

Chapter 24 - ZONING

ARTICLE I. - IN GENERAL

Sec. 24-1. - Interpretation of certain terms and words.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms are to be interpreted as follows:

- (1) The term "lot" includes the word "plot" or "parcel."
- (2) The term "building" includes the word "structure."
- (3) The term "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."
- (4) The term "zoning map" refer to the "Zoning Map, City of Jacksonville, Alabama."

(Code 1975, § 28-201)

Sec. 24-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate, to the principal use of structure.

Alteration and altered means and includes any of the following:

- (1) Any addition to the height or depth of a building or structure.
- (2) Any change in the location of any of the exterior walls of a building or structure.
- (3) Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

Assisted living facility means a licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in a day to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, generally referred to as the 100-year flood.

Boardinghouse means any building or portion thereof other than a hotel where, for compensation and by prearrangement for a definite period, lodging or meals and lodging are provided for five or more persons, individually or as families, but not exceeding ten persons.

Buffer strip means a strip of land not less than 15 feet wide planted and maintained as follows:

- (1) One row of evergreen trees with an upright form spaced not less than 15 feet apart nor more than 40 feet apart, within the entire strip of land.

- (2) Not less than two rows of evergreen shrubs or hedge with an upright to spreading form spaced not more than 7½ feet apart within the entire strip of land which grow to a height of five feet after one full growing season and will eventually grow to not less than ten feet in height.

Building means any structure having a roof supported by columns or walls designated or built for the support, enclosure, shelter or protection of persons, animals, business activity or property of any kind.

Building area means the portion of the lot occupied by the main building, including porches, carports, accessory buildings and other structures.

Building height means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building line means a line showing the nearest distance to the street property line that it is permissible to build, as measured from the nearest vertical point of the structure.

Centerline street means a line running parallel with the street right-of-way which is half the distance between the extreme edges of the public right-of-way.

Church means a building used by a recognized and legally established nonprofit sect solely for purposes of worship.

Commercial school means a private, gainful business providing instructional service in the arts, business, crafts, trades, sports and/or professions.

District means a part of the city wherein regulations of this chapter are uniform.

Dormitory means a building owned or operated by an educational institution with sleeping and living accommodations for students and/or faculty.

Drive-in restaurant means a restaurant or public eating business, so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Drive-in theater means a theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.

Dwelling means a house or other building used primarily as an abode for one or more families; except, that the term "dwelling" shall not include boardinghouses or roominghouses, tents, tourist camps, hotels, travel trailers, trailer camps, travel trailer parks or other structures or facilities designed or used primarily for transient residents.

Dwelling, apartment, means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, mobile home. See Mobile home.

Dwelling, single-family, means a detached residential dwelling unit other than a mobile home designed for and occupied by one family only.

Dwelling, two-family, means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling unit means one room, or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Dwell time means the duration or interval of time during which each individual advertisement or message is displayed on any sign that is capable of sequentially displaying more than one advertisement or message on its display surface.

Family means two or more persons who are all related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: husbands and

wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. The term "family" does not include any organization or institutional group.

Filling station means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- (1) Sale and servicing of spark plugs, batteries and distributors and distributor parts.
- (2) Tire servicing and repair, but not recapping or regrooving.
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearing, mirrors and the like.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing, and sale of automobile washing and polishing materials.
- (6) Greasing and lubrication.
- (7) Providing and repairing fuel pumps, oil pumps and lines.
- (8) Minor servicing and repair of carburetors.
- (9) Emergency wiring repairs.
- (10) Adjusting and repairing brakes.
- (11) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- (12) Sales of cold drinks, packaged foods, tobacco and similar convenience goods for filling stations' customers, as accessory and incidental to principal operation.
- (13) Provision of road maps and other informational material to customers; provisions of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Flood or flooding means the general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard area means an area that is synonymous and shall refer to all the land encompassed by the floodway and floodway fringe areas.

Flood hazard boundary map (FHMB) means the official map or maps of the city where the boundaries of the area of special flood hazard have been defined.

Flood hazard study or flood insurance study means the official report containing flood profiles, flood hazard boundary maps, water surface elevations of the base flood and limits of floodway.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe area means area lying outside the floodway but within the area subject to inundation by the base flood.

Floor means any floor (including basement) usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation means any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main or accessory building by a member of a family residing on the premises.

Hotel means a building in which lodging or board and lodging are provided for more than 20 persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boardinghouse, a lodginghouse or an apartment, which are herein separately defined.

Large area lot means a lot 20 acres or more in area which is a part of a subdivision approved by the planning commission and which cannot be resubdivided without prior approval of the planning commission in accordance with the city's subdivision regulations. Notwithstanding any other provision herein, such lots need not front upon a dedicated street or an approved private road, but, rather, access may be provided by private easement. Further notwithstanding any other provision herein, the size of the front, rear, and side yards of such lots shall be no less than that required for front yards for other lots in the zoning district in which the property is located.

Livestock means cows, horses, goats, sheep, swine, etc.

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

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated street, or on an approved private street, and may consist of:

- (1) Single lot of record.
- (2) Portion of a lot of record.
- (3) Combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (4) Parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

Lot frontage means the distance measured along a highway or street right-of-way, for the purposes of determining minimum frontage requirements. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

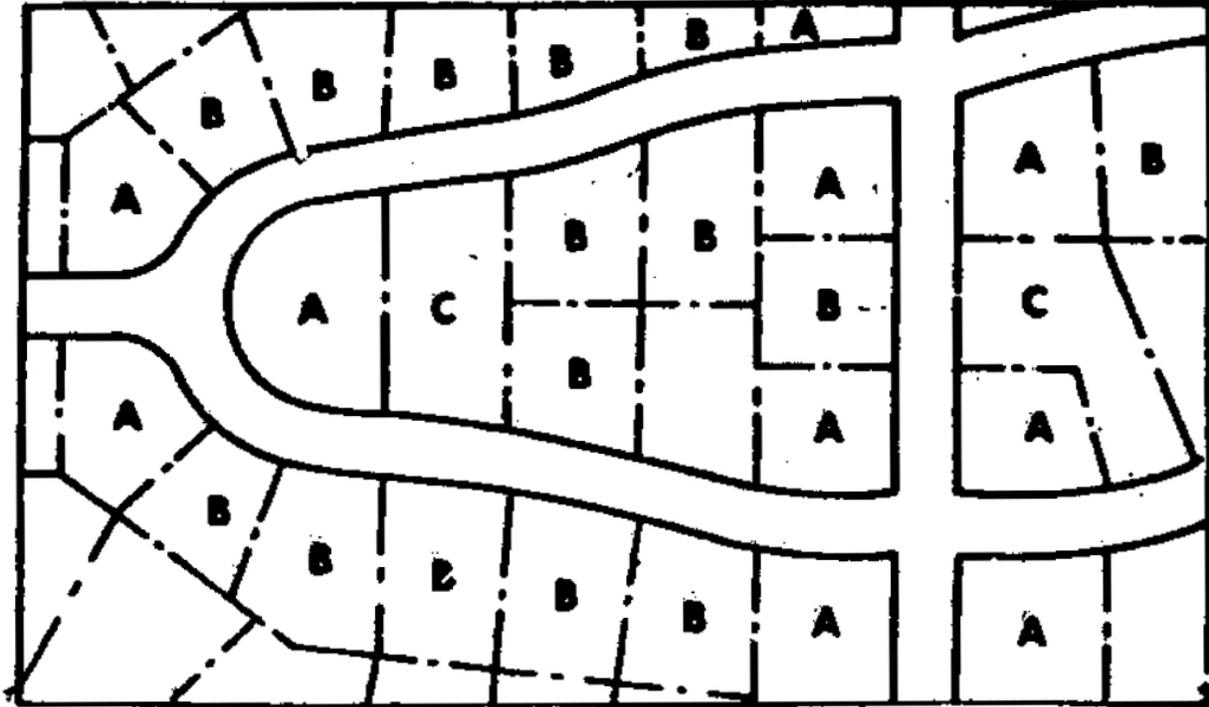
Lot measurements means:

- (1) Depth. The depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided that width between side lot lines at their foremost point (where they intersect with the street line) shall not be less than 80 percent of the required lot width. The foregoing shall not apply to lots fronting on the turning circle of cul-de-sacs or similar turning area but instead the lot

frontage at the street right-of-way shall be as wide as acceptable practice permits but in no case less than 50 feet.

Lot of record means a lot which is part of a subdivision recorded in the office of the probate judge of the county, or a plat which has been so recorded, or a lot or parcel described by metes and bounds, the description of which has been so recorded at the time of the adoption of this Code.

Lot type. The diagram (figure 1) which follows, illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots:



In the diagram:

A = a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked "A" in the diagram.

B = an interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C = double frontage lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Miniwarehouse means a structure providing temporary storage of personal property for rental by the month, in small, individually enclosed cubicles or stalls, one-story construction, individually secured, with the lot fenced and having limited access, providing adequate off-street parking and loading areas with adequate and safe lighting, is exclusively used for the storage of nonexplosive and nonvolatile materials; the facility or site is not used for wholesale or retail sales operations.

Mobile home means a structure, transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed

to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein.

Mobile home park means any plot of ground upon which one or more mobile homes occupied for dwelling purposes are located, regardless of whether or not a charge is made for such accommodations.

Motel means a building or group of buildings used by transient motorists, and containing no cooking facilities in the individual units.

NIT means a unit of luminous intensity equal to one candela per square meter, measured perpendicular to the rays of the source.

Nonconforming use means the use of any building or land which was lawful at the time of passage of the ordinance from which this chapter is derived; or amendment thereto, but which does not conform, after the passage of the ordinance from which this chapter is derived or amendment thereto, with the uses permitted in the district in which it is situated.

Nonresidential mobile buildings (factory built) means nonresidential, portable, mobile or transportable factory-built buildings, or structures, the use of which may be the principal building or as an accessory building to an existing operation on the same lot or tract. Examples are: classrooms, sheriff's station, offices, banks, stores, beauty parlors, motels, hotels, hospitals, mobile sales offices, cafes, fruit stands, restaurants, etc.

Nursery school or kindergarten means any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

Nursing home means a home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.

Office means the building, room or space where clerical or administrative activities are performed.

Outdoor advertising business means provision of outdoor displays or display space on a lease or rental basis only.

Parking space, off-street, means a space adequate for parking one vehicle in accordance with requirements of article V of this chapter. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Poultry means fowl normally raised as food such as chickens, ducks, geese, guineas and turkeys or for commercial uses such as peacocks.

Premises means a lot or building, or a specific portion thereof, which is owned, leased, or controlled by a certain individual, partnership, corporation, or other legal entity.

Public square overlay district means that certain area located and lying north of Coffee St. SE and Coffee St. SW, south of College St. SE and College St. SW, east of Spring Ave. SW and west of Church Ave. SE

Roominghouse means the same as boardinghouse.

Service station. See Filling station.

Sign means any form of publicity visible from a public street or highway directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks or trade names or other pictorial matter designed to convey information concerning the same and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.

Sign, advertising or billboard means a sign which directs attention to a business, commodity, activity, service or products not necessarily conducted, sold or offered upon the premises where such sign is located or to which it is attached.

Sign area means the area that is measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area and trim, frame, and apron, but excluding structural support. In computing the area, only one side of a double-faced sign structure shall be considered.

Sign, building face, means all windows and wall area of a building in one elevation exposed to public view. Building face shall also include roof area if such roof has a pitch of 45 degrees or more. In the case of attached units with separate exterior entrances, building face shall be apportioned to each unit.

Sign, bulletin board, means a sign used to announce meetings or programs of a church, school, auditorium, library, museum, community recreation center or similar noncommercial place of public assembly.

Sign, business, means a sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

Sign, digital means a sign that displays an advertisement or message that is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs, electronic billboards, and light emitting diode (LED) signs.

Sign, digital bulletin board means a bulletin board sign that is also a digital sign.

Sign, digital business means a business sign that is also a digital sign.

Sign, digital public message board means a public message board sign that is also a digital sign.

Sign, freestanding or ground, means a sign securely affixed to a substantial support structure which is attached to the ground and wholly independent of any building for support.

Sign, identification, means a sign used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

Sign, illuminated directly means a sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

Sign, illuminated indirectly means a sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

Sign, nonilluminated, means a sign, which is not illuminated, either directly or indirectly.

Sign, projection, means a sign, which is attached to the face or outside wall of a building which projects out at any angle therefrom and projects more than 12 inches beyond the face of such wall.

Sign, public service message, means an electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions, or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

Sign, roof, means a detached sign supported upon the roof or wall of a building.

Sign, temporary, means and includes any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

Sign, wall or flat, means any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall, the edges of which do not project more than 12 inches therefrom.

Sign, window means a permanent on-premises sign that is affixed to or painted on the inside or upon a window and which is intended to be seen from the exterior of the building.

Site means an area of lot to be covered by a structure.

Special flood hazard, area of, means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Static message means an advertisement or message that, when displayed, contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

Story means that portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Street means a public thoroughfare, which affords the principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

Subdivision means a division of a lot, tract or parcel of land into two or more lots, plats, sites or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development or other use.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Townhouse means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Townhouse development means a development of single-family attached townhouse units in areas of the community determined suitable for high-density residential development.

Trailer. See Travel trailer.

Transition time means the interval of time between each individual advertisement or message displayed on any sign that is capable of sequentially displaying more than one advertisement or message on its display surface.

Travel trailer means a travel trailer, motor home, pickup camper, converted bus, tent-trailer, tent, or similar device not more than 40 feet long or ten feet wide which is equipped, designed, converted or used for temporary living quarters by one or more individuals.

Travel trailer park means any parcel of land within the city designed, intended, or designated for accommodation of travel trailers, which shall be occupied for camping or for shortterm housing.

Used or occupied means intended, designed or arranged to be used or occupied.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard means an open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front, means a yard extending between side lot lines across the front of a lot adjoining a public street or an approved private street.

- (1) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the enforcement officer may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
- (2) In the case of corner lots, which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- (3) In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- (4) In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:
 - a. At least one front yard shall be provided having the full depth required generally in the district.
 - b. No other front yard on such lot shall have less than half the full depth required generally.
- (5) The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, rear, means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, side, means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot line to the point on the lot furthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full-depth and half-depth front yards have been established shall be considered side yards.

Yard, special, means a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the

term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot, with due regard to the orientation and location of structures and buildable areas thereon.

Yard, width, means the width of a required side yard, which shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(Code 1975, § 28-202; Ord. No. 295, § I, 4-22-1991; Ord. No. 296, § I, 6-24-1991; Ord. No. 324, § I, 4-26-1993; Ord. No. 369, § I, 7-28-1997; Ord. No. 386, § 1, 9-28-1998; Ord. No. O-501-09, § I, 10-13-2008; Ord. No. O-503-09, § I, 12-8-2008; Ord. No. O-520-11, § I, 5-9-2011; Ord. No. O-536-12, § I, 7-23-2012)

Secs. 24-3—24-22. - Reserved.

ARTICLE II. - ZONING DISTRICTS AND ZONING MAP

Sec. 24-23. - Establishment.

This article is established to provide districts for the various uses of land within the city, to provide for boundaries of the designated districts, and to provide for interpretation of those boundaries.

(Code 1975, § 28-300)

Sec. 24-24. - Designated.

For the purpose of this chapter, the city, is hereby divided into the types of districts designated as follows:

R-1	Residential district	Single-family
R-2	Residential district	Two-family
R-3	Residential district	Multifamily
RIP	Business district	Residential, institutional, and professional business
B-1	Business District	Local shopping
B-2	Business district	General business
M-1	Manufacturing district	Light industry

M-2	Manufacturing district	General industry
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(Code 1975, § 28-301)

Sec. 24-25. - Boundaries; generally.

The boundaries of the districts enumerated in this chapter are hereby established as shown on the zoning map of the city. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this chapter. Unless otherwise shown on the zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, centerline of the main tracks of railroads or the corporate limit lines as they existed at the time of enactment of this chapter. Questions concerning the exact location of district boundary lines shall be decided by the board of adjustment.

- (1) The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city, together with the date of the adoption of the ordinance from which this chapter is derived.
- (2) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the zoning map, such changes, with a notation of the date of amendment shall be entered on the zoning map promptly after the amendment has been approved by the city council. No amendment to this chapter, which involves matter portrayed on the zoning map shall become effective until after such change and entry has been made on said map.
- (3) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter.
- (4) The zoning map which, shall be located in city hall, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.
- (5) In the event that the zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may, by resolution, adopt a new zoning map which shall supersede the prior zoning map.
 - a. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning map or any subsequent amendment thereof.
 - b. The new zoning map shall be identified in the manner specified in subsection (1) of this section.
 - c. Unless the original 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.

(Code 1975, § 28-302)

Sec. 24-26. - Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply in determining the location of the district boundaries unless otherwise indicated:

- (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 midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated, on the official zoning map, shall be determined by the scale of the zoning map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the board of adjustment shall interpret the district boundaries.
- (8) Where a district boundary line divides a lot which was in single ownership at the time the provisions of this chapter were enacted, the board of adjustment may permit as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Code 1975, § 28-303)

Sec. 24-27. - Procedure for district designation in annexed areas.

