

ZONING ORDINANCE

CHAPTER 24 – ZONING

Code of Ordinances
of the
City of Jacksonville, Alabama

**FINAL DRAFT
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CHAPTER 24 - ZONING

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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" refers to the "Zoning Map, City of Jacksonville, Alabama."

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 main use or structure.

ADA, means the Americans with Disabilities Act. New construction, alterations and renovation shall meet the ADA Standards for Accessible Design (current edition).

Alteration and renovation 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.
4. Any structural Change in the supporting or load bearing members of a building or structure.
5. Any change to signage or lighting.

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.

Agriculture, Commercial, means the business of producing fruits, vegetables, or raising of livestock for sale or distribution to wholesalers or retail outlets. This includes: row-cropping, horticulture, dairying, apiaries, and fish hatcheries.

Agriculture, Non-Commercial, means the activity of producing fruits, vegetables, or raising of livestock and poultry for self-sufficiency.

Arterial Street, means a street which is used primarily for moving fast or heavy traffic

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 2 ambulatory adults not related by blood or marriage to the owner and/or administrator.

Automotive Repair Shop, means buildings and premises all major and minor automotive repairs are performed

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.

Bed and Breakfast Home, means a residential structure continuously occupied by the property owner and family, consisting of not more than three sleeping rooms and breakfast for hire to any occupant for not more than 14 consecutive days.

Board of Adjustment and Appeals, means the City of Jacksonville Board of Adjustment and Appeals.

Brewpub, means any premises upon which beer is actively and continuously manufactured or brewed, subject to the barrel production limitation prescribed in the Code of Alabama 1975 Title 28 Chapter 4A, for consumption on the premises where manufactured; or for sale to any designated wholesaler licensee for resale to retail licensees. Brewpubs may only sale craft beer manufactured on its

premises or by another entity licensed as a brewpub as described in the Code of Alabama 1975 Title 28 Chapter 4A.

Buffer, means a strip of land used to visibly separate one land use from another through screening, planting, and distance.

Buildable Area, means the portion of a lot remaining after required front, rear and side setbacks, and easements have been provided.

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 that can be occupied by the main structure (including porches, decks, steps, and ramps) and any accessory structures.

Building Department, means the City of Jacksonville Building Department.

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 highest ridge for gable, hip and gambrel roofs.

Building Inspector, means the City of Jacksonville Building Inspector.

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 (including overhangs).

Carport, means a roofed, wall-less shed, usually projecting from the side of a building, used as a shelter for an automobile.

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

Certificate of Occupancy, means a document issued by the City's Building Inspector which states that such structure or part thereof is found to be in conformance with the current building codes.

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

Comprehensive Plan, means a plan to provide direction for local public policy and planning implementation necessary for increasing quality of life and livability for a community's citizens and visitors presently and in the future and is the most basic public policy guide for a community and its development.

Code Enforcement Officer, means the City of Jacksonville Code Enforcement Officer.

Collector Street, means a street which carries traffic from minor streets to the system of major streets.

Construction, means any improvement, replacement, alteration or renovation activity that takes place on or to the structure, premises, signage, lighting, accessory use, and/or parking or landscape area.

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

Discontinuance of Use, means the actual nonuse or cessation of use of a nonconforming premises or structure for any reason for a period of more than 6 consecutive months, regardless of any intention of the property owner to resume such use at a later date.

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 building used as the living quarters for one or more unrelated individuals or families, other than a mobile home, tent, hotel, motel, recreational vehicle, or other structures / facilities designed for and used primarily by a transient.

Dwelling, Loft / Basement, means an adaptable open space which has been converted into a dwelling not located on the main floor of a business or manufacturing building.

Dwelling, Mobile Home. See Mobile Home.

Dwelling, Single-Family, means a detached residential building containing 1 dwelling unit.

Dwelling, Two-Family, means a detached residential building containing 2 dwelling units (duplex).

Dwelling, Multi-Family, means a residential building or portion of a mixed-use building containing 3 or more dwelling units (apartments).

Dwelling Unit, means 1 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.

Easement, means an area of land with permanent, perpetual, full and unrestricted rights of ingress thereto and egress therefrom, for the purpose of presently, and from time to time in the future, construct, lay, set, open, close, improve, or repair a public utility or drainage way through and upon private property.

Enforcing Officer, means the City of Jacksonville Building Inspector or his designee or any other person designated by the Mayor and / or the City Council.

Family, means 2 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.

Fence, means a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter.

Filling Station (A.K.A. Service Station), means any place of business having pumps and storage tanks at which fuels or oils for the use of motor vehicles are dispensed, sold, or offered for sale at retail and where minor repair services and inspections may be carried on incidental to the sale of such fuels and oils. However, 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 an automotive repair 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 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 other 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.

Fraternity or Sorority House, means a dwelling occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by Jacksonville State University and in which meetings, socials, or other similar gatherings are held.

Guideline, means a design or development feature that is preferred but not required.

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 a business, profession, occupation, or trade conducted for gain or support that is located entirely within a dwelling, and shall be clearly incidental and subordinate to the use of the building for residential purposes.

Hotel, means a building or group of buildings in which lodging or board and lodging are provided and offered to the public for compensation and 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.

Landlocked, means when a lot or parcel of land has no direct access to a public right-of-way.

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 setbacks of such lots shall be no less than the required setbacks 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 shall not interfere with the accessibility of off-street parking spaces and 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 setbacks and other open spaces as are herein required. Such lot shall have frontage on a dedicated street, or on an approved private street.

Lot Frontage, means the distance measured along a highway or street right-of-way line, for the purposes of determining minimum lot frontage requirements. Except, lots fronting in a cul-de-sac or similar turning area the distance measured shall be along the chord of the right-of-way line. On corner lots and double frontage lots, all sides of a lot adjacent to highway or street right-of-way shall be considered frontage.

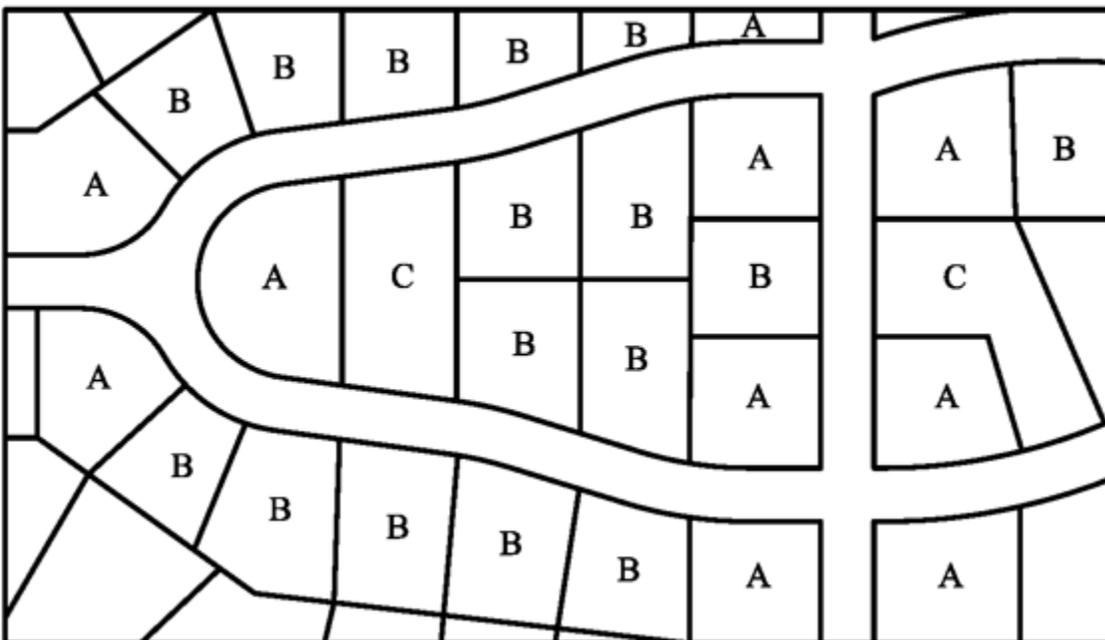
Lot Measurements:

1. Depth, means the distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line.
2. Width, means the distance measured between the side lot lines along the required front setback, for the purposes of determining minimum lot width requirements. Except, lots fronting in a cul-de-sac or similar turning area the distance measured shall be along the chord of the front setback.

Lot of Record, means a lot which is part of a subdivision plat or a lot or parcel described by metes and bounds legal description that was recorded in the Office of the Probate Judge of Calhoun County, Alabama prior to August 28, 1989.

Lot Type. The diagram (Figure 1) which follows, illustrates terminology used in this Chapter with reference to corner lots, interior lots, and double frontage lots:

Figure 1.



In Figure 1:

A = Corner lot, means 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 = Interior Lot, means a lot other than a corner lot with only one frontage on a street.

C = Double Frontage Lot, means a lot other than a corner lot with frontage on more than one street.

Low Impact Development (LID), means a set of land planning and engineering design approaches and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or reuse of stormwater on the site where it is generated in order to improve stormwater quality, reduce flooding, improve health of local water bodies, and improve quality of life.

Major Construction, means any exterior construction activity which costs more than \$10,000.00, other than for ordinary repairs.

Maximum Extent Feasible, means the maximum feasible amount of changes, alterations, or improvements to be made to a premises or use where the existing conditions or constraints make it technically infeasible to achieve full compliance with all regulations in this Chapter.

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.

Mini Warehouse, 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.

Minor Construction, means any exterior construction activity which costs up to \$10,000.00, other than for ordinary repairs.

Mobile Home, means a structure, transportable in one or more sections, which is 8 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 a permanent foundation, when connected to the required utilities. This does not include recreational vehicles or temporary construction office trailers.

Mobile Home Court, means any plot of ground upon which 2 or more mobile homes are located, regardless of whether or not a charge is made for such accommodations.

Modular Home, means a structure manufactured in a production facility and is built in 2 or more sections in a controlled factory setting that are then transported and assembled on location. The assembly process typically uses a traditional concrete foundation. Unlike a mobile home, a modular home is not intended to be moved once built.

Motel, means a building or group of buildings typically used by transient motorists for compensation and which ingress and egress to and from all rooms are made directly from the parking area outside.

NIT, means a unit of luminous intensity equal to 1 candela per square meter, measured perpendicular to the rays of the source.

Natural Disaster, means a natural event such as a flood, tornado, sinkhole, wildfire, or earthquake that causes damage or destruction to land or structures.

Non-Commercial Message, means a message which does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity.

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 include: 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 any premises used for the aged or infirm in which 3 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.

Ordinary Repair, means repair of an existing structure, sign or premises for the purpose of its maintenance that does not visibly alter the structure, premises, signage, lighting, accessory use, and/or parking or landscape area.

Outdoor Advertising Business, means provision of outdoor displays or display space on a lease or rental basis only.

Overlay District, means a specified geographical area that has development standards and guidelines that will supplement the current Zoning Ordinance that regulates development within the underlying zoning district.

Parking Space, Off-Street, means a space adequate for parking 1 vehicle in accordance with the requirements of Article IV of this Chapter.

Planning Commission, means the City of Jacksonville Planning Commission.

Planning Department, means the City of Jacksonville Planning Department.

Poultry, means fowl normally raised as food such as chickens, ducks, geese, guineas and turkeys or Peacocks in a commercial use.

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.

Privacy Fence, means a sight-obscuring fence used to block the area enclosed by the fence of view from adjacent properties or public rights-of-way. The privacy fence shall be constructed of: vinyl coated chain-link with privacy slats, durable wood or polyvinyl chloride (PVC) boards with gaps not exceeding 1/2 inch apart.

Privacy Wall, means a sight-obscuring wall used to block the area enclosed by the wall of view from adjacent properties or public rights-of-way. The privacy wall shall be constructed of: block, brick, concrete, or rock.

Property Manager, means a qualified person or business hired or designated by a property owner to manage the day-to-day operations of their property.

Recreational Vehicle, means a travel trailer, motor home, pickup camper, converted bus, tent-trailer, tent, or similar device not more than 45 feet long or 8.5 feet wide which is equipped, designed, converted or used for temporary living quarters by 1 or more individuals.

Recreational Vehicle Park, means any parcel of land within the City designed, intended, or designated for accommodation of recreational vehicles, which shall be occupied for short-term camping.

Right-of-way, means an area of land granted to and owned by the City or State that is used for the purpose of building and maintaining street, sidewalk, utility, and drainage systems.

Setback, means the area of minimum horizontal separation required between lot lines and the nearest point of the structure as specified by the zoning district regulations. The setback line shall be deemed to mean a line parallel to the lot line. Said area shall be 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 setback subject to height limitations and requirements limiting obstruction of visibility.

Setback, Front, means the setback from the front lot line extending between the side lot lines or, in the case of corner lots, the additional front setback and the side lot line. In the case of rounded property lines, the setback shall be parallel to said rounded property line.

Setback, Rear, means the setback from the rear lot line extending between the side setbacks.

Setback, Side, means the setback from the side lot line extending between the front setback and rear lot line.

Setback, Special, means any required setback adjacent to a public right-of-way which performs the same function as a side or rear setback, but, due to the lot's orientation, the term side or rear setback does not clearly apply.

Shopping Center, means an area or complex of stores with shared parking (i.e. shopping mall, shopping center, plaza, mini-mall, strip mall, Galleria).

Short-Term Rental, means the rental of a dwelling or any portion thereof, for a period of less than 60 consecutive days.

Sign, means any temporary or permanent form of publicity that is visible to the public, which directs attention to an individual, activity, place of interest, event, business, service, commodity, or product and is conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, trade names, or other pictorial matter designed to convey information or messages.

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

Sign, Building Face, means all door, window and wall areas 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 bulletin boards, digital business signs, digital billboards, electronic variable message signs, 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 Service Message Board, means a public service message board sign that is also a digital sign.

Sign, 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.

Sign, Freestanding, means a sign securely affixed to a substantial support structure which is attached to the ground and wholly independent of any building for support. This does not include monument signs.

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, Directly Illuminated, means a sign designed to be illuminated by means of an internal light source contained within the sign face / structure.

Sign, Indirectly Illuminated, means a sign designed to be illuminated by means of an external light source directed at the sign face / structure.

Sign, Monument, means a sign having a low profile. Sign shall be solid from the ground up. Poles or supports shall be concealed and sign shall have a solid opaque base. This does not include freestanding signs.

Sign, Non-Illuminated, means a sign, which is not illuminated either directly or indirectly.

Sign, Off-premises, means a sign that is not located on the same property that the sign message or intent is directing attention to.

Sign, On-premises, means a sign that is located on the same property that the sign message or intent is directing attention to.

Sign, Political, means a sign bearing a non-commercial message related to an election, a candidate, or a public issue.

Sign, Portable / Mobile, means any sign that is designed for and capable of being moved, transported, or towed, whether or not on its own wheels / supports or by other means. This does not include signs that are an integral part of a vehicle, trailer, or vehicle and trailers' normal course of business.

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 throughout its entirety by the roof of a building.

Sign, Subdivision Identification, means a sign marking an entrance to a residential, business, or manufacturing subdivision that has been approved in accordance with the City's Subdivision Regulations.

Sign, Temporary, means any sign where by reason of construction or purpose, the sign is intended to be displayed for a maximum of 30 days.

Sign, Wall, 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 surface of which shall not project more than 12 inches therefrom.

Sign, Wind, means any flags (except flags allowed in Section 24-563 *Signs Allowed Without a Sign Permit*), pennants, wind feathers, ribbons, spinners, streamers, balloons, inflatables, or other objects / materials designed for and installed in such a manner as to function upon being subjected to pressure by wind (naturally occurring or mechanically made) and drawing attention to a business, product, service or activity whether it contains a message or not.

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

Site, means an area of ground on which a structure is built.

Special Event, means a festival, ceremony, civic or social function, athletic competition, business grand opening, promotional / sales event, educational seminar / conference, concert, or similar activity that takes place on a periodic basis for a limited time within the City Limits.

Special Flood Hazard Area, means the land in the floodplain subject to a 1 percent or greater chance of flooding in any given year (A.K.A. 100 year floodplain).

Staff, means representatives of various City departments and the Water Works, Gas & Sewer Board.

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 ceiling next above it.

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

Structure, means anything constructed or erected which requires location on the ground or attached to something having a location on the ground; provided, however, that utility poles, wires, guy wires,

residential satellite dishes, cables and towers, and all attachments thereto suspended on such poles or towers and fences and walls (other than building walls) shall not be considered to be structures.

Subdivision, means the division of a lot, tract, or parcel of land into 2 or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of subdividing, of sale, or of development. Except, a division of land for agricultural purposes not involving a new public right-of-way or not involving the construction of any dwelling shall not be deemed a subdivision. The subdivision process shall be in accordance with the City's Subdivision Regulations.

Subdivision by Consolidation, means the combining of 2 or more lots, tracts, or parcels of land into 1 lot, tract, or parcel of land for the purpose, whether immediate or future, of development, for providing dimensional, space, and other requirements of this Chapter. Except, a combining of land for agricultural purposes not involving a new public right-of-way or not involving the construction of any dwelling shall not be deemed a Subdivision by Consolidation. The subdivision process shall be in accordance with the City's Subdivision Regulations.

Subdivision, Minor, means a subdivision that:

1. Consists of no more than 6 lots.
2. Combines previously recorded lots for the purpose of creating a larger lot.
3. Allows adjoining property owners to relocate an interior lot line, provided no additional lots are created or none of the lots are affected by reducing the setbacks below the minimum requirements of the zoning district in which the lots are located.
4. Amends a recorded plat solely to correct omissions or errors in descriptions, dimensions or notations. All owners of lots in the subdivision shall submit a written authorization for the amendment to the Planning Department. After finding that the amendment will not affect any public improvements, covenants or restrictions, nor have a material adverse effect on property rights of other owners of adjoining properties, the Planning Department may approve an amended Final Plat for immediate recording.

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.

Technically Infeasible, means something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is essential to the structure and/or use, or existing physical or site constraints that prohibit modifications of elements, spaces, or features of the premises and/or use.

Temporary Construction Office Trailer, means a structure, transportable in one section, which is of various size, which is built on a permanent chassis and designed to be used as a temporary office for a construction project without a permanent foundation when connected the required utilities. This does not include mobile homes.

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 City determined suitable for high-density residential development.

Trailer. See recreational vehicle.

Transient, means a person or a family occupying a dwelling for only a short period of time.

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.

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.

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, recreational vehicles, utility trailers, boat trailers, and/or horse trailers.

Yard, means the area (front, side, and rear) between the nearest point of the main structure or use and the adjoining lot lines.

Secs. 24-3 - 24-29. - Reserved.

ARTICLE II. - ZONING DISTRICTS, OVERLAY DISTRICTS, AND ZONING MAP

Sec. 24-30. - 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.

Sec. 24-31. - Designated.

For the purpose of this Chapter, the City is hereby divided into the following types of zoning districts and overlay districts:

Zoning Districts

R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
RIP	Residential, Institutional, and Professional Business District
B-1	Local Shopping Business District
B-2	General Business District
M-1	Light Industry Manufacturing District
M-2	General Industry Manufacturing District

Overlay Districts

PSOD	Public Square Overlay District
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Sec. 24-32. - Boundaries; Generally.

The boundaries of the zoning districts and overlay 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 zoning districts and overlay 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 and Appeals.

- A. 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.
- B. If, in accordance with the provisions of this Chapter, changes are made in zoning district and overlay 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.
- C. No Changes of any nature shall be made to the official Zoning Map or matter shown thereon except in conformity with the procedures set-forth in this Chapter.
- D. 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 City.
- E. 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.
 - 1. 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.
 - 2. The new Zoning Map shall be identified in the manner specified in Subsection (A) of this Section.

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

Sec. 24-33. - Interpretation of Zoning District and Overlay District Boundaries.

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. 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.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections (A – E) 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.
- G. 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 (A – F) of this Section, the Board of Adjustment and Appeals shall interpret the zoning district and overlay district boundaries.
- H. Where a zoning district and overlay 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 and Appeals may permit as a special exception, the extension of the regulations for either portion of the lot to the remaining portion of the lot.

Sec. 24-34. - Procedure for Zoning District Designation in Areas to be Annexed.

- A. Unless annexed in accordance with the provisions of Subsection (B) of this Section, any parcel of land annexed into the City shall be designated on the official Zoning Map in accordance with the City's Comprehensive Plan at the time the petition to annex is filed.
- B. In the event the property to be annexed has not been designated in the City's Comprehensive 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 in the City's Comprehensive Plan the owner shall, prior to petitioning the City for annexation, make application to the Planning Commission to amend the City's Comprehensive Plan in accordance with the procedure for adoption and amendment of the City's Comprehensive 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 City's Comprehensive 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 City's Comprehensive Plan shall be amended by such annexation only when the Planning Commission's report recommended such an amendment.
- C. In addition to the procedures set-forth in Subsections (B) and (C) of this Section, the City may pre-zone territory proposed or annexation into the corporate limits of the City prior to the effective date of the annexation in accordance with the procedure for adoption and amendment of the City's Comprehensive Plan as set-forth in Code of Ala. 1975, § 11-52-85.
1. If all requirements of Section 11-52-85 of the Code of Alabama 1975 are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later. In addition, the City shall issue a Statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made prior to being annexed.
 2. Any pre-zoning by the City for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings.
 3. Nothing in Section 11-52-85 of the Code of Alabama 1975 shall allow the City to zone territory outside the corporate limits that is not in the process of being annexed into the corporate limits of the City.
 4. Section 6-5-127 of the Code of Alabama 1975 shall be applicable to any property pre-zoned pursuant to the Section.

