

**JASPER ZONING ORDINANCE  
1990  
PREPARED BY  
BIRMINGHAM REGIONAL PLANNING COMMISSION**

## **PREFACE**

This Jasper Zoning Ordinance replaces the previous 1957 zoning ordinance, as amended. The objective of this current zoning ordinance are to institute comprehensive regulations which reflect changed land development practices since 1957, to create a fairer and more effective means to manage land development, and to establish a process or planning and zoning based upon careful study of the physical, social, and economic needs of the community. The ultimate goal of this ordinance is to carry out a comprehensive plan or viewpoint which adequately reflects the progressively changing characteristics of the City of Jasper and which protects, safety, morals, and welfare of Jasper's residents.

Many of the provisions of this zoning ordinance are based upon modern zoning methods that have evolved since 1957. The preparation of this provisions involved careful research of zoning ordinances of communities throughout the country and professional reports and studies of modern zoning and land development practices. The standards of this ordinance have been carefully and extensively reviewed by the Jasper Planning Commission. During the Commission's review process, the ordinance was modified and adjusted to fit the unique land use needs and administrative capacity of the City of Jasper.

The Birmingham Regional Planning Commission extends its appreciation for the patience and dedication of the Jasper Planning Commission in directing the preparation of this ordinance. Hopefully, a model zoning ordinance for small cities throughout the region has evolved from this effort.

Birmingham Regional Planning Commission  
March, 1989

RESOLUTION OF THE  
JASPER PLANNING COMMISSION

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY OF JASPER, ALABAMA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF JASPER, ALABAMA, BE AMENDED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED, BY ADDING A NEW APPENDIX A, ZONING; REPEALING APPENDIX A, ZONING, ADOPTED FEBRUARY 5, 1957, AS AMENDED; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter, Code of Alabama, 1975, as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Jasper, Alabama; and

WHEREAS, the City Council did adopt a zoning ordinance on February 5, 1957 and subsequently amended such ordinance; and

WHEREAS, the City Council did order the Birmingham Regional Planning Commission to prepare under the direction of the Jasper Planning Commission a new zoning ordinance for the City of Jasper, Alabama to replace the 1957 zoning ordinance; and

WHEREAS, the Birmingham Regional Planning Commission did prepare a new zoning ordinance to the satisfaction of the Jasper Planning Commission; and

WHEREAS, a public hearing was held on June 22, 1989 to receive public comments on the new zoning ordinance.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF JASPER, ALABAMA:

SECTION 1. That the Planning Commission recommends that the Code of Ordinances of the City of Jasper, Alabama, be amended by the City Council, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended, by adding a new Appendix A, Zoning, entitled the *Jasper Zoning Ordinance*, attached hereto and made a part hereof.

SECTION 2. That the Planning Commission recommends to the City Council the existing *Jasper Zoning Ordinance*, adopted February 5, 1957, as amended, Appendix A, Zoning, of the Code of Ordinances the City of Jasper, Alabama, should be repealed to the extent necessary to give this recommended ordinance full force and effect.

SECTION 3. That the Planning Commission recommends to the City Council that any person, firm, corporation, or other organization committing an offense which is in violation of any provision of this recommended ordinance should be fined upon conviction not less than one dollar nor more than five hundred dollars. In addition thereto, any person so convicted, may be imprisoned or sentenced to hard labor for the city for a period not exceeding six months, at the discretion of the court trying the case. Provided, however, no penalty shall consist of a fine or sentence or imprisonment exceeding the maximum fine or sentence of imprisonment established under state law for the commission of substantially similar offenses. Each day such violation continues should constitute a separate offense. The conviction of an offense should not constitute an exemption from compliance with the provisions of this recommended ordinance.

ORDINANCE NO.1990-228

AN ORDINANCE OF THE CITY OF JASPER, ALABAMA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF JASPER, ALABAMA BE AMENDED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED, BY ADDING A NEW APPENDIX A, ZONING; REPEALING APPENDIX A, ZONING, ADOPTED FEBRUARY 5, 1957, AS AMENDED; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, empowers the City Council to divide the territory within the corporate limits of the City of Jasper, Alabama into zoning districts; to provide within such districts for the kind, character and use of structures and improvements that may be erected or made; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residences or other purposes; to provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed; and to institute appropriate action or proceedings to prevent violations thereof; and

WHEREAS, the Planning Commission recommends by resolution passed following a public hearing held on June 22, 1989, that the City Council approve this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JASPER, ALABAMA:

SECTION 1. That the Code of Ordinances of the City of Jasper, Alabama, be amended, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended, by adding a new Appendix A, Zoning, entitled the *Jasper Zoning Ordinance*, attached hereto and made a part hereof.

SECTION 2. That the existing *Jasper Zoning Ordinance*, adopted February 5, 1957, as amended, Appendix A, Zoning, of the Code of Ordinances the City of Jasper, Alabama, be repealed to the extent necessary to give this ordinance full force and effect.

SECTION 3. That any person, firm, corporation, or other organization committing an offense which is in violation of any provision of this ordinance shall be fined upon conviction not less than five hundred dollars. In addition thereto, any person so convicted, may be imprisoned or sentenced to hard labor for the city for a period not exceeding six months, at the discretion of the court trying the case. Provided, however, no penalty shall consist of a fine or sentence or imprisonment exceeding the maximum fine or sentence of imprisonment established under state law for the commission of substantially similar offenses. Each day such violation continues shall constitute a separate offense. The conviction of an offense shall not constitute an exemption from compliance with the provisions of this ordinance.

SECTION 4. That this ordinance shall become effective upon its due adoption and publication and the due adoption and publication of the *Jasper Zoning Map* which shall bound and define the zoning districts established by this ordinance, as provided by law.

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**APPENDIX A**

**ZONING**

**ARTICLE 1. IN GENERAL**

Sec. 1. Short title.

This ordinance shall be known as the *Jasper Zoning Ordinance*.

Sec. 2. Authority.

The City Council hereby enacts this ordinance according to the authority granted to the City of Jasper by the Legislature of the State of Alabama in Title 11, Chapter 52, Code of Alabama, 1975, as amended.

Sec. 3. Applicability.

(a) The City Council hereby divides the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of this ordinance.

(b) The City Council may divide the City into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this ordinance, and within such districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in any one district may differ from those in other districts.

(c) For the purpose of promoting the health, safety, morals, or general welfare, this ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

**Cross references** - City planning commission, § 17-1 et seq.; as to regional planning commission, see note, Ch. 17; Subdivisions, App. B.

**State law reference** - Zoning authority, Code of Ala. 1975, § 11-52-70 et seq.

(d) The City Council shall provide for the manner in which these regulations and restriction and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed and may adopt such ordinances as may be necessary to carry into effect and make effective the provisions of this ordinance

**State law references** - Establishment, etc. of districts, Code of Ala. 1975, § 11-52-70. Number, etc. of districts; uniformity, Code of Ala. 1975, § 11-52-71. Regulation of height, etc., of buildings, etc., Code of Ala. 1975, § 11-52-73. Manner of establishment, etc., Code of Ala. 1975, § 11-52-76.

Sec. 4. Non-discrimination as to housing.

For the promotion of public peace, order, safety or general welfare, the City may, within residential districts established by this ordinance, regulate as to the housing or residence therein of the different classes of inhabitants, but such regulations shall not discriminate in favor of or against any class of inhabitants.

**State law reference** - Regulation as to housing, etc., Code of Ala. 1975, § 11-52-75.

Sec. 5. Purposes and considerations.

(a) This ordinance shall be prepared in accordance with a comprehensive plan and be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent overcrowding of land;
- (6) avoid undue concentration of population; and
- (7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements.

(b) This ordinance shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Jasper.

**State law reference** - Purposes and considerations of zoning, Code of Ala. 1975, § 11-52-72.

Sec. 6. Conflicting requirements.

(a) Wherever this ordinance requires a greater width or size of yards or courts or other open spaces or requires a lower height of buildings or a lesser number of stories or requires a greater percentage of lot to be left unoccupied or imposes other higher standards than are required in any other statute or local ordinance or regulation, the provisions of this ordinance shall govern.

(b) Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces or require a lower height of buildings or a lesser number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

**State law reference** - Conflict between regulations, Code of Ala. 1975, § 11-52-82.

Sec. 7. Severability.

The provisions of this ordinance are severable and should any provision be held by a court of competent jurisdiction to be invalid, this ordinance in its entirety and remaining parts thereof, other than the part so held to be invalid, shall still be valid.

Sec. 8. Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

Sec. 9. Repeal.

On the effective date of this ordinance, all local ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Sec. 10. Tom Bevill Industrial Park.

All land and developments located within the Tom Bevill Industrial Park shall be exempt from the application of these regulations (the Jasper Zoning Ordinance) with the exception of those regulations contained in Article III - District Use Regulations.

Secs. 11-29. Reserved.

## ARTICLE 11. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

### Sec. 30. Zoning districts.

(a) The City Council hereby divides the City of Jasper into zoning districts which shall be known by the designations, titles, and intent statements which follow:

#### *Agricultural Districts*

(1) *AG Agricultural District.* This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agricultural support centers may serve outlying rural areas beyond the City. Further, the intent of the AG district is to hold these lands in agricultural, forestal, outdoor recreational, rural residential, and other limited yet compatible uses until City services can be expanded to accommodate a higher intensity of development.

#### *Residential Districts*

(2) *R-1 Single Family Residence District.* This district consists of areas suitable for single family residences at a very low density. The district is appropriate for residential estate neighborhoods or residential areas not served by public sewer. The R-1 district allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to single family residential neighborhoods.

(3) *R-2 Single Family Residence District.* This district consists of areas suitable for single family residences at a low density. The R-2 district allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to single family residential neighborhoods.

(4) *R-3 Affordable Housing District.* This district consists of areas suitable for an affordable housing mix - small lot single family residences, patio homes, townhouses, duplexes, multiplexes, and manufactured homes - at a moderate density. The district is appropriate for neighborhoods of low and moderate income families where housing affordability is a primary concern. The R-3 district allows for certain accessory uses customarily associated with housing. Further, the district provides for institutional uses which are integrally related to residential neighborhoods.