- (a) Unless annexed in accordance with the provisions of subsection (b) of this section, any parcel of land annexed into the city shall be classified on the official zoning map as the same zoning district as the property is shown on the land development plan (a part of the master plan) at the time the petition to annex is filed.
- (b) In the event the property to be annexed has not been designated for a certain use on the land development plan, or in the event the owner of the property to be annexed desires that the property be zoned upon its annexation differently than as indicated on the land development plan the owner shall, prior to petitioning the city for annexation, make application to the planning commission to amend the land development plan in accordance with the procedure for adoption and amendment of the master plan as set forth in Code of Ala. 1975, § 11-52-10.
 - (1) The planning commission shall render a decision on the application no later than the second regularly scheduled meeting following its formal submission to the planning commission, unless additional information is required. Failure to render a decision on the application within the prescribed time shall constitute a denial of the application.
 - (2) If the application is denied, the owner of the property to be annexed may petition the city council for annexation of the subject property and may condition said annexation upon the property being zoned upon its annexation in a certain zone, notwithstanding the decision of the planning commission.
 - (3) A report of the planning commission's action upon the proposed amendment to the land development plan shall be forwarded to the city council for its use in considering the proposed annexation.

- (4) In the event the city council elects to annex the property, the property shall be zoned as requested by the owner and the official zoning map shall be thereby amended to reflect the annexation and the newly zoned parcel. Provided, however, the land development plan shall be amended by such annexation only when the planning commission's report recommended such an amendment.

(Code 1975, § 28-304; Ord. No. 318, § I, 10-26-1992)

Secs. 24-28—24-57. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 24-58. - Maximum dwelling unit occupancy.

- (a) The maximum number of occupants permitted to reside in a dwelling unit in a particular zoning district shall comply with the following table:

Zoning District	Number of Occupants
R-1 Single-Family Residential	One family and 1 unrelated individual, 3 unrelated individuals where at least one of them is an owner of the property, or 2 unrelated individuals where neither of them is the owner of the property
R-2 Two-Family Residential (except a boardinghouse or roominghouse)	One family and 1 unrelated individual or 3 unrelated individuals
R-3 Multi-Family Residential (except a dormitory, boardinghouse, roominghouse, or fraternity/sorority house)	One family and 2 unrelated individuals or 4 unrelated individuals
All other districts	One family and 2 unrelated individuals or 4 unrelated individuals

- (b) For the purposes of this section, the definition of one of the unrelated individuals residing with a family may include the minor children of such unrelated individual residing with him or her.
- (c) For the purposes of this section, a person shall be considered an occupant of a dwelling unit if he or she stays overnight in the dwelling unit for more than 14 days within a 90-day period.

- (d) Notwithstanding the occupancy limits stated herein, a request for reasonable accommodation may be made by any person with a disability or handicap, or by an entity acting on behalf of a person or persons with disabilities or handicaps, seeking equal access to housing under the Rehabilitation Act, the Americans With Disabilities Act, the Federal Fair Housing Amendments Act, the regulations as to housing of mentally retarded or mentally ill persons in multi-family zone under Code of Alabama, 1975, § 11-52-75.1, as amended, or similar state and federal statutes, under the following procedure:
- (1) Application. Requests for reasonable accommodation shall be submitted on an application form provided by the building inspector, or in the form of a letter to the building inspector, and shall contain the following information:
 - a. The applicant's name, address and telephone number.
 - b. The street address or tax assessor's parcel number of the property for which the request is being made.
 - c. The current actual use of the property.
 - d. The law, provision, regulation or policy from which reasonable accommodation is being requested.
 - (2) Additional information. The following information shall be submitted with the application:
 - a. A statement from the applicant describing the basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities or handicaps) is considered disabled or handicapped under the law.
 - b. A statement as to why the requested accommodation is financially, therapeutically, or otherwise necessary to afford a handicapped or disabled person equal opportunity to use and enjoy the dwelling.
 - c. Documentation supporting the financial, therapeutic, or other necessity for the accommodation.
 - (3) Upon the filing of the application, together with all information required above, the building inspector shall render a decision on the request within 14 days of the receipt of the application and all required information. In the event the request is denied, the applicant may appeal that decision to the board of adjustment in accordance with subsection 24-451(1) and section 24-452 of this Code.

(Ord. No. O-520-11, § II, 5-9-2011)

Sec. 24-59. - [Nonconforming use.]

Any nonconforming use created by the definition of "family" or the occupancy limits adopted May 9, 2011 (date of adoption), and the regulations related thereto, which was a legal use at the time of adoption shall be permitted to continue through the term of any written lease in effect at the time of said adoption on the subject dwelling unit or until July 9, 2012 (date 14 months after adoption), whichever is earlier. After that date, the use of such dwelling must be in compliance herewith. Any use established prior to or subsequent to the said adoption date which did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall constitute a violation of this Code.

(Ord. No. O-520-11, § II, 5-9-2011)

Secs. 24-60—24-87. - Reserved.

DIVISION 2. - RESIDENTIAL DISTRICTS

Sec. 24-88. - Purpose.

The purpose of this division is to provide for certain districts to accommodate and preserve residential uses and compatible development, to promote desirable, safe and healthful living conditions, to protect the stability and character of neighborhoods, to ensure orderly and proper development of residential areas, to protect property against blight and depreciation, to conserve the value of buildings, to secure economy in governmental expenditures, and to encourage certain public and semi-public uses which are necessary to serve the residents.

(Code 1975, § 28-400)

Sec. 24-89. - R-1 single-family residential district.

(a) Permitted uses. The uses permitted in an R-1 district shall be as follows:

- (1) Single-family dwellings;
- (2) Agriculture, except commercial dairy operations, livestock barns and feeding yards, commercial poultry housing and feeding operations, commercial kennels or other commercial housing or raising of animals;
- (3) Golf courses, public or private.

(b) Conditional uses. The following conditional uses are permitted in an R-1 district:

- (1) Fire stations, provided that there is a planted buffer strip along the property lines of the side and rear yards.
- (2) Parks and playgrounds, provided that there is a planted buffer strip along any property line contiguous with a single-family dwelling.
- (3) Libraries, community and recreation buildings, and similar public service facilities normally serving residential areas, including customary accessory structures, provided that the buildings are located not less than 35 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district.
- (4) Accessory buildings and structures customarily incidental to residential development, provided such structure is located only in the rear yard.
- (5) Churches and similar places of worship, provided that the buildings are located not less than 35 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district.
- (6) Country clubs, provided that the buildings are placed not less than 50 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district.
- (7) Home occupations; provided, that:
 - a. There is no external evidence of such occupation except an announcement sign not more than two square feet in area;
 - b. The operations are conducted within a dwelling by not more than one person in addition to those persons residing therein;
 - c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by

the conduct of such home occupation shall be met off the street and other than in a required front yard;

- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(8) Livestock and animal stables, barns or kennels, provided that:

- a. Such uses are located on a minimum of ten acres;
- b. The structure for housing the animals are located at least 500 feet from any property line within or abutting a residential district;
- c. There is not more than one animal per acre.

(9) Public and private schools offering general education courses, provided that the buildings are placed not less than 50 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district.

(10) Public utility structures, such as electric, telephone, gas, or sewage pumping substations and similar structures, provided that:

- a. The structures are placed not less than 25 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district;
- b. The structures are enclosed by a fence or wall at least seven feet high;
- c. There is no outside storage area and no vehicles are stored on the premises;
- d. The lot is suitably landscaped, including a planted evergreen buffer strip along the side and rear property lines.

(c) Space and height regulations. The following space and height regulations shall apply in an R-1 district:

(1) Minimum yard size.

Front yard	35 feet
Side yard	15 feet
Rear yard	30 feet

(2) Minimum lot size.

Area	15,000 square feet
Width	100 feet

(3) Maximum height.

Feet	35 feet
Stories	2½ stories

(4) Maximum building area. The maximum building area allowed is 25 percent.

(Code 1975, § 28-401; Ord. No. 332, §§ I—V, 5-25-1994)

Sec. 24-90. - R-2 two-family residential district.

(a) Permitted uses. The uses permitted in an R-2 district shall be as follows:

- (1) All uses permitted without conditions in the R-1 single-family residential district;
- (2) Two-family dwellings.

(b) Conditional uses. The following conditional uses are permitted in an R-2 district:

- (1) All conditional uses permitted in the R-1 single-family residential district;
- (2) Athletic field, provided that a fence or wall at least five feet in height is installed along the property line of the side and rear yards adjoining any residential structure;
- (3) Auditorium, provided that:
 - a. The building is located not less than 50 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district;
 - b. There is a planted buffer strip along the property line of the side and rear yards adjoining any residential structure; and
- (4) Field houses associated with athletic fields, provided that such structures are located not less than 25 feet from any property line of any other lot lying in an R-1, R-2, or R-3 residential district;
- (5) Boardinghouses and roominghouses, provided that written approval must be obtained from both the health and fire departments before a permit may be issued;
- (6) Hospitals, clinics, nursing homes, adult day care facilities, and related facilities, provided that:
 - a. Written approval must be obtained from both the health and fire departments before a permit may be issued; and
 - b. Such structures are located not less than 25 feet from the property line;
- (7) Nursery schools, public and private preschools, kindergartens and day care centers, provided that:
 - a. The size of the play area conforms to standards established by the state department of pensions and security; and
 - b. Such structures are located not less than 25 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district;

(8) Reserved.

(c) Space and height regulations. The following space and height regulations shall apply in an R-2 district:

(1) Minimum yard size.

Front yard	30 feet
Side yard	10 feet
Rear yard	30 feet

(2) Minimum lot size.

Area	12,500 square feet
Width	90 feet

(3) Maximum height.

Feet	35 feet
Stories	2½ stories

(4) Maximum building area. The maximum building area allowed is 30 percent.

(Code 1975, § 28-402; Ord. No. 332, §§ VI—VIII, 5-25-1994; Ord. No. O-533-12, § II, 2-27-2012)

Sec. 24-91. - R-3 multiple-family residential district.

(a) Permitted uses. The uses permitted in an R-3 district are as follows:

- (1) All uses permitted without conditions in the R-2 two-family residential district;
- (2) Apartment dwellings;
- (3) Fire stations;
- (4) Residential condominiums and cooperatives;
- (5) Schools, libraries and community centers;
- (6) Townhouses, as provided in section 24-91(d).

(b) Conditional uses. The following conditional uses are permitted in an R-3 district:

- (1) All conditional uses permitted in the R-2 two-family residential district;
 - (2) Dormitories, provided that said structures are located not less than 25 feet from the property line of any other lot lying in an R-1, R-2, or R-3 residential district;
 - (3) Fraternity and sorority houses to accommodate a fraternity or sorority duly designated by Jacksonville State University, provided that:
 - a. Prior to the location of any fraternity/sorority house, application shall be made to the board of adjustment upon such forms as provided by said board. Said application shall be accompanied by a deposit of a minimum charge for legal advertising costs, as determined from time to time by the city council. Further, said application shall show compliance with the conditions as set forth in subsections (b)(3)b through (b)(3)e of this section.
 - b. The lot on which any said fraternity/sorority house is to be located shall meet all applicable zoning requirements as to size, setbacks, and yards.
 - c. A fence or hedge of at least four feet in height shall be maintained along boundary of the side and rear yards of the lot.
 - d. Parking requirements shall be one, off-street parking space per each bed in the fraternity/sorority house with a minimum of six spaces per house.
 - e. The structures and premises shall conform to all applicable fire safety regulations, as determined by the city fire department chief or his representative.
 - f. Upon the filing of the application and the depositing of the minimum charges, the board of adjustment shall hold a public hearing upon said application pursuant to and in accordance with the provisions of section 24-451(2). Approval of said application shall be granted by said board if it finds compliance with the conditions set forth in subsections (b)(3)a through (b)(3)e of this section and in section 24-451(2) and it finds that the approval of said application will not adversely affect the public interest.
 - (4) Mobile homes as permitted under article VI of this chapter.
- (c) Space and height regulations. The following space and height regulations shall apply to an R-3 district:
- (1) Minimum yard size.

Front yard	25 feet
Side yard	10 feet
Rear yard	20 feet

- (2) Minimum lot size.

- a. Area:

Single-family dwelling	9,600 square feet
Two-family dwelling	11,600 square feet

Apartment dwellings	11,600 sq. ft. plus 2,000 sq. ft. for each dwelling unit more than 2
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b. Width:

Single-family dwelling	80 feet
Two-family dwelling	85 feet
Apartment dwellings	85 feet plus 5 feet for each dwelling unit more than 2

(3) Maximum height.

Feet	65 feet
Stories	5 stories

(4) Minimum distance between main structures.

Front to front	25 feet
Front to rear	30 feet
Rear to rear	25 feet
Front to side	20 feet
All other arrangements	15 feet

(5) Maximum building area. The maximum building area allowed is 35 percent.

(d) Townhouse development. Notwithstanding any provision of this chapter to the contrary, the following provisions apply to the townhouse development:

(1) Minimum land area allowed for a townhouse development: 9,600 square feet.

- (2) Minimum lot size: 2,000 square feet for single-story townhouse units; 1,600 square feet for multi-story townhouse units.
- (3) Minimum lot width: 20 feet measured at narrowest point, for single-story townhouse units; 16 feet measured at narrowest point, for multi-story townhouse units.
- (4) Minimum depth of front yard: 30 feet.
- (5) Minimum depth of rear yard: 20 feet.
- (6) Minimum width of side yard at ends of buildings: ten feet.
- (7) Maximum total building area: 60 percent of total lot area.
- (8) Maximum height of structures: 2½ stories, excluding basement, or 35 feet.
- (9) Off-street parking: Two spaces per dwelling unit. Spaces shall have an all-weather surface and maneuvering and turning areas shall be provided so that no vehicle will be required to back into a street. Spaces shall be contained entirely within the lot areas of the development.
- (10) Maximum number of units per building and maximum length of building: 12, provided a break in the roof line or the front building line occurs at least every eight units.
- (11) Lot development: Each dwelling unit shall be constructed on its own recorded, subdivided lot.
- (12) Maximum density: 15 units per acre, said acreage to include the areas of any streets constructed within the development and the areas to the middle of any streets lying adjacent to the development.
- (13) Townhouse development plan requirement. A plan for development showing the exact manner in which the entire tract will be improved and used must be submitted to the planning commission for approval in accordance with the standard subdivision regulations of the city.
- (14) The applicant, or the developer, shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space designated on the townhouse development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of the townhouse development plan and subject to approval of the city attorney and city council. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space), without first offering to dedicate the same to the city.
- (15) The construction of townhouse units shall be in accordance with all applicable city, state, and federal building codes, including the southern standard building code, as amended.

(Code 1975, § 28-403; Ord. No. 332, § IX, 5-25-1994)

Secs. 24-92—24-110. - Reserved.

DIVISION 3. - BUSINESS AND MIXED USE DISTRICTS

Sec. 24-111. - Purpose.

The purpose of this division is to provide for certain districts to accommodate and preserve business development, to provide locations for convenient exchange of goods and services in a reasonable and orderly manner; to protect the character and established pattern of desirable commercial development; to promote traffic access and movement; to conserve the value of property; and to exclude those uses that are incompatible with designated uses for the districts.

(Code 1975, § 28-500)

Sec. 24-112. - RIP residential, institutional, and professional business district.

(a) Permitted uses. The uses permitted in a RIP district shall be as follows:

- (1) Professional services, doctors, attorneys, architects, engineers, accountants, business consultants, insurance agencies, financial institutions, offices of nonprofit agencies (such as church related activities, Red Cross, etc.), and government agencies and business and professional offices of similar or related professions, occupations or services.
- (2) Specific retail establishments as follows: florists, clothing, hardware, sports, dry cleaners, jewelry, drugstores, bookstores, household goods, home occupations, hobby shops, novelty and specialty shops, beauty shops and barbershops. However, establishments, which sell food for consumption on the premises or drive-through food establishments are specifically prohibited.
- (3) Apartment dwellings.
- (4) Churches and similar places of worship.

(b) Space and height regulations. The following space and height regulations shall apply in a RIP district, except for federal and state governmental agencies, which are exempt from these space and height regulations:

(1) Minimum yard size.

Front yard	20 feet
Side yard	10 feet
Rear yard	20 feet

(2) Maximum height.

Feet	45 feet
Stories	3 stories

(3) Maximum building area. The maximum building area allowed is 2,500 square feet per story.

(c) Landscaping and fencing.

- (1) The existing vegetation must be maintained wherever possible. Any type of shrubbery and grass must be planted and maintained on each side of the lot line. Two adjacent buildings are permitted to share the maintenance of the landscape between them. A vegetation cover of not more than three feet height or a wooden fence of not more than four feet height, if agreed upon by adjacent residents, must be maintained between buildings and any adjacent residential lot.

- (2) The front side of the building facing the main thoroughfare must be at least 20 feet from the street right-of-way. This 20-foot area must be in grass and shrubs. A vegetated area of not less than five feet must exist on the sides of each lot. Vegetation must not obscure traffic. Trash containers must be concealed on three sides by vegetation cover, fence or wall.