Secs. 24-35 - 24-59. - Reserved.

ARTICLE III. - ZONING DISTRICT, OVERLAY DISTRICT, AND PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

DIVISION 1. - GENERALLY

Sec. 24-60. - Jurisdiction.

The provisions of this Article shall govern the location and use of structures and land within the incorporated areas of the City. However, the location and use of structures and land owned by state or federal governmental entities are exempt from the regulations of this Chapter. With the following exceptions:

1. All construction activity required within the City's rights-of-way for the development or redevelopment of state and federally owned structures and land shall be coordinated with and approved by the City.
2. If and when any state or federally owned structure and land comes under private ownership, the regulations of this Chapter shall apply to said structure and land.

Sec. 24-61. - 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 zoning district in which it is located and as per Article IX - *Nonconformance*.

Sec. 24-62. - Height and Density.

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

1. Exceed the height limits specified in each zoning district, with the exception that such height limits contained in the zoning 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.
3. Have less setback from the street right-of-way or narrower setbacks than are herein required for the zoning district in which said building is located.

Sec. 24-63. - 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 setbacks and other open spaces total less than the minimum lot area required under this Article. This Section shall not apply when a portion of a lot is acquired for a public purpose.

Sec. 24-64. - Building Lots, Yards and Open Space Generally.

In each zoning district, each structure hereafter erected or altered, shall be provided with the setbacks 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 setback 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 setback or other open space or the off-street parking or loading spaces for any other building.

Sec. 24-65. - Setback Requirements.

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

1. Front setback.

- a. The front 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 normal setback required by the zoning district regulations, 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.
- b. In the case of double frontage lots (figure 1 – type C), unless the prevailing front setback pattern on adjoining lots indicates otherwise, a normal front setback shall be provided on all frontages as required by the zoning district regulations. Where one of the front setbacks that would normally be required on a double frontage lot is not in keeping with the prevailing setback pattern, the Enforcing Officer may waive the requirement for the normal front setback and substitute therefor a special setback requirement which shall not exceed the average of the setbacks provided on adjacent lots.
- c. In the case of corner lots abutting a curved street or streets (figure 1 – type A), unless the prevailing front setback pattern on adjoining lots indicates otherwise, a normal front setback shall be provided along the entire curve as required by the zoning district regulations.
- d. In the case of corner lots with double frontage (figure 1 – type A), unless the prevailing front setback pattern on adjoining lots indicates otherwise, a normal front setback shall be provided on either frontage and a second front setback of half the required normal front setback shall be provided on the other frontage as required by the zoning district regulations.
- e. In the case of corner lots with more than two frontages (figure 1 – type A), unless the prevailing front setback pattern on adjoining lots indicates otherwise, the Enforcing Officer shall determine the front setback requirements, subject to the following limitations:
 1. At least one normal front setback shall be provided having the full depth required by the zoning district regulations.
 2. No other front setback on such lot shall have less than half the normal full depth required by the zoning district regulations.
- f. In the case of interior lots (figure 1 – type B), unless the prevailing front setback pattern on adjoining lots indicates otherwise, a normal front setback shall be provided as required by the zoning district regulations.
- g. The required front setbacks 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.

2. Rear setback

In the case of double frontage lots and corner lots, there will be no rear setbacks, but only front and side setbacks. The required setback shall be measured in such a manner that the setback established is a strip of the minimum dimension required by the zoning district regulations with its inner edge parallel with the lot line.

3. Side setback

- a. The side setback requirements for corner lots shall be the same as the side setback requirements for the next adjacent lot fronting on the street that the side setback of the corner lot faces. If the width of the permitted buildable area of the lot is reduced below 30 feet, the side setbacks may be reduced sufficiently to permit this buildable area width. However, in no case shall the setback be reduced to less than 10 feet.
- b. In the case of double frontage lots, side setbacks shall extend from the rear lines of the front setbacks required.
- c. In the case of corner lots, after full-depth and half-depth front setbacks have been established, the required setbacks along the other lot lines shall be considered side setbacks.

4. Special setback

The Enforcing Officer may require a special setback with minimum dimensions as generally required for a side setback or a rear setback in the zoning district, determining which shall apply by the relation of the portion of the lot on which the setback is to be located to the adjoining lot, with regard to the orientation and location of structures and buildable areas thereon.

Sec. 24-66. - Access to Streets.

No building for human occupancy shall be erected on a lot or parcel of land, which does not have the required minimum lot frontage or is not a Lot of Record upon a dedicated public street right-of-way that is improved or an approved private street right-of-way that is improved. Except, a lot or parcel of land that is landlocked or a parcel of land not less than 20 acres may be accessed from said improved rights-of-way by means of a 25 feet minimum width Access Easement (improved or unimproved) across other property(s). However, said lot or parcel of land shall not be further subdivided without having first obtained the approval of the Planning Commission in accordance with the provisions of the City's Subdivision Regulations. Said Access Easement shall be recorded in the Office of the Probate Judge of Calhoun County, Alabama and shall constitute a covenant running with the property(s) referenced and shall be binding upon the property owner(s), property owner(s) heirs, administrators, executors, assigns, and any other successors interest. Should there be a change in the use or ownership within any individual property which is bound by said Access Easement, the transfer of or changes to said Access Easement shall be subject to the review and approval of the Planning and Building Department, or if determined necessary, the review and approval of the Planning Commission.

Sec. 24-67. - Number of Structures on Lot.

It is the intent of this Article that there shall be but 1 main structure plus any permitted accessory structures on any lot in an R-1 Single-Family Residential District or R-2 Two-Family Residential District. No single-family dwelling or two-family dwelling shall be allowed on any lot used by any other residential structure in an R-1, R-2, or R-3 District.

Sec. 24-68. - Accessory Structures or Uses.

In addition to the main structure or use, each of the following structures or uses are considered to be customarily accessory, and as such, may be situated on the same lot with the main structure or use to which it serves as an accessory.

- A. The following structures or uses customarily accessory to farms and other agricultural uses are permitted:

Barns, stables, and other facilities for livestock.

Cemeteries.

Creameries.

Dwellings for migratory workers.

Facilities for hatching or butchering of fowl.

Feed lots.

Greenhouses.

Private garages.

Shed or tool room for the storage of equipment used in grounds or building maintenance..

Storage facilities for produce.

1. All accessory structures or uses operated above ground shall observe all setbacks and other requirements set-forth for the zoning district within which they are located, except for the following:
 - a. Barns, stables, and other facilities for livestock shall be as set-forth in Chapter 5 – Article II of the City’s Code of Ordinances.
 - b. Accessory structures for human occupancy may not exceed 35 feet (2½ stories). Accessory structures not for human occupancy may exceed 35 feet, provided such structures comply with any other applicable codes, and provided further, that such structures shall not be located less than their height plus 10 feet to any property line.

- B. The following structures or uses customarily accessory to dwellings are permitted:

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.

Greenhouse; for growing noncommercial flowers, ornamental shrubs or vegetables.

Private garage.

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 and conforms to all other City regulations.

Swimming pool (hot tub or spa), pool house or cabana; provided, that if said pool (hot tub or spa) is permanently constructed in or above the ground or is temporary or inflatable which can be filled

to a depth in excess of 24 inches shall have the pool (hot tub or spa) area completely enclosed by a fence or wall not less than 4 feet in height. Fence or wall shall be constructed in a manner to reduce the risk of a child scaling such fence or wall to gain entry into the pool (hot tub or spa) area. Entries shall have a self-closing and self-latching gate or door. Where the self-latching device is less than 54 inches above the bottom of gate or door, the release mechanism shall be located on the pool (hot tub or spa) side of the gate or door. Self-closing and self-latching gates and doors shall be maintained such that they will positively close and latch when released from an open position of 6 inches. Hot tubs or spas which have an approved safety cover shall be exempt from the fence and wall requirement. The use of said pool house or cabana as a dwelling is prohibited. A swimming pool (hot tub or spa) under construction or those that are no longer being operated shall be treated, altered, or maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning.

Private tennis court, basketball court, and batting cage.

Shed or tool room; for the storage of equipment used in grounds or building maintenance.

1. All accessory structures or uses operated above ground shall observe all setbacks and other requirements set-forth for the zoning district within which they are located, except for the following:
 - a. Accessory structures or uses may be located within the rear setback of interior lots, but not less than 5 feet from the rear lot line and may be located within the side setbacks of corner lots, but not less than 5 feet from the side lot lines.
 - b. Accessory structures or uses located on lots used for residential purposes shall not exceed 2 stories (maximum 25 feet) in height. However, in no case shall said structures or uses exceed the maximum height of the dwelling roofline.
 - c. No single accessory structure or use located on lots for residential purposes shall exceed 600 square feet or 40 percent of the principal structure's floor area, whichever is more.
 - d. No part of the accessory structure or use shall be located closer to the front lot lines than the main structure or use, except accessory structures or uses may be located in the buildable area to the rear of the dwelling on a double frontage lot.

C. The following structures or uses customarily accessory to church buildings are permitted:

Cemeteries.

Kindergartens.

Parsonage, rectory, manse, pastorium or parish house, together with any use accessory to a dwelling as listed under Subsection (B) of this Section.

Religious education buildings.

1. All accessory structures or uses operated above ground shall observe all setbacks and other requirements set-forth for the zoning district within which they are located, except for the following:
 - a. Accessory structures or uses may be located within the rear setback, but not less than 5 feet from the rear lot line.
 - b. Accessory structures or uses located in residential zoning districts shall not exceed 2 stories (maximum 25 feet) in height.

- c. No part of the accessory structure or use shall be located closer to the front lot lines than the main structure or use.

- D. The following structures or uses customarily accessory to retail business, office uses and commercial recreational facilities are permitted:

Swimming pool (hot tub or spa), pool house or cabana, provided that if said pool (hot tub or spa) is permanently constructed in or above the ground or is temporary or inflatable which can be filled to a depth in excess of 24 inches shall have the pool (hot tub or spa) area completely enclosed by a fence or wall not less than 4 feet in height. Fence or wall shall be constructed in a manner to reduce the risk of a child scaling such fence or wall to gain entry into the pool (hot tub or spa) area. Entries shall have a self-closing and self-latching gate or door. Where the self-latching device is less than 54 inches above the bottom of gate or door, the release mechanism shall be located on the pool (hot tub or spa) side of the gate or door. Self-closing and self-latching gates and doors shall be maintained such that they will positively close and latch when released from an open position of 6 inches. Hot tubs or spas which have an approved safety cover shall be exempt from the fence and wall requirement. The use of said pool house or cabana as a dwelling is prohibited. A swimming pool (hot tub or spa) under construction or those that are no longer being operated shall be treated, altered, or maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning.

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 zoning district in which the principal use is located.

Sheds or tool rooms; for the storage of equipment used in operations or maintenance.

1. All accessory structures or uses operated above ground shall observe all setbacks and other requirements set-forth for the zoning district within which they are located, except for the following:
 - a. Accessory structures or uses may be located within the rear setback, but not less than 5 feet from the rear lot line, if the adjacent property is not zoned residential.
 - b. Accessory structures or uses shall not exceed 2 stories (maximum 25 feet) in height, if located within 100 feet of a residentially zoned district.
 - c. No part of the accessory structure or use shall be located closer to the front lot lines than the main structure or use, except as approved by the Planning Commission.

- E. The following structures or uses customarily accessory to public uses, buildings, or activities are permitted:

All accessory structures or uses to any use, building, or activity operated within the public domain if they are directly related and subordinate to the principal use, building, or activity.

1. All accessory structures or uses operated above ground shall observe all setbacks and other requirements set-forth for the zoning district within which they are located, except for the following:
 - a. Accessory structures or uses may be located within the rear setback but not less than 5 feet from the rear lot line.
 - b. Accessory structures or uses shall not exceed 2 stories (maximum 25 feet) in height, if located within 100 feet of a residentially zoned district.

- c. No part of the accessory structure or use shall be located closer to the front lot lines than the main structure or use.
- F. Distance between buildings. No accessory structure shall be located closer than 10 feet to a main structure or to any other accessory structure, except as provided in Subsection (G) of this Section.
- G. Attachment of accessory structures to main structures. When an accessory structure is attached to the main structure by a breezeway, passageway, or similar means, it shall be considered a part of that main structure and shall comply with the setback requirements of the main structure to which it is attached.
- H. Accessory structures used as a dwelling are prohibited, except as specified in Section 24-68(A).
- I. No accessory structures or uses shall remain on a lot or parcel of land in a residential zoning district when the main structure no longer exists on said lot or parcel of land. The accessory structures or uses shall be removed within 12 months, if there is no main structure. If the main structure no longer exists due to a natural disaster, the accessory structures or uses shall be removed within 18 months.
- J. Accessory structures do not include: vending machines and bagged ice storage bins that are connected to the main structure's electrical supply, propane gas bottle storage cabinets and similar structures installed directly adjacent to the main structure, or shopping cart corrals installed in a parking lot.

Sec. 24-69. - 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, except as specified otherwise in this Chapter for a Bed and Breakfast Home, ~~Fraternity or Sorority House~~, and accommodations noted in Section 24-69(D).

Zoning District	Number of Occupants
R-1 Single-Family Residential or a Planned Unit Development (PUD) designated for 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 or a Planned Unit Development (PUD) designated for two-family residential	One family and 1 unrelated individual or 3 unrelated individuals
R-3 Multi-Family Residential or a Planned Unit Development (PUD) designated for multi-family residential	One family and 2 unrelated individuals or 4 unrelated individuals
All other zoning districts. Except, a Planned Unit Development (PUD) within these zoning districts shall be as per the R-1 District as set-forth in this Subsection (A).	One family and 2 unrelated individuals or 4 unrelated individuals.

- B. For the purposes of this Section, the definition of 1 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 7 days within a 30-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 and Appeals in accordance with Section 24-704(1) *Powers and Duties – Administrative Review* and Section 24-705 *Actions on Appeal* of this Code.

Sec. 24-70. – Dwellings in Business and Manufacturing Structures.

In order to maintain the availability and functionality of existing business and manufacturing structures in B-1, B-2, M-1 and M-2 zoning districts, the main floor of said structures can be used for multi-family dwellings if said dwellings are part of a mixed-use (residential and commercial) plan.

Secs. 24-71 - 24-99. - Reserved.

DIVISION 2. - RESIDENTIAL DISTRICTS

Sec. 24-100. - Purpose.

The purpose of this Division is to provide for certain zoning 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.

Sec. 24-101. - 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. Golf courses, public or private.
3. Non-commercial agriculture in the rear and/or side yards and the raising of livestock and poultry (per City Codes) on the same lot that the dwelling is located on.

B. *Conditional uses.* The following conditional uses are permitted in an R-1 District:

1. Accessory buildings and structures customarily incidental to a residential development, provided such structures are located only in the buildable area in the rear and side yard.
2. Churches and similar places of worship, provided that the buildings are located not less than 35 feet from a property line contiguous to any residential zoning district.
3. Country clubs, provided that the buildings are located not less than 50 feet from a property line contiguous to any residential zoning district.
4. Fire stations, provided that there is a buffer as per Article V – Division 2, along the property lines of the side and rear yards.
5. Home occupations; provided, that:
 - a. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation other than signage as specified in Section 24-566 *Permanent Signs Allowed With a Sign Permit – In All Residential Zoning Districts.*
 - b. The home occupation and all associated operations are conducted totally within the dwelling by only those persons residing therein. More than one home occupation at a time is prohibited.
 - c. The use of the dwelling for a home occupation shall be clearly incidental and subordinate to the use of the building for residential purposes, and not more than 25 percent of the floor area of the dwelling shall be used in the conduct of the home occupation. In no instance shall a home occupation utilize more than 400 square feet of the dwelling.
 - d. Traffic (patrons and deliveries) shall not generate more than 3 trips per day in residential zoning districts and 10 trips per day in all other zoning districts. Parking generated by the

conduct of such home occupation shall be met off the street on an asphalt or concrete driveway and other than in a required front setback.

- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable by the normal human senses off the property. 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.
- 6. 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 a property line contiguous to any residential zoning district.
 - 7. Livestock and animal stables, barns or kennels, provided that:
 - a. Such uses are located on a minimum of 10 acres.
 - b. The structure used for housing and confinement of the livestock is located at least 100 feet from a property line contiguous to any residential zoning district, or property line of a business, church, or school.
 - c. There is not more than 1 animal per acre on average.
 - 8. Parks and playgrounds, provided that there is a buffer as per Article V – Division 2, along any property line contiguous to any residential zoning district.
 - 9. Public and private schools offering general education courses, provided that the buildings are located not less than 50 feet from a property line contiguous to any residential zoning district.
 - 10. Public and quasi-public utility structures, such as electric, telephone, gas, or water/sewage pumping stations and similar structures, provided that:
 - a. The structures are located not less than 25 feet from a property line contiguous to any residential zoning district.
 - b. The structures are enclosed by a fence at least 6 feet high.
 - c. There is no outside storage area and no vehicles are stored on the premises.
 - d. Building exteriors shall be masonry on all sides.
 - e. Routine maintenance shall be performed to the structures, fences, and property.
- C. *Space and height regulations.* The following space and height regulations shall apply in an R-1 District:

1. *Minimum setback.*

Front	35 feet
Side	15 feet
Rear	30 feet

2. *Minimum lot size.*

Area	15,000 square feet
Width	100 feet or corner lot = 115 feet (each front)
Lot Frontage	80% of the minimum lot width or 50 feet for lots that front in a cul-de-sac or similar turning area

3. *Maximum building height.*

Feet	35 feet (excluding basement)
Stories	2½ stories

4. *Maximum building area.* 25 percent.

5. *Minimum dwelling size:* The minimum square footage of a new single-family dwelling (heated/cooled area) shall be the average square footage of all existing single-family dwellings (heated/cooled area) located within 400 feet along the same street of said new dwelling or as per any applicable Subdivision Covenants.

Sec. 24-102. - 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 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 District.
2. Athletic field, provided that:
 - a. The athletic fields, accessory structures, and buildings are located not less than 25 feet from a property line.
 - b. A single athletic field, a perimeter fence shall be installed around the playing field.
 - c. An athletic field complex, a perimeter fence at least 6 feet in height shall be installed around the complex perimeter along the side and rear property lines. If contiguous to a residential zoning district, a privacy fence 6 feet in height shall be installed.
3. Auditorium, provided that:
 - a. The building is located not less than 50 feet from a property line contiguous to any residential zoning district.
 - b. There is a buffer as per Article V – Division 2, along the side and rear property lines contiguous to any residential zoning district.

4. Bed and breakfast home, provided that:
 - a. The residential structure has a minimum of 2,500 square feet of habitable space.
 - b. The number of off-street parking shall be provided as per Article IV and shall be located on areas constructed of asphalt or concrete pavement.
 - c. A site plan showing off-street parking and lighting shall be submitted to the Planning Department and be approved by the Planning Commission. If the applicant is unable to meet the parking and lighting criteria, the applicant may request a variance from the Board of Adjustment and Appeals. The City's intent is not to encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In such a case the applicant shall submit an analysis of parking required and parking provided. After analyzing this study, the Board of Adjustment and Appeals may lower the number of required parking spaces based on a finding that sufficient parking exists.
 - d. No dining facilities open to the general public.
 - e. One on-premises ground mounted non-illuminated sign not to exceed 4 square feet in area for the sole purpose of identifying the facility.
 - f. The exterior appearance of the structure shall not be altered from its single-family character.
 - g. No more than 3 adult occupants per guest bedroom shall be allowed.
 - h. Due to the desirability of a historical bed and breakfast home by the community and the many historical and cultural advantages it brings to a community, in addition to providing sleeping rooms and breakfast for hire, special events, limited to weddings, receptions, luncheons, dinner parties, and business meetings, may be held at a bed and breakfast home provided the following is met:
 - a. Parking for special events between the hours of 8:00 am and 5:00 pm, Monday through Friday, must be contained entirely on the premises of the bed and breakfast home. All other times, parking must be accommodated on the premises of the bed and breakfast home and/or off-site public parking.
 - i. The home must be occupied by and operated by the property owner. The property owner must obtain a City business license. The business license number shall be on any advertisements or listings.
 - j. The premises meets the applicable City Building Codes and is equipped with safety features such as, but not limited to the following: smoke and carbon monoxide detectors, operable egress windows in sleeping areas, proper hand and guardrails, GFCI protection, fire extinguishers, properly displayed 9-1-1 address, fire escape plan displayed in each room, and emergency egress lighting.
 - k. The residential structure is inspected by a licensed home inspector for compliance with Section 24-102 (B) (4) (j). An inspection report shall be provided to the Enforcing Officer for review and approval. Said report shall document any deficiencies and state how each deficiency was addressed.
 - l. The property owner pays lodging tax to the City.
 - m. Prior to the issuance or renewal of a City business license, the property owner provides proof of the following insurance coverage:

1. A rider on the homeowner's policy for the permitted address that expressly covers a bed and breakfast and provides a minimum of one million dollars (\$1,000,000.00) liability and personal injury coverage; or
2. A commercial insurance policy covering a bed and breakfast at the permitted address that provides a minimum of one million dollars (\$1,000,000.00) liability and personal injury coverage.