(5) *R-P Planned Residential District.* This district consists of areas suitable for planned residential developments of single family detached, semi-detached, and attached dwellings -single family residences, patio homes, and townhouses - at a medium density. A minimum site area of five contiguous acres is required to establish this zone, and the development must devote a minimum of 20% of the site to common open space maintained through a homeowners' association or equivalent legal entity. At least half of the required common open space must be developed for recreational facilities. The district provides for greater efficiency of land development than in a conventional development of single family housing, thus passing along reduced development costs in the form of savings to the home buyer. Residents also enjoy the sharing of common facilities within the development and less home maintenance than incurred by conventional housing subdivisions. The R-P district also provides for institutional and accessory uses commonly associated with planned residential developments.

(6) *R-4 Urban Dwelling District.* This district consists of areas suitable for a variety of urban dwelling types - single family residences, patio homes, townhouses, duplexes, and multiplexes - at a moderately high density. The provisions of the district may be applied to neighborhoods where residential infill developments or single

family conversions to multi-family uses at a limited density are desired. The R-4 district also provides for certain accessory uses and institutional uses which are integrally related to residential neighborhoods.

(7) *R-5 Multi-Family Dwelling District.* This district consists of areas suitable for a variety of multi-family and other compatible dwelling types - single family residences, patio homes, townhouses, duplexes, multiplexes, and garden apartments - at a high density. The provisions of the district may be applied to areas of the City where high intensity development is appropriate. The R-5 district also provides for certain accessory uses and institutional uses which are integrally related to residential neighborhoods.

#### *Commercial Districts*

(8) *B-T Transition Business District.* This district consists of certain highway frontage and buffer areas where a transition in land development from low density to a higher density may occur. Compatibility with adjacent, low density development and management of commercial sprawl are encouraged. Commercial uses must be conducted within a fully enclosed building, and limited retail uses may be subject to strict performance standards. The BT district also allows for a compatible mix of non-commercial land uses - high density residential and institutional - which likewise meet the transitional objectives of the district.

(9) *B-1 Neighborhood Center District.* This district consists of areas where a wide, yet somewhat limited, range of commercial uses may serve the needs of a large neighborhood. The district, with few exceptions, prohibits outdoor commercial activity and to a moderate degree manages the intensity of site development. The underlying objective of the district is to encourage the development of small-scale neighborhood centers for a variety of activities. The B-1 district also allows for a compatible mix of non-commercial land uses - high density residential and institutional - which may contribute to business activities in neighborhood centers.

(10) *B-2 Community Service District.* This district consists of areas where the widest range of commercial uses are permitted at the highest degree of intensity. The district encourages commercial centers to serve the community or region at large. Commercial activity may be conducted either indoors or, with few exceptions, outdoors. The B-2 district also allows for institutional uses which are compatible with commercial activities.

(11) *B-3 Downtown Business District.* This district consists of the downtown area where a wide variety of commercial activities, particularly pedestrian -oriented, are accommodated. The district also provides for downtown housing alternatives, such as multi-story apartments, upper story apartments, loft conversions, and elderly housing - which are attractive to the downtown core. The primary intent of the B-3 district is to encourage the most intensive and attractive use of the downtown core so as to preserve the City's historical center and maintain its vitality.

(12) *B-4 Interchange District.* (Reserved).

#### *Industrial Districts*

(13) *M-1 Light Industrial District.* This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities include light manufacturing; industrial services; research labs; enclosed warehousing, wholesaling, and distribution services; and other limited impact activities. The M-1 district also allows for commercial and institutional uses which are supportive of industrial employment centers.

(14) *M-2 Heavy Industrial District.* This district consists of areas where heavy industrial uses are permitted. The district encourages employment centers with a potentially high degree of environmental impact. Principal industrial activities include general manufacturing, heavy industry, salvage yards, resource extraction,

solid waste disposal, and other heavy impact activities. The M-2 district also allows for commercial and institutional uses which are supportive of industrial activities.

(15) *M-3 Industrial Park District.* This district consists of areas in which all permitted uses, conditional uses and special exceptions otherwise allowed by paragraphs (13) and (14) of Section 30 (a) shall be deemed to be permitted uses, except that in no event shall a garbage transfer station, as the same is defined by this regulation, be allowed.

(b) The City Council hereby divides the City of Jasper into special purpose zoning districts which shall carry out the special purposes assigned by *Article V. Special Purpose District Regulations* and shall be known by the designations and titles which follow:

(1) *PUD Planned Unit Development District.*

(2) *MR Municipal Reserve District.*

(3) *F Flood Hazard District.*

#### Sec. 31. Zoning map.

(a) The zoning districts established by this ordinance are bounded and defined by an official zoning map which shall be known as the *Jasper Zoning Map* and which, together with all explanatory materials contained therein, is hereby made a part of this ordinance.

(b) The official zoning map shall be drawn on durable transparent material from which prints can be made and shall be kept in the office of the Zoning Administrator.

(c) The Zoning Administrator shall arrange for updating of the official zoning map within thirty days after amendments to it are adopted by the City Council.

(d) Should the official zoning map or any portion be lost, destroyed, damaged, or difficult to interpret because of the nature or number of revisions, the Zoning Administrator shall have a new map drawn and adopted by resolution of the City Council. The new map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the map. Any map amendment shall follow rezoning amendment procedures contained in this ordinance.

#### Sec. 32. Zoning district boundaries.

The rules of this section shall be used to determine the precise locations of any district boundary shown on the Jasper Zoning Map.

(1) Boundaries shown as following or approximately following any jurisdictional limits shall be construed as following such limits.

(2) Boundaries shown as following or approximately following streets, alleys, or rights-of-way shall be construed as following such streets, alleys, or rights-of-way

(3) Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the Walker County Tax Maps shall be construed as following such lines.

(4) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

(5) Boundaries shown as following or approximately following shorelines of any lakes or ponds shall be construed to follow the mean high water lines of such lakes or ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.

(6) Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other water courses, the district boundary shall be construed as moving with the channel centerline.

(7) Boundaries shown as separated from, and parallel or approximately parallel to any of the features listed in paragraphs (1) through (6) above shall be construed to be parallel to such features. In the absence of specific dimensions, the scale of the map shall determine the distance from such features.

**Cross reference** - See § 164 for flood hazard district boundaries.

Secs. 33-39. Reserved.

# division 1

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**GENERALLY**

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**ARTICLE III. DISTRICT USE REGULATIONS**

- Div. 1. Generally
- Div. 2. Permitted Uses
- Div. 3. Supplemental Use Regulations

Division 1. Generally

Sec. 40. Applicability of district use regulations.

Unless otherwise provided, no building, structure, or land shall be used except in the zoning districts indicated by this article and according to the additional regulations of this ordinance and other applicable codes and ordinances. This article gives the uses permitted and permitting procedures within each zoning district, and establishes supplemental standards for some uses. Provisions for special purpose districts may be found in *Article V. Special Purpose District Regulations*.

Sec. 41. Use limitations due to zoning standards.

Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this ordinance and other applicable codes and ordinances.

Sec. 42. Accessory and combined uses.

(a) Unless otherwise prevented by this ordinance, more than one permitted use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another. Further, all zoning regulations for each of the combined uses shall be met.

(b) Whenever an activity, which may or may not be separately listed as a permitted use, is conducted in conjunction with a listed permitted use as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.

(c) For the purpose of this section *commonly associated* means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

Sec. 43. Classification of uses.

(a) Unless otherwise provided in this division and to the furthest practicable extent, all uses shall be classified in one of the uses defined by § 334 *Uses defined* and listed in the Table of Permitted Uses.

(b) This ordinance recognizes the limitations of a finite listing of use classifications given the infinite variations of essentially similar uses. Therefore, the Zoning Administrator is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. However, in no case shall the Zoning Administrator interpret a use as failing in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeal of the Zoning Administrator's use interpretation may be filed with the Zoning Board of Adjustment.

Sec. 44. Unclassified uses.

In the event the Zoning Administrator finds a new or unusual use that cannot appropriately fit a listed use in the Table of Permitted Uses, the following procedures shall be followed:

(1) If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the Zoning Board of Adjustment.

(2) If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Administrator shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Zoning Board of Adjustment.

(3) Following the final action on the unclassified use, as (1) or (2) above may require, the Planning Commission shall initiate an amendment to this ordinance to list the newly permitted use into the most appropriate district (s).

Sec. 45. Policies on manufactured housing.

(a) The intent of this ordinance is to recognize the evolution of manufactured homes as a viable form of affordable housing within certain- zones. This ordinance recognizes distinctions among the various types and uses of manufactured homes. Consequently, this ordinance creates certain classes of manufactured homes (i.e., class A and class B manufactured homes); provides for alternative manufactured home developments (on individual subdivided lots, as accessory dwellings, and within manufactured home parks); and restricts these uses to appropriate zones within the city.

(b) Nothing in this ordinance shall prevent the conversion of a manufactured home for a non-residential use (e.g., a manufactured home used as an office), provided such use occupying the manufactured home is permitted by district regulation.

(c) Any manufactured home that does not bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development is prohibited within all zones of the city.

Secs. 46-49. Reserved.

# division 2

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**PERMITTED USES**

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**Division 2. Permitted Uses**

Sec. 50. Table of permitted uses.

(a) Unless otherwise provided, all uses, as defined by § 334. *Uses defined*, shall be permitted as listed in *Table 1. Table of Permitted Uses*. Accessory and combined uses and structures may be permitted subject to § 42. *Accessory and combined uses* and similar uses to those listed may be permitted subject to § 43. *Classification of uses*.

(b) The key to abbreviations used in the Table of Permitted Uses is as follows:

P = *PERMITTED USE*. Use permitted subject to appropriate permits being issued in accordance with this ordinance.

S = *SPECIAL EXCEPTION USE*. Use permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

C = *CONDITIONAL USE*. Use permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

N = *USE NOT PERMITTED*.