(Code 1975, § 28-501; Ord. No. 279, § I, 7-23-1990; Ord. No. 280, § I, 8-27-1990; Ord. No. 290, § I, 1-14-1991)

Sec. 24-113. - B-1 local shopping business district.

(a) Permitted uses. The uses permitted in the B-1 district shall be as follows:

- (1) Neighborhood retail stores and markets, including but not limited to the following type stores: food, general merchandise, apparel, hardware, drugs and sundries, jewelry and gift, florist and sporting goods.
- (2) Neighborhood services, including but not limited to the following types: dry cleaning and laundry pick-up station, laundromats, barbershop and beauty shop, shoe repair, offices, branch banks and branch post offices.
- (3) Doctor, dentist or professional office.
- (4) Public and semipublic uses and structures.

(b) Conditional uses. The following conditional uses are permitted in a B-1 district:

- (1) Garages, provided that all work is performed inside an enclosed structure and the outside storage of vehicles is limited to five, and no outside storage of parts of vehicles shall be permitted.
- (2) Gasoline service stations, provided that:
 - a. All structures, including pumps and underground storage tanks, are placed not less than 25 feet from any property line;
 - b. Such use shall front on an arterial or collector street;
 - c. Points of access and egress shall be located not less than 20 feet from the intersection of street lines; and
 - d. All structures and their location are in accordance within applicable fire and safety codes.
- (3) Mortuaries, provided, that the building is located not less than 25 feet from any property line.
- (4) Motels, provided that:
 - a. Such use consists of not more than one unit for each 1,000 square feet of lot area; and
 - b. They shall front on an arterial or collector street.
- (5) Nursery schools, public and private preschools, kindergartens and day care centers, provided that:
 - a. The size of the play area conforms to standards established by the state department of pensions and security; and
 - b. All play areas must be enclosed on all sides by a fence to a height of at least four feet.
- (6) Restaurants provided such use does not include drive-in or curbside service.
- (7) Veterinary establishments, kennels, and pet shops, provided that there are no outside runs and all animals are housed within the principal building so that no sound is perceptible beyond the premises.

- (8) Churches and similar places of worship, provided, that the buildings are located not less than 35 feet from any property line.
- (9) Commercial schools, provided that:
 - a. The total floor area used shall not exceed 5,000 square feet;
 - b. All activities shall occur within the enclosed main structure; and
 - c. All noise, fumes or odors from any activity shall be restricted to, confined in, and not allowed to escape from the enclosed main structure.
- (c) Space and height regulations. The following space and height regulations shall apply in a B-1 district:
 - (1) Minimum lot size. It is the intent of this chapter that lots of sufficient size be used for any business or service use, to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
 - (2) Minimum yard size. Front yard: 20 feet; rear yard: 20 feet; side yard, not specified except when there is a side yard used, it shall not be less than ten feet and except on a lot abutting a residential district, there shall be a side yard not less than 15 feet wide.
 - (3) Maximum height. The maximum height allowed is 35 feet or two stories.
- (d) Total floor area. The total floor area for each use (permitted or conditional) shall not exceed 3,000 square feet, except where otherwise specifically stated herein.

(Code 1975, § 28-502; Ord. No. 296, § II, 6-24-1991; Ord. No. 304, §§ I, II, 5-25-1992)

Sec. 24-114. - B-2 general business district.

- (a) Permitted uses. The uses permitted in a B-2 district shall be as follows:
 - (1) Animal hospital and veterinary clinic.
 - (2) Auto sales for new and used automobiles, including accessory uses.
 - (3) Auto car wash.
 - (4) Ambulance services.
 - (5) Motel.
 - (6) Restaurants, including drive-in restaurants.
 - (7) Hotel.
 - (8) Mortuaries and crematoriums.
 - (9) Apartment dwellings.
 - (10) Public and semi-public uses and structures.
 - (11) Hospital, clinics and nursing homes.
 - (12) Clubs, lodges and country clubs.
 - (13) Furniture and appliances, including repairs.
 - (14) Hardware, including wholesale.
 - (15) Civic center.
 - (16) Food or grocery stores.
 - (17) Offices.

- (18) Doctor, dentist or professional offices, with no limit on floor area.
 - (19) Banks.
 - (20) Post offices.
 - (21) Bus terminals.
 - (22) Tailor shops for clothing.
 - (23) Any use which is predominately retail sales.
 - (24) Television and/or radio repair shops.
 - (25) Import distributor's display stores and/or shops.
 - (26) Hair styling shops for men and/or women.
 - (27) Stores or shops for retail sales of radio and/or television sets and supplies.
 - (28) Retail stores and markets, including the following type stores: food, general merchandise, apparel, hardware, drugs and sundries, jewelry and gift, florist, sporting goods and pet shops.
 - (29) Services including the following types: dry cleaning and laundry pick-up station, laundromats, barbershop and beauty shop, shoe repair, offices, branch banks and branch post offices.
 - (30) Pawn shops.
 - (31) Theaters and auditoriums.
 - (32) Churches and similar places of worship.
 - (33) Assisted living facility.
- (b) Conditional uses. The following conditional uses are permitted in a B-2 district:
- (1) Auto parts supply, new or used, provided that no outside storage shall be permitted.
 - (2) Auto repair garage, provided that all operations are conducted in a building which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside of such building.
 - (3) Building, electrical, plumbing and heating supply, provided, that outside storage shall be completely enclosed and such outside storage shall not exceed twice the area of the total floor area of the main building.
 - (4) Commercial recreational facilities and amusement enterprises, including but not limited to, bowling alleys and pool parlors; provided, the use is conducted in an enclosed structure.
 - (5) Dry cleaning and laundry plants, provided that the structures and their location are in accordance within applicable fire and safety codes.
 - (6) Gasoline service stations, provided, that:
 - a. All structures, including pumps and underground storage tanks are placed not less than 25 feet from any property line;
 - b. Such use shall front on an arterial or collector street;
 - c. Points of access and egress shall be located not less than 20 feet from the intersection of street lines; and
 - d. All structures and their location are in accordance with applicable fire and safety codes.
 - (7) Manufacturing, provided that such activity is incidental to a retail business, where the manufactured or assembled articles are sold at retail on the premises.
 - (8) Nursery schools, public and private preschools, kindergartens and day care centers, provided that:

- a. The size of the play area conforms to standards established by the state department of pensions and security; and
 - b. All play areas must be enclosed on all sides by a fence to a height of at least four feet.
- (9) Warehouses, when necessary and incidental to a retail business.
- (10) Wholesale warehouses, provided that any outside storage shall be completely enclosed and such outside storage shall not exceed twice the area of the total floor area of the main building.
- (11) Miniwarehouses.
- (12) Miniature golf course; provided, that:
 - a. Off-street parking requirements are satisfied on the lot. If any accessory use is developed in combination with the miniature golf course additional off-street parking would be required;
 - b. Lighting should be adequate but not excessive as to project beyond the lot boundaries or into traffic;
 - c. No loudspeaker or amplifier system shall produce noise at any lot boundary which is in excess of the average intensity of street and traffic noises at that boundary; and
 - d. A buffer strip shall be provided if the subject property is adjacent to a residential zoning district boundary.
- (13) Golf driving range; provided, that:
 - a. Off-street parking requirements are satisfied on the lot. If any accessory use is developed in combination with the golf driving range, additional off-street parking would be required;
 - b. Lighting should be adequate but not excessive as to project beyond the lot boundaries or into traffic;
 - c. No loudspeaker or amplifier system shall produce noise at any lot boundary, which is in excess of the average intensity of street and traffic noises at that boundary;
 - d. A buffer strip shall be provided if the subject property is adjacent to a residential zoning district boundary; and
 - e. The golf driving range shall be so designed either by size of lot or installation of netting and/or other similar device to prohibit a ball from being projected beyond the lot boundaries.
- (14) Baseball batting cages, provided that:
 - a. Off-street parking requirements are satisfied on the lot. If any accessory use is developed in combination with the baseball batting cages additional off-street parking would be required;
 - b. Lighting should be adequate but not excessive as to project beyond the lot boundaries or into traffic;
 - c. No loudspeaker or amplifier system shall produce noise at any lot boundary, which is in excess of the average intensity of street and traffic noises at the boundary;
 - d. A buffer strip shall be provided if the subject property is adjacent to a residential zoning district boundary; and
 - e. The baseball batting cages shall be so designed either by size of cage or installation of netting and/or other similar device to prohibit a ball from being projected beyond the lot boundaries.
- (15) Townhouse development; provided, that all provisions of article VI of this chapter shall apply to such developments.
- (16) Single-family, two-family, and multifamily dwellings; provided, that:
 - a. Parking spaces are provided as required under section 24-240.

- b. Where a lot will be used for both commercial and residential purposes, any required parking spaces shall be designated and associated with each such use, and a record or plat of such designation and association shall be made a part of the application for the conditional use. Each use's designated parking spaces shall not thereafter be reduced or encroached upon in any manner.
 - c. Except for dwelling units in structures within the public square overlay district, there shall be provided for each dwelling unit, to be used as a yard the occupant of each respective unit, a 900 square feet area of open space adjacent to, or within a reasonable proximity of, an entrance to the dwelling. Parking areas (including aisles) and driveways shall not be used to meet this open space requirement.
- (c) Space and height regulations. The following space and height regulations shall apply in a B-2 district:
- (1) Minimum lot size. Not specified, but it is the intent of this chapter that lots used for any commercial or residential use be of sufficient size to provide adequate parking and loading space in addition to the space required for the other normal operations involved in said use.
 - (2) Minimum yard size.
 - a. Front yard. The front yard minimum size shall be 25 feet from any building located thereon, the front ten feet of which cannot be used to meet parking area (including driveways and aisles) requirements. This front yard regulation shall not apply in the public square overlay district.
 - b. Side yard. The side yard minimum is not specified, except in those cases where the side of the lot is adjacent to a public street (not alley) or a residential district, it shall not be less than ten feet. This side yard regulation shall not apply in the public square overlay district.
 - c. Rear yard. The rear yard minimum is not specified, except in those cases where the rear of the lot is adjacent to a public street (not alley) or a residential district, it shall not be less than 20 feet. This rear yard regulation shall not apply in the public square overlay district.
 - (3) Maximum height. The maximum height allowed is 65 feet or five stories.

(Code 1975, § 28-503; Ord. No. 267, § I, 10-23-1989; Ord. No. 277, § I, 6-25-1990; Ord. No. 301, §§ I, II, 3-23-1992; Ord. No. 328, § I, 2-28-1994; Ord. No. 386, §§ 2, 5, 9-28-1998; Ord. No. O-501-09, § II, 10-13-2008)

Secs. 24-115—24-141. - Reserved.

DIVISION 4. - MANUFACTURING DISTRICTS

Sec. 24-142. - Purpose.

Industrial districts are established to provide suitable locations to meet the needs of the city's present and future manufacturing uses, to promote good traffic access and movement, to protect adjacent residential and commercial uses, to discourage uses incompatible with manufacturing, and to protect the existing industries in the districts. Consideration has been given to the need for a choice of sites and a variety of transportation facilities.

(Code 1975, § 28-600)

Sec. 24-143. - M-1 light industry district.

The M-1 light industry district is established to provide a suitable area for firms engaged in light industry, fabricating, processing, assembly and manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district. Expressly prohibited are those uses which are especially detrimental to property or to the health, safety or comfort of the public beyond the property on which the use is located by reason of the emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material. Also expressly prohibited is unscreened, open storage of materials, products or salvage derived from the manufacture process or assembly of goods.

- (1) Permitted uses. In the M-1 light industrial district the following uses are permitted:
 - a. Agriculture.
 - b. Agricultural equipment sales and service.
 - c. Automobile, truck, equipment, or machine parts or servicing establishments.
 - d. Baking establishments.
 - e. Bottling and distribution plants, canneries (except fish and meat products), dairy products manufacturing, creameries, and ice cream plants.
 - f. Cold storage and ice plants and facilities.
 - g. Commercial trade or vocational schools.
 - h. Electronic firms, electrical parts assembly.
 - i. Furniture manufacturing.
 - j. Garment manufacturing, textile products manufacturing and millwork.
 - k. Heavy equipment sales and service.
 - l. Highway maintenance yards and buildings.
 - m. Horticultural nursery.
 - n. Laundry and dry cleaning establishments.
 - o. Newspaper and printing plants.
 - p. Off-street parking lots and garages.
 - q. Public buildings and uses.
 - r. Public utility structures.
 - s. Radio and television stations and transmission towers.
 - t. Restaurants, cafes, drive-in restaurants, and similar establishments.
 - u. Sales and service of boats, boat trailers, prefabricated structures, and mobile homes.
 - v. Sign manufacturing.
 - w. Storage and parking facilities for equipment and supplies.
 - x. Toy manufacturing.
 - y. Transportation terminal and dispatching facilities, including truck terminals.
 - z. Veterinary hospitals and kennels.
 - aa. Any uses permitted in B-2 district, provided that such uses meet the conditions set forth for that district.
- (2) Conditional uses. The following uses are permitted conditionally in the M-1 light industry district:
 - a. Cemeteries, provided that:

1. The owner or trustees conform with the provisions of state law regarding establishment or expansion of cemeteries.
 2. The city council is furnished with satisfactory evidence that adequate perpetual care shall be provided.
- b. Gasoline service stations, provided that:
1. All structures including pumps or underground storage tanks are placed not less than 25 feet from any property line;
 2. Such use shall front on an arterial or collector street;
 3. Points of access and egress shall be located not less than 20 feet from the intersection of street lines;
 4. All structures and their location are in accordance with applicable fire and safety codes.
- c. Other light industries not specifically listed in subsection (1) of this section, plus operation incidental to such uses, which involve manufacturing, processing, assembly or storage, provided, that:
1. Such operation does not involve junk or salvage operations;
 2. Storage of materials and salvage derived from the manufacture, process or assembly of goods shall be in an enclosed area screened from view of a public street;
 3. Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other injurious obnoxious or objectionable conditions related to the operation will not create a nuisance beyond the premises.
- d. Contractors' yards, wholesaling, warehousing, storage and those businesses which are incidental thereto, including building material and lumber yards; provided, that:
1. Such operation does not involve the storage of any materials of an explosive nature;
 2. Storage of equipment, materials, junk and salvage shall be in an enclosed area screened from view of a public street.
- (3) Space and height regulations. The following space and height regulations shall apply to an M-1 district:
- a. Minimum lot size. It is the intent of this chapter that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
 - b. Minimum yard size.
 1. Front yard. The front yard minimum size is 35 feet, except where existing establishments (other than residential) are set back, a greater distance, in which case, any new structures shall be set back not less than the average of the setbacks of the existing establishments within 100 feet each side thereof.
 2. Side yard. The side yard minimum size is 35 feet, except where the adjoining property is zoned industrial, interior side yard setbacks may be reduced to zero feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten feet shall be maintained from said adjoining property.
 3. Rear yard. The rear yard minimum size is 35 feet, except where the adjoining property is zoned industrial, the rear yard may be reduced to 15 feet.
 - c. Maximum height. The maximum height allowed is 45 feet or three stories.

(Code 1975, § 28-601)

Sec. 24-144. - M-2 general industry district.

The M-2 general industry district is established to provide a suitable area for the location of heavy manufacturing plants, to protect the existing industries in the district, and to discourage uses incompatible with heavy industry. However, storage of explosive materials is expressly prohibited.

- (1) Permitted uses. In the M-2 general industry district, the following uses are permitted:
 - a. Any uses permitted in M-1 light industry district, provided that such uses meet the conditions set forth for that district, with the exception that unscreened, open storage of equipment, materials and products is permitted.
 - b. Railroad freight terminals, switching and classification yards, repair shops, roundhouse, powerhouses and fueling, sanding and watering stations.
 - c. Stock yards, livestock sales, slaughterhouses, and the processing of poultry and livestock.
- (2) Conditional uses. The following conditional uses are permitted in the M-2 general industry district:
 - a. Any industrial uses not previously listed in subsection (1) of section, plus operations incidental to such uses, which involves manufacturing, processing, assembly, transportation, or storage operations aimed at the subsequent storage, reprocessing, reshipment or sale of products, heavy materials or equipment. Such uses which produce injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions must:
 1. Not create a nuisance for adjoining properties;
 2. Be located at least 100 feet from any property line adjoining property that is not zoned industrial; and
 3. Have a planted buffer strip at least 15 feet wide along the side and rear property lines adjoining property that is not zoned industrial.
 - b. Bulk storage of petroleum, bottled gas or related products or flammable materials, provided that:
 1. The storage area is enclosed by a fence at least seven feet high; and
 2. The storage area is located at least 100 feet from any property line.
 - c. Junkyards or salvage yards, provided that: the total area is screened from all adjacent development and any public rights-of-way by a solid fence or wall at least six feet high or a planted evergreen buffer strip at least 15 feet wide along the property line, so that the yard cannot be seen from the public street, and the yard may not be located within 1,000 feet of any residential structure.
- (3) Space and height regulations. The following space and height regulations shall apply to an M-2 industrial district:
 - a. Minimum lot size. Same as for M-1 industrial district.
 - b. Minimum yard size. Same as for M-1 industrial district, except where the conditions set forth in subsection (2) of this section apply.
 - c. Maximum height. The maximum height allowed is 45 feet or three stories.