The insurance required above shall be without prejudice to coverage otherwise existing and shall not terminate or be cancelled during the coverage period of the bed and breakfast business license and any subsequent renewal periods.

- n. Any person operating a bed and breakfast without a business license is in violation of this Section, and is subject to penalties in accordance with Section 24-678, *Penalties for Violation of Chapter*.
5. Hospitals, clinics, nursing homes, adult day care facilities, and related facilities, provided that:
 - a. Such structures are located not less than 25 feet from a property line contiguous to any residential zoning district.
 6. Nursery schools, public and private preschools, kindergartens and day care centers, provided that:
 - a. The buildings are located not less than 25 feet from a property line contiguous to any residential zoning district.
- C. Space and height regulations. The following space and height regulations shall apply in an R-2 District:

1. *Minimum setback.*

Front	30 feet
Side	10 feet
Rear	30 feet

2. *Minimum lot size.*

Area	12,500 square feet
Width	90 feet or corner lot = 105 feet (each front)
Lot Frontage	80% of the minimum lot width or 50 feet for lots that front in a cul-de-sac or similar turning area

3. *Maximum building height.*

Feet	35 feet (excluding basement)
Stories	2½ stories

4. *Maximum building area.* 30 percent.

5. *Minimum dwelling size:* The minimum square footage of a new single-family dwelling (heated/cooled area) shall be the average square footage of all existing single-family dwellings (heated/cooled area) located within 400 feet along the same street of said new dwelling or as per any applicable Subdivision Covenants. The minimum size of two-family dwellings is not specified.

Sec. 24-103. - R-3 Multi-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 District.
2. Multi-family dwellings.
3. Fire stations.
4. Residential condominiums and cooperatives.
5. Schools, libraries and community centers.
6. Townhouses, as provided in Section 24-103(E) *Townhouse Development*.

B. *Conditional uses.* The following conditional uses are permitted in an R-3 District:

1. All conditional uses permitted in the R-2 District.
2. Mobile homes courts as permitted under Article VI of this Chapter.
3. **Fraternity or Sorority houses, provided that:**
 - a. Prior to the location of any Fraternity or Sorority house, application shall be made to the Board of Adjustment and Appeals for a Special Exception upon such forms as provided by said Board. Said application shall be accompanied by a payment of a minimum charge for associated 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 Fraternity or 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 4 feet in height shall be maintained along the boundary of the side and rear yards of the lot.
 - d. Parking requirements shall be 1 off-street parking space per each bed in the Fraternity or Sorority house with a minimum of 6 spaces per house.
 - e. The structure and premises shall conform to all applicable fire safety regulations, as determined by the City's Fire Chief or his representative.
 - f. Upon the filing of the application and payment of the minimum charge, the Board of Adjustment and Appeals shall hold a Public Hearing for said application pursuant to and in accordance with the provisions of Section 24-704(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, Section 24-704(2) and it finds that the approval of said application will not adversely affect the public's interest.

C. *Space and height regulations.* The following space and height regulations shall apply to an R-3 District:

1. *Minimum setback.*

Front	30 feet
Side	10 feet
Rear	20 feet

2. *Minimum lot size.*

a. *Area:*

Single-family dwelling	9,600 square feet
Two-family dwelling	11,600 square feet
Multi-family dwellings	11,600 sq. ft. plus 2,000 sq. ft. for each dwelling unit more than 2

b. *Minimum Lot Width and Frontage:*

Single-family dwelling	Width = 80 feet or corner lot = 95 feet (each front), Lot Frontage = 80% of the minimum lot width or 50 feet for lots that front in a cul-de-sac or similar turning area
Two-family dwelling	Width = 85 feet or corner lot = 100 feet (each front), Lot Frontage = 80% of the minimum lot width or 50 feet for lots that front in a cul-de-sac or similar turning area
Multi-family dwellings	Width = 85 feet or corner lot = 100 feet (each front) plus 5 feet for each dwelling unit more than 2, Lot Frontage = 80% of the minimum lot width, but in no case less than 85 feet or 100 feet (corner lot)

3. *Maximum building height.*

Feet / Stories	65 feet / 5 stories (excluding basement)
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4. *Minimum distance between main structures.*

Front to front	30 feet
Front to rear	30 feet
Rear to rear	30 feet
Front to side	20 feet
Rear to side	20 feet
Side to side	20 feet

5. *Maximum building area.* 35 percent.
 6. *Minimum dwelling size:* The minimum square footage of a new single-family dwelling (heated/cooled area) shall be the average square footage of all existing single-family dwellings (heated/cooled area) located within 400 feet along the same street of said new dwelling or as per any applicable Subdivision Covenants, whichever is greater. The minimum size of two-family and multi-family dwellings is not specified.
 7. *Common recreational space.* At least 10 percent of the total area, but not less than 2,500 square feet, shall be dedicated to common open-space for recreational use. The space shall be of adequate dimension to allow for such use. Adequate access to the space shall be provided.
- D. *Landscaping.* Shall be as per Article V – Division 1 of this Chapter.
- E. *Townhouse Development.* Notwithstanding any provision of this Chapter to the contrary, the following provisions apply to the townhouse development:
1. Minimum land area required for a townhouse development: 21,780 square feet, this does not include any rights-of-way adjacent to or within the development.
 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 the front setback line for single-story townhouse units and 16 feet measured at the front setback line for multi-story townhouse units.
 4. Minimum setback : Front = 30 feet, Rear = 20 feet, side = 10 feet (except zero setback for common walls).
 5. Maximum building area: 60 percent of the total lot area.
 6. Maximum building height: 2½ stories, excluding basement, or 35 feet (excluding basement).
 7. Number of units per building: minimum = 3, maximum = 8.
 8. Maximum length of building: Must provide a break in the roof line and / or the front building line at least every 4 units.
 9. Off-street parking: As provided in Article IV *Off-Street Parking and Loading*.
 10. Lot development: Each unit shall be constructed on its own subdivided and recorded lot.
 11. Maximum density: 10 units per acre, said acreage does not include any rights-of-way adjacent to or within the development.
 12. Sidewalks shall be required as per Section 24-608 *Sidewalks* of this Chapter.
 13. Building exterior shall be 70% masonry on the front and end walls.
 14. The owner, or the developer, shall provide for and establish a Homeowner's Association to regulate the use, appearance, and maintenance of the development and the ownership and maintenance of any common open-space designated on the townhouse development plan. The Homeowner's Association shall be created by covenants recorded in the Office of the Probate Judge of Calhoun County, Alabama 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. The Homeowner's Association shall not be dissolved nor shall it dispose of any common open-space, by sale or otherwise (except to another organization or legal entity

conceived and organized to own and maintain the common open-space), without first offering to dedicate the same to the City.

Secs. 24-104 - 24-129. - Reserved.

DIVISION 3. - BUSINESS AND MIXED USE DISTRICTS

Sec. 24-130. - Purpose.

The purpose of this Division is to provide for certain zoning 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 zoning districts.

Sec. 24-131. - RIP Residential, Institutional, and Professional Business District.

A. *Permitted uses.* The uses permitted in a RIP District shall be as follows:

1. Churches and places of worship.
2. Multi-family dwellings.
3. Professional services (such as doctors, attorneys, architects, engineers, accountants, business consultants, insurance agencies, and 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.
4. 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.

B. *Conditional uses.* The following conditional uses are permitted in a RIP District:

1. Townhouses, as provided in Section 24-103(E) *Townhouse Development*.

C. *Space and height regulations.* The following space and height regulations shall apply in an RIP 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 setback.*
 - a. *Front.* The front setback minimum shall be 25 feet from any building located thereon, the front 5 feet of which cannot be used to meet parking area (including driveways and aisles) requirements.
 - b. *Side.* The side setback minimum shall be 10 feet.

- c. *Rear*. The minimum rear setback is not specified, except where the rear of the lot is adjacent to a residential zoning district, it shall not be less than 20 feet.
 3. Maximum building area. 2,500 square feet per story.
 4. Maximum building height. 45 feet or 3 stories (excluding basement).
 5. Common recreational space. At least 10 percent of the gross area, but not less than 2,500 square feet shall be dedicated to common recreational space. The space shall be of adequate dimension to allow for such use. Adequate access to the space shall be provided
- D. Landscaping. Shall be as per Article V – Division 1 of this Chapter.

Sec. 24-132. - B-1 Local Shopping Business District.

- A. *Permitted uses*. The uses permitted in a B-1 District are the same as a B-2 District.
- B. *Conditional uses*. The conditional uses permitted in a B-1 District are the same as a B-2 District:
- C. *Space and height regulations*. The space and height regulations in a B-1 District are the same as a B-2 District.
- D. Landscaping. Shall be as per Article V – Division 1 of this Chapter.

Sec. 24-133. - B-2 General Business District.

- A. *Permitted uses*. The uses permitted in a B-2 District shall be as follows:
 1. Ambulance services.
 2. Animal hospitals and veterinary clinics, kennels, and pet shops.
 3. Assisted living facilities.
 4. Auto sales for new and used automobiles, including accessory uses.
 5. Auto washes.
 6. Banks.
 7. Bus terminals.
 8. Churches and places of worship.
 9. Civic centers.
 10. Civic clubs, lodges and country clubs.
 11. Commercial schools.
 12. Doctor, dentist or professional offices, with no limit on floor area.
 13. Food or grocery stores.

14. Furniture and appliances stores, including repairs.
15. Hair styling shops for men and/or women.
16. Hardware stores, including wholesale.
17. Hospitals, clinics and nursing homes.
18. Hotels and motels.
19. Import distributor's display stores and/or shops.
20. Loft / Basement Dwellings.
21. Mortuaries and crematoriums.
22. Multi-family dwellings.
23. Offices.
24. Pawn shops.
25. Public and quasi-public uses and structures.
26. Post offices.
27. Restaurants, including drive-in and curbside service restaurants.
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. Stores or shops for retail sales of radio and/or television sets and supplies.
31. Tailor shops for clothing.
32. Television and/or radio repair shops.
33. Theaters and auditoriums.

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 shop, 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 zoning district, and which shall not store or otherwise maintain any vehicles, parts or waste materials outside of such building for more than 45 days.
3. Bar, brewpub, nightclub, and tavern provided that:
 - a. Any outdoor area used for serving and/or consumption of alcoholic beverages shall have a 6 feet high privacy fence or privacy wall around the outdoor area perimeter with emergency gates/doors as required by the Enforcing Officer and Fire Marshal.

4. Baseball/softball 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 will be required.
 - b. There is a buffer as per Article V – Division 2, along the side and rear property lines contiguous to a residential zoning district.
 - c. The baseball/softball batting cages shall be so designed either by size of cage or installation of netting and/or other similar device to prohibit a baseball/softball from being projected beyond the lot boundaries.
5. Building, electrical, plumbing and heating supply, provided that any outside storage shall have a 6 feet high fence installed around the perimeter.
6. Commercial recreational facilities and amusement enterprises, including but not limited to, bowling alleys and pool parlors; provided that the use is conducted in an enclosed structure.
7. Dry cleaning and laundry plants, provided that the structures and their location are in accordance within applicable fire and safety codes.
8. Filling stations, provided, that:
 - a. All structures, including pumps and underground storage tanks are placed not less than 25 feet from any property line or as per state and federal regulations, whichever is greater.
9. 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 will be required.
 - b. There is a buffer as per Article V – Division 2, along the side and rear property lines contiguous to a residential zoning district.
 - c. 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 golf ball from being projected beyond the lot boundaries.
10. Landscape Supply and farm supply stores, provided that any outside storage shall have a 6 feet high fence installed around the perimeter.
11. Manufacturing, provided that such activity is incidental to a retail business, where the manufactured or assembled articles are sold at retail on the premises.
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. There is a buffer as per Article V – Division 2, along the side and rear property lines contiguous to a residential zoning district.

13. Mini-warehouses, provided that:
 - a. A 6 feet high fence is installed around the perimeter of the warehouses.
 - b. No business activity shall conducted within an individual storage unit.
 - c. The storage of any explosive or volatile material or substances is prohibited.
 14. Nursery schools, public and private preschools, kindergartens and day care centers, provided that:
 - a. The outdoor play area conforms to the standards of the Alabama Department of Human Resources.
 - b. The buildings are located not less than 25 feet from a property line contiguous to any residential zoning district.
 15. Pay-Day Lending and Deferred Presentment Financial Institutions as per Section 24-601.
 16. Warehouses, when necessary and incidental to a retail business.
 17. Wholesale warehouses, provided that any outside storage shall have a 6 feet high fence installed around the perimeter.
- C. *Space and height regulations.* The following space and height regulations shall apply in a B-2 District:
1. *Minimum lot size.* Business or residential use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or residential use.
 2. *Minimum setback .*
 - a. *Front.* The minimum front setback shall be 25 feet, the front 5 feet of which cannot be used to meet parking area requirements. This front yard regulation shall not apply in the Public Square Overlay District.
 - b. *Side.* The minimum side setback shall be 10 feet. This side setback regulation shall not apply in the Public Square Overlay District.
 - c. *Rear.* The minimum rear setback is not specified, except where the rear of the lot is adjacent to a right-of-way (not alley) or a residential zoning district, it shall not be less than 20 feet. This rear setback regulation shall not apply in the Public Square Overlay District.
 3. *Maximum building height.* 5 stories or 65 feet (excluding basement).
- D. Landscaping. Shall be as per Article V – Division 1 of this Chapter.

Secs. 24-134 - 24-159. - Reserved.

DIVISION 4. - MANUFACTURING DISTRICTS

Sec. 24-160. - Purpose.

Manufacturing zoning 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 zoning districts. Consideration has been given to the need for a choice of sites and a variety of transportation facilities.

Sec. 24-161. - M-1 Light Industry Manufacturing District.

The M-1 Light Industry Manufacturing District is established to provide a suitable area for companies 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 zoning district. 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 District the following uses are permitted:
 - a. Agricultural equipment sales and service.
 - b. Automobile, truck, equipment, or machine parts or servicing establishments.
 - c. Baking establishments.
 - d. Bottling and distribution plants, canneries (except fish and meat products), dairy products manufacturing, creameries, and ice cream plants.
 - e. Cold storage and ice plants and facilities.
 - f. Commercial trade or vocational schools.
 - g. Electronic firms, electrical parts assembly.
 - h. Furniture manufacturing.
 - i. Garment manufacturing, textile products manufacturing and millwork.
 - j. Heavy equipment sales and service.
 - k. Highway maintenance yards and buildings.
 - l. Horticultural nursery.
 - m. Laundry and dry cleaning plants.
 - n. Newspaper and printing plants.
 - o. Off-street parking lots and garages.

- p. Public buildings and uses.
 - q. Public utility structures.
 - r. Radio and television stations and transmission towers.
 - s. Restaurants, cafes, drive-in restaurants, and similar establishments.
 - t. Sales and service of boats, boat trailers, prefabricated structures, and mobile homes.
 - u. Sign manufacturing.
 - v. Storage and parking facilities for equipment and supplies.
 - w. Toy manufacturing.
 - x. Transportation terminal and dispatching facilities, including truck terminals.
 - y. Veterinary hospitals and kennels.
 - z. Any permitted uses in the B-2 General Business District.
2. *Conditional uses.* The following conditional uses are permitted in the M-1 District:
- a. Cemeteries, provided that:
 - 1. The owner or trustees conform to 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. Commercial agriculture, provided that:
 - 1. Such operations follow all State and Federal laws and regulations.
 - 2. Accessory structures used in the production and storage of products and equipment used for the uses listed in Subsection (2)(f)(1) of this Section.
 - 3. The following supplemental regulations apply:
 - a. The dimensional requirement set-forth in Section 5-31 of the City's Code of Ordinances do not apply to this Chapter in regard to areas utilized for grazing purposes only.
 - b. A parcel of land zoned manufacturing that has a structure located thereon that is used for dwelling purposes may have a barbed wire or electric fence constructed around areas to contain livestock.
 - c. 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 area enclosed by a 6 feet high privacy fence or privacy wall.

3. Have a buffer as per Article V – Division 2, along the side and rear property lines adjoining property that is not zoned manufacturing.
- d. Filling stations, provided that:
 1. All structures including pumps or underground storage tanks are placed not less than 25 feet from any property line or as per state and federal regulations, whichever is greater.
 2. Such use shall front on an arterial or collector street.
- e. Other light industries not specifically listed in Subsection (1) of this Section, plus operations 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 area enclosed by a 6 feet high privacy fence or privacy wall.
 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.
 4. Have a buffer as per Article V – Division 2, along the side and rear property lines adjoining property that is not zoned manufacturing.
- f. Single-family dwellings, provided that:
 1. The use is accessory to commercial agriculture.
3. *Space and height regulations.* The following space and height regulations shall apply to an M-1 District:
 - a. *Minimum lot size.*
 1. Lots shall be 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. Except, commercial agriculture shall be 30 acres minimum.
 - b. *Minimum setback.*
 1. *Front.* The minimum front setback is 35 feet, except where existing structures (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.* The minimum side setback is 35 feet, except where the adjoining property is zoned manufacturing, the side setbacks may be reduced to 10 feet.
 3. *Rear.* The minimum rear setback is 35 feet, except where the adjoining property is zoned manufacturing, the rear setback may be reduced to 15 feet.

- c. *Maximum building height.*
 1. 3 stories or 45 feet (excluding basement). Exception, structures designed not for human occupancy may exceed 45 feet (3 stories) provided such structures comply with any other codes, and provided further, that such structures shall not be less than their height plus 10 feet to any property line.
4. *Landscaping.* Shall be as per Article V – Division 1 of this Chapter.

Sec. 24-162. - M-2 General Industry Manufacturing District.

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

1. *Permitted uses.* In the M-2 District, the following uses are permitted:
 - a. Any permitted use in the M-1 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 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 District:
 - a. All conditional uses permitted in the M-1 District.
 - b. Any industrial uses not previously listed in Subsection (1) of this 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 manufacturing.
 3. Have a buffer as per Article V – Division 2, along the side and rear property lines adjoining property that is not zoned manufacturing.
 - c. 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 8 feet high.
 2. The storage area is located at least 100 feet from any property line.
 - d. Junkyards or salvage yards, provided that: the junkyard or salvage yard is screened from all adjacent development and any public rights-of-way by a privacy fence or privacy wall at least 6 feet high and a buffer as per Article V – Division 2, along any property line and public rights-

- of-way, so that the yard cannot be seen from an adjacent development or public street. The junk yard or salvage 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 District:
 - a. *Minimum lot size.*
 1. Same as for M-1 Zoning District.
 - b. *Minimum setback.*
 1. Same as for M-1 Zoning District, except where the conditions set-forth in Subsection (2) of this Section apply.
 - c. *Maximum building height.*
 1. 3 stories or 45 feet (excluding basement). Exception, structures designed not for human occupancy may exceed 35 feet (3 stories) provided such structures comply with any other codes, and provided further, that such structures shall not be less than their height plus 10 feet to any property line.
 4. *Landscaping.* Shall be as per Article V – Division 1 of this Chapter.

Secs. 24-163 - 24-189. - Reserved.

DIVISION 5. – Reserved

Secs. 24-190 - 24-219. - Reserved.

DIVISION 6. - PLANNED UNIT DEVELOPMENT

Sec. 24-220. - Purpose.

The purpose of this Division is to provide a more flexible means of land use and development in the City, which have special conditions or offer unique opportunities for innovative or creative development.

Sec. 24-221. - Planned Unit Development (PUD).

- A. *Statement of intent.* The intent of a PUD is to permit a tract to be planned and developed as an integral unit under single ownership or control, consisting of a combination of residential and / or nonresidential uses. This intent will provide a living, working, and shopping environment within the development that contributes to a sense of community and a coherent living style. Further, the PUD seeks to provide a development framework that: obtains commercial and industrial business activity that significantly improves the economic development of the community; encourages the preservation and enhancement of the natural amenities of land and protects natural features; and reduces improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems, and infrastructure.