AG AGRICULTURAL DISTRICT  
R-1 SINGLE FAMILY RESIDENCE DISTRICT  
R-2 SINGLE FAMILY RESIDENCE DISTRICT  
R-3 AFFORDABLE HOUSING DISTRICT  
R-P PLANNED RESIDENTIAL DEVELOPMENT DISTRICT  
R-4 URBAN DWELLING DISTRICT  
R-5 MULTI-FAMILY DWELLING DISTRICT  
B-T TRANSITION BUSINESS DISTRICT  
B-1 NEIGHBORHOOD CENTER DISTRICT  
B-2 COMMUNITY SERVICE DISTRICT  
B-3 DOWNTOWN BUSINESS DISTRICT  
M-1 LIGHT INDUSTRIAL DISTRICT  
M-2 HEAVY INDUSTRIAL DISTRICT  
M-3 INDUSTRIAL PARK DISTRICT

\* *SUBJECT TO SUPPLEMENTAL USE REGULATIONS*. Refer to *Division 3. Supplemental Use Regulations* within this article.

**Table I. Table of Permitted Uses**

Use Classification	Zoning District													
	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	M 1	M 2	M 3
<i><u>agricultural uses</u></i>														
*farm	P	N	N	N	N	N	N	N	N	N	N	N	N	N
*hobby farm	P	P	P	N	N	N	N	N	N	N	N	N	N	N
*kennel	P	N	N	N	N	N	N	N	N	P	P	N	N	N
<i><u>residential uses</u></i>														
*accessory apartment	S	S	S	S	S	S	S	N	N	N	N	N	N	N
*accessory cottage	S	S	S	S	S	S	S	N	N	N	N	N	N	N
*accessory manufactured home combination dwelling	S	N	N	S	N	N	N	N	N	N	N	N	N	N
duplex	S	S	S	S	S	S	S	S	S	S	S	S	S	S
*emergency care home	P	N	N	P	N	P	P	P	N	N	P	N	N	N
*family care home	S	N	N	P	N	P	P	C	N	N	N	N	N	N
*garden apartment	N	N	N	N	N	N	P	P	P	N	P	N	N	N
*manufactured home, class A	P	N	N	P	N	N	N	N	N	N	N	N	N	N
*manufactured home, class B	S	N	N	P	N	N	N	N	N	N	N	N	N	N
*manufactured home park	C	N	N	P	N	N	N	N	N	N	N	N	N	N
*multiplex	N	N	N	P	N	P	P	P	N	N	P	N	N	N
*multi-story apartment	N	N	N	N	N	N	N	N	N	N	P	N	N	N
*patio home	N	N	N	P	P	P	P	P	N	N	N	N	N	N
*planned residential development single family residence	N	N	N	N	P	N	N	N	N	N	N	N	N	N
*townhouse	P	P	P	P	P	P	P	P	N	N	N	N	N	N
upper-story apartment	N	N	N	P	P	P	P	P	N	N	P	N	N	N
<i><u>institutional uses</u></i>														
airport	C	N	N	N	N	N	N	N	N	N	N	P	P	P
animal shelter	P	N	N	N	N	N	N	N	N	C	N	N	N	N
boarding house	N	N	N	P	N	N	C	N	P	P	P	N	N	N
*cemetery	P	N	N	P	N	P	P	N	P	P	P	N	N	N
community center	N	N	N	N	N	N	N	C	P	P	P	N	N	N
community service club	N	N	N	N	N	N	N	N	P	P	P	N	N	N
country club	P	N	N	N	N	N	N	P	P	P	N	N	N	N
day care center	N	N	N	N	N	N	N	C	P	P	P	N	N	N
day care home	P	C	C	P	C	P	P	C	P	N	P	N	N	N
domiciliary care facility	N	N	N	P	N	N	C	C	P	P	P	N	N	N
home instruction	P	P	P	P	P	P	P	P	P	N	P	N	N	N
hospital	N	N	N	N	N	N	N	N	N	P	P	N	N	N
military installation	P	N	N	N	N	N	N	N	N	P	P	P	P	P
nursing care facility	N	N	N	N	N	N	C	C	P	P	P	N	N	N
park	P	P	P	P	P	P	P	P	P	P	P	P	P	P
penal institution	N	N	N	N	N	N	N	N	N	N	C	N	N	N
place of worship	P	C	C	P	C	P	P	P	P	P	P	N	N	N
public assembly center	P	N	N	N	N	N	N	N	P	P	P	N	N	N

Use Classification

Zoning District

	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	M 1	M 2	M 3
public facility	P	C	C	C	C	C	C	P	P	P	P	P	P	P
public utility facility	S	S	S	S	S	S	S	S	S	S	S	S	P	P
public utility service	P	P	P	P	P	P	P	P	P	P	P	P	P	P
rehabilitation facility	C	N	N	N	N	N	C	C	P	P	P	N	N	N
school	P	C	C	P	C	P	P	P	P	P	P	N	N	N
<i>commercial uses</i>														
animal hospital	P	N	N	N	N	N	N	N	P	P	P	N	N	N
auto body repair facility	N	N	N	N	N	N	N	N	P	P	P	P	P	P
*bank or financial service	N	N	N	N	N	N	N	P	P	P	P	P	P	P
broadcast studio	N	N	N	N	N	N	N	P	P	P	P	P	P	P
business or professional office	N	N	N	N	N	N	N	P	P	P	P	P	P	P
business support service	N	N	N	N	N	N	N	P	P	P	P	P	P	P
*campground	C	N	N	N	N	N	N	N	N	N	N	N	N	N
carwash	N	N	N	N	N	N	N	N	C	P	P	N	N	N
clinic	N	N	N	P	N	P	P	P	P	P	P	N	N	N
commercial parking	N	N	N	N	N	N	N	C	P	P	P	P	P	P
commercial school	N	N	N	N	N	N	N	C	P	P	P	P	P	P
*convenience store	N	N	N	N	N	N	N	C	P	P	P	N	N	N
entertainment indoor	N	N	N	N	N	N	N	N	P	P	P	N	N	N
entertainment outdoor	C	N	N	N	N	N	N	N	N	C	P	N	N	N
farm support business	C	N	N	N	N	N	N	N	N	P	P	P	P	P
garden center or nursery	N	N	N	N	N	N	N	C	P	P	P	N	N	N
general retail business, enclosed	N	N	N	N	N	N	N	N	P	P	P	N	N	N
general retail business, un-enclosed	N	N	N	N	N	N	N	N	N	P	P	N	N	N
funeral home	N	N	N	N	N	N	N	C	P	P	P	N	N	N
*home occupation	P	P	P	P	P	P	P	P	P	N	P	N	N	N
home improvement center	N	N	N	N	N	N	N	N	N	P	P	P	P	P
hotel or motel	N	N	N	N	N	N	N	N	N	P	P	N	N	N
laundry service	N	N	N	N	N	N	N	N	P	P	P	N	N	N
liquor lounge	N	N	N	N	N	N	N	N	C	C	P	N	N	N
*livestock sales	P	N	N	N	N	N	N	N	N	N	N	N	N	N
*manufactured building sales	N	N	N	N	N	N	N	N	N	C	N	C	C	C
*manufactured home sales	N	N	N	N	N	N	N	N	N	C	N	C	C	C
medical support service	N	N	N	N	N	N	N	P	P	P	P	N	N	N
*mini-warehouse	N	N	N	N	N	N	N	N	N	P	N	P	P	P
*open air market	S	N	N	N	N	N	N	N	C	C	C	N	N	N
personal service	N	N	N	N	N	N	N	C	P	P	P	N	N	N
pet cemetery	P	N	N	N	N	N	N	N	N	P	N	N	N	N
*pet grooming shop	P	N	N	N	N	N	N	C	P	P	P	N	N	N
recreation, indoor	N	N	N	N	N	N	N	N	P	P	P	N	N	N
recreation, outdoor	N	N	N	N	N	N	N	N	N	P	P	N	N	N
restaurant, standard	N	N	N	N	N	N	N	N	P	P	P	N	N	N
restaurant, fast food	N	N	N	N	N	N	N	N	N	P	P	N	N	N
shopping center, community or regional	N	N	N	N	N	N	N	N	N	P	P	N	N	N
shopping center, neighborhood	N	N	N	N	N	N	N	N	P	P	P	N	N	N
*specialty retail center	N	N	N	N	N	N	N	C	P	P	P	N	N	N

Use Classification	Zoning District														
	A G	R 1	R 2	R 3	R P	R 4	R 5	B T	B 1	B 2	B 3	M 1	M 2	M 3	
*specialty retail establishment or service	N	N	N	N	N	N	N	C	P	P	P	N	N	N	
stable	P	N	N	N	N	N	N	N	N	P	N	N	N	N	
studio	N	N	N	N	N	N	N	P	P	P	P	P	P	P	
tourist home or bed/breakfast inn	N	N	N	N	N	N	N	C	P	P	P	N	N	N	
vehicle repair service	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
vehicle sales or rental	N	N	N	N	N	N	N	N	C	P	P	N	N	N	
vehicle service station	N	N	N	N	N	N	N	N	P	P	P	N	N	N	
<i>industrial uses</i>															
construction service	N	N	N	N	N	N	N	N	N	N	P	P	P	P	
heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	C	C	
maintenance service	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
manufacturing, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	
manufacturing, light	N	N	N	N	N	N	N	N	N	N	N	P	P	P	
recycling collection center	N	N	N	N	N	N	N	N	N	C	C	P	P	P	
research lab	N	N	N	N	N	N	N	N	N	N	P	P	P	P	
resource extraction	C	N	N	N	N	N	N	N	N	N	N	N	C	C	
salvage yard	N	N	N	N	N	N	N	N	N	N	N	N	C	C	
sanitary landfill	N	N	N	N	N	N	N	N	N	N	N	N	C	C	
transmission tower	S	N	N	N	N	N	N	S	S	P	P	P	P	P	
vehicle and equipment repair, major	N	N	N	N	N	N	N	N	N	N	N	P	P	P	
vehicle and equipment sales, major	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
warehousing, wholesaling, and distribution, enclosed	N	N	N	N	N	N	N	N	N	N	P	P	P	P	
warehousing, wholesaling, and distribution, open	N	N	N	N	N	N	N	N	N	N	N	S	P	P	
<i>temporary uses</i>															
*garage or yard sales	P	P	P	P	P	P	P	P	N	N	P	P	P	P	
seasonal sales	S	S	S	S	S	S	S	S	P	P	P	P	P	P	
special event	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

Secs. 51-59. Reserved.