(Code 1975, § 28-602)

Secs. 24-145—24-171. - Reserved.

DIVISION 5. - SPECIAL DISTRICTS

Sec. 24-172. - Purpose.

It is the purpose of this article to provide for certain special districts to promote the orderly use and development of areas of the city, which exhibit special conditions or offer unique opportunities for innovative or creative development.

(Code 1975, § 28-700)

Sec. 24-173. - PUD planned unit development.

The purposes of the PUD planned unit development district is to accommodate group development projects and to encourage the development of innovative and creative land use designs. The district is intended to allow the unified planning and development of a tract of land suitable in location, area, and character for the uses and structures proposed. PUD projects shall be in accordance with and shall be designed to implement the comprehensive plan for the city.

- (1) Uses permitted. Any use shall be permitted except for mobile homes, provided that such use is in accordance with the city land use plan, is shown and designated clearly on the master plan of the development, and consistent with the regular zoning district designation for the subject tract or part of the tract affected by the use.
- (2) Conditions for development. In order to obtain designation of a tract of land as a PUD planned unit development district, and to subsequently thereby use such a tract of land, the following conditions shall be met:
 - a. A master plan of development showing the exact manner in which the whole tract will be improved and used must accompany the request for designation, and be approved by the city council after being reviewed by the planning commission in accordance with the zoning amendment procedure. Any changes in the regular zoning district designations or boundaries shall be reflected on the master plan of development. Said approved master plan of development shall be retained in the file of the city clerk as a part of the city's records.
 - b. Before any building permit for the use or development of any portion of a PUD district can be issued, a subdivision plat, for the whole tract shall have been approved by the planning commission and recorded in accordance with the subdivision regulations, such plat and any information shown thereon shall correspond in all respects to the approved master plan of development, and the information recorded along with the subdivision plat shall include the master plan of development. No permit of any type shall be issued for any use, activity, building, or lot improvement that is not in accordance with the approved and recorded master plan of development.
 - c. The master plan of development for a tract may be amended at any time by the city council, upon the advice of the planning commission, provided a notice is given and a public hearing held thereon in the same manner as for the original approval of the designation of the subject tract as a PUD district.
 - d. The minimum size of the tract shall be four acres for exclusively residential development and not less than five acres for any other single purpose use, and not less than ten acres for, mixed use developments.
 - e. Landscaping and open space shall be an essential part of the master plan. At least 25 percent of the net area shall be dedicated to open space/recreational uses (such as landscaping, bike paths, walkways, swimming areas, and recreational courts). Existing trees and natural features shall be preserved wherever possible.
 - f. Insofar as possible, vehicular traffic shall be separated from pedestrian traffic.

- g. The vehicular traffic generated by the proposed development shall not exceed the capacity of access streets, and shall not disrupt established residential areas.
 - h. The capacity of existing or scheduled utility systems or schools serving the proposed development shall not be exceeded; in large tracts that will eventually contain a large number of families, a school site and lot shall be platted and dedicated to the school board upon the recordation of an approved subdivision plat.
 - i. An effort shall be made to maximize energy efficiency. Energy conservation measures which should be considered include:
 - 1. Consideration of a building's solar orientation;
 - 2. Utilization of landscape design techniques; and
 - 3. Dedication of an area for a community garden.
 - j. Stormwater runoff shall be retained within the boundaries of the PUD, as far as practical.
 - k. Industries shall be constructed, maintained, and operated so as not to be injurious or offensive to the occupants of nearby premises, by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazards, or glare. Such conditions shall not be detectable beyond the boundary of the PUD district without the aid of instruments.
- (3) Minimum building lot. No minimum lot is required, provided that the land used for building coverage and off-street parking and loading spaces as required in article V of this chapter, does not preclude adequate open spaces for landscaping, and for recreation facilities for the occupants of dwellings. The proposed minimum and average lot sizes, the resulting average net density (families per acre of residential land use), the total land used for every purpose (including rights-of-way), the number of off-street parking and loading spaces for each area, and the total and average land area covered by the buildings in each use area, shall all be calculated and shown on the master plan of development.
- (4) Space and height regulations. The following space and height regulations shall apply in a PUD district:
- a. Minimum yard size.
 - 1. Front yard. The front yard minimum size allowed is 40 feet;
 - 2. Side and rear yard. Structures should be set back from the side and rear property lines no less than the respective side and rear yard requirements for that regular zoning district or the specific conditional use, but in no case shall any structure be closer than 15 feet to any PUD zoning boundary line and the entrance to said structure shall be no closer than 25 feet to any such line.
 - b. Distance between main structures. The minimum distance between main structures shall be no less than that required for the regular zoning district wherein that structure is located, or that, which is required for the specific conditional use.
 - c. Maximum height. As specified for the respective regular zoning district.
- (5) Accessibility. Access shall be provided to each separately platted building site by way of a publicly dedicated street plus a driveway of at least 12 feet in width.
- (6) Required off-street parking and loading. As stated in article V of this chapter.

(Code 1975, § 28-701)

Secs. 24-174—24-199. - Reserved.

ARTICLE IV. - USE, HEIGHT AND AREA RESTRICTIONS

Sec. 24-200. - Application of regulations.

It is the purpose of this article to establish certain provisions, which shall be uniformly applied in the enforcement of this chapter, except as herein otherwise specifically provided.

(Code 1975, § 28-800)

Sec. 24-201. - Jurisdiction.

The provisions of this article shall govern the location and use of buildings, structures, and land within the incorporated areas of the city.

(Code 1975, § 28-801)

Sec. 24-202. - Uses.

No building, structure, or land shall hereafter be used and no existing building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is located.

(Code 1975, § 28-802)

Sec. 24-203. - Height and density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- (1) Exceed the height limits specified in each district, with the exception that such height limits contained in the district regulations shall not apply to church steeples, spires, belfries, cupolas, antennas, barns, silos, farm structures, conveyors, chimneys, derricks, ventilators, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and similar structures and appurtenances not intended for human occupancy;
- (2) Accommodate or house a greater number of families or occupy a smaller lot area per family than provided for in this article; or
- (3) Have less set back from the street right-of-way or narrower side yards than are herein required for the district in which said building is located.

(Code 1975, § 28-803)

Sec. 24-204. - Reductions in lot area prohibited.

No lot shall be reduced in area or subdivided in such a manner so that the resulting lots fail to meet minimum zoning requirements for use, coverage and area, or so that yards and other open spaces total less than the minimum area required under this article. This section shall not apply when a portion of a lot is acquired for a public purpose.

(Code 1975, § 28-804)

Sec. 24-205. - Building lots, yards and open space generally.

In each district, each structure hereafter erected or altered, shall be provided with the yards specified, and shall be on a lot of the area and width specified in this chapter. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaced required, about any building for the purpose of complying with the provisions of this article shall hereafter be included as a part of a yard or other open space or the off-street parking or loading spaces for any other building.

(Code 1975, § 28-805)

Sec. 24-206. - Yards and building setback lines.

When any required yard abuts a street in any zoning district, the following setbacks from the centerline of such street shall be required; however, in no case shall the setback from the right-of-way line be less than that which is specified in yard requirements of the respective zoning district.

SETBACKS FROM STREET CENTERLINE BY ZONING DISTRICT			
Street Category	Business or Residential	Manufacturing	PUD
Arterial	100	100	110
Collector	75	85	100
Local	60	60	75

(Code 1975, § 28-806)

Sec. 24-207. - Number of structures on lot.

It is the intent of this article that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes in any R-1 single-family residential district or R-2 two-family residential district; no single-family dwelling or mobile home shall be allowed on any lot used by any other residential structure in R-1, R-2, or R-3 districts; also, that accessory structures shall not include living quarters.

(Code 1975, § 28-807)

Secs. 24-208—24-237. - Reserved.

ARTICLE V. - OFF-STREET PARKING AND LOADING

Sec. 24-238. - Purpose.

It is the purpose of this article to define requirements for the revision of off-street parking and loading areas for designated uses.

(Code 1975, § 28-900)

Sec. 24-239. - Off-street parking—Requirements.

Off-street parking spaces shall be required and shall be located entirely off of street rights-of-way. The following identify the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply. Where similar or related uses are not mentioned, the planning commission shall establish the requirements for off-street parking for that particular use:

- (1) Automobile service stations. Three parking spaces for each grease rack or similar facility plus one for each attendant.
- (2) Bowling alleys. Three parking spaces for each alley.
- (3) Churches, theatres, auditoriums, stadium or other places of public assembly. One parking space for each three seats in the principal assembly room or area.
- (4) Dwellings.
 - a. Single-family. Two parking spaces per dwelling unit.
 - b. Other. Minimum of two parking spaces per dwelling unit, plus one additional parking space for each bedroom over one per unit.
- (5) Fraternity and sorority houses, and other similar type uses. A minimum of six spaces per house, plus one parking space, per each bed.
- (6) Hospitals and sanitariums. Two parking spaces for each patient bed.
- (7) Mobile home parks. Two parking spaces located on each trailer site.
- (8) Motels and hotels. One and one-half parking spaces for each guest room plus one parking space for each employee on the maximum shift.
- (9) Private club or lodge. One space for each four members.
- (10) Offices or professional or public buildings. One parking space for each 200 square feet of floor area, or four spaces for each separate office, whichever is greater.
- (11) Restaurant or other eating place. One parking space for each four seats, plus one parking space for each employee on the maximum shift.
- (12) Retail stores, service establishments, repair shops, wholesale trades. One parking space for each 200 square feet of area devoted in trade or service activity plus one parking space for each vehicle used directly in the conduct of the enterprise.
- (13) Stores for the exclusive sale of furniture or appliances, machinery, equipment, hardware and building supplies, automotive sales or service. One space per 900 square feet of gross floor space.
- (14) Roominghouses, boardinghouses and tourist homes. One parking space for each rental room, plus one parking space for each employee on the maximum shift.
- (15) School.

- a. Pre-elementary, elementary, and middle schools. No less than three parking spaces for each classroom.
 - b. High schools and higher education schools. No less than ten parking spaces for each classroom.
 - c. Additional parking requirements. For auditoriums, stadiums, gymnasiums, and/or other places of public assembly associated with and a part of a school the following is required:
 - 1. The total required parking spaces, including those required by subsection (15)a and b of this section, shall be one parking space for each five seats in the largest place of public assembly. At least 50 percent, but never less than that required under subsection (15)a and b of this section, of the total required parking spaces shall be constructed in accordance with section 24-240(2)b and marked as required by section 24-240(2)d.
 - 2. All other required parking spaces may be unmarked and surfaced with materials such as slag, gravel, chert, grass, concrete, or no pavement at all; provided, however, that the parking site drainage plan be approved by the planning commission, that a 25-foot length hard surfaced paved apron be constructed at each driveway entrance from a public street, and that unobstructed emergency vehicle access lanes, properly constructed to support the weight of such emergency vehicles, be provided to within 175 feet of any such parking space.
- (16) Shopping centers. Four parking spaces for each 1,000 feet of area devoted to trade or services activity.
- (17) Warehousing, miniwarehousing, manufacturing and industrial establishments. One parking space for each employee on the maximum shift plus one space for each vehicle used directly in the conduct of the enterprise.
- (18) Miniature golf course. Twenty-four parking spaces for the first 18 holes, plus one parking space per hole thereafter.
- (19) Golf driving range. One parking space per each matted tee, plus three parking spaces for employee parking, plus one additional space for each employee over two.
- (20) Baseball batting cages. Two parking spaces per each batting cage/machine plus three parking spaces for employee parking, plus one additional space for each employee over two.
- (21) Assisted living facilities. One parking space for every two beds plus one parking space for each employee on the maximum shift.
- (22) Nursing homes. One parking space for every six beds plus one parking space for each employee on the maximum shift.

(Code 1975, § 28-901; Ord. No. 267, § II, 10-23-1989; Ord. No. 277, § II, 6-25-1990; Ord. No. 295, § II, 4-22-1991; Ord. No. 398, § 1, 10-25-1999; Ord. No. O-501-09, § III, 10-13-2008; Ord. No. O-530-12, §§ I, II, 12-12-2011; Ord. No. O-568-14, § 1, 6-9-2014)

Sec. 24-240. - Same—Plans and specifications.

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

- (1) Size and location.
 - a. Each off-street parking space shall be an area not less than 9.5 feet wide and 18 feet long, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under a special plan for locating or sharing of facilities, off-street parking

spaces shall be located on the building site on which the use or structure for which they are provided is located. Parking spaces shall be located entirely off of street rights-of-way.

- b. Parking areas (including aisles and driveways) shall not be used to meet front yard requirements under this chapter. That is, the required setback for buildings from lot lines shall be the minimum yard requirement plus the depth of any parking area.
 - c. Except for dwelling units located other than in the public square overlay district, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property, provided that the required spaces are located no further than 400 feet from the main entrance of the principal use. Such parking spaces shall be associated with each particular use and shall not thereafter be reduced or encroached upon in any manner.
 - d. On approval of the planning commission, the off-street parking requirement for any use in the B-2 general business district may be partially or fully met by public parking facilities, if an adequate amount of parking is provided by such facilities within 300 feet of the use.
 - e. Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front lot line, unless suitable barriers are located within the street right-of-way. Except for permitted accessways, such barriers shall be continuous.
 - f. Parking areas for all developments shall be so designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous turning movements. Fire lanes may be required by the fire code.
- (2) Construction and maintenance. Except for one-family and two-family dwellings, off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:
- a. Aisles.
 - 1. Vehicular access to individual parking spaces shall be provided by aisles in widths as follows:

REQUIRED AISLE WIDTHS		
Angle of parking (degrees)	One-way traffic (feet)	Two-way traffic (feet)
0	14	20
30	14	20
45	16	22
60	18	24
90	24	24

2. These required aisles may serve as common access to parking spaces on opposite sides of said aisles, a separate aisle not being required for each row of parking spaces.
- b. Surfacing and drainage. Surfacing of all parking facilities shall be concrete, asphaltic concrete or asphalt and all parking facilities shall be properly graded for drainage and maintained in good condition, free of weeds, trash and debris. If the planning commission finds it to be in the best interest of the public, on-site employee parking which is not accessible to the general public may be constructed for all weather use equivalent to four inches of crushed stone and such spaces can be unmarked.
- c. Entrances and exits. Entrances and exits to parking facilities shall be so located as to minimize traffic congestion. Each parking area shall be restricted to one entrance/exit. Additional entrances/exits may be allowed, provided that there is a minimum of 150 feet between each entrance and exit. All entrances/exits shall open onto public streets, rather than alleys, except where use of an alley is reasonably necessary for proper traffic flow.
- d. Spaces marked. Except nonresidential employee parking, all required off-street parking areas for three or more vehicles shall have individual spaces marked.

(Code 1975, § 28-902; Ord. No. 295, § III, 4-22-1991; Ord. No. 386, §§ 3, 4, 9-28-1998; Ord. No. 438, § I, 2-23-2004)

Sec. 24-241. - Same—Location.

Except for dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on off-street property, provided that the required spaces are located no further than 400 feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(Code 1975, § 28-903)

Sec. 24-242. - Same—Large vehicle parking restrictions.

- (a) Vehicle means a device which may or may not be self-propelled, motorized or non-motorized to include, but not [be] limited to, automobiles, boats, all-terrain vehicles, golf carts, semi-tractors, trucks, buses, vans, motorcycles, motor homes, recreational vehicles, watercraft, tractors, agricultural vehicles, tractor-trailers, camping trailers, utility trailers, boat trailers, and/or horse trailers.
- (b) No parking of any vehicle with a manufacturer's gross vehicle weight rating greater than 14,000 pounds or having more than two axles, or which tow or haul disabled, wrecked or junk vehicles shall be permitted in any residential district unless parked in an enclosed accessory structure.
- (c) Exemptions:
 - (1) Vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds engaged in deliveries or as support to a necessary temporary activity such as construction or moving are exempt from the provision of this section, but only for the time reasonable and necessary to support the activity or make the delivery.
 - (2) Vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds operated and used for passenger or commuting purposes by a church, school or government facility and parked on the property of said church, school or government facility, but not within the required front yard, are exempt from the provisions of this section.
 - (3) One privately owned unoccupied recreational camper-trailer or motor home, not exceeding ten feet in width and 40 feet in length, in an accessory private garage building or in a rear or side yard

of any district, provided no living quarters are maintained and no business is practiced in such camper-trailer or motor home while it is so stored or parked.

- (4) One service truck owned by a public or quasi-public utility agency and parked at the driver's residence when that driver is required by his/her employment to respond to emergencies.

(Code 1975, § 28-904; Ord. No. O-536-12, § II, 7-23-2012)

Sec. 24-243. - Same—Joint use.

Nothing in this chapter shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of the spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

(Code 1975, § 28-905)

Sec. 24-244. - Off-street loading and unloading spaces—Plans and specifications.

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

(Code 1975, § 28-906)

Sec. 24-245. - Same—Requirements.

All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles; all such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled or rented by such establishment.