- B. *Areas where permitted.* PUDs may be permitted in all zoning districts, subject to the review and approval procedures set-forth herein.
- C. *Tract size.* A tract proposed for a PUD shall consist of a single contiguous parcel of land. However, tracts of land bisected by City streets may be considered a single parcel for purposes of this Section. The minimum size of the tract shall be 4 acres for exclusively residential developments, not less than 5 acres for exclusively non-residential developments, and not less than 10 acres for mixed-use developments.
- D. *Space regulations.* The developer may create lots and construct buildings without regard to the minimum lot size, lot width, or setback regulations specified in this Chapter, except that:
1. Residential use.
 - a. A 20 foot minimum front setback shall be provided on each lot. This includes both front setbacks on corner lots and double frontage lots
 - b. A 10 foot minimum side setback shall be provided on each lot, except townhouses can have a 0 foot setback along common walls between dwellings.
 - c. In no case shall any structure be closer than 15 feet to the PUD boundary line.
 - d. At least 12 percent of the PUD area (including rights-of-way and alleys) shall be dedicated to common open-space. The open-space shall be one parcel of land, of adequate location, dimension (no longer than twice its width), and topography to allow for recreational use (playgrounds, sitting areas, gazebos, recreation courts, etc.). The access to the open-space shall be a minimum of 50 feet fronting on a public street. The open-space shall be designed, developed, landscaped and maintained in a safe and acceptable manner for the purpose intended. The open-space shall remain in perpetuity and not be developed for any reason other than the intended use.
 2. Non-residential use.
 - a. A 25 foot minimum front setback shall be provided on each lot. This includes both front setbacks on corner lots and double frontage lots. The front 5 feet of the setback cannot be used to meet parking area requirements.
 - b. A 10 foot minimum side setback shall be provided on each lot.
 - c. In no case shall any structure be closer than 25 feet to the PUD boundary line.
 3. Mixed-use
 - a. A 25 foot minimum front setback shall be provided on each lot. This includes both front setbacks on corner lots and double frontage lots. The front 5 feet of the setback cannot be used to meet parking area requirements for non-residential uses.
 - b. A 10 foot minimum side setback shall be provided on each lot.
 - c. In no case shall any structure be closer than 25 feet to the PUD boundary line.
 - d. At least 8 percent of the PUD area designed for residential use (including rights-of-way) shall be dedicated to common open-space. The open-space should be one parcel of land, of adequate location, dimension, and topography to allow for recreational use (playgrounds, sitting areas, gazebos, recreation courts, etc.). The access to the open-space shall be a

minimum of 50 feet fronting on a public street. The open-space shall be designed and maintained in a safe and acceptable manner for the purpose intended. The open-space shall remain in perpetuity and not be developed for any reason other than the intended use.

- E. *Height regulations.* The maximum building height shall be as specified for the underlying zoning district.
- F. *Use regulations.* The PUD shall consist of uses planned and developed as an integral unit under single ownership or control. Specific use limitations shall be established during the Master Plan approval process. The PUD use(s) shall be consistent with the underlying zoning district designation for the subject tract or any portion of the subject tract affected by the PUD use(s).
- G. *Design and construction standards.* Where the design and construction standards approved during the concept plan and final plan review conflict with the City's Subdivision Regulations and any requirements of this Chapter, the standards approved during the PUD process shall control.
- H. *Streets, utilities, and drainage.* The provisions for streets, utilities, and drainage shall be as required by the City's Subdivision Regulations. All electrical, telephone, and cable wires shall be installed underground, except the Planning Commission may waive this requirement where it would result in undue hardship or severe practical difficulties.
- I. *Off-street parking and loading.* The provisions for off-street parking and loading shall be as set-forth in Article IV *Off-street Parking and Loading*.
- J. *Development in commercial areas.* A PUD which includes non-residential uses as well as residential uses shall be permitted only if the design ensures a wholesome and safe residential environment for the occupants thereof. The design shall have adequate features to protect dwellings from traffic, noise, and similar adverse issues associated with commercial areas.
- K. *Community development objectives.* The PUD shall be in accordance with the land use and zoning patterns set-forth in the City's Comprehensive Plan.
- L. *Covenants and Owner's Association.* Covenant and Deed Restrictions that apply to the homeowners in the PUD shall be recorded in the Office of the Probate Judge of Calhoun County, Alabama. Also, an Owner's Association for the PUD shall be established and maintained to provide management of the PUD and to ensure permanent maintenance of common open-space.
- M. *Stormwater Management.*
 - 1. All ground disturbing construction activity shall have an ADEM NPDES Construction General Permit (ALR100000). A copy of the permit and required BMP Plan shall be provided to the Planning Department.
 - 2. Stormwater detention shall be required to ensure that post-construction run-off does not exceed pre-construction runoff.
 - 3. All BMP plans and stormwater detention plans shall be reviewed and approved by the City of Jacksonville Planning Department in order to achieve compliance with the City's Stormwater Management Program.
 - 4. It is preferred that all developments utilize low impact development (LID) and green infrastructure practices (GIP) in accordance with the latest version of the "Low Impact Development Handbook for the State of Alabama".

Sec. 24-222. - Procedure for Designating and Developing a PUD.

The procedure for designating and developing land as a Planned Unit Development (PUD) is as follows:

- A. **Mandatory Pre-Application Meeting.** The Applicant(s) or the Applicant's Designated Agent shall contact the Planning Department to schedule a pre-application meeting(s) to discuss the procedures for designating and developing a PUD, and the required Zoning Amendment process. Those required to attend the pre-application meeting are the Applicant(s) and/or Applicant's Designated Agent, Land Surveyor and Civil Engineer of record, and various City Staff.
- B. **Submittals.** Following the pre-application meeting(s), the Applicant(s) shall submit the following information to the Planning Department:
 1. Application for Planned Unit Development (PUD) Review. Including the Zoning Amendment application fee and deposit as established by the City Council.
 2. Narrative that is clear and complete that describes the following:
 - a. The intent of the PUD. Including an explanation of any necessary changes to the existing underlying zoning district designations or boundaries.
 - b. The market that the PUD is intended to serve.
 - c. The size and approximate cost of the dwelling units or buildings in the PUD.
 - d. The intent to sell or rent the dwelling units or buildings in the PUD.
 - e. The expected total population of the PUD.
 - f. The description of an Owner's Association for management of the PUD and permanent maintenance of any common open space.
 - g. The description of Covenant and Deed Restrictions that apply to the homeowners.
 3. Master Plan (24" x 36" paper), multiple sheets if needed, that shows in detail, the entire PUD (including any phasing). The Master Plan shall include a vicinity map, lot layout and dimensions, square footage / acreage of each lot, lot setbacks, alley and right-of-way widths, street layout (including curb & gutter and sidewalks), centerline street information, street name(s), common open space with associated size calculations, area(s) designated for stormwater detention (not part of common open-space), existing underlying zoning district(s) designation and boundary, PUD boundary legal description, any proposed changes to the existing underlying zoning district(s) designation and boundary with legal description(s), and a typical street section as per the City's Subdivision Regulations. The Master Plan shall identify any streets and utilities within the PUD that are proposed to be maintained as "private". It shall be understood that all "private" or "public" streets and utilities shall be designed and constructed as set-forth in the City's Subdivision Regulations. The Master Plan shall be stamped and signed by the Land Surveyor and Civil Engineer of record. A copy of the approved Master Plan shall remain on file in the Planning Department. The Master Plan may be amended at any time in accordance with the procedures used for the original approval.
 4. List of adjacent property owners to the PUD boundary with their mailing address (not physical address) and the associated Calhoun County PPIN for their property. This includes property owners directly across any adjoining rights-of-way or alleys.
 5. A statement from the Civil Engineer of record that the existing utilities (water, sanitary sewer, and gas) have been verified with the Water Works, Gas and Sewer Board to be available and

adequate for the PUD development and any utility main extensions necessary will be part of the Preliminary Plat approval process.

6. PDF file of the Master Plan.
 7. WORD file of any legal descriptions.
 8. (3) full-size copies and (1) 11" x 17" copy of the Master Plan.
- C. The designation and development of a PUD requires a Zoning Amendment. The Zoning Amendment process can begin when all required submittals are delivered to and verified complete by the Planning Department. At this time the Planning Department can provide a tentative schedule for the Zoning Amendment process. The Master Plan and other submittals shall be reviewed by the Planning Commission and approved by the City Council in accordance with the Zoning Amendment procedures set-forth in Article XII – Division 2, Section 24-771 *Procedures*.
- D. Following the approval of the Zoning Amendment, the applicant(s) can submit for Preliminary Plat approval. The Preliminary Plat shall conform substantially to the approved Master Plan. The submission and approval process for a Preliminary Plat shall be as set-forth in the City's Subdivision Regulations.
- E. Following the approval of the Preliminary Plat, the applicant(s) can submit for Final Plat approval as set-forth in the City's Subdivision Regulations.
- F. Issuance of Building Permits within a PUD. Building Permits may be issued for construction on any lot within a PUD that has received Final Plat approval and said plat has been recorded in the Office of the Probate Judge of Calhoun County, Alabama, with the following provisions:
1. No Building Permit shall be issued unless the extent of the street improvements within the PUD is adequate for vehicular access by the prospective developer, contractors, and by police / fire equipment. Further, no Building Permit shall be issued for the greater of two lots or the final 10% of the lots within the PUD until all street and utility improvements have been completed by the developer and approved by the City.
 2. A Certificate of Occupancy as set-forth in the City's Code of Ordinances and Building Code is required in order to use or occupy a qualifying building within a PUD. No Certificate of Occupancy shall be issued by the Enforcing Officer prior to the completion and approval of all street and utility improvements within the PUD and the submittal of as-built drawings of said improvements.

Secs. 24-223 - 24-249. - Reserved.

DIVISION 7. - OVERLAY DISTRICTS

Sec. 24-250. - Purpose.

The purpose of this Division is to provide specified geographic areas with exceptions, development standards, and guidelines that will supplement the current Zoning Ordinance that regulates development within the underlying zoning district.

Sec. 24-251. - Generally.

Notwithstanding any other provisions of this Chapter, yard setbacks for overlay districts shall be as stated in Division 6 herein.

Sec. 24-252. - Public Square Overlay District (PSOD).

A. Statement of Intent.

The intent of the PSOD is to provide a set of exceptions to the current Zoning Ordinance that regulates development within this designated boundary of the City of Jacksonville's underlying B-2 District.

B. Designated Boundary.

The designated boundary of the PSOD shall be as shown on the PSOD Boundary Map, adopted herein by reference, and become part of the official Zoning Map of the City of Jacksonville as defined in Section 24-32 *Boundaries; Generally* of this Chapter. Generally its boundaries are described as: That certain area located and lying north of Coffee Street, SE and Coffee Street, SW, South of College Street, SE and College Street, SW, east of Spring Avenue, SW and West of Church Avenue, SE.

C. Underlying Districts and Exceptions.

Within the Public Square Overlay District the underlying zoning district requirements and provisions of this Division shall dually apply. Where there is a conflict between the Public Square Overlay District and the underlying zoning district standards, the Public Square Overlay District standards shall apply.

The PSOD is exempt from the following requirements:

1. Setback (front, rear, and side).
2. Open-space for dwellings.
3. Off-street parking, except as specified in Section 24-282 *Plans and Specifications*.

Secs. 24-253 - 24-279. - Reserved.

ARTICLE IV. - OFF-STREET PARKING AND LOADING

Sec. 24-280. - Purpose.

It is the purpose of this Article to define requirements for off-street parking and loading areas for specified uses.

Sec. 24-281. - Requirements.

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 may apply as

determined by the Planning Department or the Planning Commission shall establish the requirements for off-street parking for that particular use:

1. *Assisted living facilities.* 1 parking space for every 2 beds plus 1 parking space for each employee on the maximum shift.
2. *Automobile repair shops.* 3 parking spaces for each service bay or similar facility plus 1 for each employee.
3. *Bed and breakfast home.* A minimum of 2 paved parking spaces shall be provided for the owner and 1 paved parking space for each guest bedroom.
4. *Bowling alleys.* 3 parking spaces for each alley.
5. *Churches, theatres, auditoriums, stadiums or other places of public assembly.* One parking space for each 3 seats in the largest assembly room or area.
6. *Dwellings.*
 - a. *Single-family.* 2 parking spaces per dwelling, plus 1 additional parking space for each bedroom over 2 per dwelling.
 - b. *Two-family and multi-family.* 2 parking spaces per dwelling, plus 1 additional parking space for each bedroom over 2 per dwelling.
7. *Filling station.* One parking space for each 200 square feet of area devoted in trade or service activity plus 1 parking space for each business controlled vehicle used directly in the conduct of the enterprise except, parking at gas pumps shall not be counted as a required parking space.
8. *Golf driving range.* One parking space per each tee, plus 1 parking space for each employee. Baseball/softball batting cages. Two parking spaces per each batting cage/machine plus 1 parking space for each employee.
9. *Hospitals and sanitariums.* 2 parking spaces for each patient bed.
10. *Miniature golf course.* Twenty-four parking spaces for the first 18 holes, plus 1 parking space per hole thereafter.
11. *Mini-warehouses* One parking space for each employee.
 - a. Except: where ingress and egress is made through an inside lobby or interior corridor, 1 parking space for each 5 storage units shall be provided.
12. *Mobile home parks.* 2 parking spaces per mobile home located on each site plus 1 additional parking space for each bedroom over 2 per mobile home.
13. *Motels and hotels.* 1 1/2 parking spaces for each guest room plus 1 parking space for each employee on the maximum shift.
 - a. Additional parking of 1 parking space for each 3 seats shall be provided for meeting and banquet halls.
14. *Nursing homes.* One parking space for every 6 beds plus 1 parking space for each employee on the maximum shift.

15. *Offices or professional or public buildings.* One parking space for each 200 square feet of floor area, or 4 spaces for each separate office, whichever is greater.
16. *Private club or lodge.* One space for each 4 members.
17. *Restaurants.* 1 parking space for each 4 seats, plus 1 parking space for each employee on the maximum shift, plus 1 parking space for each business owned vehicle used directly in the conduct of the enterprise.
18. *Retail stores, service establishments, repair shops, wholesale trades.* 1 parking space for each 200 square feet of area devoted in trade or service activity, plus 1 parking space for each business controlled vehicle used directly in the conduct of the enterprise.
19. *Schools.*
 - a. *Nursery school, kindergarten, elementary, and middle schools.* No less than 3 parking spaces for each classroom.
 - b. *High schools.* One parking space for every 2 students of maximum capacity plus 1 space for each employee.
 - 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 Subsections (19) (a) and (b) of this Section, shall be one parking space for each 3 seats in the largest place of public assembly. At least 50 percent, but never less than that required under Subsections (19) (a) and (b) of this Section, of the total required parking spaces shall be constructed and marked in accordance with Section 24-282 *Plans and Specifications*.
 2. All other additional parking spaces may be unpaved, but constructed of an all-weather material other than concrete or asphalt and such spaces can be unmarked. Provided, however, that the parking lot drainage plan be approved by the Planning Commission, that a 25-foot long paved or concrete apron with adequate radii 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.
20. *Shopping centers and malls.* 4 parking spaces for each 1,000 feet of area devoted to retail trade or service activity, plus 1 parking space for each business controlled vehicle used directly in the conduct of the enterprise.
21. *Stores for the exclusive sale of furniture or appliances, machinery, equipment, hardware and building supplies, automotive sales or service.* 1 space per 900 square feet of gross floor space, plus 1 space for each employee on the maximum shift and 1 space for each business controlled vehicle used directly in the conduct of the enterprise.
22. *Townhouse.* 2 parking spaces per dwelling unit, plus 1 additional parking space for each bedroom over 2 per unit, preferably located in the rear yard.
23. *Warehousing, manufacturing and industrial establishments.* One parking space for each employee on the maximum shift plus 1 parking space for each business controlled vehicle used directly in the conduct of the enterprise.

Sec. 24-282. - Plans and Specifications.

A. Size and location.

1. Each off-street parking space shall encompass a rectangular area not less than 9.5 feet wide and 18 feet long (except parallel parking spaces shall be not less than 22 feet long), exclusive of access or maneuvering area, ramps and other appurtenances (see figure 2). Off-street parking spaces shall be located entirely off of public rights-of-way.
2. Off-street parking spaces shall be located on the same parcel of land as the building or use as set-forth in Section 24-602 *Developments to be on One Lot*, except as set-forth in Subsection (A) (3 & 4) of this Section and Section 24-284 *Shared Off-Street Parking*.
3. Dwelling units located in the Public Square Overlay District, if required off-street parking spaces cannot be provided on the same lot on which the dwelling is located, such parking 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 dwelling unit. Such off-street parking spaces shall be associated with each particular use and shall not thereafter be reduced or encroached upon in any manner except with the approval of the Planning Commission.
4. On approval of the Planning Commission, the off-street parking requirement for any use in a B-2 General Business District may be partially or fully met by public off-street parking facilities, if the required amount of parking is provided by such facilities within 400 feet of the use.
5. The design of parking areas shall be such that no vehicle will be required to back out into the street, except for single-family and two-family dwellings.

B. Construction and maintenance. Off-street parking areas shall be constructed, maintained and operated in accordance with the following specifications:

1. Configuration and size.

- a. Parking spaces and aisles shall be configured and sized based upon the angle of the parking spaces as follows (see Figure 2):

Figure 2.

PARKING ANGLE	90°	60°	45°	30°	PARALLEL
PARKING LAYOUT FACE OF CURB OR BARRIER					
CENTERLINE OF PARKING BAY					
AISLE WIDTH					
ONE-WAY TRAFFIC	24'	18'	16'	14'	14'
TWO-WAY TRAFFIC	24'	24'	22'	20'	20'
NOTE: AISLE WIDTH IS MEASURED FROM EDGE OF PAVING, NOT FACE OF CURB.					

- b. The required aisles may serve as common access to parking spaces on opposite sides of said aisles.
 - c. Parking areas and driveways shall have continuous concrete curbing or curb & gutter along all sides and around interior landscaped islands.
 - d. Parking areas for all developments shall be 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.
 - e. All parking spaces that front along a sidewalk less than 7 feet wide shall have an anchored wheel stops (6 feet long x 6 inches high) installed with a 24 inch separation from the sidewalk/curb to prevent the sidewalk from being blocked.
- C. *Surfacing and drainage.* Surfacing of all parking areas shall be paved with concrete and / or asphalt. Except, if the Planning Commission finds it to be in the public's best interest, designated employee parking areas may be unpaved, but constructed of an all-weather material other than concrete or asphalt and such spaces can be unmarked. Such employee parking areas shall have signage designating "parking for employees only".
- a. Parking areas shall be designed to meet the requirements of the ADA Standards for Accessible Design (current edition).
 - b. Parking areas shall be properly designed and graded for drainage and stormwater management.
 - c. All parking area shall be constructed to handle traffic and vehicle loads of its intended use, emergency vehicles, and public service vehicles.
- D. *Spaces marked.* All off-street parking areas shall have individual spaces marked (painted), except for single-family dwellings, two-family dwellings, and unpaved designated employee parking.
- E. *Curb cuts and access points.* Entrances and exits for parking areas shall be so located as to minimize traffic congestion. Entrances and exits for parking areas shall be separated by a minimum of 150 feet (measured from centerline to centerline of the entrance or exit). All entrances and exits shall open onto public streets, rather than alleys, except where the use of an alley is reasonably necessary for proper traffic flow. Any improvement required to the alley will be the responsibility of the owner / developer.
- Entrances and exits for new developments and redevelopments located along state highways shall be subject to review and approval by the Alabama Department of Transportation (ALDOT).
- F. Curb cuts and access points shall be in accordance with the following requirements:
- 1. Curb cuts and other access points for single-family or two-family residential uses shall not be less than 12 feet wide or a maximum of 20 feet wide. For multi-family, commercial or manufacturing uses it shall not be less than 24 feet wide (excluding curb & gutter) or a maximum width as approved by the Planning Commission.
 - 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 edge of paving to edge of paving 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 on the same lot.
2. Radii for curb cuts and other access points. Except for single-family and two-family dwelling units, a 15 feet minimum (50 feet minimum where trucks/trailers will access) curb radius (measured at curb face) shall be provided at any curb cut or other access point. Unless otherwise approved by the Planning Commission.
 - a. Single-family and two-family uses shall have a 5 feet curb or paving radius (measured at curb face or edge of paving).
 - b. Multi-family, commercial or manufacturing uses shall have a 15 feet minimum (50 feet minimum where trucks/trailers will access) curb radius (measured face to face) 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 cut or other access point shall be located closer than 25 feet from the intersecting point of the two street right-of-way lines involved (or such lines extended in case of a rounded corner).
 4. Existing curb cuts not utilized by a development shall be removed entirely and curbing reinstalled in a like manner.
- G. Maintenance.
1. Parking areas shall be maintained in good condition, free of weeds, trash, and debris.

Sec. 24-283. - Large Vehicle Parking Restrictions.

- A. 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 zoning district unless parked in an enclosed accessory structure.
- B. 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, 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 setback.
 3. 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.

Sec. 24-284. – Shared Off-Street Parking.