# **division 3**

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**SUPPLEMENTAL  
USE REGULATIONS**

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### Division 3. Supplemental Use Regulations.

#### Sec. 60. Purpose of supplemental use regulations.

This division assigns supplemental standards over and above those imposed by other sections of this ordinance. Although permitted in certain districts, some uses have unique characteristics that require these supplemental standards.

#### Sec. 61. Farm.

- (a) The minimum lot area shall be 10 acres.
- (b) Dairy cattle, beef cattle, horses, small animals and poultry shall be housed not less than 200 feet from any adjacent lot not zoned AG.
- (c) The keeping of swine shall be prohibited.
- (d) Temporary sawmills and chippers used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line.
- (e) Temporary or permanent living accommodations for farm tenants performing agricultural labor (farm tenant housing) shall be permitted.
- (f) A booth or stall (farm stand) from which produce and farm products are sold to the general public shall be permitted subject to the following limitations:
  - Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
  - Sales areas shall not occupy any part of a required off-street parking or loading area.
- (g) Offensive animal odors shall not be detectable at the property line.
- (h) Housing for poultry shall not exceed one hundred square feet.

#### Sec. 62. Hobby farm.

- (a) The minimum lot area shall be five acres.
- (b) The keeping of the following farm animals shall be permitted:
  - poultry
  - small livestock, such as sheep and goats; and
  - horses and similar animals, such as ponies and donkeys.
- (c) The keeping of swine and large livestock shall be prohibited.
- (d) The use shall be subject to the following setback and area requirements:

Farm animals shall be housed not less than 100 feet from any adjacent lot not zoned AG.



At least one acre of lot area shall be required for each small livestock animal, horse, and similar animal, and a maximum of 20 poultry for every 8,000 square feet of lot area shall be permitted.

- (e) Offensive animal odors shall not be detectable at the property line.

Sec. 63. Kennel.

(a) Kennels shall only be permitted in the following districts: AG (agricultural), B-2 (community service), and B-3 (downtown business). All kennels shall have a minimum lot area of 15,000 square feet.

- (b) All kennels shall provide shelters; dog kennels shall provide fenced runs or pens.

- (c) Offensive animal odors shall not be detectable at the property line.

Sec. 64. Accessory apartment.

(a) Occupancy of the apartment shall be limited to household servants, caretakers or immediate family members to the resident of the principal dwelling. *Immediate family member* include any person who is a naturally or legally-defined offspring, spouse, parent, grandparent, sibling, aunt, uncle, niece or nephew.

(b) The apartment shall be attached to the principal dwelling, forming one structure that maintains the exterior appearance of a single family residence.

- (c) Each application for a permit shall include the following materials:

a scaled plot plan showing the location and dimensions of property lines, structures, parking, and improvements.

(d) No direct entrance to the apartment shall be permitted unless the entrance is on the side or rear of the structure as it faces the front lot line. For conversion of existing residences, no additional front entrances shall be permitted.

Sec. 65. Accessory cottage.

(a) Occupancy of the apartment shall be limited to household servants, caretakers, or immediate family members to the resident of the principal dwelling. *Immediate family member* includes any person who is a naturally or legally-defined offspring, spouse, parent, grandparent, sibling, aunt, uncle, niece or nephew.

(b) Location of the cottage on the lot shall be limited to the rear of the principal dwelling or within the upper floor of a garage.

- (c) The floor area of the cottage shall not exceed 50% of the floor area of the principal dwelling.

- (d) Each application for a permit shall include the following materials:

a scaled plot plan showing the location and dimensions of property lines, structures, parking, and improvements.

Sec. 66. Accessory manufactured home.

(a) Occupancy of the home shall be limited to household servants, caretakers, or immediate family members to the resident of the principal dwelling. *Immediate family member* includes any person who is a naturally or legally-defined offspring, spouse, parent, grandparent, sibling, aunt, uncle, niece or nephew.

(b) Location of the home shall be limited to the rear of the principal dwelling and be placed so as to avoid objectionable views from the street and surrounding residential properties.

(c) Each application for a permit shall include the following materials:

a scaled plot plan showing the location and dimensions of property lines, structures, parking, and improvements.

a description of the methods to be applied, such as screening, landscaping, and careful placement on the site so as to avoid visual incompatibility from the street and surrounding residential properties.

(d) The manufactured home shall be installed according to all requirements of the Alabama Manufactured Home Commission.

(e) The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development.

Sec. 67. Emergency care home.

(a) The use shall be conducted within a single family residence.

(b) The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.

(c) The emergency care home must be sponsored by a public or non-profit organization. State licensing requirements shall be met.

(d) No emergency care home shall be located within 1,000 feet of another emergency care home as measured between lot lines.

Sec. 68. Family care home.

(a) The use shall be conducted within a single family residence.

(b) The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.

(c) The family care home must be sponsored by a public or non-profit organization. State licensing requirements shall be met.

(d) No family care home shall be located within 1,000 feet of another family care home as measured between lot lines.

Sec. 69. Garden apartment.

- (a) The maximum density shall be 16 dwelling units per acre, and the minimum site area shall be 14,000 square feet.
- (b) All buildings shall be set back at least 15 feet from all parking areas.
- (c) Not more than 16 dwelling units shall be permitted per building.
- (d) Buildings shall be spaced front to front, front to rear, front to side, and rear to rear at least to a distance equal to twice the tallest building height and spaced side to side and side to rear at least to a distance equal to the tallest building height.
- (e) At least 10% of the site area, but not less than 2,500 square feet, shall be improved for the recreational use by the apartment residents.

Sec. 70. Manufactured home, class A.

- (a) The manufactured home shall have the wheels removed.
- (b) The manufactured home shall meet the same dimensional requirements for a single family residence in the same district.
- (c) The manufactured home shall be multi-sectional with a minimum width of 23 feet.
- (d) The manufactured home shall be covered with a non-reflective, exterior material customarily used on a single family residence, such as but not limited to lap siding, plywood, brick, stone, or stucco.
- (e) The manufactured home shall have a 2.5" in 12" minimum pitch roof. The roof shall be covered with non-reflective roof materials, such as but not limited to fiberglass shingles, asphalt shingles, or wood shakes.
- (f) The manufactured home shall be installed according to all requirements of the Alabama Manufactured Home Commission and be completely skirted with a weather-resistant material which resembles a permanent foundation commonly found on a single family residence. Skirting shall be adequately vented.
- (g) The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

Sec. 71. Manufactured home, class B.

- (a) The manufactured home shall have the wheels removed.
- (b) The manufactured home shall meet the same dimensional requirements for a single family residence in the same district.
- (c) The manufactured home shall be installed according to all requirements of the Alabama Manufactured Home Commission. Each unit shall be completely skirted with a weather-resistant material that is compatible in texture and color to the siding on the face of the unit. Skirting shall be adequately vented.
- (d) The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

Sec. 72. Manufactured home park.

- (a) *Uses and activities.* The manufactured home park shall be limited to the following uses and activities:

manufactured home;

management office;

manager's residence;

service facilities, such as laundromats, household storage buildings, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.

recreational facilities designed and intended to serve only the residents of the park;

retail convenience sales for residents of the park; and

residential accessory uses and structures.

- (b) *Site area.* The minimum site area for the manufactured home park shall be ten (10) contiguous acres.

(c) *Density.* The maximum density shall be eight manufactured home spaces per gross acre. If not served by public water and sewer, the maximum density shall be two manufactured home spaces per gross acre or a lower density may be set by the County Health Department.

(d) *Perimeter yards.* No manufactured home space or buildings shall extend into any required yards along the perimeter of the park, as listed below. The perimeter yards shall be reserved for screening and buffering yards and may also be used for common streets, walkways, and passive recreation areas (without structures). The screening and buffer-yard standards of this ordinance may require wider perimeter yards, depending on the adjacent uses of land, and may place additional restrictions on the use of the perimeter yards.

Front yard: 25 feet

Rear yard: 15 feet

Side yard: 10 feet

(e) *Area of manufactured home spaces.* Each manufactured home space shall meet the following area requirements which depend on the size of the unit to be placed on the space. The boundaries of each space shall be clearly marked on the ground by permanent flush stakes.

- (1) For spaces designed for single wide units:

*with public sewer and water*

Minimum area: 4,000 square feet

Minimum width at front setback line: 40 feet

*without public sewer and water*

Minimum area: 15,000 square feet

Minimum width at front setback line: 85 feet

- (2) For spaces designed for double wide or multi-sectional units:

*with public sewer and water*

Minimum area: 5,000 square feet

Minimum width at front setback line: 50 feet

*without public sewer and water*

Minimum area: 15,000 square feet

Minimum width at front setback line: 85 feet

- (f) *Setbacks and distancing of manufactured homes.*

- (1) Each manufactured home on a space shall be set back the following distances from the boundaries of each space:

Minimum front yard setback from the private street right-of-way which serves the space: 20 feet

Minimum side yard setback: 5 feet

Minimum rear yard setback: 10 feet

- (2) Accessory buildings, such as storage units, shall not be permitted within the required 20 feet front yard of each space and shall not be permitted within five 5 feet of the rear and side boundaries of each space. Carports shall be permitted within the front yard but shall not be permitted within five 5 feet of the rear and side boundaries of each space.

- (3) No manufactured home shall be closer than 26 feet to any other manufactured home on an adjacent space.

(g) *installation of manufactured homes.* All manufactured homes shall be installed according to all requirements of the Standard Building Code and be completed skirted.

(h) *Outdoor living area.* A 300 square feet outdoor living area shall be reserved on spaces of less than 7,000 square feet. Not less than 100 square feet, with a minimum dimension of 10 feet, shall be a hard-surfaced patio.

- (i) *Storage facilities.*

- (1) A minimum 240 cubic feet storage area shall be provided on each space. The storage area may be under the unit or within an accessory building. Alternatively, the park management may provide common storage lockers at an equivalent capacity.