- (1) Where any structure is enlarged, or any use is intended so that the site of the resulting occupancy comes within the scope of this article, the full amount of off-street loading space shall be supplied and maintained for the structure, or use in its enlarged size. Where the use of a structure of land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be supplied and maintained to comply with this article.
- (2) Off-street loading space shall be in an area at least 12 feet wide by 45 feet long with 14½ feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
 - a. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant or similar use which has an aggregate floor space of:
 1. Less than 8,000 square feet; no off-street loading required, but no permit will be issued without off-street loading until the planning commission has studied the plot plan of the proposed structure and approved the same;
 2. Eight-thousand square feet but less than 20,000 square feet; one space for off-street loading is required;
 3. Twenty-thousand square feet but less than 60,000 square fee; two spaces for off-street loading is required;

4. For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet; one additional off-street loading space is required.
- b. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium or similar use, which has an aggregate gross floor area of:
1. Less than 10,000 square feet; no off-street loading required, but no permit will be issued without off-street loading until the planning commission has studied the plot plan of the proposed structure and approved the same;
 2. Ten-thousand square feet but less than 40,000 square feet; one space for off-street parking is required;
 3. For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet; one additional off-street loading space is required;
 4. For any use not specifically mentioned herein, the requirements of off-street loading for uses set out in this subsection (2) and to which the unmentioned use is similar, shall apply.
- (3) No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
 - (4) Nothing in this article shall prevent the collective, joint or combined provision of off-street loading facilities for two or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
 - (5) Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance and access of all such required off-street loading facilities.

(Code 1975, § 28-907)

Sec. 24-246. - Continuing character of obligation.

Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure exists or the use requiring said parking or loading facilities continues, and it shall be unlawful for said owner to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance, sale or transfer of the building or use without establishing alternative vehicle parking or loading space which meet the requirements of and are in compliance with this chapter, or of any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this chapter.

(Code 1975, § 28-908)

Sec. 24-247. - Off-street parking and vehicular use area (PVA) landscaping requirements.

(a) Scope of application.

- (1) Requirements and landscape plans. Any off-street PVA (or system of PVAs), having one to 39 parking spaces on a single parcel of land, must be constructed in accordance with landscape plans complying with this article. Perimeter landscaping is required for all such PVAs; in addition, interior landscaping is required for PVAs of 40 or more parking spaces.
- (2) Existing paved or unpaved PVAs. When a lawful paved or unpaved off-street PVA already exists at the effective date of this article, such area may continue until it is expanded by more than five

percent of its existing parking capacity as calculated pursuant to this article at which time the entire PVA must be brought into conformity with requirements for new construction.

(3) Parking garages and underground PVAs. Only perimeter landscaping is required for parking garages; landscaping requirements for adjoining PVAs at or near the grade of surrounding land will be calculated separately. Wholly underground PVAs are exempt from the requirements of this article.

(4) Minimum compliance. The requirements of this article are minimum standards.

(b) Definitions.

Accessway means one or more driving lanes intended for use by vehicles entering or leaving a PVA.

Approving authority (for landscape plans) means the planning commission of the city.

Berm means a planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three feet of run.

Caliper means the trunk diameter of a tree used in landscaping, measured six inches above ground for trees up to four-inch caliper, and 12 inches above ground for larger trees.

Crown means the branches and leaves of a tree or shrub with the associated upper trunk.

Deciduous plants mean those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen plants mean those that retain their leaves during their dormant season.

Ground cover means plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc.

Interior landscaping means treatment of grade, ground cover, vegetation, and ornamentation within a PVA.

Island means an interior landscaping feature, surrounded on all sides by driving and parking surfaces.

Landscape element means a plant material (living or nonliving) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding PVA surfacing materials.

Mulch means a material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch bed means an area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-street parking and vehicular use area (PVA) means an area, other than on public right-of-way, designated for the parking and movement of vehicles.

Parking garage means a structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking space means an area marked for the parking of one vehicle.

Peninsula means an interior landscaping feature, attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by PVA.

Perimeter landscaping means the treatment of grade, ground cover, vegetation and ornamentation between a PVA and adjoining properties and rights-of-way, but excluding landscaping between a PVA and buildings on the same property.

PVA. See "Off-street parking" and "vehicular use area."

Shrub means a woody plant, generally multistemmed, of smaller stature than a tree.

Stem. See Trunk.

Tree means a woody plant, generally with no more than one or two principal stems.

Trunk means a principal upright supporting structure of a tree or shrub.

Underground PVA means a parking area completely covered by a structure or by grass or other landscaping elements.

Visibility triangle means an area of critical visibility defined in section 24-351, visibility at intersections and railroad crossings, in which landscaping is restricted in the interest of vehicular traffic safety.

(c) General PVA landscaping requirements. Landscaping of PVAs when required, shall be of two types as described in this subsection, perimeter landscaping and interior landscaping, and shall conform to landscape plans submitted and approved in accordance with the requirements of this article.

(1) Plan. A master landscape plan in sufficient detail to indicate the number of parking spaces, the overall amount of PVA area, the amount of interior landscaping area, and the extent of perimeter landscaping shall be submitted and approved as a part of the development review process. Landscape plans submitted under this article shall include information as listed below:

- a. General information, including date, north arrow, and scale of one inch to no more than 30 feet unless approved; all property lines, locations of all existing and proposed easements and rights-of-way; and the name and business affiliation of the person preparing the landscape plans.
- b. Construction information, including the locations of buildings, parking spaces and vehicular use areas; utility fixtures, including light poles, power and service poles, aboveground pedestals (low-voltage) and padmounted (high-voltage) fixtures, underground electrical, communications, and television cables and conduits; hose bibs, sprinkler systems, meters, control boxes, etc.; and the amount (square feet) of PVA and intended surface treatments; and the total amount (square feet) of interior landscaping in peninsulas and islands.
- c. Landscaping details, including the locations, caliper, species (common name), and intended treatment (move, remove, or save) of existing trees eight inches or larger in caliper; locations, dimensions and treatments of all perimeter and interior landscaping areas (islands and peninsulas).
- d. A schedule of all new and existing plants proposed for landscaping, including size (caliper and height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or preexisting), common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grasses.

(2) Perimeter landscaping. For any PVA of one to 39 parking spaces, perimeter landscaping according to these standards must be provided within the property lines between the PVA and adjoining properties and public rights-of-way. Planting areas existing in the public right-of-way or on adjoining property shall not count toward the required perimeter landscaping area.

- a. Perimeter landscaping areas shall be at least five continuous feet in depth, excluding walkways, measured perpendicularly from the adjacent property line or right-of-way to the back of curb or pavement edge of the parking area.
- b. Accessways through perimeter landscaped areas, between PVAs and public rights-of-way and between adjacent PVAs, shall conform to the following standards:
 1. Accessways for sites must have specific approval from the city street department, planning commission and, if fronted on a state highway, the state department of transportation.
 2. The width of accessways may be subtracted from the perimeter dimension used in determining the number of trees required.

- c. Perimeter landscaping shall include at least an average of one tree and six shrubs per full 50 linear feet of perimeter requiring perimeter plantings (less accessways); shrubs are optional in areas where a berm at least three feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.
 - d. Landscaping at driveways and street intersections shall conform to section 24-351, visibility at intersections and railroad crossings.
- (3) Interior landscaping. Planting islands and/or peninsulas shall be provided for any PVA of 40 or more parking spaces as per the dimensions and arrangements given below:
- a. The minimum area of required interior landscaping shall be determined by the following formula:

		Total PVA Area (sq. ft.) x [1.826 + (0.00435 x total number of parking spaces planned)]
MINIMUM INTERIOR LANDSCAPE AREA	=	_____
		100

Maximum requirement of four percent of PVA area for PVAs containing 500 or more parking spaces. No interior landscaping is required for PVAs containing fewer than 40 parking spaces.

- b. Each island or peninsula, to count toward the total interior landscape requirement, shall be at least 100 square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement, shall be 1,000 square feet.
 - c. Islands and peninsulas must be at least five feet in their least dimension, measured from back of curb to back of curb.
 - d. Islands and peninsulas in PVAs shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands or peninsulas shall be placed at the ends of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and the demarcate parking rows.
 - e. The interior landscaped area shall contain at least an average of one tree and four shrubs per 200 square feet of landscaped area. Each island or peninsula shall contain at least one tree.
- (4) Credit for existing plant materials. Each existing tree meeting the following criteria may count, at the option of the owner, for two of the trees in its class (interior or perimeter) required in this section if other landscaping requirements are met, and if it:
- a. Has minimum caliper of three inches;
 - b. Is not one of the following species hereby determined to be unacceptable for parking lot landscaping:

	Large trees:
	Box elder
	Silver maple
	Tree-of-Heaven
	Catalpa
	Sycamore
	Cottonwood true poplars
	Native elms (American, winged, Cedar, slipper, and September)
	Colorado blue spruce
	Red spruce
	Live oak
	Laurel oak
	Medium trees:
	Camphor
	Cutleaf European birch
	Silktree (mimosa)
	Chinaberry
	Yellowwood
	Mulberry
	Princesstree (Paulownia)

	Slash pine
	Eastern white pine
	Willow
	Sassafras
	Siberian elm
	Small trees:
	Sumac

- c. Is at least two feet from the nearest planned curb or standard protective wheel stop and is within a planned planting of at least 100 square feet;
 - d. Has a live crown at least 30 percent of the total tree height and is free from serious root, trunk, and crown injury;
 - e. Is indicated on the landscaping plan as a "To Be Saved" tree; and
 - f. Is situated so that it can be incorporated into a planned perimeter landscaping area, island, or peninsula with minimal grade cut or fill; and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials, and activities from the area that is to become a part of this landscaped area.
- (5) Landscaping checklist. A completed and signed checklist generally reflecting the requirements of this article shall be included in the development review application.
- (d) Plant materials and installation requirements.
- (1) Trees and shrubs. All trees and shrubs planted, in addition to any existing trees allowed under existing plant materials, in required perimeter and interior landscaped areas shall for:
- a. Trees. To be of species other than those determined by this section as unacceptable for parking lot landscaping.
 - b. Trees and shrubs. Conform to the minimum size standards in the following table, based on the American Standard for Nursery Stock, ANSI Z60.1-1980, published by the American Association of Nurserymen and approved by the American National Standards Institute on October 27, 1980, as follows:

MINIMUM SIZE STANDARDS FOR PLANTING STOCK	
Shade and Flowering Trees	Minimum Size Requirements

Type 1, Shade trees (e.g. Red maple, tulip poplar)	2.5" caliper, 12 ft. height range, with 16 ft. max. height
Type 2, Shade trees (e.g. Goldenrain tree, Southern Magnolia)	1.5" caliper, 6'8" to 8'0" height range, with 9'4" max. height
Type 3, Small upright trees (e.g. Redbud, Crabapple)	1" caliper, 6 to 7 ft. height range
Type 4, Small spreading trees (e.g. Flowering Dogwood, Star Magnolia)	5 to 6 ft. height range
Coniferous Evergreens	Minimum Size Requirements
Type 4, Pyramidal (e.g. Deodar Cedar, Pine species)	5 to 6 ft. height range
Shrubs	Minimum Size Requirements
All classes	Perimeter landscaping: 24" min. height
	Interior landscaping: 15" min. height or 15" min. spread

- c. Trees and shrubs. To be planted within a bed of mulch or ground cover other than turfgrass, or be protected by some barrier to damage from vehicles and maintenance equipment.
 - d. Trees. To be spaced no closer than ten feet to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirement may be closer than ten feet apart.
- (2) Grass or other permanent ground cover. Each shall be installed and maintained on all parts of each landscaped area.
- a. Effective measures shall be taken to control erosion and stormwater runoff through the use of mulches, ground cover plants, erosion-control netting, etc.
 - b. Ground cover may include shrubs and low-growing plants such as Liriope, English ivy (*Hedera helix*), periwinkle (*Vinca minor*), and similar materials. Ground cover may also include nonliving organic materials such as bark or pinestraw, and inorganic materials such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten percent of the landscaped area.
- (3) Installation requirements.
- a. Required landscaped areas adjacent to parking areas shall be protected by fixed curbing or other permanent wheel stops along all sides exposed to parked or moving vehicles.

- b. When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.
- c. The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be 150 feet, except where built-in irrigation systems are provided.
- d. Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines, or other plants shall not be used in lieu of plant requirements in this article.
- e. Hedges, walls, and berms, though not required, are encouraged to help minimize the visual impact of PVAs. Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three feet of run.
- f. The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, retard erosion, runoff, and stream siltation, protect tree roots and stems, and foster tree health.
- g. Planting dates recommended by the city are shown in the following table:

RECOMMENDED PLANTING DATES	
Type of Plant Materials	Normal Planting Dates
Noncontainer-grown, deciduous	October 1 to April 1
Noncontainer-grown, other	October 1 to May 1
Container-grown, all	Year-round, if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is a doubt, obtain a variance or a performance bond.

- h. Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, and television cables and conduits, public water supply lines, and storm and sanitary sewer lines.
 - i. When irrigation systems are utilized no component shall be installed beyond the property lines.
- (4) Maintenance. The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification, or during the next appropriate planting period, whichever comes first.
- (e) Notice of completion. Upon the completion of installation of plant materials required by this article, the property owner or developer shall notify the planning and building department. A representative of the planning and building department shall make an inspection and will require correction of conditions

contrary to the requirements of this article and replacement of plant materials that are dead, diseased, damaged, or planted so as to kill or injure the plants.

- (f) Bonding. No certificate of compliance shall be issued until the provisions of this article have been met or a performance bond, letter of credit or certified check has been posted. When circumstances preclude immediate planting, a certificate of compliance may be granted after the owner or developer:
 - (1) Has completed all curbing, irrigation systems, and other construction preliminary to planting; and
 - (2) Posts a corporate surety bond, letter of credit, or cashier's check with the finance director/city treasurer in an amount equal to 100 percent of the cost of the total required planting, including labor. Such bond shall be made payable to the city. Landscaping must be completed and approved within six months, 180 calendar days, after a certificate of compliance is issued in order to redeem the bond.
- (g) Inspection. The planning and building department shall make inspections as necessary pursuant to this article and shall initiate appropriate action to bring about compliance with it. Upon becoming aware of any violation of the provisions of this article, the planning and building department shall serve written notice of such violation upon the person responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until 60 days after notification of violation.

(Ord. No. 453, § 1, 5-19-2005)

Secs. 24-248—24-272. - Reserved.

ARTICLE VI. - MANUFACTURED HOMES AND TRAILERS

Sec. 24-273. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling means a building used as the living quarters for one or more families, other than a mobile home as hereinafter defined.

Mobile home means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, or its use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks, whether or not the same is actually mounted on wheels or affixed to the realty in any manner.

Mobile home court means any park, trailer park, trailer court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile homes and upon which any of the aforementioned are parked and shall include all buildings used or intended for use as a part of the equipment thereof whether a charge is made for the use of the mobile home court and its facilities or not. Mobile home court shall not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

Mobile home subdivision means a parcel or tract of land designed, maintained or intended for the purpose of selling or conveying ownership of a lot or parcel of land for accommodating any mobile home or upon which the purchaser proposes to locate any mobile homes.

(Ord. No. 253, § I(17A-100), 7-11-1988)

Sec. 24-274. - Location of mobile home courts in R-3 districts.

- (a) Mobile home courts may be located in any R-3 district as a special exception upon the approval of the zoning board of adjustment.
- (b) Prior to the location of any mobile home court, application shall be made to the zoning board of adjustment upon such forms as provided by the zoning board of adjustment. Said application shall be accompanied by a deposit of a minimum charge for legal advertising costs, as determined from time to time by the city council.
- (c) Further, said application shall show compliance with the conditions as set forth in section 24-275.

(Ord. No. 253, § I(17A-200), 7-11-1988)

Sec. 24-275. - Mobile home court special exception conditions.

An application for a special exception to locate a mobile home court shall include a showing of compliance with the following conditions:

- (1) Each mobile home court shall have a minimum of four acres of land.
- (2) Minimum space or lot required shall be not less than 3,200 square feet in area and shall not be less than 40 feet in width.
- (3) The mobile home court cannot accept mobile homes unless and until at least 50 percent of its lots or spaces have been completely developed. This section shall in no way be construed to prevent development in stages, provided the total development plan is approved by the board of adjustment and developed in increments of two acres minimum.
- (4) All mobile home courts shall be located on public streets providing safe and convenient access.
- (5) There shall be roadways in each mobile home court reaching each lot or space.
- (6) Mobile homes in mobile home courts shall be separated from each other as follows:
 - a. Mobile homes shall be 30 feet, between sides.
 - b. Mobile homes shall be 20 feet, between ends.
 - c. Mobile homes shall be no closer than five feet from the lot or space line.
 - d. Mobile homes shall be located no closer than 50 feet from the right-of-way line of any public street.
 - e. Mobile homes shall be no closer than 20 feet from any other boundary line of the mobile home court.
- (7) Space for recreation shall be provided of not less than eight percent of the gross site area with a minimum area of not less than 5,000 square feet, which shall be no longer than twice its width. Such area shall be developed and maintained by the management so as to provide a healthful place of recreation for the residents of the mobile home court. The area shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.
- (8) An area eight feet wide used as a screen, buffer, or planting strip composed of deciduous or evergreen shrubs shall be provided along the mobile home court boundary lines not bordering a public street. Such shrubs shall be maintained in such a manner as not to exceed a height of 12 feet.
- (9) Surfaced roadways of bitumen or concrete shall be required on all internal streets. Such streets shall be paved a minimum of 16 feet in width.