In order to reduce the amount of impervious surfaces and the resulting increases in stormwater runoff, and to promote and encourage business and commercial establishments within B-1 Local Shopping Business Districts and B-2 General Business Districts, the establishments may be allowed to share up to 25 percent of their required off-street parking spaces. In all cases where off-street parking is

to be shared by business or commercial establishments on different parcels of land, the shared off-street parking spaces shall be within 400 feet, measured radially, of the main entrance of the establishments. Any new or altered off-street parking spaces and their associated drive aisles that are intended to be shared shall meet the size and surfacing requirements as set-forth in Article IV *Off-Street Parking and Loading* and shall meet the landscaping requirements as set-forth in Article V – Division 1 *Landscaping*. The intention to share parking facilities must be included in the Application for Development Review and include a written Shared Parking Agreement between the various property owners, or in the case of a single property owner with multiple tenants, a Shared Parking Agreement between the property owner and the individual tenants. Said Shared Parking Agreement shall be recorded in the Office of the Probate Judge of Calhoun County, Alabama and shall constitute a covenant running with the property(s) referenced and shall be binding upon the property owner(s), property owner(s) heirs, tenants, administrators, executors, assigns, and any other successor's interest. Should there be a change in the use, ownership or tenant within any individual property which is bound by said Shared Parking Agreement, the transfer of or changes to said Shared Parking Agreement shall be subject to the review and approval of the Planning and Building Department, or if determined necessary, the review and approval of the Planning Commission.

Nothing in this Chapter shall be construed to prevent shared off-street parking by two or more business or commercial establishments, if the total number of the off-street parking spaces when used together shall not be less than the sum of the required number of off-street parking spaces for the individual establishments computed separately.

Sec. 24-285. – Reduction of Required Off-Street Parking.

In order to reduce the amount of impervious surfaces and the resulting increases in stormwater runoff, and to promote and encourage developments within the area(s) designated as “Mixed-Use (Commercial and Residential)” on the Land Use Plan (Map 16) in the City’s Comprehensive Plan, the number of required off-street parking spaces may be reduced by 35%.

Sec. 24-286. - Loading and Unloading Spaces.

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 parking areas, streets, and alleys by pedestrians and other vehicles; all such structures are also required to have sufficient off-street parking space for all vehicles controlled 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 and unloading space shall be supplied and maintained for the structure, or use in its enlarged size. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading and unloading space under this Article, the full amount of off-street loading unloading space shall be supplied and maintained to comply with this Article.
2. Off-street loading and unloading space shall be a marked and designated area of at least 12 feet wide by 45 feet long with 14½ feet of vertical clearance. Off-street loading and unloading spaces shall be provided and maintained in accordance with the following:
 - 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 and unloading is required, unless determined to be necessary by the Planning Commission.
 2. 8,000 square feet but less than 20,000 square feet; 1 space for off-street loading and unloading is required.
 3. 20,000 square feet but less than 60,000 square feet; 2 spaces for off-street loading and unloading is required.
 4. For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet; 1 additional off-street loading and unloading space is required.
- b. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, or similar use, which has an aggregate gross floor area of:
1. Less than 10,000 square feet; no off-street loading and unloading is required, unless determined to be necessary by the Planning Commission.
 2. 10,000 square feet but less than 40,000 square feet; 1 space for off-street loading and unloading is required.
 3. For each additional 50,000 square feet, or fraction thereof, over 40,000 square; 1 additional off-street loading and unloading space is required.
 4. Where a particular use is not specifically mentioned, the requirements of off-street loading and unloading of a similar or related use may apply as determined by the Planning Department or the Planning Commission shall establish the requirements for off-street loading and unloading for that particular use.
- c. No area supplied to meet the required off-street loading and unloading area shall be utilized for or deemed to meet the requirements of this Article for off-street parking areas.
- d. Nothing in this Chapter shall be construed to prevent the joint use of an off-street loading and unloading area by two or more buildings or uses if the total of the area when used together shall not be less than the sum of the requirements for the individual buildings or uses computed separately.
- e. 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.
- f. Loading and unloading areas shall be physically separated from adjoining properties, public rights-of-way, and landscaped areas by a continuous curb or curb & gutter. Except for curb cuts and access points.

Sec. 24-287. - Continuing Character of Obligation.

- A. Required off-street parking and loading areas associated with newly erected or altered buildings or newly established or altered uses of land shall be a continuing obligation of the owner of said building or land so long as the structure exists or the land use requiring said parking or loading areas 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 parking or loading areas apart from the discontinuance, sale or transfer of the building or use without establishing alternative vehicle parking or loading areas which meet the requirements of and are in compliance with this Chapter, or of any person to use a

building or land without providing parking or loading areas which meet the requirements of and are in compliance with this Chapter.

- B When a paved or unpaved off-street parking and loading area already exists for a building or use of land at the effective date of the Ordinance from which this Article is derived, such area may continue to be used. However, if the area is expanded by more than 50 percent of its area for said building or use of land, or if there is a change in the building use / occupancy or use of land, or if a nonconforming building or use of land is discontinued for any reason, except for damage or destruction by natural disasters or government action impeding access to the premises, for a period of more than 6 consecutive months, the entire off-street parking and loading area must be brought into conformity to the maximum extent feasible with the requirements of Article IV and V, except for those requirements determined to be technically infeasible by the Planning Commission.

Sec. 24-288. – Maintenance

The property owner, lessee, or his agents shall be responsible for maintaining all paved and unpaved off-street parking areas in a good and safe condition. All defective and unsafe conditions (such as potholes, poor drainage, signage, striping, and pavement markings) shall be replaced or repaired within 1 month after notification from the City.

Secs. 24-289 - 24-309. - Reserved.

ARTICLE V. LANDSCAPING, BUFFER, LIGHTING, FENCES, WALLS, AND HEDGES

Sec. 24-310. - Applicability.

The provisions of this Article shall apply to all new construction, development, redevelopment, or change of use for any multi-family residential, business, manufacturing or other nonresidential use and shall become applicable to any property for which a Building Permit is required when site improvements are performed.

DIVISION 1. - LANDSCAPING

Sec. 24-311. - General.

- A. All sites shall have at least 10 percent landscaped areas (such as yard areas, interior landscaped islands and continuous planting strips), in addition to required buffers as per Article V – Division 2.
- B. All sites shall have a 5 foot wide minimum continuous planting strip adjacent to any portion of a parking area or access driveway that faces a public right-of-way or property used for residential purposes.
- C. Sites with less than 40 parking spaces are not required to have interior landscaped islands, however, they are preferred.
- D. Sites with 40 or more parking spaces shall provide interior landscaped islands of adequate size for turning radii at the ends of each row of parking, and interior landscaped islands (180 square foot minimum) at uniform locations along a row of parking to allow only 12 consecutive parking spaces.

- E. Yard areas shall be grass (sod or seed). Installation shall provide for solid coverage.
- F. Interior landscaped islands can have one or a combination of the following: grass (sod), shrubs, trees, ground cover plantings, or non-living ground cover (such as pine straw/bark, river rock, or similar materials).
- G. Continuous planting strips shall have at minimum 1 tree and 8 shrubs per 50 linear feet of planting strip. Trees and shrubs shall be evenly distributed.
- H. Landscaping at street intersections and driveways shall conform to Section 24-501 *Visibility Areas at Street Intersections and Driveways*.
- I. Landscaped areas (yards, interior islands, and continuous planting strips) shall have a built-in irrigation system or have hose bibs located within 100 feet, measured radially, of all landscaped areas. No component of a built-in irrigation system shall be installed within a public right-of-way.
- J. A landscaped area 5 feet minimum in width shall be provided between any parking area, access driveway, sidewalk, and any building walls. This area shall have an average of 8 shrubs per 200 square feet. Landscaped islands and/or continuous planting strips shall be increased in size and/or number where the installation of landscaped areas adjacent to building walls are problematic.
- K. In addition to the required trees and shrubs, all continuous planting strips shall have a combination of ground cover (see plantings) and non-living ground cover (such as pine straw/bark, river rock, or similar materials), or only non-living ground cover.
- L. All parking areas, loading / unloading areas, and access drives adjacent to landscaping areas (yards, interior islands, and continuous planting strips) shall be physically separated by a continuous curb or curb & gutter. Curb height shall be 6 inches. Gutter width shall be 12 inches minimum, 18 inches is preferred.
- M. It is preferred, that existing trees and natural areas are maintained on all sites as practicable and as the landscape design allows.
- N. All sites disturbing ground shall conform to the City's Stormwater Management Program and are subject to obtaining an ADEM NPDES Construction General Permit. A copy of the permit shall be provided to the Planning Department.
- O. It is preferred that all new developments and re-developments utilize Low Impact Development (LID) and Green Infrastructure Practices (GIP) in accordance with the "Low Impact Development Handbook for the State of Alabama".
- P. Buffers shall be installed as set-forth in Article V – Division 2.

Sec. 24-312. - Plantings.

- A. Suggested trees:
 - 1. Tree types should be of species listed below or species conducive for the location as approved by the Planning Commission.
 - a. Large trees.
 - 1. Deciduous:
 - Bald Cypress

Dawn Redwood
Ginkgo (male only)
Nuttall Oak
Overcup Oak
Pin Oak
River Birch
Shumard Oak
Trident Maple
Tupelo Black Gum
Willow Oak

2. Evergreen:

Deodora Cedar
Japanese Cryptomeria

b. Small to medium trees.

1. Deciduous:

Chinese Pistache
Crapemyrtle
Eastern Redbud
Flowering Dogwood
Fringetree
Hawthorne
Kousa Dogwood
Persian Ironwood
Vitex

2. Evergreen:

American Holly
American Hornbeam
Bayberry Wax Myrtle
Dahoon Holly
Foster Holly
Japanese Maple Cultivars
Luster Leaf Holly
Magnolia 'Bracken's Brown Beauty'
Magnolia 'Little Gem'
Magnolia 'Sweet Bay'
Magnolia 'Teddy Bear'
Nellie Stevens Holly
Savannah Holly
Tea Olive
Virginia Pine
Weeping Yaupon

2. Trees shall be spaced no closer than 10 feet to count toward the required ratio for continuous planting strips, except trees planted in excess of the minimum required may be closer than 10 feet apart.

B. Suggested shrubs.

1. Shrubs should be of species listed below or species conducive for the location as approved by the Planning Commission.

a. Species for planting strips and interior landscaping:

- Abelia
- Azalea
- Carissa Holly
- Dwarf Burford Holly
- Dwarf Wax Myrtle
- Dwarf Yaupon Holly
- Florida Jasmine
- Fountain Grass
- Indian Hawthorne (cultivars that are resistant to entomsporium leaf spot)
- Korean Holly
- Loropetalum
- Muhly Grass 'Adagio'

C. Minimum size of trees and shrubs (measured from finish grade to top of planting) at time of planting shall be as listed below:

MINIMUM SIZE STANDARDS FOR PLANTING STOCK	
Shade and Flowering Trees	Minimum Size Requirements
Large deciduous trees	2.5" caliper, 12 ft. height range
Large evergreen trees	1.5" caliper, 8 ft. height range
Small – medium deciduous trees	1" caliper, 6 to 7 ft. height range
Small – medium evergreen trees	1" caliper, 6 to 7 ft. height range
Shrubs	Minimum Size Requirements
All classes	Planting strips: 18" min. height
	Interior islands: 12" min. height

D. Suggested ground cover.

- Ajuga
- Asiatic Jasmine
- Carolina Jessamine
- Liriope
- Mondo Grass
- Sedge
- Shore Juniper

E. Suggested grass.

Grass shall be either sod or seed of species conducive for the location in which they are planted and for the season in which they are planted.

F. Prohibited trees, shrubs, and ground covers.

Callery Pear
Chinaberry Tree
Chinese Privet
Chinese Tallowtree
Eleagnus
English Ivy
Heavenly Bamboo 'Nandina Domestica'
Leatherleaf Mahonia
Mimosa
Non-native Wisterias
Periwinkle

Sec. 24-313. - Landscape Plan.

- A. A landscape plan shall be submitted as part of the Application for Development Review. The landscape plan shall include information as listed below:
1. General information, including date, north arrow, and scale of one inch to no more than 20 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.
 2. Construction information, including the locations of buildings, parking spaces and driveways; utility fixtures, including light poles, power and service poles, above ground pedestals (low-voltage) and pad mounted (high-voltage) fixtures, underground electrical, communications, and television cables and conduits; hose bibs, irrigation systems, meters, control boxes, etc.; total number of parking spaces; and the total amount square footage of each landscaped island.
 3. 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 planting strips and landscaped islands.
 4. 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.

Sec. 24-314. - Installation.

- A. Trees should be located on extensions of parking space lines to minimize bumper, exhaust, and engine heat damage to the trees.
- B. Shrubs should be located a few feet away from curbing to minimize bumper, exhaust, and engine heat damage to the shrubs.
- C. In lieu of planting grass seed on steep slopes (3:1 or greater) and in ditch/swale bottoms, it is recommended to install sod and anchor as needed.
- D. Planting grass seed on slopes and in areas subject to excessive runoff (such as ditch/swale bottoms) may require erosion control blankets of adequate type to be installed and anchored as needed.
- E. Synthetic or artificial materials in imitation of trees, shrubs, turf, ground cover, or other plantings are prohibited.

- F. Hedges, decorative retaining walls, and berms, though not required, are encouraged to help minimize the visual impact of parking and loading areas.

Sec. 24-315. - Maintenance.

The property owner, lessee, or designated property manager 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 2 months after notification from the City, or during the next appropriate planting period, whichever comes first.

Sec. 24-316. - Notice of Completion.

Upon the completion of landscaping installation required by this Article, the property owner, lessee, or designated property manager shall notify the Building Department. A representative of the Building Department shall make an inspection and will require correction of conditions contrary to the approved landscaping plan, this Article, and replacement of plant materials that are dead, diseased, damaged, or planted so as to kill or injure the plants.

Sec. 24-317. - Bonding.

No Certificate of Occupancy shall be issued until the provisions of this Article have been met. When circumstances preclude immediate planting, a Certificate of Occupancy 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 Performance Bond (surety bond, letter of credit, or cashier's check) with the City (to be approved by the City Council) in an amount equal to 125 percent of the total cost of the required plantings, including materials and labor. Such Performance Bond shall be made payable to the City of Jacksonville. Landscaping must be completed and approved within 180 consecutive calendar days, after a Certificate of Occupancy is issued in order to redeem the Performance Bond.

Sec. 24-318. - Inspection.

The 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 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.

Secs. 24-319 - 24-339. - Reserved.

DIVISION 2. - BUFFER

Sec. 24-340. - General.

- A. In order to decrease incompatibility between adjacent land uses, an appropriate buffer shall be provided as specified in this Chapter.

- B. Buffers shall provide a visually impervious barrier and be uniformly dense at all heights from the ground. The buffer shall consist of one of or a combination of the following:
 - 1. One row minimum of evergreen trees with an upright form spaced no more than 6 feet apart along the entire buffer. Height at time of planting shall be 6 feet minimum.
 - 2. Two rows minimum of evergreen shrubs or hedges with an upright form spaced not more than 4 feet apart along the entire buffer. Height at time of planting shall be 4 feet minimum and will grow to be at least 6 feet within one year after planting.
- C. Privacy fences and privacy walls may be allowed within the required buffer, however no such privacy fence or privacy wall may be used to reduce or exempt the property from compliance with buffer planting requirements.
- D. Privacy fences and privacy walls located within a required buffer shall be finished on the side facing the adjoining property. All shrubs, hedges, or trees shall be planted on the side of the privacy fence or privacy wall facing the adjoining property.
- E. The buffer shall be adjacent to and parallel with the specified property lines and rights-of-way.

Sec. 24-341. - Buffer Widths.

The following widths and standards shall apply to all buffers required by this Article:

- 1. Those conditional uses requiring a buffer in the R-1, R-2, and R-3 Residential Districts: 10 feet minimum.
- 2. Those conditional uses requiring a buffer in the B-2 General Business District: 15 feet minimum.
- 3. Those conditional uses requiring a buffer in the M-1 and M-2 Manufacturing Districts:
 - a. Uses requiring a privacy fence or privacy wall: 15 feet minimum.
- 4. Uses not requiring a privacy fence or privacy wall: 20 feet minimum.

Secs. 24-342 - 24-369. - Reserved.

DIVISION 3. – LIGHTING

Sec. 24-370. - General.

Lighting shall be provided to promote visual surveillance, reduce the potential for criminal activity, and increase security in the parking, loading and pedestrian areas in all new developments. In the case of redeveloping an existing property, lighting shall be provided as specified herein for establishments that operate between dusk and dawn. In the case of redeveloping an existing property that does not operate between dusk and dawn, minimal lighting shall be provided for safety and security.

Sec. 24-371. - Fixtures.

- A. Shall be protected by weather and vandal resistant covers.

- B. Shall be located and fitted with appropriate shields (as needed) to prevent glare on adjacent properties and rights-of-way.
- C. Shall be installed on poles 30 feet or less in height in parking and loading areas and 15 feet or less in height in pedestrian areas (measured from finish grade to bottom of fixture). Wooden poles are prohibited. A detail prepared by a qualified professional or the pole manufacturer shall be provided for the pole base/footing installation.
- D. It is preferred that a fixture be utilized that directs the light downward in parking, loading and pedestrian areas, and on buildings.
- E. On buildings, wall packs must be shielded so that no portion of the bulb extends below the bottom edge of the shield.
- F. It is preferred that the use of floodlights in parking areas, loading areas, pedestrian areas and on buildings be limited. Except, low voltage floodlights used for landscape lighting to illuminate walls and tree canopies.
- G. All electrical distribution lines and service connections for site lighting shall be installed underground.
- H. Lighting under filling station canopies should utilize a fixture with a lens cover recessed flush with the bottom surface of the canopy or a lens cover shielded to direct the light downward.

Sec. 24-372. - Design.

- A. Parking areas that accommodate 14 or less vehicles do not require a lighting plan, unless it is requested by the Staff or Planning Commission. However, the site plans shall include the location, type, and height of poles and the type and wattage of light fixtures to be installed.
- B. Parking areas that accommodate 15 or more vehicles requires a lighting plan as set-forth in Section 24-373 *Lighting Plan*. The plan shall be designed by a qualified professional or lighting manufacturer.
- C. Parking areas, loading areas and pedestrian areas shall have a minimum light level of 1 foot-candle. Lighting shall be uniform; i.e. the maximum measured lighting level in area divided by the minimum measured lighting level shall be 10 or less. The light shall not cast more than 0.5 foot candle beyond the property line.
- D. Where LED fixtures are utilized in parking, loading and pedestrian areas there shall be a minimum light level of 0.4 foot-candle. Lighting shall be uniform; i.e. the maximum measured lighting level in area divided by the minimum measured lighting level shall be 8 or less. The light shall not cast more than 0.5 foot candle beyond the property line.
- E. Illumination requirements are measured at ground level.
- F. Lighting shall be utilized during all hours of operation between dusk and dawn.

Sec. 24-373. - Lighting Plan.

- A. Shall clearly define the property lines, zoning classification, and current uses for all adjacent properties.
- B. Shall specify the type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications.

- C. Shall specify the pole heights and locations.
- D. Shall specify the type of fixtures, including the manufacturer's name and model number, wattage and light loss factor.
- E. Shall provide point-to-point photometric calculations at intervals of not more than 10 feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on parking, loading and pedestrian surfaces.
- F. Shall provide the area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation.
- G. The lighting plan shall be stamped and signed by a qualified professional registered in Alabama.

Sec. 24-374. – Maintenance

The property owner, lessee, or his agents shall be responsible for maintaining all lighting in a working and safe condition. All defective and unsafe conditions shall be replaced or repaired within 1 month after notification from the City.

Secs. 24-375 - 24-499. - Reserved.

DIVISION 4. - FENCES, WALLS, AND HEDGES

Sec. 24-500. - Fences, Walls and Hedges.