(2) Vehicles and recreational equipment exceeding 7,500 pounds gross weight shall not be parked on any manufactured home space. The park management shall maintain a common storage yard. The outdoor storage yard shall be screened to a height of six feet.

(j) *Recreation areas.* At least eight percent of the gross area of the park shall be improved for the recreational use of park residents, including active facilities in centralized locations.

(k) *Service facilities.*

(1) Common laundromats may be provided for the use by park residents only.

(2) Refuse collection and disposal shall be the responsibility of the park management. Common refuse disposal areas shall be provided and be screened to the full height of such facilities.

(1) *Utilities.* All utility lines shall be placed underground.

(m) *Parking.* Each manufactured home space shall have at least two side-by-side, dust-free surfaced parking spaces located off the common street right-of-way. Parking spaces shall be either perpendicular to the private street with minimum dimensions of 9 feet by 19 feet or parallel to the private street with minimum dimensions of 8 feet by 22 feet.

(n) *Private streets and walkways.*

(1) Two-way private streets maintained by the park management shall be installed to furnish convenient access to all manufactured home spaces within the park. To the furthest extent practicable, streets shall follow natural land contours and be curvilinear in design. No manufactured home space shall have its own direct access to a public street.

(2) Street surfaces shall be asphalt or concrete and shall have minimum surface widths and maximum gradients determined according to the number of manufactured home spaces served by the street, as follows:

<i># of spaces served</i>	<i>surface width</i>	<i>gradient</i>
> 25 spaces	26 feet	6 %
7 - 25 spaces	24 feet	8 %
< 7 spaces	22 feet	12 %

(3) Curb and gutter shall be required, except where six feet wide shoulders and drainage swales align either side of the street within a common right-of-way. In such cases, street surface widths may be reduced by four feet to not less than 20 feet, but street grades shall not exceed six per cent. Street surface widths shall be increased by six feet for each parallel parking lane on either side of the street. Sufficient common right-of-way shall be provided to accommodate streets, drainage ways, walkways along streets (where provided), and utilities, but in no event shall the common right-of-way be less than 24 feet.

(4) Dead-end streets shall have turnarounds with a minimum radius of 40 feet.



- (5) Minimum three feet wide, dust-free surfaced walkways shall link manufactured home spaces with one another and common park facilities. Required walkways shall be common areas and not extend onto any manufactured home space.

(o) *Drainage and flood controls.*

- (1) To the maximum practicable extent, the development of the manufactured home park shall conform to the natural contours of the land, keeping natural drainage ways undisturbed. The park drainage system shall connect to adequate drainage channels of surrounding properties and streets.
- (2) Stormwater management controls shall be provided on-site to, prevent the sudden discharge of surface water onto adjacent properties. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a 25 year storm frequency.

(p) *Lighting.* Outdoor lighting, where installed, shall be directed to prevent glare on adjacent properties and manufactured homes within the park.

(q) *Residential accessory uses and structures.* Residential accessory uses within manufactured homes and accessory structures on manufactured home spaces shall be subject to the following provisions:

- (1) Permitted accessory uses within manufactured homes shall include the same accessory uses permitted within single family residences and subject to the same limitations, including day care homes, home instruction, and home occupations.
- (2) Permitted accessory structures on manufactured home spaces shall include all accessory structures permitted on the lots of single family residences, except for private swimming pools and satellite dish antennae.

Sec. 73. Multiplex.

- (a) The maximum density shall be 12 dwelling units per acre, and the minimum site area shall be 11,000 square feet.
- (b) All buildings shall be set back at least 15 feet from all parking areas.
- (c) Not more than four dwelling units shall be permitted per building.
- (d) Buildings shall be spaced front to front, front to rear, front to side, and rear to rear at least to a distance equal to twice the tallest building height and spaced side to side and side to rear at least to a distance equal to the tallest building height.
- (e) At least 10% of the site area shall be improved for the recreational use by the apartment residents.

Sec. 74. Multi-story apartment.

- (a) The maximum density shall be 24 dwelling units per acre, and the minimum site area shall be 8,000 square feet.
- (b) All buildings shall be set back at least 15 feet from all parking areas.

(c) Buildings shall be spaced front to front, front to rear, front to side, and rear to rear at least to a distance equal to twice the tallest building height and spaced side to side and side to rear at least to a distance equal the tallest building height.

(d) At least 10% of the site area shall be improved for the recreational use by the apartment residents.

Sec. 75. Patio home.

(a) Subdivision of lots for patio homes outside of a planned residential development shall be restricted to tracts with a minimum site area of three or more acres. The maximum density shall be seven dwelling units per acre.

(b) Except within a planned residential development, the patio home shall meet the following dimensional requirements:

Minimum lot area:	6,000 square feet
Minimum lot width:	50 feet
Minimum front yard:	20 feet
Minimum side yard:	8 feet
Minimum rear yard:	15 feet
Maximum building height:	1 1/2 stories

(c) An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.

(d) All yard areas behind the front building line shall be fully enclosed by an opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard-surfaced patio or porch. Patio homes on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.

(e) All utilities shall be placed underground.

(f) All lots shall be served by public water and sewer.

Sec. 76. Planned residential development.

(a) The maximum density of the development shall be six dwelling units per acre, and the minimum site area for the development shall be five contiguous acres.

(b) The following dimensional requirements shall be met:

(1) *single family residence:*

minimum lot area	6,000 square feet
minimum lot width	50 feet
minimum front yard	30 feet

minimum side yard	10 feet
minimum rear yard	20 feet
maximum building height	1 1/2 stories

(2) *patio home.*

minimum lot area	4,500 square feet
minimum lot width	45 feet
minimum front yard	20 feet
minimum side yard	8 feet *
minimum rear yard	15 feet
maximum building height	1 1/2 stories

\* To permit zero lot-line development, one side yard may be reduced to provided a five foot easement of maintenance is reserved on the adjoinin and buildings are separated by at least 20 feet.

(3) *townhouse.*

minimum lot area - interior unit	2,000 square feet
minimum lot area - end unit	3,500 square feet
minimum lot width - interior unit	18 feet
minimum lot width - end unit	35 feet
minimum front yard	20 feet
minimum side yard - end unit	15 feet
minimum rear yard	15 feet
maximum building height	35 feet

(c) Common open space set aside in a subdivision shall comprise at least 20% of the total site area and not less than 10,000 contiguous square feet. At least 50% of the required open space shall be developed for common recreational purposes.

(d) The yard requirements for the district shall apply only to the outside perimeter of the development. The perimeter yards shall be maintained as common areas reserved as common open space or common driveways or parking areas.

(e) All utilities shall be placed underground.

(f) All lots shall be served by public water and sewer.

(g) Each dwelling type shall meet all supplemental use regulations established elsewhere by this division, except where the requirements established by this section differ.

(h) The following example describes the formula which shall be used to calculate the maximum number of dwellings and minimum required open space and recreation space:

step 1. Determine DWELLING TYPE:

Note permitted dwellings types:                      single family residence  
   patio house  
   townhouse

Select desired dwelling type:                      townhouse

step 2. Calculate SITE AREA of tract:

Take gross area of tract zoned R - P  
(from an on-site survey):                      35 acres  
Subtract land proposed for another use:   - 15 acres  
Subtract non-contiguous land:                - 3 acres  
Subtract street rights-of-way:                - 2 acres

Equals total site area:                              15 acres

step 3. Calculate MAXIMUM NUMBER OF DWELLINGS:

Take total site area:                              15 acres  
Multiply by maximum density in  
dwelling units per acre:                      x 6 units per acre

Equals maximum number of dwellings  
(rounded to the nearest whole number):     90 townhouses

step 4. Calculate MINIMUM REQUIRED OPEN SPACE:

Take total site area:                              15 acres  
Multiply by 20%                                  x 20 %

Equals minimum required open space  
in acres (rounded to the nearest tenth):     3.0 acres

step 5. Calculate MINIMUM REQUIRED RECREATION SPACE:

Take minimum required open space:           3.0 acres  
Multiply by 50%                                  x 50 %

Equals minimum required recreation  
space in acres (rounded to the nearest tenth): 1.5 acres

**Cross references** - See § 75 for additional patio home requirements and § 77 for additional townhouse requirements.

Sec. 77. Townhouse.

(a) Subdivision of lots for townhouses outside of a planned residential development shall be restricted to tracts with a minimum site area of 9,000 square feet. The maximum density shall be 14 dwelling units per acre.

(b) Except within a planned residential development, each townhouse shall meet the following dimensional requirements.

minimum lot area - interior unit	2,500 square feet
minimum lot area - end unit	4,500 square feet
minimum lot width - interior unit	22 feet
minimum lot width - end unit	45 feet
minimum front yard	20 feet
minimum side yard - end unit	20 feet
minimum rear yard	15 feet
maximum building height	35 feet

(c) Not more than eight dwelling units shall be permitted per building.

(d) A 300 square feet fenced or walled private yard area shall be provided on lots of less than 7,000 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard-surfaced patio or porch. Townhouses on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.

(e) All utilities shall be placed underground.

(f) All lots shall be served by public water and sewer.

Sec. 78. Cemetery.

(a) The minimum site area shall be 5 acres.

(b) Each grave site shall be set back a minimum distance of 50 feet from any property line of the cemetery. Each columbarium or mausoleum shall be set back a minimum distance of 200 feet from any property line of the cemetery.

(c) A 6 feet high protective wall or fence shall be located along all property lines, except at points of vehicular access where gates with locks shall be maintained. The cemetery shall be exempt from any required screening and buffer-yard along a public right-of-way.

(d) No grave site shall be located closer than 150 feet from a water line or underground water supply.



Sec. 79. Bank or financial service.

Where located in the B-T or B-1 District, no repossessed or acquired items shall be displayed or stored on the premises.

Sec. 80. Campground.

(a) *Uses and activities.* The campground shall include individual campsites for travel trailer or tents but may also include following uses and activities:

hotel, motel, or similar guest accommodations,

facilities designed to serve only the park guests, such as restaurants, cafeteria, laundromats, retail concession sales, bathing facilities; recreational facilities, and similar guest facilities; and accommodations for resident personnel employed by the campground management.

