan addressing the following:
   a. A general description of the proposal;
   b. The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants;
   c. A plan for the provision of utilities and storm drainage facilities;
   d. Plans for parking, loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts; and
   e. Presentation of the method for dedicating or reserving land or facilities for public use or for ownership and maintenance of common open spaces.

Appendix 3: Landscape Plan Submittal Requirements

The Landscape Plan shall be drawn to a scale no larger than 1 inch:50 ft and shall contain the following information:

1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
3. Existing and proposed buildings and structures, including signs, garbage containers, utility and drainage structures.
4. Existing buildings and structures on abutting property adjacent to any required screening or buffers.
5. Bodies of water including detention and retention areas.
6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
7. Sufficient information and detail to demonstrate compliance with the requirements of this Section.
Appendix 4: Building Permit Submittal Requirements

1. The location, slope, area and dimensions of the lot
2. The location, dimensions, height and bulk of the structure to be erected, altered, or moved and any building or structures already on the lot
3. The existing and intended use of all such buildings or other structures
4. The proposed number of dwelling units, occupants, employees, or other similar users
5. The setback, side yards, open spaces, parking spaces and other such requirements of the application zoning district
6. Any other information deemed necessary to determine and provide for the enforcement of this Ordinance

Appendix 5: Lighting Plan Submittal Requirements

The Lighting Plan shall be drawn to a scale no larger than 1 inch:50 ft and shall contain the following information:

1. The type of lamp to be used in each fixture, including the manufacturer’s name and part number, lamp wattage, lumen output, and a copy of the manufacturer’s lamp specifications;
2. Fixture heights measured from grade and locations of the same;
3. The type of fixtures, including the manufacturer’s name and model number; wattage; a picture of the fixture; and the IES file name;
4. Point-to-point photometric calculations at intervals of not more than 10 ft at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces;
5. The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and
6. The seal of the qualified Alabama registered design professional.