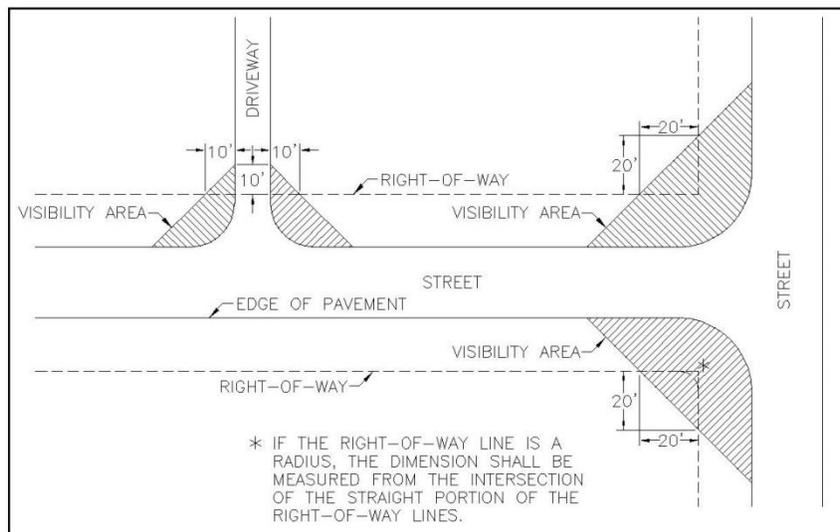
- A. Fences, walls, or hedges may only be erected, placed, maintained, or grown on private property (not within a public right-of-way, alley, or easement).
- B. No fences, walls, or hedges in any residentially zoned property shall exceed a height of 8 feet above the ground, except that no such fences, walls, or hedges located in a front yard shall exceed a height of 4 feet and shall meet the visibility requirements set-forth in Section 24-501 *Visibility Areas at Street Intersections and Driveways*.
- C. No fences, walls, or hedges in any non-residentially zoned property shall exceed a height of 10 feet above the ground, except that no fences, walls, or hedges located in a front yard shall exceed a height of 6 feet and shall meet the visibility requirements set-forth in Section 24-501 *Visibility Areas at Street Intersections and Driveways*. Except, when a non-residentially zoned property has more than 1 front yard, the 6 feet fence height requirement shall only apply to the front yard with the main entrance for the business or use.
- D. Fences on a residentially zoned lot or property used for residential purposes shall not be constructed of barbed wire, razor wire, or electric fencing materials. Except, for fencing areas to contain livestock.
- E. Fences containing man-made materials shall be composed of materials manufactured, designed, and intended for such purposes and shall not include scrap materials or salvage materials. Fences shall be of materials of a uniform and consistent style.

- F. The wooden portion of fences shall be of a decay resistant wood, or shall be covered with paint, stain, or other such substance which preserves wood from deterioration, dilapidation or decay.
- G. Fences containing natural materials as rock or stone, shall be of a consistent style and shall not include scrap materials or salvage materials.
- H. All walls and fences shall be finished on the side facing the adjoining property.
- I. It shall be the responsibility of the owner / lessee to maintain the fence in good and proper condition and repair, free of loose or missing material and free of any defects, damage or decay so as to not present a potential safety hazard and so that at all times it represents a neat and orderly appearance to surrounding property owners and to the general public.
- J. Fences shall be properly installed, constructed, and maintained to be vertical, self-supporting, and secured in a fashion to resist leaning, falling, collapse, or partial collapse and so as not to create a potential safety hazard.
- K. Fence installation shall require a Building Permit. Depending upon the proposed fence location, the Building Department may require that a property survey be provided in order to verify the location of property corners, property lines, and easements.
- L. See Article V - Division 2 *Buffer*, for regulations in regard to privacy fences and privacy walls in a buffer.
- M. The use of netting, cloth, or tarp type materials is prohibited for fencing or screening on fencing. Except, those materials specifically manufactured for screening may be attached to fencing around tennis courts and sporting fields.

Sec. 24-501. - Visibility Areas at Street Intersections and Driveways.

No fence, wall, sign, shrubbery, tree, planting, other structure or object capable of obstructing driver vision between the height of 2½ feet and 15 feet above the finished grade of adjacent streets shall be erected, permitted or maintained within 20 feet of the intersection of any public rights-of-way and within 10 feet of the intersection of any driveways with public rights-of-way. Mailboxes, traffic control devices and appurtenances and those signs set-forth in Section 24-563 (1 - 7) are excluded from this Section. (See Figure 3).

Figure 3.



Secs. 24- 502 - 24-529. - Reserved.

ARTICLE VI. -MOBILE HOME COURTS

DIVISION 1. - GENERALLY

Sec. 24-530. - Location.

- A. Mobile home courts.
 - 1. Permitted as a conditional use in an R-3 District.
 - 2. Must be contiguous to an existing mobile home court located within the City limits.
- B. Single Mobile Homes. Are prohibited, except as allowed in mobile home courts.

Sec. 24-531. - Building Permit.

It shall be unlawful to commence the excavation and construction of a mobile home court or to place a mobile home (initial setup or replacement) in such mobile home court until the Enforcing Officer of the City has issued for such work a Building Permit. Application for a Building Permit shall be made to the Enforcing Officer of the City on forms provided for that purpose. See Section 24-672 *Building Permit Required* for additional information.

DIVISION 2. - MOBILE HOME COURTS

Sec. 24-532. - Special Exceptions Conditions.

Prior to the location of any mobile home court, application shall be made to the Board of Adjustment and Appeals upon such forms as provided by the Board of Adjustment and Appeals. Said application shall be accompanied by a payment of a minimum charge for associated costs, as determined from time to time by the City Council and comply with the following conditions.

- A. The mobile home court must be in an R-3 District and shall have a minimum of 4 acres of land.
- B. The mobile home court shall be contiguous to an existing mobile home court located within the City limits. Not necessarily under the same ownership.
- C. The space or lot size required shall not be less than 5,000 square feet in area and shall not be less than 50 feet in width. Iron pins shall be permanently installed and maintained at each corner of the space or lot.
- D. The mobile home court cannot accept mobile homes unless and until at least 50 percent of its spaces or lots 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 Appeals and developed in increments of two acres minimum.

- E. All mobile home courts shall have 100 feet minimum frontage on a public street and provide safe and convenient access points. Access points shall be the same width as the internal roadway it serves. Radii for the access points shall be 50 feet minimum.
- F. Mobile homes (including porches, decks, and steps) shall be installed to provide the following:
 - 1. A minimum of 15 feet from the side space or lot line.
 - 2. A minimum of 15 feet from the end space or lot line.
 - 3. A minimum of 50 feet from the right-of-way line of any public street.
 - 4. A minimum of 20 feet from any boundary line of the mobile home court.
- G. Space for recreation shall be provided of not less than 8 percent of the total mobile home court property 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 designed, developed, landscaped and maintained by the management so as to provide a safe and 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. The recreation area shall have a 4 foot high fence with gates around the entire perimeter.
- H. A buffer as per Article V – Division 2, shall be provided along the entire length of all mobile home court boundary lines not bordering a public right-of-way.
- I. There shall be private internal roadways within the mobile home court reaching every lot and parking space in the court. Internal roadways shall be designed so that sanitation, emergency, and other public service vehicles can serve the mobile home court without the necessity of backing unreasonable distances or making other dangerous turning movements. All internal roadways shall be paved (asphalt or concrete) a minimum of 20 feet in width for two-way traffic.
- J. Paved (asphalt or concrete) off-street parking areas or on-street parking lanes shall be provided on the basis of 2 spaces (9.50' x 18') per mobile home space or lot.
- K. Internal roadways, off-street parking areas, and on-street parking lanes shall be constructed to handle traffic and vehicle loads of its intended use, emergency vehicles, and public service vehicles.
- L. The mobile home court shall be graded to drain properly.
- M. All mobile homes shall be connected to the sanitary sewer and water system of the City or an on-site sanitary sewer and/or water system approved by and under the regulations of the Alabama Department of Public Health and in accordance with all other codes and regulations. Only mobile homes with toilet and plumbing fixtures, which conform to the plumbing code adopted by the City shall be permitted for occupancy.
- N. 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 of a type approved by the Water Works, Gas & Sewer Board.
- O. Each mobile home space or lot may have an enclosed accessory structure, used for storage, located no less than 10 feet from the space or lot line and no less than 10 feet from the mobile home it is to serve. The accessory structure shall be constructed in a manner and of materials intended for this use and shall not exceed 120 square feet in area.
- P. All water, sewer, and gas utilities within the mobile home court boundary lines shall be considered private unless otherwise approved by the Water Works, Gas & Sewer Board. If determined private,

the master water meter and gas meter shall be located adjacent to the public right-of-way as approved by the Water Works, Gas & Sewer Board.

- Q. No mobile home shall have added or constructed on to it any addition of any type other than a porch, deck or steps. Such porch or deck may have a roof (shingles or metal) and may be enclosed only with screen material.
- R. Each mobile home shall have underpinning. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of underpinning. Installation shall be in accordance with the manufacturer's instructions.
- S. Mobile home courts shall provide stormwater management.
 - 1. All ground disturbing construction activity shall have an ADEM NPDES Construction General Permit (ALR100000). A copy of the permit shall be provided to the Planning Department.
 - 2. Stormwater detention shall be required to ensure post-construction run-off does not exceed pre-construction runoff.
 - 3. All BMP plans and stormwater detention plans shall be reviewed and approved by the City of Jacksonville Planning Department in order to achieve compliance with the City's Stormwater Management Program.
 - 4. It is preferred that all developments utilize low impact development (LID) and green infrastructure practices (GIP) in accordance with the latest version of the "Low Impact Development Handbook for the State of Alabama".
- T. Prior to the occupancy of a mobile home (initial setup or replacement), the Enforcing Officer shall be contacted to approve the placement of the mobile home on the space or lot, the underpinning, the water and sewer connection, and the electrical supply and connection.
- U. The installation, construction and / or renovation of underpinning, porches, decks, and steps along with any renovations to the mobile home shall be subject to a Building Permit.
- V. When a mobile home is installed (initial setup or replacement), the age of the mobile home shall not exceed 12 years.

Secs. 24-533 - 24-559. - Reserved.

ARTICLE VII. - SIGNS

Sec. 24-560. - Purpose.

It is the purpose of this Article is to protect the health, safety, welfare, convenience and enjoyment of the general public by establishing regulations for the erection and maintenance of signs. It is determined that, while signs are a proper commercial use of private property and an important function in identifying properties, businesses, services, residences, events, and other matters of public interest which are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City by establishment of standards for the type, quantity, sign area, height, spacing and illumination of such signs. The specific purposes of this Article are as follows:

- A. To protect the City's appearance and the quality of life of its citizens.
- B. Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City.
- C. To preserve, protect and enhance areas of historical, architectural, cultural, aesthetic and economic value, regardless of whether they are natural or human-made.
- D. To establish standards and provide controls that permits reasonable use of signs and enhance the character of the City.
- E. Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.
- F. To protect the safety and efficiency of the City's transportation network by reducing the confusion and distraction to motorists, reducing collision hazards and enhancing the motorists' ability to see pedestrians, obstacles, other vehicles and traffic signs.
- G. To integrate sign regulations more effectively with general zoning regulations by establishing specific requirements for signs, related to setbacks, sign area / height restrictions and spacing.
- H. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
- I. To preserve the views of natural resources, green space and other open spaces from unnecessary blight and blockage caused by signage.
- J. To protect adjacent and nearby properties, in particular residentially zoned properties, from the impact of lighting, number, sign area, height, movement and location of signs.
- K. To enhance the impression of the City to tourists and visitors by controlling the location and number of signs.
- L. To encourage signage and other private communications which aid orientation, identify activities, express local history and character or serve other educational purposes.

This Article is not intended to define the content of a sign or to inhibit an individual's right to express messages protected by the First Amendment of the United States Constitution. However, a sign containing messages of obscenity, defamation, and libel is prohibited as allowed by law.

Sec. 24-561. - Permitting.

- A. *Applicability.* From and after the effective date of the Ordinance from which this Chapter is derived or the effective date of any amendment to this Chapter, no sign of any type (temporary or permanent) shall be erected, constructed, displayed, painted, altered, moved or repaired within the City, unless all applicable provisions of this Article are met, and until a valid Sign Permit has been issued by the Enforcing Officer, except for such signs set-forth in Section 24-563 *Signs Allowed Without a Sign Permit*, the following actions shall too not require a permit.
 - 1. Changing the copy, announcement or message on a sign.

2. Cleaning, painting, or comparable maintenance of a sign that does not alter sign area, image, or message on the sign.
- B. *Procedure.* All temporary and permanent Sign Permits shall be obtained in accordance with the following procedures:
1. A written application shall be submitted to the Enforcing Officer for review and processing. The Enforcing Officer will determine if all requisite documentation, fees, and supplementary information as may be requested are complete and attached.
 2. The Enforcing Officer shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable regulations.
 3. An application for a sign permit shall be approved or disapproved by the Enforcing Officer within 10 days of the date of submittal of a complete application. If the Enforcing Officer determines that an application is incomplete, the Enforcing Officer shall notify the applicant of the specific items that are missing or incomplete.
- C. *Submittal requirements.* A request for a Sign Permit shall be considered incomplete until all the following has been submitted to the Enforcing Officer:
1. The sign application form, provided by the City, shall be submitted with all required information completed by the applicant.
 2. Plans and specifications (if required by the Enforcing Officer) for the proposed sign shall be submitted, drawn to scale, and shall include the following:
 - a. Site plan of the development showing location of any temporary or permanent sign(s) in relation to any public right-of-way, property lines, easements, setbacks, buildings, visibility at intersections and other signs on the property.
 - b. Building façade dimensions (only for signs mounted to building).
 - c. Dimensions and elevations (including message) of sign(s).
 - d. Dimensions and diagrams of supporting structures and footings / foundations prepared by a qualified person or sign manufacturer.
 - e. Maximum and minimum height of sign, as measured from finish grade at sign base and / or above the pavement at the nearest adjoining street.
 - f. For illuminated signs, indicate type and placement of illumination.
 - g. Electrical plans and specifications as set-forth in Chapter 6 of the City's Code of Ordinances.

Sec. 24-562. - General Regulations.

The following regulations shall apply to all signs.

1. All signs must be in accordance with the provisions of this Article and shall meet the requirements as set-forth herein, except for the following exception:
 - a. Regulatory, directional, informational, and construction signage installed by any government agency or quasi-public agency.

2. 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 vehicular and pedestrian traffic.
3. No sign shall be erected in or otherwise fixed to any object within a public right-of-way, alley, easement, or located such that it obstructs or physically interferes with the driver's view of approaching, merging, or intersecting traffic. Signs shall meet the visibility requirements set-forth in Section 24-501 *Visibility Areas at Street Intersections and Driveways*.
4. A portable / mobile sign shall only be non-illuminated.
5. The maximum total sign area for a portable / mobile sign is 16 square feet, whether it is an individual sign installed on its own wheels / supports, or the combination of multiple signs installed on a vehicle, trailer, or a vehicle and trailer combination. Said signs are only allowed to be parked or left unattended on private property in non-residential zoning districts, unless said signs are not visible from a public right-of-way. This Subsection (5) does not apply to political signs, see Section 24-563(20) for additional information.
6. The wattage of sign lighting (not including searchlights for special events) should not exceed 60 watts per bulb, except as set-forth in Section 24-565(2) *Digital Signs*, and no lights shall be permitted to flash, blink, or shimmer.
7. 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.
8. A sign designed 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.
9. No sign or any foundation or support thereof shall be erected on or overhanging any public right-of-way or alley, except signs owned by public / government agencies, such as traffic control signs, regulatory signs, information signs, construction signs, directional signs, and street signs.
10. 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 temporary community decorations, holiday decorations, or a promotional display.
11. Only non-illuminated signs shall be allowed in and within 100 feet of any residential zoning district, except as set-forth in Section 24-566 *Permanent Signs Allowed With a Sign Permit – In All Residential Zoning Districts*.
12. No sign shall be suspended across public streets, except signs owned by public / government agencies, such as traffic control signs, information signs, regulatory signs, directional signs, and street signs.
13. No sign or any foundation or support thereof shall be located in a right-of-way, alley, or easement.
14. Signs shall be adequately supported and constructed as per industry standards and any applicable building codes.
15. Banners (a type of sign printed or otherwise inscribed on vinyl, fabric, mesh, or similar material) are prohibited to be used as a permanent sign.
16. Wind signs that are mechanically operated or inflated are prohibited.

Sec. 24-563. - Signs Allowed Without a Sign Permit.

The signs listed in this Section are allowed in all zoning districts and are exempted from requiring a Sign Permit, however these signs must comply with the General Regulations as set-forth in this Article and shall be subject to the regulations noted.

1. Traffic and pedestrian regulatory signs.
2. Traffic hazard and construction signs.
3. Street name signs.
4. Signs established for, or by order of, any governmental agency.
5. Signs indicating bus stops and similar public transportation facilities.
6. Signs indicating off-street parking facilities or loading and unloading facilities.
7. Signs indicating public utility facilities.
8. Street address numbers as set-forth in Chapter 6 of the City's Code of Ordinances.
9. Signs (not including flags) to allow an individual the right to express messages protected by the First Amendment of the United States Constitution, provided:
 - a. Quantity is limited to 1 non-illuminated on-premises sign per household or business.
 - b. Sign area shall not exceed 8 square feet in all residential zoning districts and 32 square feet in all other zoning districts.
 - c. Height shall not exceed 4 feet in all residential zoning districts and 8 feet in all other zoning districts.
10. No trespassing, soliciting, or warning of danger signs, provided:
 - a. Quantity is limited to the minimum number of non-illuminated on-premises signs necessary to provide adequate notification on the property.
 - b. Sign area shall not exceed 1 square feet.
 - c. Height shall not exceed 4 feet.
11. Signs indicating for sale or rent, the real estate on which the sign is located, provided:
 - a. Quantity is limited to 1 non-illuminated on-premises sign along each street contiguous to the property.
 - b. Sign area shall not exceed 6 square feet in all residential zoning districts and 32 square feet in all other zoning districts.
 - c. Height shall not exceed 4 feet in residential zoning districts and 8 feet in all other zoning districts.
 - d. Sign shall be removed within 7 days after the sale or rental of the real estate.

12. Signs for construction and land development projects (except for individual single-family and two-family dwellings) displaying the name of the building / development, the developer, the contractors, the architects, the engineers, the owners, the financial institutions, provided:
 - a. Quantity is limited to 1 non-illuminated on-premises sign.
 - b. Sign area shall not exceed 32 square feet.
 - c. Height shall not exceed 8 feet.
 - d. Sign shall not be erected until a Building Permit for construction is issued and shall be removed immediately upon expiration of the Building Permit or immediately after construction is completed, whichever occurs first.
13. Contractor signs, provided:
 - a. Sign designating the contractor engaged in the construction, repair, and / or maintenance of the premises upon which the sign is displayed.
 - b. Quantity is limited to 1 non-illuminated on-premises sign per contractor.
 - c. Sign area shall not exceed 16 square feet.
 - d. Height shall not exceed 6 feet.
 - e. Sign shall not be erected until a Building Permit for construction, repair, or maintenance of a premise is issued and shall be removed immediately upon expiration of the Building Permit or immediately after construction, repair, or maintenance is completed, whichever occurs first.
14. Signs indicating employment opportunities, provided:
 - a. Quantity is limited to 1 non-illuminated on-premises sign.
 - b. Sign area shall not exceed 4 square feet.
 - c. Height shall not exceed 4 feet.
 - d. Sign shall be removed immediately upon hiring the employee(s).
15. Flags and Flag Poles (in all residential zoning districts), provided:
 - a. Quantity shall be limited to 1 decorative or themed flag (seasonal, athletic, armed forces, religious, etc.) and 2 governmental flags (state and national) per single-family dwelling, and 1 decorative, themed, or governmental flag per two-family and multi-family dwellings, except on public or governmental property.
 - b. The flag shall be of a material intended and manufactured for that purpose.
 - c. Governmental Flags shall be flown or displayed in a manner that meets the Federal Flag Code.
 - d. Quantity shall be limited to 1 on-premises permanent flag pole and 1 on-premises temporary flag staff per single-family dwelling, 1 on-premises temporary flag staff per two-family and multi-family dwelling unit, and 1 on-premises permanent flag pole per two-family or multi-family dwelling premises, except on public or governmental property. Flag size shall not exceed 3' x 5', except on public or governmental property.

- e. Permanent flag poles shall not exceed 20' in height, measured from the ground at the pole base to the top of the finial, except on public or governmental property. Temporary flag staffs shall not exceed 6' in length with supports mounted to a structure and shall not exceed 8' in height, measured from the ground directly below the staff to the top of the finial.
- f. No ribbons, streamers, balloons or other similar attention seeking devices may be attached to any flag or flag pole/staff.

16. Flags and Flag Poles (in all non-residential zoning districts), provided:

- a. Quantity shall be limited to 1 decorative or themed flag (seasonal, athletic, armed forces, religious, and insignia / business logo) and 2 governmental flags (state and national) per business, except on public or governmental property.
- b. The flag shall be of a material intended and manufactured for that purpose.
- c. Governmental Flags shall be flown or displayed in a manner that meets the Federal Flag Code.
- d. Quantity shall be limited to 1 on-premises permanent flag pole and 1 on-premises temporary flag staff, except on public or governmental property. Except, shopping centers and buildings with multiple businesses are limited to 1 on-premises permanent flag pole per premise and 1 on-premises temporary flag staff per business. Flag size shall not exceed 5' x 8', except on public or governmental property.
- e. Permanent flag poles shall not exceed 35' in height, measured from the ground at the pole base to the top of the finial, except on public or governmental property. Temporary flag staffs shall not exceed 8' in length with supports mounted to a structure and shall not exceed 10' in height, measured from the ground directly below the staff to the top of the finial.
- f. No ribbons, streamers, balloons or other similar attention seeking devices may be attached to any flag or flag pole/staff.