(b) *Site area.* The minimum site area shall be ten contiguous acres.

(c) *Density.* The maximum number of campsites per acre shall be 15.

(d) *Perimeter yards.* No campsite or building shall extend into any required yards along the perimeter of the park, as listed below. The perimeter yards shall be reserved for screening and buffering yards and may also be used for common streets, walkways, and passive recreation areas (without structures). The screening and buffer-yard standards of this ordinance may require wider perimeter yards, depending on the adjacent uses of land, and may place additional restrictions on the use of the perimeter yards.

Front yard:	50 feet
Rear yard:	30 feet
Side yard:	30 feet

(e) *Dimensions.* The minimum area for each campsite shall be 1,500 square feet with a minimum width of 40 feet. Boundaries shall be clearly marked on the ground by permanent flush stakes.

(f) *Pad.* Each campsite shall have a level pad for parking a travel trailer or installing a tent.

(g) *Recreation space.* At least fifteen percent of the site area of the park shall be devoted to usable recreation space.

(h) *Restroom facilities.* Common restroom and bathing facilities to meet the needs of park guest at full capacity are required.

(i) *Streets.* One or two-way private streets shall be provided to furnish access to each campsite and other park facilities. The street surface may be graveled or paved. Surface widths of streets shall be twelve feet per travel lane plus six feet per parallel parking lane on either side. Maximum gradients shall be 12 percent. Dead end streets shall provide turnarounds with a minimum 40 feet radius.

(j) *Parking.* One and one-half parking spaces shall be provided in the park for each campsite. One 9 feet by 19 feet space shall be provided on each campsite.

(k) *Utilities.* All utility lines shall be placed underground.

(1) *Refuse disposal.* Refuse collection and disposal shall be the responsibility of the campground management. Dumpsters in centralized locations shall be provided.

Sec. 81. Convenience store.

Where located in the B-T District, the following limitations shall apply:

- (1) No parking space shall occupy a required front yard which shall be kept landscaped and free of signs.
- (2) Sale of automotive fuels shall be prohibited.

Sec. 82. Home occupation.

(a) Customary home occupations shall be limited to office, artistic and craft pursuits, fix-it services, and similar limited activities but shall exclude barber shops, beauty shops, clinics, fortune tellers, automobile repair or body shops, automobile sales, storage of contractors' supplies, and similar activities.

(b) The use shall be conducted entirely within the dwelling and be confined to not more than 25% of the livable floor area.

(c) Employment shall be limited to residents of the dwelling.

(d) No customers or clients shall be permitted on the premises. All goods and services shall be delivered to the consumer.

(e) Not more than one, non - illuminated, wall-mounted sign of two or less square of area shall be permitted per dwelling.

Sec. 83. Livestock sales.

Sales areas shall be set back at least 200 feet from any lot line.

Sec. 84. Mini-warehouse.

(a) No storage space shall exceed 400 square feet in area and one story in height.

(b) Each storage space shall be served by a paved driveway of 15 feet minimum width for each direction of travel.

(c) The entire site shall be enclosed by security fencing and be kept lit with security lighting throughout.

Sec. 85. Open air market.

(a) Display areas shall not occupy any part of a required off-street parking or loading area.

(b) Display areas shall be set back from all lot lines so as to meet the district yard requirements.

Sec. 86. Specialty retail center.

- (a) The center shall have a minimum site area of one acre and maximum site area of less than three acres.
- (b) Where located in the B-T and B-1 Districts, the following limitations shall apply:

- (1) Permitted uses shall be limited to the following commercial uses:

all permitted commercial uses in the B-T or B-1 District

small retail specialty stores and services such as antique shops, curio shops, hobby shops, gift shops, appliance stores, ice cream stores, import food stores, delicatessens, bakeries, home furnishings stores, import shops, book stores, baby stores, pet stores, sporting goods stores, florists, photo shops, clothing stores, shoe stores, jewelry stores, tobacco stores, candy stores, sporting goods stores, bicycle shops, toy stores, and other retail sales and services determined by the Zoning Administrator to be of an equivalent specialized nature but excluding department stores, variety stores, automotive uses, recreation uses, and uses involving any outdoor sales.

display or

- (2) Each specialty retail use within the center shall occupy no more than 2,000 square feet of gross leasable area.
- (3) The maximum building height shall be one story.
- (4) No parking space shall occupy a required front yard which shall be kept landscaped and free of signs.

Sec. 86 (1)

(a) Specialty retail establishment or services when located in the B-T zoning district shall consist as one establishment on an individual lot and shall contain no more than 3000 square feet of gross leasable area or exceed 2 stories, however in no case shall the building exceed the maximum height requirement of the B-T zoning district.

(b) No parking space shall occupy any portion of the required front yard. Parking area shall be landscaped in accordance with standards set by the Zoning Administrator.

(c) The required front yard shall be landscaped. In the case of a corner lot or double frontage lot, yards sharing a common right of way line of any street, road, or highway, shall be landscaped in accordance with standards set by the Zoning Administrator.

(d) One free standing sign shall be permitted. In the case of a corner lot or double frontage lot, one additional sign shall be permitted. Sign area shall contain a maximum of 3.0 square feet per 10 linear feet of proportioned lot frontage but in no event exceeding 50 square feet. Signs shall not exceed 15 feet in height. Signs shall be landscaped in accordance with standards set by the Zoning Administrator.

Sec. 87. Resource extraction.

(a) No soil, sand, gravel, clay, minerals, or similar material shall be removed by surface mining, stripping, or open field mining operations.

(b) No soil, sand, clay, gravel, minerals, or similar material shall be removed in such a manner as to cause water to collect or as to result in a menace or danger to the public health, safety, or welfare.

Sec. 88. Garage or yard sales.

Garage or yard sales on the same lot shall not be conducted for more than three days (whether consecutive or not) during any 90 day period.

Sec. 89. Pet grooming shop.

(a) Medical or surgical treatment commonly performed by a veterinarian shall be prohibited.

(b) The boarding or raising of small animals shall be prohibited.

(c) Holding areas for animals shall be limited to the shop.

Sec. 90. Auto body repair facility.

(a) Damaged vehicles shall be screened or stored from public view.

Secs. 91-109. Reserved.

ARTICLE IV. DISTRICT DIMENSIONAL REGULATIONS

Sec. 110. Compliance with district dimensional regulations.

Unless otherwise provided by this ordinance, all uses and activities established after the effective date of this ordinance shall comply with the dimensional requirements established by this article.

Sec. 111. Dimensional terms defined.

The following dimensional terms when used in this ordinance shall have the meanings defined by this section.

*building height.* The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

*lot area or lot size.* The minimum area contained within the property of the individual parcels of land shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.

*lot width.* The minimum distance measured between the side lot lines at the required building setback line. In the case of only one side lot line, lot width is the distance measured between the side lot line and the opposite lot line.

*yard.* A minimum open area unobstructed from the ground up on the same lot with a structure, extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and a lot line.

*yard, front.* A minimum yard between a structure and a front lot line and extending the entire length of the front lot line. In the case of a double frontage lot that fronts on more than one street, the yards extending along all streets are front yards. In the case of a corner lot, the yard extending along the street line of least dimension.

*yard, rear.* A minimum yard between a structure and a rear lot line and extending the entire length of the rear lot line. In the case of a double frontage lot, there are no rear yards but only front and side yards.

*yard, side.* A minimum yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of an odd-shaped lot, any yard that is not a front or rear yard is a side yard. In the case of a double frontage lot, any yard that is not a front yard is a side yard.

**Cross references** - See § 331 for interpretation of definitions, § 332 for word usage, § 333 for general terms defined, and § 334 for uses defined.

Sec. 112. Minimum lot area.

(a) Unless otherwise provided by this article of the supplemental use regulations in Article III, all lots in the following districts shall have the minimum lot area indicated in the following table:

Table II. Minimum Lot Area Requirements

district	minimum lot area
AG	20,000 square feet
R-1	14,000 square feet
R-2	10,500 square feet
R-3	7,000 square feet
R-P	7,000 square feet

R-4	7,000 square feet
R-5	7,000 square feet
B-T	none
B-1	none
B-2	none
B-3	none
M-1	none
M-2	none

(b) Any lot not served by public water and sewer shall have a minimum lot area of 20,000 square feet. The County Health Department may set a larger minimum lot area requirement to accommodate private wells or septic systems. Where the district dimensional regulations of the table in (a) above or the supplemental use regulations in Article III require a lot area greater than 20,000 square feet or one acre the provisions of the above table or the supplemental use regulations shall apply.

**Cross References** - For special lot/site area requirements, see § 61 for farm, § 62 for hobby farm, § 63 for kennel, § 69 for garden apartment, § 72 for manufactured home park, § 73 for multiplex, § 74 for multi-story apartment, § 75 for patio home, § 76 for planned residential development, § 76 for townhouse, § 78 for cemetery, § 80 for campground, § 86 for specialty retail center, and § 334 for neighborhood and community or regional shopping centers.

Sec. 113. Minimum lot width.

(a) Unless otherwise provided by this article or the supplemental use regulations in Article III, all lots within each district shall have the minimum widths indicated in the following table:

Table 111. Minimum Lot Width Requirements

district	minimum lot width
AG	300 feet
R-1	100 feet
R-2	75 feet
R-3	50 feet
R-P	60 feet
R-4	60 feet
R-5	60 feet
B-T	125 feet
B-1	125 feet
B-2	none
B-3	none
M-1	150 feet
M-2	150 feet

(b) *Reduction of lot width in commercial and industrial districts.* Except as provided in the supplemental use regulations in Article V, where a lot within the B-T, B-1, B-2, M-1, or M-2 District fronts a marginal access or local street, the minimum lot width requirement in the above table may be reduced to 50 feet.