- (10) Off-street parking areas or on-street parking lanes shall be provided on the basis of two spaces per mobile home lot or space.
- (11) Grounds of the mobile home court shall be graded to drain property.
- (12) All mobile homes shall be connected to the sanitary sewer and water system of the city or a sanitary sewer and water system approved by and under the regulations of the state board of health and in accordance with all applicable health and plumbing laws and regulations. Only mobile homes with toilet and plumbing fixtures, which conform to the plumbing code of the city shall be permitted for occupancy.
- (13) Fire hydrants shall be placed within the mobile home court so that no mobile home shall be more than 500 feet away from such hydrant. Fire hydrants shall be standard type approved by the city.
- (14) Each mobile home lot or space may be provided with a utility or tenant storage facility made of uniform construction, 90 cubic feet minimum area and located no more than 100 feet from each mobile home it is to serve.
- (15) Each mobile home lot or space shall be provided with a concrete slab or apron equal to or greater than the width and length of the mobile home to be placed on it. Such apron or slab shall be a minimum of four inches thick.
- (16) No mobile home shall have added or constructed on to it any addition of any type other than an awning of aluminum, canvas, or fiberglass. Such awning may be screened in. The awning shall not be greater than nine feet in width and shall not be enclosed with any material other than screen.

(Ord. No. 253, § I(17A-300), 7-11-1988)

Sec. 24-276. - Location of single mobile homes in R-3 district.

- (a) A single mobile home may be located on a lot in any R-3 district which is outside of an approved mobile home court as a special exception upon the approval of the zoning board of adjustment.
- (b) Prior to the location of any such single mobile home, application shall be made to the zoning board of adjustment upon such forms as provided by the zoning board of adjustment. Said application shall be accompanied by a deposit of a minimum charge for legal advertising costs, as determined from time to time by the city council.
- (c) Further said application, shall show compliance with all applicable zoning requirements as to size, setbacks, and yards, and all applicable plumbing, electrical, and fire safety regulations.

(Ord. No. 253, § I(17A-400), 7-11-1988)

Sec. 24-277. - Location of mobile home subdivisions.

Mobile home subdivisions, as defined herein, may be established upon approval and special exception issued by the zoning board of adjustment in accordance with section 24-451, subject to compliance with all applicable subdivision regulations promulgated by the planning commission of the city.

(Ord. No. 253, § I(17A-500), 7-11-1988)

Sec. 24-278. - Public hearing upon application.

Upon the filing of the application and the depositing of the minimum charges, the zoning board of adjustment shall hold a public hearing upon said application pursuant to and in accordance with the provisions of section 24-451. Approval of said application shall be granted by said board if it finds

compliance with the conditions set forth in sections 24-275 and 24-451 and it finds that the approval of said application will not adversely affect the public interest.

(Ord. No. 253, § I(17A-600), 7-11-1988)

Sec. 24-279. - Temporary construction offices and unoccupied camper-trailers.

Nothing in this chapter shall be construed to prohibit the use of a mobile home as a temporary construction office in accordance with the building code of the city, nor shall this chapter be construed to prohibit the parking of only one unoccupied camper-trailer or motor home, not exceeding ten feet in width and 40 feet in length, in an accessory private garage building or in a rear yard of any district, provided no living quarters are maintained and no business is practiced in such camper-trailer while it is so stored or parked.

(Ord. No. 253, § I(17A-700), 7-11-1988; Ord. No. O-536-12, § III, 7-23-2012)

Sec. 24-280. - Conflict with statute.

Whenever the regulations and conditions of this article require more restrictive standards than are required in or under any other statute, the requirements of this article shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this article, the provisions of such statute shall govern.

(Ord. No. 253, § III, 7-11-1988)

Secs. 24-281—24-308. - Reserved.

ARTICLE VII. - SIGNS

Sec. 24-309. - Purpose.

The purpose of this article is to provide minimum control of signs to promote the health, safety and general welfare by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned and by securing certain fundamentals of design for the city.

(Code 1975, § 28-1000)

Sec. 24-310. - Permit—Required.

From and after the effective date of the ordinance from which this chapter is derived, no sign of any type shall be erected, constructed, painted, altered, moved or repaired within the city, unless all applicable provisions of this article are met, and until a valid sign permit therefor has been issued by the enforcing officer, provided, however, that this article shall not require a sign permit for routine maintenance or painting which maintains the original format and appearance of the sign.

(Code 1975, § 28-1001)

Sec. 24-311. - Same—Information.

Upon application for a sign permit, the applicant must provide the following information, which shall be retained as specifications for that sign permit:

- (1) Purpose and description of the sign, including the definitions used in this chapter, and the product, business or activity advertised.
- (2) Name, address, and telephone number of the applicant and sign erectors.
- (3) Position of the sign in relation to property and right-of-way lines, buildings, and other improvements on the property.
- (4) Plans and specifications on construction and erection, and other information required by the enforcing officer.
- (5) Written consent of the owner of the property on which the sign is to be erected.
- (6) Proof of bond or liability insurance sufficient to cover potential losses due to construction, maintenance, or location for the duration of the sign.

(Code 1975, § 28-1002)

Sec. 24-312. - Temporary permits.

Temporary permits may be issued by the enforcing officer for certain types of signs, and the application requirements shall be the same as described in section 24-311.

- (1) For each real estate subdivision that has been approved in accordance with the subdivision regulations of the city one sign, not over 100 square feet in area, advertising the sale of property in such subdivision, provided:
 - a. Such sign shall be permitted only when located on some portion of the subdivision being advertised for sale and shall not encroach upon any required yard.
 - b. Such sign may be indirectly illuminated and shall be maintained only during such time, as some portion of the land is unsold.
 - c. A temporary permit for such sign shall be issued for a one-year period and may be renewed for additional one-year periods.
- (2) For special events of public interest, which will exceed a period of 30 days, a temporary permit may be issued for signs that will be located on the premises or signs that will be located on the public square and for necessary directional signs to the event, provided:
 - a. Signs that will be located on the public square shall be limited to two for each separate event and shall be placed where it is deemed to be safe and appropriate by the enforcement officer.
 - b. Signs displayed on the premises of the event and/or signs that will be located on the public square shall be constructed of a material deemed safe and appropriate by the enforcing officer.
 - c. The directional signs should not exceed two square feet in area.
 - d. All such signs covered by a temporary permit shall be removed immediately upon the expiration of the permit or immediately after the event, whichever occurs first.

(Code 1975, § 28-1003)

Sec. 24-313. - Exceptions.

The following signs are exempted from the requirements of section 24-310 and will not require a permit, but must comply with all other regulations of this article.

- (1) Signs permitted in section 24-316.
- (2) For special events of public interest, and of limited duration, one temporary sign located upon the premises of the event and/or one sign located on the public square. Any sign to be located on the public square shall be placed where the enforcement officer deems safe and appropriate. Such signs shall not be erected more than 30 days before the event in question and shall be removed immediately after such event. Also, necessary directional signs, not more than two square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than ten days before the event in question and shall be removed immediately after such event. If the sign will remain in place more than 30 days or if more than one sign is to be erected, a temporary permit will be required.
- (3) One, nonilluminated sign, not exceeding 100 square feet in area, displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial, selling and development agencies, is permitted upon the premises of any work under construction, alteration, or removal. Such sign shall be removed from the premises within 30 days after the completion of the project.

(Code 1975, § 28-1004)

Sec. 24-314. - General regulations.

- (a) No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character it may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic control sign, signal or device, or interfere with, mislead, confuse, or disrupt traffic.
- (b) No sign shall be erected or maintained which obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.
- (c) No detached portable or mobile sign will be permitted.
- (d) The wattage of sign lighting should not exceed 60 watts per bulb, and, except as allowed by subsection 314(x), no lights shall be permitted to flash, blink or shimmer, except for public service message signs, which shall not include the colors of red, blue, amber or any other color used for emergency or caution lighting on public vehicles.
- (e) No sign shall be permitted to rotate, oscillate or otherwise move, and signs incorporating any noisy mechanical device (whistles, horns, sirens, or other noisy audible devices) are prohibited.
- (f) All signs must be located in accordance with these regulations and the dimensional requirements of the zoning district in which located, with the following exceptions:
 - (1) Signs of a public nature defined in subsections (g) through (i) of this section may be located anywhere, including within a public right-of-way.
 - (2) No advertising sign or billboard shall be located within any required yard.
- (g) The maximum height of advertising signs and billboards shall be limited to 12 feet above the pavement level of an adjoining street in the residential districts and 25 feet above the pavement level of an adjoining street in all other zoning districts.
- (h) The maximum height of business signs shall be limited to the maximum roofline of the main building located on the premises, but in no event higher than 20 feet above the pavement of an adjoining street.
- (i) No advertising sign or billboard shall be permitted in any area officially designated by resolution of the city council as one of scenic beauty or historical interest.

- (j) A sign designated to be viewed from two directions shall be considered as one sign, provided that the two sign faces are not more than 48 inches apart if parallel, nor form an angle of more than 90 degrees if angular.
- (k) No directly illuminated sign shall be permitted within 100 feet of any residential zoning district.
- (l) No advertising sign or billboard shall be erected or placed closer than within 100 feet of any residential zoning district.
- (m) No business, advertising sign or billboard shall be erected to exceed 50 feet in length (with total extensions not to exceed five feet).
- (n) No advertising sign or billboard shall exceed 600 square feet in area.
- (o) No freestanding or projection business sign shall exceed 60 square feet in area, nor shall the total area of all such freestanding and projection business signs on any single lot or premises exceed 90 square feet.
- (p) No more than three freestanding and/or projection business signs shall be allowed on any single lot or premises.
- (q) The total area of wall or flat business signs shall not exceed 20 percent of the exterior surface of the wall on which, or above which, they are located.
- (r) Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal or device.
- (s) A temporary sign shall not be suspended across public streets.
- (t) No sign or any foundation or support thereof shall be erected on or overhanging any public right-of-way, except publicly owned signs, such as traffic control signs, directional signs, and street signs.
- (u) No strings of light outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building shall be allowed, except when used as community or holiday decorations or a temporary promotional display.
- (v) The maximum number of internally (directly) illuminated window signs, such as neon signs, shall be two per building face and no larger than three square feet in area each.
- (w) The total area of all permanent window signs shall not exceed 25 percent of the transparent surface area of the building face.
- (x) Additional use conditions for digital signs. The only digital signs allowed in the city are digital business signs, digital public message board signs, and digital bulletin board signs. In addition to the use conditions and regulations prescribed for signs in chapter 24, article VII, of the City Code, digital signs shall also comply with the following:
 - (1) Digital signs shall only display a static message or messages.
 - (2) Digital signs that display more than one static message shall do so sequentially, with each static message having a dwell time of no less than 12 seconds and a transition time between static messages of no more than one second.
 - (3) Digital signs shall not display a luminous intensity exceeding 300 NITs at any time between one-half hour after sunset until one-half hour before sunrise or 6,500 NITs between one-half hour before sunrise until one-half hour after sunset.
 - (4) Digital signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
 - (5) Digital signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.

- (6) Digital signs shall not be permitted to operate unless they are equipped with:
 - a. A default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
 - b. A mechanism able to automatically adjust the display's luminous intensity according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.
- (7) Digital signs, if located within a residential district or within 100 feet of a residential district, shall be equipped with a mechanism that will automatically cause the sign's illumination to not operate between the hours of 9:00 p.m. and 6:30 a.m. The 100 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of a residential district boundary line.
- (8) Prior to the issuance of any permit for the installation, testing, maintenance or use of any digital sign, the operator shall provide written certification that the luminous intensity of the display shall not exceed 300 NITs at any time between one-half hour after sunset until one-half hour before sunrise.
- (9) The city, through appropriate personnel, may exercise its police powers to protect the public health, safety, and welfare by requesting that emergency information be displayed upon digital signs. With the consent of the digital sign owner, upon notification, the sign operator may display, in appropriate sign rotations: Amber Alert emergency information, or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages should then remain in rotation according to the designated issuing agencies protocols.

No sign that is lawfully nonconforming as to any requirement imposed by this Zoning Code of the City of Jacksonville shall be modified, changed or converted into a digital sign unless it shall conform to all requirements imposed by said Zoning Code as amended by this Ordinance. For purposes of this paragraph, no digital sign shall be considered lawfully nonconforming and the conversion of a sign into a digital sign shall be considered a change of use.

(Code 1975, § 28-1005; Ord. No. 324, § II, 4-26-1993; Ord. No. 430, § 1, 8-26-2002; Ord. No. O-503-09, §§ II, III, 12-8-2008)

Sec. 24-315. - Outdoor advertising for lease.

- (a) Business license required. The owning or operating of an outdoor advertising sign or billboard for lease purposes shall constitute a business, for which an annual business license is required, in addition to a sign permit as provided for in section 24-310.
- (b) Name of owner of face of sign. The current name of the owner of an outdoor advertising sign shall be printed on the face of the sign and be clearly visible from the street.

(Code 1975, § 28-1006)

Sec. 24-316. - Signs permitted in—All zoning districts.

In all zoning districts, the following signs shall be permitted, subject to the following regulations:

- (1) Signs to regulate traffic.
- (2) Signs required to be posted by law.
- (3) Street signs and warning signs.
- (4) Signs established by, or by order of, any governmental agency.

- (5) Signs indicating bus stops and similar public transportation facilities.
- (6) Signs giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
- (7) Directional or informational signs of a public nature, including, but not limited to signs which give information or directions to vehicular or pedestrian traffic, which transmits essential information to the public on behalf of a governmental entity, or which pertains to historical attractions, natural and scenic areas, provided such signs are required or authorized by law and comply with regulations relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this chapter.
- (8) Signs which advertise or designate exclusively the location of facilities of any public utility for the convenience or protection of the using public or the protection of the facilities of the public utilities.
- (9) No trespassing signs.
- (10) Indirectly illuminated and nonilluminated signs indicating house, street or apartment numbers, not to exceed one square foot in area.
- (11) Indirectly illuminated and nonilluminated signs indicating names of occupants and the house numbers of residences, not to exceed two square feet in area.
- (12) Nameplate for a multifamily dwelling, where permitted by district regulations, to be lighted only with indirect lighting and not exceeding two square feet in area. Such nameplates shall indicate nothing other than the name and/or address of the premises.
- (13) Nonilluminated sign for home occupation, where permitted by district regulations and not exceeding two square feet in area.
- (14) One, nonilluminated "for sale" or "for rent" sign, not exceeding four square feet in residential districts and 12 square feet in all other zoning districts, which advertises the sale, rental or lease of the premises on which the sign is located.

(Code 1975, § 28-1007)

Sec. 24-317. - Same—Residential districts.

In all residential districts, the following signs are permitted subject to the following regulations:

- (1) A directional or informational sign of a quasipublic nature which states the name or location of a private institution, such as a church, school, clinic or similar facility permitted in a residential district, provided such sign does not exceed six square feet in area.
- (2) An indirectly illuminated or nonilluminated bulletin board located on the premises of a church, school or similar institution or an identification sign located on the premises of a church, school, recreation facility, hospital, clinic, nursing home, club or similar facility permitted in that respective residential district, provided that such signs shall not exceed 12 square feet in area and that no sign shall be located closer than one-half the required yard setback from the property line.
- (3) Nonilluminated signs identifying nursery schools, kindergartens and similar for fee day care centers, provided that such signs shall not exceed six square feet in area and that no sign shall be located closer than one-half the required yard setback from the property line.

(Code 1975, § 28-1008)

Sec. 24-318. - Same—RIP business district.

In a RIP business district, the following signs are permitted subject to the following regulations:

- (1) A sign permitted in a residential district, subject to the conditions set forth in section 24-317.
- (2) Business signs, provided:
 - a. No more than two 30-inch by 40-inch signs are permitted on each premises.
 - b. Only wall, flat or projection signs are permitted, and wall or flat signs must be no more than three feet high.
 - c. All such signs must be of wooden or metal type construction.
 - d. No directly illuminated signs shall be permitted.

(Code 1975, § 28-1009)

Sec. 24-319. - Same—B-1 and B-2 business districts; M-1 and M-2 manufacturing districts.