17. Menu boards for any establishment with drive-through windows, provided:

- a. Menu boards shall be non-illuminated or illuminated (directly) on-premises signs.
- b. It shall be designed and located so as not to be legible from any public right-of-way.
- c. It shall only depict products that can be purchased within the establishment.
- d. Sign area shall not exceed 48 square feet.
- e. Height shall not exceed 8 feet.

18. Yard sale signs, provided:

- a. The term "Yard Sale" includes garage sale, rummage sale and similar activities.
- b. Quantity is limited to 1 non-illuminated on-premises sign per street frontage.
- c. Sign area shall not exceed 4 square feet.
- d. Height shall not exceed 4 feet.

- e. Sign shall not be erected prior to obtaining a Yard Sale Permit and not more than 1 day before the yard sale and shall be removed immediately after the yard sale.
- f. See Section 24-562 (3) for sign location information.

19. Window Signs, provided:

- a. Quantity is limited to 3 illuminated (directly) on-premises window signs per building façade, such as neon or digital signs, and quantity is unlimited for non-illuminated on-premises window signs per business (or per business within the building) on any single lot or premises.
- b. Total sign area shall not exceed 25 percent of the window or door area on which it is located.
- c. Signs shall not obstruct visibility through the door on which it is located between the height of 4 feet and 7 feet above the outside adjacent grade.

20. Political Signs, provided:

- a. Signs must be placed on private property with the owner's permission.
- b. Signs shall not be placed on City owned property, buildings, and vehicles.
- c. It is a homeowner's responsibility to determine if political signs are prohibited by any Covenants and Restrictions for their subdivision prior to placing a sign at their residence.
- d. Sign area shall not exceed 6 square feet in all residential zoning districts and 32 square feet in all other zoning districts.
- e. The maximum sign area for a portable / mobile sign is 32 square feet, whether it is an individual sign installed on its own wheels / supports, or the combination of multiple signs installed on a vehicle, trailer, or a vehicle and trailer combination. Said sign(s) are allowed to be parked or left unattended on private property in non-residential zoning districts or in residential zoning districts.
- f. Sign height shall not exceed 4 feet in residential zoning districts and 8 feet in all other zoning districts.
- g. Signs shall not be installed more than 90 days prior to an election and shall be removed within 2 days after the election.

21. Signs installed on public property (not rights-of-way or alleys) that have been approved by the City.

22. Signs (including banners) for special events, provided:

- a. Quantity is limited to 3 non-illuminated (non-digital) on-premises signs and 7 non-illuminated (non-digital) off-premises signs. The off-premises signs for special events are not classified as billboards. The off-premises signs shall be limited to 1 sign per property on which it is located.
- b. Sign area shall not exceed 32 square feet (on-premises) and 16 square feet (off-premises).
- c. Sign height shall not exceed 8 feet (on-premises) and 4 feet (off-premises).
- d. Signs shall not be erected more than 14 days before the special event and shall be removed within 2 days after the special event.

- e. Signs shall not be located in a residential zoning district.
 - f. Signs are limited to 4 special events per year.
23. Signs (including banners) located on the Public Square for a special event sanctioned by the City or Jacksonville State University, provided:
- a. Quantity is limited to 1 non-illuminated (non-digital) off-premises sign located at each end of the Public Square. Signs located on the Public Square shall not be erected or fixed to any tree, utility pole, or light pole. The off-premises signs for special events are not classified as billboards.
 - b. Sign area shall not exceed 32 square feet.
 - c. Sign height shall not exceed 8 feet.
 - d. Signs shall not be erected more than 14 days before the special event and shall be removed within 2 days after the special event.
 - e. All signs installed on the Public Square (interior park area) shall be coordinated with and approved by the Parks and Recreation Department (PARC) Director. The portion of Section 24-562 (3) that states “no sign shall be erected in or otherwise fixed to an object within a public right-of-way” does not apply to the Public Square (interior park area).
24. Directional sign to a special event, provided:
- a. Quantity is limited to the minimum number of non-illuminated (non-digital) off-premises signs necessary to provide adequate direction to the special event. In no case, shall the number of off-premises signs exceed 6. The off-premises signs for special events are not classified as billboards.
 - b. Sign area shall not exceed 4 square feet.
 - c. Sign height shall not exceed 4 feet.
 - d. Signs shall not be erected more than 2 days before the special event and shall be removed within 2 days after the special event.
 - e. Signs are limited to 4 special events per year.
25. Wind signs for a special event, provided:
- a. Quantity is limited to 2 non-illuminated on-premises signs. This does not include flags as set forth in Section 24-563 (15) & (16) *Signs Allowed Without a Sign Permit*.
 - b. Sign area shall not exceed 20 square feet.
 - c. Sign height shall not exceed 12 feet.
 - d. Signs shall be located within 10 feet of the main structure and not located within a front setback.
 - e. Signs shall not be erected more than 14 days before the special event and shall be removed within 2 days after the special event.

- f. Signs are limited to 4 special events per year.

Sec. 24-564. - Permanent Signs Allowed With a Sign Permit – In All Business and Manufacturing Zoning Districts.

A Sign Permit for a permanent sign shall be issued by the Enforcing Officer for the following types of signs located in all business and manufacturing zoning districts. Fees for the Sign Permit shall be based upon the current *Schedule of Fees* as adopted by the City. These signs shall also be subject to the regulations noted.

1. Billboards.

- a. Billboards shall be spaced at radial intervals of not less than 400 feet along a street or at intersections of streets.
- b. A billboard or portion thereof shall not be located closer than 15 feet from the front property line and 10 feet from the side property line.
- c. The maximum height of any billboard shall be 30 feet to the highest tip of the billboard, except that in areas where the ground level is lower than the main traveled way of the nearest adjacent street to which the billboard is directed, then the maximum height shall be extended to a height of 25 feet to the highest tip of the billboard above the plane of such main traveled way.
- d. The owner of a billboard for lease shall have their name printed on the sign face clearly visible from the street and have a current City business license.
- e. No billboard shall be permitted within 100 feet of any area officially designated by a Resolution of the City Council or the Alabama Historical Commission as one of historical interest. The 100 feet shall be measured radially from the nearest point on the sign structure to the nearest point of the area designated as one of historical interest.
- f. The billboard sign area shall not exceed 300 square feet with a maximum sign area height of 10 feet and a maximum sign area length of 30 feet, inclusive of any border and trim on the sign face, but excluding any embellishment on and cut-out extensions of the sign face. The cumulative area of all extensions on any one billboard shall not exceed 15 percent of the total sign area, excluding extensions.
- g. No billboard or portion thereof shall be erected in or within 150 feet of any residential zoning district. The 150 feet shall be measured radially from the nearest point on the sign structure to the nearest point of a residential zoning district boundary line.
- h. The installation of new billboards and the alteration of existing billboards, not including general maintenance and changing the subject matter, are prohibited along Alabama Highway 21 (Pelham Road, North & South) between George Douthit Drive, SE & SW and 11th Street, NE & NW and along Alabama Highway 204 (Nisbet Street, NW) between Pelham Road, North and the City Limits. Except, the installation of new billboards and the alteration of existing billboards not exceeding 24 square feet in sign area and 10 feet in height, to the highest tip of the billboard, are allowed within the above specified area in accordance with other regulations as set-forth in Article VII *Signs*.

- 2. Digital Signs. The following digital signs are allowed: digital business signs, digital public message board signs, digital bulletin board signs, and digital billboards. In addition to any other applicable regulations set-forth in this Article, digital signs shall also comply with the following:

- a. Digital signs may be integrated in whole or as part of a freestanding sign, wall sign, monument sign, window sign, or projection sign.
- b. Digital signs shall only display a static message or messages.
- c. 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 6 seconds and a transition time between static messages of no more than one second.
- d. 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.
- e. 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.
- f. Digital signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
- g. Digital signs shall not be permitted to operate unless they are equipped with:
 1. A default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.
 2. 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.
- h. Digital Signs if located within 100 feet of a residential zoning district, the sign 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 the sign structure to the nearest point of a residential zoning district boundary line.
- i. 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 or 6,500 NITs between one-half hour before sunrise until one-half hour after sunset.
- j. The City, through appropriate personnel, may exercise its 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, emergency information regarding terrorist attacks or natural disasters, or other messages deemed necessary by the Police Chief or Fire Chief. Emergency information messages should then remain in rotation according to the designated issuing agencies protocols.
- k. 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 this Chapter.

3. Freestanding Signs.
 - a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises freestanding sign, this includes monument signs, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
 - b. Sign area shall not exceed 60 square feet, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
 - c. Height shall not exceed the maximum roofline of the main building located on the premises, but in no event higher than 20 feet to highest tip of sign above the pavement of the nearest adjoining street, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
4. Monument Signs.
 - a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises monument sign (see freestanding signs), except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
 - b. Sign area shall not exceed 60 square feet, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
 - c. Height shall not exceed 6 feet including the base, measured from finish ground level, or 8 feet if the sign is enhanced with architectural materials, features, and design that matches the building, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
5. Projection Signs.
 - a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises projection sign per building on the building façade facing a public right-of-way on any single lot or premises.
 - b. Sign area shall not exceed 12 square feet in area.
 - c. Sign shall be installed no less than 10 feet from the sidewalk / ground finish elevation and shall have a maximum distance of 1 foot between the sign and building façade.
 - d. Height is not specified. The top of the projection sign shall not exceed above the top of the wall upon which it is located.
 - e. Projection signs are prohibited to be installed on the same building façade with a wall sign or roof sign.
6. Roof signs.
 - a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises roof sign per building on any single lot or premises. Roof signs shall only be installed on a roof with a pitch of 45 degrees or more and facing a public street.
 - b. Sign area shall not exceed 20 percent of the portion of the roof with a pitch of 45 degrees or more upon which it is located or 60 square feet, whichever is less.
 - c. Height is not specified. The top of the roof sign shall not exceed above the highest point of the roofline upon which it is located.

- d. Roof signs are prohibited to be installed on the same building façade as a wall sign or projection sign.
7. Subdivision identification sign.
- a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises sign at each primary entrance to a public street.
 - b. Sign shall be located in an area designated on the subdivision plat. The sign shall not be located within a public right-of-way or alley.
 - c. Sign shall be limited to the subdivision name and logo.
 - d. Sign area shall not exceed 48 square feet.
 - e. Height shall not exceed 8 feet including sign structure, measured from finish ground level.
 - f. Sign structure shall be constructed of brick, stone, or other masonry material.
 - g. Landscaping shall be installed around the perimeter of the sign. Landscaping shall be maintained by the subdivision developer or property owners.
8. Wall signs.
- a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises wall sign on the building façade containing the main entrance and the building façade whose primary orientation is a public right-of-way or a customer parking lot.
 - b. Sign area shall not exceed 20 percent of the exterior wall area (excluding doors and windows) upon which it is located, except as set-forth for shopping centers in Section 24-567 *Additional Sign Regulations – Specific to Certain Zoning Districts*.
 - c. The top of the sign shall not extend above the top of the wall upon which it is located.
 - d. Wall signs are prohibited to be installed on the same building façade with a projection sign or roof sign.

Sec. 24-565. – Permanent Signs Allowed With a Sign Permit – In All Residential Zoning Districts.

A Sign Permit for a permanent sign shall be issued by the Enforcing Officer for the following types of signs located in all residential zoning districts. Fees for the Sign Permit shall be based upon the current *Schedule of Fees* as adopted by the City. These signs shall also be subject to the regulations noted.

1. An illuminated (directly) or non-illuminated on-premises directional or informational sign of a quasi-public nature which states the name or location of a private institution or similar facility permitted in a residential zoning district, provided such sign does not exceed 6 square feet in area and does not exceed 6 feet in height and that no sign shall be located closer than one-half the required setback from the property line.
2. An illuminated (directly) or non-illuminated on-premises bulletin board for a church, school, auditorium, library, museum, community recreation center or similar noncommercial place of public assembly or an identification sign for of a church, school, recreation facility, hospital, clinic, nursing home, club or similar facility permitted in that respective residential zoning district, provided such sign area shall not exceed 32 square feet in area and does not exceed 8 feet in

height including the sign structure, measured from finish ground level and that no sign shall be located closer than one-half the required setback from the property line.

3. An non-illuminated on-premises sign identifying a nursery school, kindergarten and similar for fee day care center, provided that such sign area shall not exceed 16 square feet in area and does not exceed 6 feet in height and that no sign shall be located closer than one-half the required setback from the property line.
4. An non-illuminated on-premises sign for a home occupation, where permitted by zoning district regulations, provided such sign area shall not exceed 2 square feet, is attached to the wall adjacent to the front door of the dwelling, and is mounted no higher than the top of said door.
5. Subdivision and Multi-Family Dwelling Development identification sign.
 - a. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises sign at each primary entrance to a public street.
 - b. Sign shall be located in an area designated on the plans or subdivision plat. The sign shall not be located within a public right-of-way, alley, or easement.
 - c. Sign shall be limited to the subdivision or multi-family dwelling development name and logo.
 - d. Sign area shall not exceed 32 square feet.
 - e. Height shall not exceed 6 feet including sign structure, measured from finish ground level.
 - f. Sign structure shall be constructed of brick, stone, or other masonry material.
 - g. Landscaping shall be installed around the perimeter of the sign. In regard to subdivisions, said landscaping shall be maintained by the subdivision developer, homeowner's association or property owners.

Sec. 24-566. - Additional Sign Regulations - Specific to Certain Zoning Districts.

In certain zoning districts, the following sign regulations shall also apply.

- A. RIP Business District.
 1. All signs permitted in a residential zoning districts are allowed, subject to the conditions set-forth in Section 24-565 *Permanent Signs Allowed With a Sign Permit – In All Residential Zoning Districts*.
 2. Quantity is limited to 2 non-illuminated or illuminated (directly) on-premises business signs.
 3. Sign area shall not exceed 16 square feet.
 4. Only monument, wall, or projection signs are permitted.
 5. All signs must be of painted / stained wood or a durable all-weather material.
- B. B-1 Local Shopping Business District and B-2 General Business District.
 1. Shopping centers.
 - a. Freestanding sign.

1. Quantity is limited to conditions set-forth in Section 24-564(3) *Permanent Signs Allowed With a Sign Permit – In All Business and Manufacturing Zoning Districts (Freestanding Signs)*, except if a shopping center has at least 400 feet of contiguous total frontage on two intersecting public streets the quantity shall not exceed 1 on-premises freestanding or monument sign along each street. Spacing for such signs shall be 300 feet apart measured along the street frontage or as approved by the Enforcing Officer depending upon site conditions.
 2. Sign area shall not exceed 150 square feet. Allowable sign area is 1 square foot per 1,000 square feet of building area plus 60 square feet.
 3. Height shall not exceed 25 feet to the highest tip of the freestanding sign above the pavement of the nearest adjoining street.
 4. The freestanding sign may display the shopping center name and a directory of individual businesses within the shopping center.
- b. Monument sign.
1. Quantity is limited to conditions set-forth in Section 24-564(4) *Permanent Signs Allowed With a Sign Permit – In All Business and Manufacturing Zoning Districts (Monument Signs)*, except if a shopping center has at least 400 feet of contiguous total frontage on two intersecting public streets the quantity shall not exceed 1 on-premises monument or freestanding sign along each street. Spacing for such signs shall be 300 feet apart measured along the street frontage or as approved by the Enforcing Officer depending upon site conditions.
 2. Sign area shall not exceed 100 square feet. Allowable sign area is 1 square foot per 1,000 square feet of building area plus 60 square feet.
 3. Height shall not exceed 8 feet including the base, measured from finish grade level, or 10 feet if the sign is enhanced with architectural materials, features, and design that matches the building.
 4. The monument sign may display the shopping center name and a directory of individual businesses within the shopping center.
- c. Wall sign.
1. Quantity is limited to 1 non-illuminated or illuminated (directly or indirectly) on-premises wall sign on the building façade containing the main entrance of the business within the shopping center.
 2. Sign area shall not exceed 2 square feet for each linear foot of the building façade containing the main entrance to the business within the shopping center.
 3. The top of the sign shall not extend above the top of the wall upon which it is located.

Sec. 24-567. - Maintenance.

All signs shall be maintained by the owner of the sign or the owner / lessee 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 the signs and

billboards. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.

Sec. 24-568. - Nonconforming.

- A. All existing signs and sign structures 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 or the effective date of any amendment to this Article, be enlarged, structurally altered or extended unless such signs and sign structures shall be made to comply with all the provisions of this Article.
- B. Normal repairs and repainting of nonconforming signs are permitted. However, when a nonconforming sign is damaged or destroyed by any means, except by natural disasters, to the extent of 50 percent or more of its replacement value at the time of destruction, exclusive of foundations, it shall not thereafter be restored, unless such sign shall be made to conform to all the provisions of this Article.
- C. A Nonconforming sign and/or a sign structure or its use that has been discontinued for any reason, except for damage or destruction by natural disasters, for a period of more than 6 consecutive months shall not be used or restored. Such sign and/or sign structure shall be removed entirely by the sign owner or owners of the premises upon which the sign is located.

Sec. 24-569. - Removal.

- A. Any sign no longer meeting any specification of the Sign Permit or that has changed so as to violate the terms of this Chapter, shall be removed or made to conform to this Article immediately.
- B. Any conforming 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 have the entire sign removed within 15 days at a cost assumed by the sign owner or property owner.
- C. Any sign for which a temporary Sign Permit has expired shall be removed immediately upon the expiration of said Sign Permit, at a cost assumed by the sign owner or property owner.

Secs. 24-570 - 24-599. - Reserved.

ARTICLE VIII. - SUPPLEMENTAL REGULATIONS

Sec. 24-600. - 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.

Sec. 24-601. - Pay-Day Lending and Deferred Presentment Financial Institutions.

In any zoning district in which the conditional 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 1,000 feet of each other.
- b. No pay-day lending and/or deferred presentment financial institution shall be permitted to be within 1,000 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 1 pay-day lending and/or deferred presentment financial institution for every 5,000 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*.

Sec. 24-602. – Developments to be on One Lot.

In order to provide the dimensional, space, and other development requirements of this Chapter, every development (residential and commercial) hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on one lot such that no lot lines are crossed by any proposed improvements. Any structures or uses considered customarily accessory to the development shall be located on the same lot as the development. Even if adjacent lots and / or property are under the same ownership, it will require a Subdivision by Consolidation in order to provide one lot of adequate size for the entire development and any accessory structures or uses.

Sec. 24-603. - Temporary Construction Office Trailers and Unoccupied Recreational Vehicles.

Nothing in this Chapter shall be construed to prohibit the use of a temporary construction office trailer in accordance with the building codes adopted by the City, nor shall this Chapter be construed to prohibit the parking of only one unoccupied recreational vehicle, 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 zoning district, provided no living quarters are maintained and no business is practiced in such recreational vehicle while it is so stored or parked.

Sec. 24-604. – Temporary Portable Storage Containers.

Temporary placement of portable storage containers may be permitted in all zoning districts with the following conditions:

- a. For the purpose of this Section, a temporary portable storage container shall be a portable container used for short-term storage of materials related to the use of the property and not having a permanent foundation. The container shall be specifically manufactured for this purpose.
- b. A temporary portable storage container can only be placed on a lot containing a main structure for a period not to exceed 60 consecutive days after the Enforcing Officer of the City has issued a Building Permit for the container. It may be renewed once for an additional 30 consecutive days at the Enforcing Officer's discretion. A temporary portable storage container may also be allowed in conjunction with a valid Building Permit issued for the construction and renovation of a structure for a period not to exceed the Building Permit's expiration date or up to 10 days after the Certificate of Occupancy has been issued, whichever occurs first. Temporary portable storage containers are limited to 1 per lot or as determined necessary by the Enforcing Officer.

- c. Temporary portable storage containers shall not block access to any property or structure, utilities (meters, valves, fire hydrants, etc.), or be located within a public right-of-way, easement, or alley.
- d. Temporary portable storage container shall not be located within 10 feet of the main structure or any accessory structures.
- e. Temporary portable storage containers shall not display any signage other than the identification of the provider.

Sec. 24-605. – Lot(s) of Record.

- A. In any zoning district in which single-family dwellings are permitted, a single-family dwelling 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 zoning district, provided, that setbacks and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located.
- B. If 2 or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are Lots of Record, and if all or part of said lots do not meet the zoning district's requirements for lot size, 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 size requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot size below the requirements stated in this Chapter.
- C. However, in no case, except in Townhouse developments, shall any Lot of Record, or combination or portion of Lot(s) of Record with continuous frontage in single ownership in a residential zoning district be used as a building lot which is less than 5,000 square feet in total area, has a minimum lot width of less than 50 feet, has a front setback of less than 20 feet, has a side setback of less than 10 feet, and has a rear setback of less than 20 feet.

Sec. 24-606. – Easements.