(c) *Flag lots.* Flag lots may be created in accordance with the following provisions:

- (1) The subdivision of a flag lot for a single dwelling unit shall be permitted, only in the following instances:

- a. Where the flag lot makes it possible to better use irregularly shaped properties with unusual topographic limitations.
  - b. Where the flag lot is used to eliminate residential access to a major collector or arterial street.
- (2) The flag lot shall comply with the following standards:
- a. The lot shall have direct access via an improved driveway of 10 feet minimum width to a public street. The driveway shall be located within the narrow portion of the lot (the flag pole) extending from the public street to a parking area. A shared driveway shall have a minimum width of 16 feet.
  - b. The minimum lot width at the street line shall be 25 feet and the maximum shall be 50 feet. The lot width at the street line shall not narrow until the minimum lot width for a standard lot is achieved.
  - c. The front yard for a flag lot shall be a distance equal to the front yard requirement for the district and shall be measured from the point where the standard minimum lot width for the district is met.
  - d. The narrow portion of the lot (the flag pole) shall not be included as part of the lot area in determining the district minimum.
  - e. Two contiguous flag lots may share access provided an easement is granted to each adjoining lot. No more than two flag lots may be contiguous.

**Cross references** - For special lot width requirements, see § 75 for patio home, § 76 for planned residential development, and § 77 for townhouse.

Sec. 114. Minimum yards.

(a) Unless otherwise provided by this article or the supplemental use regulations in Article 111, the minimum yards within each district shall be as indicated by the following table:

Table IV. Minimum Yard Requirements

<i>district</i>	<i>front yard</i>	<i>side yard</i>	<i>rear yard</i>
AG	30 feet	15 feet	20 feet
R-1	40 feet	15 feet	25 feet
R-2	35 feet	10 feet	20 feet
R-3	20 feet	8 feet	20 feet
R-P	30 feet	10 feet	20 feet
R-4	30 feet	10 feet	20 feet
R-5	30 feet	10 feet	20 feet
B-T	35 feet	10 feet	35 feet
B-1	35 feet	10 feet	35 feet
B-2	35 feet	10 feet	35 feet
B-3	none	10 feet	none
M-1	50 feet	25 feet	50 feet
M-2	50 feet	25 feet	50 feet

(b) *Projections into required yards.*

- (1) Architectural features, chimneys, eaves, and the like may project up to two feet into any required yard, but no closer than three feet to any lot line.
- (2) Terraces, steps, uncovered porches, and similar features less than three feet above the floor level of the ground story may project into any required yard, but no closer than three feet to any lot line.
- (3) Covered entry porches, balconies, fire escapes and similar features may project up to four feet into any required yard.

(c) *Fences, walls, and hedges.* Fences, walls, and hedges that are substantially opaque may not interfere with traffic visibility provisions of this article.

(d) *Satellite dish antennas.* Ground mounted antennas shall not be permitted in the front yard.

(e) *Elimination of non-residential yards.* For any non-residential buildings, the side or rear yard may be eliminated to accommodate attached buildings sharing a common party wall at the lot line.

(f) *Side yard along street lines.* In the case of a corner lot, the side yard which extends along one of the street lines shall in no event be less than the minimum required front yard of the lot for the zoning district it is located

Cross references - For special yard requirements, see § 61 for farm, § 62 for hobby farm, § 63 for kennel, § 72 for manufactured home park, § 75 for patio home, § 76 for planned residential development, § 77 for townhouse, § 78 for cemetery, § 80 for campground, § 81 for convenience store, § 83 for livestock sales, § 85 for open air market, and § 216 for required buffer yard.

Sec. 115. Maximum building height.

(a) Unless otherwise provided by this article or the supplemental use regulations in Article 111, the maximum building height within each district shall be as indicated by the following table:

Table V. Maximum Building Height Limitations

<i>district</i>	<i>maximum building height</i>
AG	50 feet
R-1	50 feet
R-2	50 feet
R-3	50 feet
R-P	50 feet
R-4	50 feet
R-5	50 feet
B-T	50 feet
B-1	50 feet
B-2	50 feet
B-3	65 feet
M-1	65 feet
M-2	65 feet

(b) The maximum building height limitations do not apply to spires, belfries, cupolas, antennas, (except satellite dishes), water tanks, ventilators, chimneys, or other appurtenances customarily placed above the roof and not intended for human occupancy.

(c) Any principal building may be erected to a height in excess of the maximum building height for the district, provided each required yard is increased one foot for each one foot of excess height. In no event shall the building height exceed 65 feet.

**Cross references** - For special building height limitations, see § 75 for patio home, § 76 for planned residential development, § 77 for townhouse, § 84 for mini-warehouse, § 86 for specialty retail center, and § 334 for garden apartment, multiplex, multi-story apartment, and convenience store.

Sec. 116. Frontage requirement.

All subdivided lots shall front on a public street, except within the following residential developments:

- (1) Lots of less than 7,000 square feet within a planned residential development. All such lots shall be served by private streets, constructed in accordance with the Zoning Administrator's standards, and owned and maintained in common by a homeowners association or equivalent legal entity.
- (2) Family subdivisions involving the conveyance of a parcel of land from a larger parcel for the purpose of constructing a single family residence as the primary habitat of an immediate family member. For the purpose of this provision, *immediate family member* shall include any naturally or legally-defined offspring. The divided parcels of land shall contain the minimum lot area as stated for the zoning districts for which the parcels are located. Such subdivisions shall provide a 25 feet access easement from a public street to the lot.

**Cross references** - For special frontage restrictions, see § 72 for manufactured home parks and § 80 for campgrounds.

Sec. 117. Traffic visibility at intersections.

(a) On any corner lot, nothing shall be erected, placed, planted or allowed to grow which would impede traffic visibility at intersections. No obstruction shall be placed within a clear sight triangle between a height of two feet and seven feet above the center-line grades of the intersecting streets.- This clear sight area on the two lot lines forms a triangle. The triangle is bounded by the two lot lines along the street, each measured twenty-five feet from their intersection a straight line connects the legs of the triangle. This shall be a twenty-five foot clear sight triangle.

(b) When one or both of the intersecting streets is an arterial street, the clear sight triangle shall be 50 feet.

(c) Where a private driveway intersects a public street, a clear sight triangle of 10 feet shall be maintained. The legs of the triangle shall be measured from the intersection of the street line and the edge of the driveway.

**Cross references** - See § 212 for screening along a public street and § 114 for fences, walls, and hedges with a front yard.

Sec. 118. Dimensional requirements for accessory buildings.

(a) Non-residential accessory buildings. Non-residential accessory buildings up to 12 feet in height shall be permitted within 5 feet of any side or rear property line but not occupy any portion of a front yard. Accessory buildings above 12 feet shall be set back an additional one foot for each four feet height above 12 feet-up to the district maximum building height limitation.

(b) Residential accessory buildings. Residential accessory building and detached carports and garages on residential lots shall meet the following dimensional requirements:

- (1) The maximum floor area shall be 900 square feet on lots of 15,000 square feet or more. The maximum floor area shall be 720 square feet on lots of less than 15,000 square feet. Residential accessory buildings exceeding these square footage limitations are subject to the approval of the Zoning Board of Adjustment by Special Exception.
- (2) The maximum height shall be 18 feet but in no case greater than the principal building height.
- (3) Such structures and additions shall be subject to the district front yard requirement in § 114. Minimum yards.
- (4) Such structures shall be no closer than 5 feet to any property line, except structures above 12 feet shall be set back an additional one foot for each foot above 12 feet.

**Cross references:** See § 64 for accessory apartment, § 65 for accessory cottage, and § 66 for accessory manufactured home.

Secs. 119-129. Reserved.

# division 1

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**GENERALLY**

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ARTICLE V. SPECIAL PURPOSE DISTRICT REGULATIONS

- Div. 1. Generally
- Div. 2. PUD Planned Unit Development District
- Div. 3. MR Municipal Reserve District
- Div. 4. F Flood Hazard District

Division 1. Generally

Sec. 130. Applicability.

The provisions of this article shall apply to all properties designated by a special purpose zone.

Secs. 131-139. Reserved.

# division 2

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**PUD-PLANNED UNIT**

**DEVELOPMENT DISTRICT**

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## Division 2. PUD Planned Unit Development District

### Sec. 140. Purpose of PUD Planned Unit Development District.

This district permits large tracts of five or more acres to be planned and developed as an integral unit under single ownership or control, consisting of a combination of residential and non-residential uses. The district intent is to provide a living, working, and shopping environment within the development that contributes to a sense of community and a coherent living style. Further, the district seeks to:

- (1) Provide a development framework that obtains commercial and industrial business activity that significantly improves the economic development of the community;
- (2) Encourage the preservation and enhancement of the natural amenities of land and protect natural features; and
- (3) Reduce improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems, and infrastructure.

### Sec. 141. Establishment of PUD Planned Unit Development District.

A Planned Unit Development District may be established for any tract with a minimum site area of five acres. The Planned Unit Development (referred to as PUD) shall consist of a combination of residential and non-residential uses planned and developed as an integral unit under single ownership or control.

### Sec. 142. PUD use regulations and development standards.

(a) A minimum of 25% of the PUD site area shall be developed for single family residences in accord with the requirements of the R-2 Single Family Residence District. Permits for uses other than single family residences shall not be issued until a final subdivision plat for the single family residences is approved by the Planning Commission. The purpose of this limitation is to ensure that the PUD procedure is not used, intentionally or unintentionally, to create higher density residential or non-residential uses except as part of a primarily single family residential development.

(b) The remaining areas of the PUD may be developed in any combination of the following uses as listed in the Table of Permitted Uses, provided not more than 50% of the PUD site area is developed for non-residential purposes.

- (1) Any use permitted in the R-P Planned Residential District in accord with the R-P District regulations.
- (2) Any use permitted in the R-5 Multi-Family Dwelling District in accord with the R-5 District regulations.
- (3) Any use permitted in the B-2 Community Service District in accord with the B-2 District regulations. Such uses shall not exceed 10% of the PUD site area.
- (4) Any use permitted in the M-1 Light Industrial District in accord with the M-1 District regulations. Such uses shall not exceed 5% of the PUD site area.

Sec. 7-143. PUD application requirements.