- (a) In the B-1 local shopping business district, M-1 light manufacturing district and M-2 general industrial district, the following signs are permitted subject to the following regulations:
 - (1) Business signs.
 - (2) Advertising signs or billboards, provided:
 - a. Such signs commanding the attention of traffic moving in a given direction along the same street shall be spaced at intervals of not less than 400 feet along such street;
 - b. The front setback of such signs shall be 15 feet from the street or road right-of-way but in no case closer than 35 feet from the centerline of the street; and
 - c. The side setback shall be the minimum side yard requirement for the district in which said sign is located.
- (b) In the B-2 general business district, the following signs are permitted subject to the following regulations:
 - (1) Business signs.
 - (2) Advertising signs or billboards, provided:
 - a. Such signs commanding the attention of traffic moving in a given direction along the same street shall be spaced at intervals of not less than 400 feet along such street;
 - b. The front setback of such signs shall be 15 feet from the street or road right-of-way but in no case closer than 35 feet from the centerline of the street; and
 - c. The side setback shall be the minimum side yard requirement for the district in which said sign is located.
 - (3) Shopping centers and major retail developments shall be permitted the following:
 - a. One 60-square foot freestanding sign, plus one-half square foot of sign area per 1,000 square feet of lot area, but in any event, not to exceed 150 square feet in sign area and 25 feet maximum sign height measured from pavement of adjoining street to highest tip of sign.
 - b. Such freestanding sign may display the shopping center name and a directory of individual businesses within the center among other, permitted on-premises displays.
 - c. If a development has at least 400 feet of total frontage on two intersecting public streets, then the development may not have more than one freestanding sign along each side of the development bordered by such streets.
 - d. Such signs shall be spaced at least 350 feet apart as measured along the frontage, with 60 square feet of freestanding sign area plus one-half square foot of sign area per 1,000 square

feet of lot area, but in any event, not to exceed 150 square feet in sign area and 25 feet maximum sign height measured from pavement of adjoining street to highest tip of sign.

- (4) Except as provided, in subsection (b)(3) of this section, each business within the shopping center or major retail development shall be restricted to attached signs on building faces containing the main entrance of the occupant and building face whose primary orientation is the public street or a customer parking lot. The maximum number and size of such attached signs per building face shall be:
- a. The maximum sign area shall be two square feet of sign area for each foot of building face frontage.
 - b. Attached signs shall not be placed on any roof surface, unless such roof has a pitch of 45 degrees or more. No attached sign shall extend above the highest point of the roofline.
 - c. Either one roof sign or wall sign.
 - d. Either one projection sign or canopy or marquee sign.
 - e. Except as provided for illuminated signs in section 24-314(v) and (w), no limit on number of temporary signs displayed on the inside face of windows that identify or advise activities, services, goods, or products available within a development; provided, however, the total area covered by signs, whether permanent or temporary shall not exceed 40 percent of the window face.

(Code 1975, § 28-1010; Ord. No. 324, § III, 4-26-1993)

Sec. 24-320. - Maintenance.

All signs shall be maintained by the owner of the sign or the owner of the premises upon which located in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters, and similar in appearance to that specified by the most recent valid sign permit; provided that this shall not prohibit the changing of the printed matter on the face of advertising signs and billboards. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.

(Code 1975, § 28-1011)

Sec. 24-321. - Nonconforming.

- (a) All existing signs that are not specifically permitted or that do not comply with all the provisions of this article shall be considered nonconforming signs and may not, after the effective date of this article, be enlarged, structurally altered or extended unless such signs shall be made to comply with all the provisions of this article.
- (b) Normal repairs and repainting of nonconforming signs is permitted. However, when a nonconforming sign is structurally repaired, damaged, or destroyed by any means to the extent of 50 percent or more of its replacement value, exclusive of foundations, it shall not thereafter be restored, unless such sign shall be made to conform to all the provisions of this article.

(Code 1975, § 28-1012)

Sec. 24-322. - Removal.

- (a) Any sign no longer meeting any specification of the sign permit or changed, so as to violate the terms of this chapter, shall be removed or made to conform to this article immediately. Any nonconforming outdoor advertising sign of a business no longer operating shall be removed within 30 days of the

closing date of that business, at a cost assumed by the sign owner. Any sign for which a temporary permit has expired shall be removed within 30 days of the expiration of that permit, at a cost assumed by the sign owner.

- (b) A sign which, no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such sign is displayed shall be removed within 30 days.

(Code 1975, § 28-1013)

Secs. 24-323—24-347. - Reserved.

ARTICLE VIII. - SUPPLEMENTAL REGULATIONS

Sec. 24-348. - Purpose.

It is the purpose of this article to provide certain general and supplemental provisions, which modify or clarify regulations and requirements found elsewhere in this chapter.

(Code 1975, § 28-1100)

Sec. 24-349. - Existing lots of record.

Where the owner of a plot of land consisting of one or more adjacent lots of official record at the time of the enactment of the ordinance from which this chapter is derived did not at that time own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this chapter; or if the topography, physical shape or other unique feature of such lots of record considered together prevent reasonable compliance with the setback or other requirements of this chapter, such plot of land may nevertheless be used as a building lot under the following conditions. The yard and other space requirements of the district in which the plot of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building lot, provided the yard space and other requirements conform as closely as possible, in the opinion of the board of adjustment, to the requirements of the district in which it is located. However, in no case, except in townhouse developments, shall any plot of land in a residential district to used as a building lot which is less than 4,000 square feet in total area and 40 feet in width, or has a front yard setback of less than 15 feet and a side yard setback of less than five feet.

(Code 1975, § 28-1101)

Sec. 24-350. - Setback requirements.

The following provisions shall apply to the setback requirements defined in this chapter:

- (1) The front yard setback requirements of this chapter for dwellings shall not apply on any lot, where the average setback of existing dwellings located wholly or in part within 100 feet on each side of such lot, within the same block and zoning district and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on said lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing dwellings. However, in no case, shall setbacks be less than 15 feet.
- (2) The side yard setback requirements for corner lots shall be the same as the front yard setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. If the width of the permitted buildable portion of the lot is reduced below 30 feet, the side

yards may be reduced sufficiently to permit this buildable width. However, in no case shall the setback be reduced to less than 15 feet.

- (3) On lots having frontage on two streets, but not located on a corner, the minimum front yard setback shall be provided on each street in accordance with the provisions of this chapter.
- (4) On lots having frontage on more than two streets, the minimum front yard setback shall be provided in accordance with the regulations set forth in this chapter on at least two of the street frontages. The front yard setback on the other frontage may be reduced to one-half the regulated distance, provided that the setback shall not be reduced to less than 15 feet.

(Code 1975, § 28-1102)

Sec. 24-351. - Visibility at intersections and railroad crossings.

In all districts, except the B-2 general business district, no fence, wall, marquee, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the height of 2½ feet and 15 feet above the finished grade of streets shall be erected, permitted or maintained within 20 feet of the intersection of the rights-of-way lines of streets or of streets and railroads.

(Code 1975, § 28-1103)

Sec. 24-352. - Fences, walls and hedges.

- (a) Fences, walls, or hedges may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight feet above the ground, except that no such fences or wall located in a required front yard shall exceed a height of four feet. Where such lot line is adjacent to a nonresidentially zoned property, fences and walls, may be maintained at a height not exceeding ten feet, except in a required front yard.
- (b) No fence or wall shall be erected, placed, maintained, or grown along a lot line on any nonresidentially zoned property to a height exceeding ten feet.

(Code 1975, § 28-1104)

Sec. 24-353. - Access to streets.

No building for human occupancy shall be erected on a lot, which does not have frontage of at least 25 feet on a public street or an approved private street.

(Code 1975, § 28-1105)

Sec. 24-354. - Curb cuts and access points.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts," as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this chapter in accordance with the following requirements:

- (1) Size and spacing of curb cuts and other access points. In no case shall a curb cut or other access point be less than 12 feet in width for one- and two-family residential or 24 feet in width for other residential, commercial or industrial, or more than 50 feet in width; provided, however, that the width of and curb cut shall be no greater than the width of any aisle which said curb cut directly serves.

- a. Except for access to one- or two-family dwelling units, no curb cut or access point shall be within 150 feet of any other such curb cut or access point (measured centerline to centerline) on the same lot.
 - b. The width of said curb cut shall be measured from curb face to curb face at the innermost end of the required radii.
 - c. Notwithstanding any other provision of this section, fire stations and police stations shall be allowed curb cuts up to, and no wider than, the minimum necessary to provide access for official emergency vehicles that have limited maneuverability and that must rapidly respond to emergencies and such curb cuts may be within 150 feet of other curb cuts. Curb cuts for fire and police stations are considered curb cuts for two-way traffic.
- (2) Radii for curb cuts and other access points. Except for one- and two-family dwelling units, a 15 feet minimum (50 feet minimum where heavy trucks will use access) curb and pavement radius shall be provided at any curb cut or other access point, unless otherwise approved by the planning commission.
- (3) Location of curb cuts and other access points. At street intersections, no curb or other access point shall be located closer than:
- a. Twenty feet from the intersecting point of the two street right-of-way property lines involved (or such lines extended in case of a rounded corner); or
 - b. Twenty-five feet from the intersection of the two curblines involved, or such lines extended in case of a rounded corner, whichever is the least restrictive.

(Code 1975, § 28-1106; Ord. No. 355, § I, 8-26-1996; Ord. No. 397, § I, 10-25-1999; Ord. No. O-534-12, § I, 6-11-2012)

Sec. 24-355. - Future street lines.

On any lot which, at the time of adoption of this chapter or at the time this chapter is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted major street plan, or the same be hereafter amended, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

(Code 1975, § 28-1107)

Sec. 24-356. - Accessory structures and uses.

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use to which it serves as an accessory.

- (1) Uses customarily accessory to farms and other agricultural uses.
 - a. Barns, stables, and other facilities for livestock;
 - b. Creameries;
 - c. Condensations;
 - d. Cemeteries;
 - e. Dwellings for migratory workers;
 - f. Facilities for hatching or butchering of fowl;
 - g. Feed lots;

- h. Greenhouses;
 - i. Private dock or boathouse;
 - j. Private garages;
 - k. Private swimming pool and bathhouse or cabana;
 - l. Shed or toolroom for the storage of equipment used in grounds or building maintenance;
 - m. Storage facilities for produce.
- (2) Uses customarily accessory to dwellings.
- a. Private garage not to exceed the following storage capacities:
 - 1. One- or two-family dwellings; four automobiles;
 - 2. Multifamily dwellings; three automobiles per dwelling unit.
 - b. Open storage space or parking area for motor vehicles having current license plates provided that such space shall not be used for more than one commercial vehicle; provided, that no more than one travel trailer per dwelling unit shall be stored on the premises; and further provided that said travel trailer shall not be serviced by utilities and shall not be temporarily or permanently occupied as a dwelling unit;
 - c. Home workshop; provided, that there is no external storage of materials or equipment, and no nuisances shall be generated by heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matter at any time;
 - d. Shed or toolroom for the storage of equipment used in grounds or building maintenance;
 - e. Private kennel or other quarters for the keeping of poultry or animals for noncommercial purposes; provided, that such use does not generate a nuisance to adjoining properties;
 - f. Private swimming pool and bathhouse or cabana, provided that said pool is completely enclosed by a fence or wall not less than six feet in height with entries which may be secured against access;
 - g. Private dock or boathouse;
 - h. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight feet in height;
 - i. Private tennis court.
- (3) Uses customarily accessory to church buildings.
- a. Religious education buildings;
 - b. Kindergartens;
 - c. Parsonage, rectory, manse, pastorium or parish house, together with any use accessory to a dwelling as listed under subsection (2) of this section;
 - d. Off-street parking area for the use without charge of members and visitors to the church;
 - e. Cemeteries.
- (4) Uses customarily accessory to retail business, office uses and commercial recreational facilities.
- a. Off-street parking or storage area for customers, clients and employee-owned vehicles;
 - b. Completely enclosed building for the storage of supplies, stock or merchandise;
 - c. Repair facilities incidental to the principal use, provided that dust, odor, smoke, vibrations, heat or glare produced as a result of such repair operations are not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided

such operation is not otherwise specifically prohibited in the district in which the principal use is located;

- d. Sheds or toolrooms for the storage of equipment used in operations or maintenance;
 - e. Boat marina;
 - f. Private docks, boathouses;
 - g. Public port and docking facilities;
 - h. Private swimming pools, bathhouses or cabanas;
 - i. Swimming beach;
 - j. Bait house.
- (5) Uses customarily accessory to public uses, buildings, or activities. There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use. All accessory structures or uses operated in structures above ground level shall observe all setbacks, side yard and other requirements set forth for the zoning district within which they are located, except that such structures or uses may be located within the rear yard setback but no less than five feet from the rear lot line. Accessory structures in residential districts or any lot used primarily for residential purposes, shall conform to the following regulations:
- a. Accessory structures shall not exceed two stories in height, and shall not cover more than 30 percent of any rear yard.
 - b. No part of any accessory structure shall be located closer to the front line than the main structure.
- (6) Distance between buildings. No accessory structure shall be located closer than ten feet to a principal building or to any other accessory building, except as provided in subsection (7) of this section.
- (7) Attachment of accessory structures to principal buildings. When an accessory structure is attached to the principal building by a breezeway, passageway, or similar means, it shall be considered a part of that structure and shall comply with the yard requirements of the principal building to which it is attached.

(Code 1975, § 28-1108; Ord. No. 417, § 1, 7-23-2001)

Sec. 24-357. - Pay-day lending and deferred presentment financial institutions.

In any district in which the permitted uses include pay-day lending and/or deferred presentment financial institutions that are required to be licensed under Alabama Code Title 5, Chapter 18A, Deferred Presentment Act and/or that conduct business as a pay-day lending or deferred presentment financial institution, such uses shall only be permitted subject to the following restrictions:

- a. No two pay-day lending and/or deferred presentment financial institutions shall be permitted to be located within 500 feet of each other.
- b. No pay-day lending and/or deferred presentment financial institution shall be permitted to be within 500 feet of a residence, church, school or public park.
- c. No pay-day lending and/or deferred presentment financial institution shall be permitted if there exists a ratio of more than one pay-day lending and/or deferred presentment financial institution for every 2,500 residents of the city.

Any pay-day lending and/or deferred presentment financial institution legally operating prior to the effective date of this section shall be a legal non-conforming use, which shall exist and continue under the

provisions of Chapter 24, Article IX Nonconformance of the Code of Ordinances of The City of Jacksonville, Alabama.

(Ord. No. O-576-15, § 1, 5-11-2015)

Secs. 24-358—24-385. - Reserved.

ARTICLE IX. - NONCONFORMANCE

Sec. 24-386. - Purpose.

The purpose of this article is to regulate nonconforming uses of land and structures and the use of nonconforming lots and structures without placing an unreasonable or unnecessary hardship on the individual landowner.

(Code 1975, § 28-1200)

Sec. 24-387. - Continuance of uses.

The lawful use of any structure or land existing at the time of the enactment of this chapter may be continued even though such use does not conform with the provisions of this chapter except that the nonconforming use of any structure, nonconforming use of land, or nonconforming use of a combination of land and structures, shall not be:

- (1) Changed to another nonconforming use;
- (2) Reestablished after discontinuance of six months;
- (3) Extended to occupy a greater area of land;
- (4) Extended to occupy a larger floor area of a building or structure, unless such additional floor area already existed as a part of the building and structure and is manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside said structure;
- (5) To avoid undue hardship, nothing in this chapter 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 chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Code 1975, § 28-1201)

Sec. 24-388. - Lots of record.

- (a) In any district in which single-family dwellings are permitted, a single-family dwelling or a single-family mobile home, subject to the provisions of article VI of this chapter, and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for

area or width, or both, that are generally applicable in the district, 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 district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustment.

- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record prior to the effective date of adoption or amendment of this chapter, and if all or part 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 chapter, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Code 1975, § 28-1202; Ord. No. 266, § I, 8-28-1989)

Sec. 24-389. - Limitations on—Uses.

At the time of enactment or amendment of this chapter, where lawful use of land exists which would not be permitted by the regulations imposed by this chapter, or amendments to this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter, except to provide off-street parking within 150 feet of the principal building, provided the parking area is separated from abutting residential properties in a residential district by a 15 foot wide planted evergreen buffer strip.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.
- (5) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- (6) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (7) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Code 1975, § 28-1203)

Sec. 24-390. - Same—Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on the 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:

- (1) No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Code 1975, § 28-1204)

Sec. 24-391. - Limitations on nonconforming uses of structures and premises.

If lawful use involving individual structures, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, or to make the building safe.
- (2) Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of addition or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) 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 the district, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (5) When nonconforming use status applies to a structure and land 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 percent of the replacement cost at time of destruction.

(Code 1975, § 28-1205)

Sec. 24-392. - Repairs and maintenance.

- (a) 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 nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided, that the cubic content existing when it became nonconforming shall not be increased.
- (b) Nothing in this chapter 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.

(Code 1975, § 28-1206)

Sec. 24-393. - Waivers for nonconforming uses, lots or structures of historic or cultural value.

- (a) Upon the written application of the owner of any nonconforming use, lot or structure, the planning commission may waive any or all of the limitations imposed by sections 24-386 through 24-392 upon finding that:
 - (1) The use, lot or structure is located in the Downtown Jacksonville Historic District or other historic district or site formally designated as such by the city council; or
 - (2) The use, lot or structure is or will be of significant historic or cultural value to the city as a whole; and
 - (3) The proposed use of the lot or structure, or the proposed enlargement, extension, construction, reconstruction, relocation, or alteration of the structure will re-establish, promote, preserve, or enhance the said historic or cultural value of that use, lot or structure or that of other uses, lots or structures in the area.
- (b) Said request shall be made upon an application form supplied by the city clerk's office at least 14 days prior to the scheduled planning commission meeting at which the waiver shall be considered. Any documents, maps, plats, plans, pictures, or other items to be used by the applicant to justify the waiver shall be delivered with the application.
- (c) If the planning commission fails to act upon the application within 60 days of its first submission at a public meeting of the planning commission, the application, shall be deemed to have been denied

(Ord. No. 386, § 6, 9-28-1998)

Secs. 24-394—24-414. - Reserved.