In regard to easements, any activity or encroachment that interferes with access to, prevents or inhibits the purpose or intended use of, or creates a hazardous situation within is prohibited. The City has authority to perform periodic maintenance to the easements only as deemed necessary to protect the City's interest and intended use. The periodic maintenance by the City does not relieve the property owner's or occupant's duty to maintain the easements across their property, as set-forth in Chapter 19 - Article II *Lot Clearing* of the City's Code of Ordinances.

Sec. 24-607. – Enclosing Carports.

Any portion of a free-standing or attached carport which is located within the underlying zoning district's required setbacks shall not be enclosed or altered in any manner as to become in whole or part of a dwelling, business, enclosed garage, or accessory structure.

Sec. 24-608. – Sidewalks.

The property owner or developer shall be responsible for constructing new sidewalks and replacing/repairing existing damaged, unsafe or inadequate sidewalks along the street frontage(s) of all

new developments and redevelopments in an RIP, B-1, B-2, M-1, or M-2 zoning district. The property owner or developer shall be responsible for constructing new sidewalks and replacing/repairing existing damaged, unsafe or inadequate sidewalks along the street frontage(s) of all new residential subdivisions and developments. The property owner or developer shall be responsible for constructing new sidewalks and replacing/repairing existing damaged, unsafe or inadequate sidewalks along the street frontage(s) of all lots with new dwellings in existing residential subdivisions and developments that already have a sidewalk system underway. The sidewalk system within a new residential development shall be constructed on both sides of the street. Sidewalks in business or manufacturing zoning districts shall be a minimum of 6 feet wide and sidewalks in residential zoning districts shall be a minimum of 4 feet wide. A median of grass at least 2.50 feet wide shall separate sidewalks from the adjacent curbs, or edges of pavement if there is no curb. Sidewalks shall be located on the lot side of any drainage ditches along a street. Sidewalks shall accommodate handicap accessibility (per current ADA standards) to the maximum extent feasible; this includes handicap ramps with detectable warning strips and striped cross-walks at street intersections. In cases where topography or other physical conditions make constructing sidewalks technically infeasible, the Planning Commission may waive or modify the above requirements.

Sec. 24-609. – Placement of Utilities.

Within all new residential and commercial subdivisions or developments, the utility systems (water, sewer, gas, telephone, cable television, and electric), along with component parts, structures, appendages and materials shall be installed underground in a manner approved by the applicable utility provider and in accordance with all City regulations. Aboveground utility systems will not be permitted, except where certain appurtenances and accessories must be installed above the ground for operation and servicing.

Sec. 24-610. – Short-Term Rentals.

In order to maintain and preserve the quality and integrity of the City's residential and business areas along with the dwellings located therein, the rental of any dwelling or portion of dwelling as a short-term rental is prohibited.

Sec. 24-611. – Temporary Dumpsters.

The placement of temporary dumpsters for non-construction cleanup activity or construction activity may be permitted in all zoning districts with the following conditions:

- a. For the purpose of this Section, a temporary dumpster shall be a portable container used for the receiving, transporting, and dumping of waste materials from the non-construction cleanup activity or construction activity on a property. The temporary dumpster shall be specifically manufactured for this purpose.
- b. A temporary dumpster, for non-construction cleanup activity, can be placed on a vacant lot being cleaned up or a lot containing a main structure for a period not to exceed 30 consecutive days after the Enforcing Officer of the City has issued a Building Permit for the dumpster. It may be renewed once for an additional 15 consecutive days at the Enforcing Officer's discretion. Temporary dumpsters are limited to 1 per lot or as determined necessary by the Enforcing Officer.
- c. A temporary dumpster, for construction activity, can be placed on a lot in conjunction with a valid Building Permit issued for the construction and renovation of a structure for a period not to exceed the Building Permit's expiration date or up to 10 days after the Certificate of Occupancy has been issued, whichever occurs first. Temporary dumpsters are limited to 1 per lot or as determined necessary by the Enforcing Officer.

- d. Temporary dumpsters shall not block access to any property or structure, utilities (meters, valves, fire hydrants, etc.), or be located within a public right-of-way, easement, or alley.
- e. Temporary dumpsters shall not be located within 10 feet of the main structure or any accessory structures.
- f. Temporary dumpsters shall not display any signage other than the identification of the provider.

Secs. 24-612 - 24-629. - Reserved.

ARTICLE IX. - NONCONFORMANCE

Sec. 24-630. - Purpose.

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

A. Continuation generally.

- 1. Within the zoning districts established by this Chapter, or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful before effective date of the ordinance from which this Chapter is derived or the effective date of an amendment to this Chapter, but which would be prohibited, regulated or restricted under the terms of this Chapter or of a future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted elsewhere in the same zoning district.
- 2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the zoning districts involved. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises or by addition of other uses of a nature which would be prohibited generally in the zoning district involved.
- 3. As used in this Article, the term "amendment" shall mean and shall be limited to an amendment by which the use of land, or of structures, or of structures and land in combination, became nonconforming or where otherwise affected.

B. Previously authorized buildings or uses.

- 1. Any structure, alteration or extension for which a Building Permit shall have been issued prior to the effective date of the Ordinance from which this Chapter is derived may be completed even though such structure, alteration or extension does not conform to the requirements of this Chapter; provided, however, that this Building Permit shall be void if such structure, alteration or extension is not begun within 180 days and completed within two years from the date of issuance of such Building Permit. Such structure, alteration or extension shall be deemed a nonconforming structure, and any use occupying such structure (if not a permitted use in the zoning district in which the structure is located) shall be deemed a nonconforming use.

2. Any use of land that has been duly authorized and which use of land does not conform to the requirements of this Chapter may be begun prior to, but not after, the effective date of the ordinance from which this Chapter is derived. Such use of land shall be deemed a nonconforming use of land.
- C. Planning approval and special exception uses. Any lawful use existing before the effective date of the Ordinance from which this Chapter is derived or the effective date of any amendment to this Chapter and which under the terms of this Chapter would be permitted only with planning approval or as a special exception is, without further notice, conforming under these provisions.

Sec. 24-631. - Nonconforming Uses of Land or Land with Accessory Structures Only.

- A. Continuation. Where a lawful use of land or land with accessory structures only exists before the effective date of the Ordinance from which this Chapter is derived, or the effective date of an amendment to this Chapter, which use would not be permitted by the regulations imposed by this Chapter or by an amendment to this Chapter, the use may be continued so long as it remains otherwise lawful.
- B. Enlargement. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied before the effective date of the Ordinance from which this Chapter is derived, or the effective date of an amendment to this Chapter. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.
- C. Extension or movement. No such nonconforming use shall be extended or moved in whole or in part to any portion of the premises or parcel of land other than that occupied by such use before the effective date of the Ordinance from which this Chapter is derived, or the effective date of an amendment to this Chapter.
- D. Change in use. No such nonconforming use of land or land with accessory structures only shall be changed to any other nonconforming use.
- E. Discontinuance of use. When a nonconforming use of land or land with accessory structures only is discontinued for any reason, except for damage or destruction by natural disasters or government action impeding access to the premises, for a period of more than 6 consecutive months, any subsequent use of such land or land with accessory structures only shall conform to the maximum extent feasible with the regulations specified by this Chapter for the zoning district in which such land or land with accessory structures only is located, except for those regulations determined to be technically infeasible by the Planning Commission.

Sec. 24-632. - Nonconforming Structures.

- A. Continuation. Where a lawful structure exists before the effective date of the Ordinance from which this Chapter is derived, or the effective date of an amendment to this Chapter, which structure could not be built under the terms of this Chapter or an amendment to this Chapter by reason of restrictions on area, building site, coverage, height, setbacks, location on the building site or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful.
- B. Enlargement. 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.
- C. Movement. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

- D. Replacement. Should such nonconforming structure or nonconforming portion of structure be damaged or destroyed by any means, except by natural disasters, to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall only be reconstructed in conformity to the maximum extent feasible with the requirements of this Chapter, except for those requirements determined to be technically infeasible by the Planning Commission. The nonconforming structure or nonconforming portion of structure damaged or destroyed by natural disasters may be reconstructed in the same location and to the same dimensions only by the person(s) owning the land at the time of the natural disasters. Except, no portion of said structure shall be reconstructed within a right-of-way, alley, easement, or encroaching upon adjacent property.

Sec. 24-633. - Nonconforming Use of a Structure, or Structure and Premises.

- A. Continuation. Where a lawful use of a structure, or of a structure and premises in combination, exists before the effective date of the Ordinance from which this Chapter is derived, or the effective date of an amendment to this Chapter, which use would not be permitted by the regulations imposed by this Chapter or by an amendment to this Chapter, the use may be continued so long as it remains otherwise lawful.
- B. Enlargement. No existing structure devoted to a use not permitted by this Chapter or by an amendment to this Chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of this structure to a use permitted in the zoning district in which it is located.
- C. Extension. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such structure.
- D. Change in use. Any structure, or structure and premises in combination, where a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.
- E. Discontinuance of use. When a nonconforming use of a structure, or structure and premises in combination, is discontinued for any reason, except for damage or destruction by natural disasters or government action impeding access to the premises, for a period of more than 6 consecutive months, any subsequent use of such structure, or structure and premises in combination, shall conform to the maximum extent feasible with the regulations specified by this Chapter for the zoning district in which such structure, or structure and premises in combination is located, except for those regulations determined to be technically infeasible by the Planning Commission.
- F. Removal of structure. Where nonconforming use status applies to a structure and premises in combination, the complete removal of the structure shall eliminate the nonconforming status of the premises.

Sec. 24-634. - 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 nonconforming structure shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, or to make the building safe.

- B. Unsafe structures. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt or occupied except in conformity with the City's Building Codes, and to the maximum extent feasible with the regulations of the zoning district in which it is located, except for those regulations determined to be technically infeasible by the Planning Commission.

Sec. 24-635. - Waivers for Nonconforming Uses, Lands or Structures of Historic or Cultural Value.

- A. Upon the written waiver request of the owner of any nonconforming use, land or structure of historic or cultural value, the Planning Commission may waive any or all of the limitations imposed by Sections 24-630 through 24-634 upon finding that:
 - 1. The use, land 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, land 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 land 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, land or structure or that of other uses, land or structures in the area.
 - 4. Certain limitations are technically infeasible.
- B. Said waiver request shall be made to the Planning Department at least 16 days prior to the scheduled Planning Commission meeting at which the waiver request shall be considered. Any documents, maps, plats, plans, pictures, or other items to be used by the owner to justify the waiver request shall be included with the waiver request.
- C. If the Planning Commission fails to act upon the waiver request within 60 days of its first submission to the Planning Commission, the waiver request shall be deemed to have been denied.
- D. If the waiver request is denied by the Planning Commission, the owner may appeal the decision to the City Council.

Secs. 24-636 - 24-669. - Reserved.

ARTICLE X. - ADMINISTRATION AND ENFORCEMENT

Sec. 24-670. - Purpose.

The purpose of this Article is to provide for the administration and enforcement of this Chapter, to provide a schedule of fees and to provide for penalties for violation.

Sec. 24-671. - Enforcing Officer.

The provisions of this Chapter shall be administered and enforced by the Building Inspector of the City, his designee, or by any other person designated by the Mayor and / or the City Council. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or lands necessary to carry out his duties in the enforcement of this Chapter.

Sec. 24-672. - Building Permit Required.

It shall be unlawful for any owner or authorized agent who intends 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) 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. All Building Permits are good for the continuous performance of the work named thereon. Building Permits expire when work ceases for a period of 90 days, unless written approval is secured from the Enforcing Officer. However, in any case, it shall expire in 6 months because of the abandonment of work.

Sec. 24-673. - 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 and other applicable codes. 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 and other applicable codes. In addition, the Enforcing Officer may rely on other City Staff to review the plans for approval. At minimum the plans must include the following:
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 setbacks for the lot to be built on, the side lines of any 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.
 5. The Best Management Practices (BMP) for addressing sediment and erosion control as set-forth in the City's Stormwater Management Program (SWMP).
 6. The water supply and sewage disposal systems that meet the requirements of the Jacksonville Water Works, Gas and Sewer Board and the Alabama Department of Public Health.
- 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 or other applicable codes.

Sec. 24-674. - Certificate of Occupancy Required.

- A. No land, building, 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 or other document stating that such land, building, other structure or part thereof is found to be in conformity with all applicable codes adopted by the City.
- B. Within three days after the owner or owner's agent has notified the Enforcing Officer of the City that their land, building, other structure 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 or other document if the land, building, other structure or part thereof is found to conform with all applicable codes adopted by the City. If the issuance of a Certificate of Occupancy or other document is refused, the Enforcing Officer shall state the refusal in writing with the cause.

Sec. 24-675. - Schedule of Fees.

- A. The City Council shall establish a schedule of fees and charges, and a collection procedure, for Building Permits, Sign Permits, 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 Enforcing Officer, 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 Planning Commission or Board of Adjustment and Appeals unless and until applicable charges and fees have been paid in full.

Sec. 24-676. - Temporary Uses.

Temporary uses, as set-forth in this Section possess characteristics, which require certain controls in order to ensure compatibility with other uses in the zoning 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, fair or other similar amusement activities for a period not to exceed 10 days, subject to the approval of the City Council.
 - b. Religious meeting in a tent or other temporary structure in any zoning district, for a period of not to exceed 10 days.
 - c. Open lot sale of Christmas trees in any business zoning district, for a period not to exceed 45 days.
 - d. Real estate sales office in any zoning district, for a period not to exceed 1 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.

Sec. 24-677. - Temporary Emergency Relief.

The Enforcing Officer is authorized to issue a Temporary Permit for emergency housing for placement of a recreational vehicle (not a mobile home) on an individual lot in any residential zoning district, for a period not to exceed 6 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.

Sec. 24-678. - Penalties for Violation of Chapter.

Any person or corporation violating any Section of this Chapter shall be subject to the provisions set forth in Section 1-6 *General Penalty; Continuing Violations* in the City's Code of Ordinances.

Sec. 24-679. - 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.

Secs. 24-680 - 24-699. - Reserved.

ARTICLE XI. - BOARD OF ADJUSTMENT AND APPEALS

Sec. 24-700. - Purpose.

It is the purpose of this Article to provide for the establishment of a Board of Adjustment and Appeals and to define the powers, duties and administrative procedures of the board.

Sec. 24-701. - Establishment; Appointment; Composition.

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

Sec. 24-702. - Meetings.

Meetings of the Board of Adjustment and Appeals 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.

Sec. 24-703. - Procedures.

The Board of Adjustment and Appeals 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 Planning and Building Department and shall be a public record.

Sec. 24-704. - Powers and Duties.

The following powers and duties are granted the Board of Adjustment and Appeals:

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 Enforcing Officer 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. Determination of the precise location of boundary lines between zoning districts when there are uncertainties. The boundary lines shall be interpreted as per Section 24-33 *Interpretation of Zoning District and Overlay District Boundaries*.
2. Special Exceptions. Within this Chapter, there are certain exceptions to these regulations specifically identified, and the Board of Adjustment and Appeals 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 and Appeals 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 to the Building Department 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 zoning district.
 3. Refuse and service areas, with particular reference to the items in Subsections (2)(e)(1) and (2)(e)(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 zoning district.
 7. Required setbacks and other open spaces.
 8. General compatibility with adjacent properties and other property in the zoning 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 and Appeals that the conditions outlined below do, in fact, exist. In no case shall the Board grant a variance that permits the use of property, buildings or structures for a use prohibited by this Chapter or by the use regulations for the zoning district in which the property, buildings or structures are 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 physical features (size, shape or topography) that may or may not be applicable to other lands or structures in the same zoning district.
 - b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the zoning 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 zoning 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, not performing due diligence).
 - 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 property, structures, or buildings in the same zoning district, and no permitted or nonconforming use of property, structures, or buildings in other zoning 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 zoning district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said zoning 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.
 - 3. Self-imposed hardship.
- j. Minimum variance allowable. In granting variances, the Board of Adjustment and Appeals shall grant only the minimum variance that will make possible the reasonable use of the property, buildings, or structures. Further, the Board of Adjustment and Appeals may require such conditions and safeguards as deemed appropriate to ensure the intent of this Chapter.
- k. A Building Permit must be applied for and acquired within 6 months after receiving approval for a special exception or variance from the Board of Adjustment and Appeals. If not, the request for a special exception or variance must be resubmitted to the Board of Adjustment and Appeals and will be subject to any changes to the City's Zoning Ordinance and Building Codes.

Sec. 24-705. - Actions on Appeal.

- A. In exercising the powers in Section 24-704 *Powers and Duties*, the Board of Adjustment and Appeals 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 5 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.

Sec. 24-706. - Appeals from Action of the Board of Adjustment and Appeals.

Any party aggrieved by any final judgment or decision of the Board of Adjustment and Appeals 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.

Secs. 24-707 - 24-739. - Reserved.

ARTICLE XII. – PLANNING COMMISSION

DIVISION 1. – DEVELOPMENT REVIEW

Sec. 24-740. - 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, premises, or substantial additional expense incurred. Rather, it is the intent that any control exercised to achieve the overall objectives of this Article and the City's Comprehensive Plan.

Sec. 24-741. - 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 structures, rehabilitation, remodeling or expansion of existing structures proposed within the City which are classified as major construction as defined in Section 24-2 *Definitions*, with the exception of:

1. Minor construction as defined in Section 24-2 *Definitions*.
2. Painting (unless, Planning Commission review and approval is deemed necessary by the Staff).
3. Roofing (unless, Planning Commission review and approval is deemed necessary by the Staff).
4. Single-Family Dwellings.
5. Two-Family Dwellings.

When construction activity is classified as minor construction, it shall only require Staff review and approval, except when the Staff requests the Planning Commission's review and approval.

Sec. 24-742. - Standards for Review.

To assist the Planning Commission in their review process, the applicant shall submit an "Application for Development Review" to the Planning and Building Department. The application provides the Planning Commission with various information about the project and provides the applicant with specific standards for preparation of site plans for review. More specifically, standards for review shall include the following:

1. Health, safety and general welfare elements.
 - a. Fire safety, life safety, and 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 persons with disabilities.
 - d. Appropriate provisions should be made for the emission of smoke, fumes, and odor and noise abatement.

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 for on-site sewer systems.
 - c. Vegetation should be maintained wherever possible, and the planting of grasses, trees, and shrubs as required 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 on the exterior of the building and in the parking/pedestrian areas shall be as per Article V, Division 3.
 - c. The historical character of the building should be maintained whenever appropriate.
 - d. A bicycle rack of adequate capacity should be provided, in an approved location.
 - e. If a dumpster or compactor is used, provide an adequately sized concrete dumpster pad with a 6 feet high sight obscuring enclosure with gates. For all establishments that generate fats, oils, and greases, the dumpster pad shall have a roof, and a floor drain routed through a grease trap prior to entering the City's sanitary sewer. A hot water supply shall be provided for the dumpster pad. The enclosure, gates, and roof (if required) design shall be architecturally compatible with the style, composition, materials, colors and details of the establishment it serves.

Sec. 24-743. - 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 City's Comprehensive Plan. The Planning Commission shall, upon request and when necessary, hold called meetings for the purpose of reviewing applications. The Planning 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 Planning Commission's approval may waive this requirement and consent to an extension of such period. Upon the disapproval of a design, the Planning 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, except for those activities and / or developments listed in Section 24-741 *Authority of Planning Commission*.
- C. A Building Permit must be applied for and acquired within 6 months after receiving approval for the activities and / or development from the Planning Commission. If not, the activities and / or development must be resubmitted to the Planning Commission and will be subject to any changes to the City's Zoning Ordinance and Building Codes.

Sec. 24-744. - Appeals.

If a development plan is disapproved by the Planning Commission the applicant may appeal the decision to the City Council.

Secs. 24-745 - 24-769. - Reserved.

DIVISION 2. – ZONING AMENDMENTS

Sec. 24-770. - 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.

Sec. 24-771. - 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 on forms provided for that purpose. 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:
 - a. The name of the owner of the entire land area to be included within the proposed zoning district.
 - b. 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.
 - c. 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 zoning district boundary lines.

- d. A map drawn to scale, indicating: the dimension and exact location of the property to be considered for rezoning; location of all public rights-of-way and easements; 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 property to be considered for rezoning.
 - e. 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 zoning district line change, the City shall mail notices to all abutting property owners, advertise a notice in the local newspaper and post a sign on the subject property a minimum of 6 days prior to the next regularly scheduled meeting of the Planning Commission at which the request for an amendment is to be considered. The sign 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 applicant's designated agent, shall be present at the Planning Commission meetings and Public Hearings, prepared to orally summarize their request and answer questions presented by the Planning Commission and the public. If the applicant, or applicant's designated agent, fails to appear before the Planning Commission at the meetings or Public 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 6 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 1 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.

Secs. 24-772 - 24-799. - Reserved.

ARTICLE XIII. - MISCELLANEOUS

Sec. 24-800. - 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.

Sec. 24-801. - 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.

Sec. 24-802. - Severability.

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 City's Code of Ordinances be affected.

Sec. 24-803. - 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.

Sec. 24-804. - Effective Date.

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