ARTICLE X. - ADMINISTRATION AND ENFORCEMENT

Sec. 24-415. - Purpose.

The purpose of this article is to provide for the administration and enforcement of this chapter, to establish a schedule of fees and to provide for penalties for violation.

(Code 1975, § 28-1300)

Sec. 24-416. - Enforcing officer.

The provisions of this chapter shall be administered and enforced by the building inspector of the city or by any other person designated by the city council. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of compliance for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

(Code 1975, § 28-1301; Ord. No. 249, § I, 5-31-1988)

Sec. 24-417. - 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 repair (except repairs not changing the character of the structure and not exceeding \$500.00 in cost, or interior painting or wallpapering) of any structure, including accessory structures, until the enforcing officer of the city has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this chapter. Application for a building permit shall be made to the enforcing officer of the city on forms provided for that purpose.

(Code 1975, § 28-1302)

Sec. 24-418. - Approval of plans and issuance of building permit.

- (a) It shall be unlawful for the enforcing officer of the city to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. To this end, the enforcing officer of the city 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 scale and showing the following in sufficient detail to enable the enforcing officer of the city to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this chapter.
 - (1) The actual shape, proportion and dimensions of the lot to be built upon.
 - (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
 - (3) The existing and intended use of all such buildings or other structures.
 - (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (b) If the proposed excavation, construction, moving or alteration, as set forth in the application, is in conformity with the provisions of this chapter, the enforcing officer of the city shall issue a building permit accordingly. If an application for a building permit is not approved, the enforcing officer of the city 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 chapter.

(Code 1975, § 28-1303)

Sec. 24-419. - Certificate of occupancy required.

- (a) No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the enforcing officer of the city shall have 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 article.
- (b) Within three days after the owner or his agent has notified the enforcing officer of the city that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the enforcing officer of the city 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 chapter, or if such certificate is refused, to state the refusal in writing with the cause.

(Code 1975, § 28-1304)

Sec. 24-420. - Schedule of fees.

- (a) The city council shall establish a schedule of fees and charges, and a collection procedure, for building permits, sign permits, certificates of occupancy, appeals, amendments and other matters pertaining to the provisions of this chapter. This schedule of fees and charges, when established, shall be posted in the office of the building inspector, and may be altered or amended only by the city council, provided however that such fees and charges, shall not be levied against any department or agency of the city.
- (b) No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of adjustment unless and until applicable charges and fees have been paid in full.

(Code 1975, § 28-1305)

Sec. 24-421. - Temporary uses.

Temporary uses, as set forth in this section are declared to possess characteristics, which require certain controls in order to ensure compatibility with other uses in the districts within which they are proposed for location.

- (1) The enforcing officer is authorized to issue a temporary use permit for certain temporary uses as follows:
 - a. Carnival, circus, or fair for a period not to exceed ten days, subject to the approval of the city council.
 - b. Religious meeting in a tent or other temporary structure in any district, for a period of not to exceed 60 days.
 - c. Open lot sale of Christmas trees in any business district, for a period not to exceed 45 days.
 - d. Retail estate sales office in any district, for a period not to exceed one year, provided that such office is to be placed on the property to which it is appurtenant.
- (2) All temporary use permits may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

(Code 1975, § 28-1306)

Sec. 24-422. - Temporary emergency relief.

The enforcing officer is authorized to issue a temporary permit for emergency housing for placement of a mobile home on an individual lot in any residential district, for a period not to exceed six months, to provide temporary housing in case of emergency when an existing residence has been destroyed or rendered uninhabitable by fire or natural disaster. All such temporary permits for emergency housing may be renewed, provided that it is determined that the property owner is making reasonable progress in repairing or replacing the damaged or destroyed structure.

(Code 1975, § 28-1307)

Sec. 24-423. - Penalties for violation of chapter.

Any persons violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, fined not less than \$10.00 nor more than \$100.00 and costs of court for each offense, or imprisoned not more than ten days, or both. Each day such violation continues, shall constitute a separate offense.

(Code 1975, § 28-1308)

Sec. 24-424. - Remedies, injunction, etc.

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 chapter, the enforcing officer of the city or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

(Code 1975, § 28-1309)

Secs. 24-425—24-446. - Reserved.

ARTICLE XI. - BOARD OF ADJUSTMENT AND APPEALS

Sec. 24-447. - Purpose.

It is the purpose of this article to provide for the establishment of a board of adjustment and to define the powers, duties and administrative procedures of the board.

(Code 1975, § 28-1400)

Sec. 24-448. - Establishment; appointment; composition.

The board of adjustment is hereby established. The board of adjustment shall be appointed and the composition shall be in conformance with Code of Ala. 1975, § 11-52-80, as amended.

(Code 1975, § 28-1401)

Sec. 24-449. - Meetings.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(Code 1975, § 28-1402)

Sec. 24-450. - Procedures.

The board shall 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 city clerk and shall be a public record.

(Code 1975, § 28-1403)

Sec. 24-451. - Powers and duties.

The following powers and duties are granted the board of adjustment:

- (1) Administrative review. To hear and decide appeals where it is alleged there is any error in any order, requirement, decision or determination made by the building inspector in the enforcement or administration of this chapter, such as:
 - a. Hear and decide upon requests for the interpretation of the provisions of this chapter; or
 - b. Determine the precise location of boundary lines between zoning districts when there is dissatisfaction with a decision upon said subject made by the building inspector.
- (2) Special exceptions. Within this chapter, there are certain exceptions to these regulations specifically identified, and the board of adjustment is authorized to hear and decide such special exceptions; to decide such questions as are involved in determining whether special exceptions should be granted; and to ensure that special exceptions are granted only when they conform to the spirit and intent of this chapter. In exercising this authority, the board shall follow the language of this chapter exactly and shall make certain that all the conditions specified in this chapter have been met. The board of adjustment may not consider granting special exceptions, except when specifically authorized by this chapter. A special exception shall not be granted by the board unless and until:
 - a. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
 - b. Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which the special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which the special exception is sought, at city hall, and in one other public place at least 15 days prior to the public hearing.
 - c. Any party may appear at the public meeting so held, in person or by agent or attorney.
 - d. The board shall make a finding whether it is empowered under the section of this chapter described in the application to grant the special exception, and whether the granting of the special exception will be in the public interest.
 - e. Before any special exception shall issue, the board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 2. Off-street parking and loading areas where required, with particular attention to the items in subsection (2)e.1 of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 3. Refuse and service areas, with particular reference to the items in subsections (2)e.1 and 2 of this section.
 4. Utilities, with reference to locations, availability, and compatibility.
 5. Screening and buffering with reference to type, dimensions and character.
 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 7. Required yards and other open spaces.
 8. General compatibility with adjacent properties and other property in the district.

- (3) Variances. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that the conditions outlined below do, in fact, exist. In no case shall the board grant a variance that permits the use of land, building or structure for a use prohibited by this chapter by the use regulations for the district in which the land, building or structure is located. Nor shall the board grant a variance, which permits the extension or addition of a nonconforming use or in any way makes a nonconforming use more permanent. Before any variance is granted, the board shall consider and comply with the following specific rules:
- a. There are extraordinary and exceptional conditions, which are peculiar to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 - b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
 - c. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 - d. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - e. The special circumstances are not the result of the actions of the applicant (i.e., self-imposed hardship).
 - f. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 - g. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - h. That the variance will not allow the establishment of a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.
 - i. In proving that a hardship has been imposed on the property as a result of the strict interpretation of this chapter, the following conditions cannot be considered pertinent to the determination of a hardship:
 1. Proof that a variance would increase the financial return from the land;
 2. Personal hardship; or
 3. Self imposed hardship.
- (4) Minimum variance allowable. In granting variances, the board shall grant only the minimum variance that will make possible the reasonable use of the land, building, or structure. Further, the board may require such conditions and safeguards as deemed appropriate to ensure the intent of this chapter. In granting a variance, the board shall not, in any case, vary the standards and requirements of this chapter by more than 50 percent.

(Code 1975, § 28-1404)

Sec. 24-452. - Actions on appeal.

- (a) In exercising the powers in section 24-451, the board of adjustment upon receipt of a written application may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or

partly, or may modify the order, requirement, decisions or determination as ought to be made, and to that end shall have the power of the administrative official from whom the appeal is taken.

- (b) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

(Code 1975, § 28-1405)

Sec. 24-453. - Appeals from action of the board of adjustment.

Any party aggrieved by any final judgment or decision of the board of adjustment may within 15 days thereafter appeal to the circuit court of like jurisdiction. In case of such appeal, the board shall cause a transcript of the proceedings in the case to be certified to the court in which such appeal is taken and the case in such court be tried de novo.

(Code 1975, § 28-1406)

Secs. 24-454—24-474. - Reserved.

ARTICLE XII. - DEVELOPMENT REVIEW

Sec. 24-475. - Purpose.

It is the purpose of this article to provide for a limited review of the character of development, redevelopment and rehabilitation activities within the city. It is not the purpose of this article that control of character should be so rigidly interpreted that individual initiative is stifled in the design of any particular building or substantial additional expense incurred. Rather, it is the intent that any control exercised to achieve the overall objectives of this article and the master plan of the city.

(Code 1975, § 28-1500)

Sec. 24-476. - Authority of planning commission.

The planning commission is hereby authorized and directed to review all public and private land use developmental plans, including residential, industrial, commercial, and agricultural developments, and to review the plans for the construction of new buildings or structures, rehabilitation, remodeling or expansion of existing buildings or structures proposed within the city, with the exception of single-family and two-family dwellings in the following districts:

- (1) R-1 single-family residential district;
- (2) R-2 two-family residential district;
- (3) R-3 multifamily residential district.

(Code 1975, § 28-1501)

Sec. 24-477. - Standards for review.

To assist the planning commission in their review process, in addition to the requirements established elsewhere in this chapter, the applicant may be requested to submit site plans which could include architectural drawings, topographic area maps, utility and stormwater proposals, preliminary landscaping plans and site photographs. More specifically, standards for review shall include the following:

- (1) Health, safety and general welfare elements.
 - a. Fire safety, life safety and fire access should be safe and convenient for pedestrians, cyclists and vehicles.
 - b. Appropriate and convenient ingress and egress should be provided for emergency vehicles.
 - c. Accessibility should be provided for handicapped persons.
 - d. Appropriate provisions should be made for the emission of smoke, fumes, and odor and noise abatement.
 - e. Provisions should be made for adequate circulation of pedestrians, bicycles and vehicles.
- (2) Site elements.
 - a. Drainage systems should be designed to accommodate established abnormal surface water flows, eliminating standing water that could become a health hazard, and preclude excessive water runoff down slope.
 - b. Soils should have a reasonable water percolation rate.
 - c. Vegetation should be maintained wherever possible, and the planting of grasses and shrubs is encouraged to prevent erosion.
 - d. Site development should adjust to the slope of the land, if possible.
- (3) Building elements.
 - a. Details of construction, such as materials, texture and color, should be compatible with adjacent and neighboring structures.
 - b. Lighting near the building should be adequate for safety but without excessive illumination.
 - c. The historical character of the building should be maintained whenever appropriate.

(Code 1975, § 28-1502)

Sec. 24-478. - Action of planning commission.

- (a) The planning commission may approve or disapprove the development plan as submitted, or suggest changes, modifications or alterations therein or impose conditions, all in accordance with the standards contained in this article and with the master plan. The commission shall, upon request and when necessary, hold called meetings for the purpose of reviewing applications. The commission shall approve or disapprove a development plan within 30 days after the submission thereof to it; otherwise, such plan shall be deemed to have been approved, provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. Upon the disapproval of a design, the commission shall furnish the applicant in writing reasons for the disapproval and state recommendations for corrective action.
- (b) No building permit will be issued prior to the planning commission's review and approval, with the exception of single-family and two-family dwellings in R-1 single-family residential district, R-2 two-family residential district, and R-3 multifamily residential district.

(Code 1975, § 28-1503)

Sec. 24-479. - Appeals.

If a development plan is disapproved by the planning commission the applicant may appeal the decision to the city council.

(Code 1975, § 28-1504)

Secs. 24-480—24-496. - Reserved.

ARTICLE XIII. - AMENDMENTS

Sec. 24-497. - Purpose.

The purpose of this article is to provide a means whereby certain desirable changes and additions can be made to this chapter from time to time.

(Code 1975, § 28-1600)

Sec. 24-498. - Procedures.

This chapter, and the zoning map of the city, may be amended, supplemented, changed, modified, or repealed by the city council, but no amendment shall become effective unless it is first submitted to the planning commission. The planning commission, upon its own initiative, may conduct public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this chapter or the official zoning map and report its decision to the city council.

- (1) Amendment application. An amendment of the zoning district boundaries or the regulations may be initiated by the city council, the planning commission, or by petition of one or more owners or authorized agents of such owner of property to be affected by such change. When a request for an amendment is made by a petition of the property owner or authorized agent of such owner, the following procedure shall be followed:
 - a. A date established by the city prior to a regularly scheduled Planning Commission meeting, an application shall be filed with the city. The application shall include, as a minimum, the following:
 1. A fee to be established by the city council to defray the cost of processing the application.
 2. The applicant's name, address and interest in the application and the name, address and interest of every person represented by the applicant in the application.
 3. If the proposed amendment would require a change in a zoning district line the applicant shall submit the following information:
 - (i) The name of the owner of the entire land area to be included within the proposed district.
 - (ii) The names and addresses of all owners of property abutting the property proposed for rezoning, to be obtained from the county tax assessor's office.
 - (iii) A written statement indicating: reason for the rezoning request; availability of required utilities; a legal description of the proposed rezoning site; and explanation of the substantial changes which have occurred to warrant changes in the district boundary lines.

- (iv) A map drawn to scale, indicating: the dimension and exact location of the site to be considered for rezoning; location of all public rights-of-way; and the approximate location of all proposed structures. In addition, on a separate map furnished by the city, the applicant shall submit the dimensions and exact location of the site to be considered for rezoning.
 - (v) A written time schedule for beginning and completion of the proposed development planned by the applicant.
- b. Following the submission of a completed application which would require a district line change, the city shall post signs on the subject property a minimum of six days prior to the next regularly scheduled meeting of the planning commission at which the request for an amendment is to be considered. The signs shall be provided by the city.
- c. If the proposed amendment would require a change in the zoning regulations, the applicant shall submit a written statement including: a clear statement of the specific regulation amendment requested; reasons for the requested regulation amendment; the actions to be taken by the applicant if the regulation amendment is approved; and an explanation of the substantial changes which have occurred to warrant changes in the zoning regulations.
- d. The planning commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with provisions as set forth herein.
- e. The planning commission shall render a decision on the application no later than the second regularly scheduled meeting, following the application date unless additional information is required. Failure to render a decision on the application within the prescribed time shall constitute a favorable recommendation.
- f. The applicant, or an authorized representative of the applicant, shall be present at the planning commission hearing, prepared to orally summarize their request and answer questions presented by the planning commission. If the applicant, or authorized representative of the applicant, fails to appear before the planning commission at the hearing in which their application is considered, this failure to appear shall result in the denial of the application based on the lack of sufficient information upon which to render an opinion.
- g. No proposed amendment shall be approved by the planning commission except by six affirmative votes of the members. Upon receipt of the approval of the planning commission as to a proposed zoning amendment, the city council may, at its next regularly scheduled meeting, set a date and a time for a public hearing to effect the zoning amendment approved by the planning commission. The city council shall publish notice of the proposed zoning ordinance amendment in accordance with Code of Ala. 1975, § 11-52-77, as amended.
- h. In the event that a proposed amendment fails to receive six affirmative votes of the planning commission, the applicant may request the city council to review the amendment request and take appropriate action thereon.
- i. When the city council denies an amendment request, the planning commission shall not be required to reconsider an application for the same amendment request for a period of one year. Provided, however, that the planning commission may adjust this time period if, in the opinion of a majority of the planning commission, an unusual situation or circumstance exists which would warrant another hearing.

(Code 1975, § 28-1601; Ord. No. O-561-14, § 1, 2-10-2014)

Secs. 24-499—24-519. - Reserved.

ARTICLE XIV. - MISCELLANEOUS

Sec. 24-520. - Legal status provisions.

It is the purpose of this article to present the legal status of this chapter and to resolve differences and conflicts between the provisions contained in this chapter and the provisions set forth in other chapters and amendments to this Code.

(Code 1975, § 28-1700)

Sec. 24-521. - Conflict with other regulations.

Whenever the regulations of this chapter require more restrictive standards than are required in or under any other statute, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Code 1975, § 28-1701)

Sec. 24-522. - Separability.

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the chapter as a whole, or any part thereof which is not specifically declared to be invalid or unconstitutional, nor shall any other part of the code of the city be affected.

(Code 1975, § 28-1702)

Sec. 24-523. - Repeal of conflicting statutes.

All statutes or parts of statutes in conflict with provisions contained in this chapter, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give the provisions contained in this chapter full force and effect.

(Code 1975, § 28-1703)

Sec. 24-524. - Effective date.

The provisions of this chapter shall take effect and be in force immediately after adoption, the public welfare requiring it.

(Code 1975, § 28-1704)