A conceptual site plan shall accompany each application for rezoning to the PUD District. Development of the PUD shall be in substantial accord with the approved conceptual site plan. The site plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The site plan shall show, in schematic detail, the concept for use and development of the entire PUD tract, including the location of proposed uses and major buildings, the proposed residential development density, housing types, dimensional standards on all lots, layout of roads, location of all entrances to the tract, and layout and configuration of common open space. Also, a brief narrative text shall accompany the rezoning application, describing the general design and architectural policies for the PUD, the treatment of environmentally sensitive land located in the project tract, and the proposed time frame for phased development. Once the PUD zoning is approved, the developer shall also comply with the required site plan and subdivision approval procedures of this chapter.

**Cross references** - See § 274 for site plan review procedures and §§ 300-309 for rezoning procedures.

Secs. 7-144-149. Reserved.

# division 3

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**MR-MUNICIPAL**

**RESERVE DISTRICT**

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Division 3. MR Municipal Reserve District

Sec. 150. Purpose of MR Municipal Reserve District.

This district serves as an interim zone for newly annexed areas of the municipality. The MR District seeks to protect newly annexed areas prior to the time comprehensive zoning can be enacted.

Sec. 151. Zoning of annexed property.

On the effective date of annexation all newly-annexed property shall be zoned MR Municipal Reserve District.

Sec. 152. Rezoning from the MR District.

As soon as practicable following annexation, the Planning Commission shall initiate a petition to rezone property annexed into the City from the MR District to any other district contained within this ordinance. In determining the most appropriate zone, the Planning Commission shall duly consider the following items, among others:

- (1) The comprehensive plan:
- (2) The desires of the property owners subject to rezoning:
- (3) The purposes and considerations of zoning, as required by section 5 of this ordinance and section 11-52-72 of the Code of Alabama.

**Cross reference** - See §§ 300-309 for rezoning procedures.

Sec. 153. Permitted uses and development standards.

All uses in existence at the time of annexation may lawfully continue under the provisions of the MR District, in accord with the R-1 District development standards.

Sec. 154. Action on annexation ordinances.

All annexation ordinances enacted by the City shall include the provision that the property shall be temporarily zoned MR. A copy of the annexation ordinance shall be transmitted to the Zoning Administrator and Planning Commission for action.

Secs. 155-159. Reserved.

# **division 4**

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**F-FLOOD HAZARD DISTRICT**

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#### Division 4. F Flood Hazard District

##### Sec. 160. Purpose of F Flood Hazard District.

This district intends to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions.

##### Sec. 161. Overlay district concept.

The provisions of this district shall be overlay provisions to the existing underlying zoning districts. All properties within the district shall be designated by the *F* suffix added to the underlying district prefix, i.e., *R-IF*. As overlay provisions, the requirements of this district shall serve as a supplement to the underlying zoning district provisions. Where there happens to be any conflict between the provisions of this overlay district and the provisions of the underlying district, the more restrictive provisions shall apply.

##### Sec. 162. Compliance with Flood Hazard District regulations.

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, enlarged, converted, or structurally altered except in full compliance with the terms of this district and other applicable regulations.

(b) The provisions of this district are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these provisions and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(c) The provisions of this district supersede any regulations currently in effect in flood-prone areas. However, any underlying regulations shall remain in full force and effect to the extent that those provisions are more restrictive.

##### Sec. 163. Flood hazard terms defined.

The following flood hazard terms when used in this district shall have the meanings defined by this section.

*base flood or 100 year flood.* The flood having a one percent chance of being equaled or exceeded in any given year.

*development.* Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

*flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas during the 100 year base flood.

*floodplain.* A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation during the 100 year base flood; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source during the base flood.

*floodway.* The designated area of the floodplain required to carry and discharge flood waters of a given magnitude during the base flood.

*floodway fringe.* That area of the floodplain not included in the floodway.

*lowest floor.* Includes the lowest enclosed area of a structure (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this district.

*mean sea level.* The National Geodetic Vertical Datum (NGVD) of 1929 or other datum used as a reference for establishing various elevations within the floodplain

*manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*start of construction (includes substantial improvement).* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

*substantial improvement.* Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, *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 no that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Cross references** - See § 331 for interpretation of definitions, § 332 for word usage, § 333 for general terms defined, and § 334 for uses defined.

Sec. 164. Flood Hazard District boundaries.

(a) All properties included within the 100-year floodplain boundary on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps published by the Federal Emergency Management Agency, effective date June 15, 1981, or as later amended, and areas along all small streams specified by this division shall be included within the F Flood Hazard District boundaries. All designated properties within the Flood.. Hazard District shall be referred to by a suffix to the underlying zoning district designation (i.e., R-1-F B-2-F etc.)

(b) All Flood Boundary and Floodway Maps and Flood Insurance Rate Maps published by the Federal Emergency Management Agency, dated effective June 15, 1981, and any subsequent revisions, and the Flood Insurance Study, dated December 15, 1980, with supporting data and maps, are hereby adopted by reference and declared to be supplemental to the provisions of this district.

(c) The delineation of any of the floodplain areas within the Flood Hazard District may be revised by the City Council where natural or man-made changes have occurred or detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual document or study indicate the need for revision. Such studies may include, but not be limited to U.S. Soil Conservation Service soil reports, U.S. Geological Survey topographic surveys, or reports of the City Engineer or other qualified consultant. However, prior to any such revision, approval must be obtained from the Federal Emergency Management Agency. Upon final approval of the revised delineation of the regulated floodplain, the City shall give notice of the revisions to the Alabama Department of Economic and Community Affairs.

(d) Where interpretation is needed as to the exact location of boundaries of the Flood Hazard District or any floodplain areas within the district (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Zoning Administrator shall make the necessary interpretation. Should a dispute arise concerning the boundaries of the district, an administrative appeal may be filed with the Zoning Board of Adjustment.

**Cross reference** - See § 32 for determination of precise location of district boundaries and § 278 for appeal of Zoning Administrator's determination.

#### Sec. 165. Floodplain areas.

The Flood Hazard District includes various areas subject to flooding. The primary basis for the delineation of these areas shall be the Flood Insurance Study for Jasper, Alabama prepared by the Federal Emergency Management Agency, dated December 15, 1980 and subsequent amendments. The delineations of the floodplain for the purposes of this district shall be as follows:

- (1) *Floodway.* The floodway is delineated using the criteria that a certain areas within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood at any point. These floodways are more specifically defined in the above-referenced Flood Insurance Study and are shown on the Flood Boundary and Floodway Maps accompanying that study.
- (2) *Floodway fringe.* The Floodway fringe shall be that area of the 100 year floodplain not included in the Floodway The basis for the outermost boundary of the Floodway fringe shall be the 100 year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study, and the boundaries are shown on the Flood Boundary and Floodway Maps accompanying that study.
- (3) *Approximated floodplain.* The approximated floodplain shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100 year floodplain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for a permit shall have a technical study completed to determine such data.

- (4) *Small streams.* Small streams exist where no base flood data and no flood boundaries have been provided by the Flood Insurance Study. floodplain areas along small streams are within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer determines otherwise.

Sec. 166. Required permits and certifications.

(a) *Building permit.* Application for a building permit shall be submitted prior to any development activities within the Flood Hazard District and shall include the following information which shall be maintained as public record by the Zoning Administrator

- (1) Elevation. (in relation to mean sea level) of the lowest floor (including basement) of new or substantially improved structures, prepared by a registered land surveyor or professional engineer.
- (2) Elevation in relation to mean sea level to which any structure will be floodproofed, prepared by a registered land surveyor or professional engineer.
- (3) Where a structure is intended to be floodproofed below the base flood level, a certification from a professional engineer or architect that the structural design, specifications, and plans for construction will meet the flood-proofing criteria of this district and the additional provisions of the Standard Building Code.
- (4) Description, prepared by a professional engineer, of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) *Certificate of occupancy.* Before the issuance of a certificate of occupancy, during the construction stage of the development, the permit holder shall provide the following certifications which shall be maintained as public record by the Zoning Administrator.

- (1) The as-built elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, certified by a registered land surveyor or professional engineer.
- (2) Evidence of flood-proofing of a building, where required, certified by a professional engineer or architect.

(c) Where additional federal or state permit requirements apply, the Zoning Administrator shall require that copies of such permits be provided and maintained on file with the building permit as public record.

(d) The Zoning Administrator shall notify adjacent communities and the Alabama Department of Economic and Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(e) When base flood elevation data or floodway data have not been provided by the Flood Insurance Study in approximated floodplains or along small streams, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this section. If no data is available, then the applicant for a permit, shall submit data in accordance with recognized hydrologic and hydraulic engineering techniques.

The technical analyses and determination of data shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods correctly reflect currently accepted technical concepts and consider existing land use and reasonable estimates of ultimate development according to the City's comprehensive land use plan. All technical studies shall be subject to approval by the City Engineer.

**Cross references** - See § 270 for permit compliance, § 271 for certificate of occupancy, and § 272 for building permit.

Sec. 167. General flood hazard prevention standards.

The following standards shall apply to all floodplain areas:

- (1) Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and by methods and practices that minimize flood damage.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and to minimize or eliminate discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Flammable, explosive, toxic, or otherwise hazardous materials shall not be stored in the floodplain.
- (9) Any alteration, repair, reconstruction or improvements to an existing structure which is in compliance with the provisions of this district, shall meet the requirements of new construction.
- (10) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwater shall be provided.

- (11) Any manufactured home shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation. It shall be securely anchored to prevent flotation, collapse, or lateral movement in accordance with the Standard Building Code. Such standards shall be in addition to and consistent with applicable state requirements for resisting wind forces. The provisions of this subsection shall apply to existing manufactured home parks, subdivisions, and lots where an existing manufactured home is replaced or substantially improved; to any expansion to an existing park or subdivision; and to new parks, subdivisions and installations after the effective date of this ordinance.
- (12) New construction or substantial improvement of any commercial, industrial, institutional or other non-residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation.
- (13) Structures may be floodproofed in lieu of being elevated one foot or more above the base flood provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water. The walls shall use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
- (14) For all new construction or substantial improvements of elevated buildings that include fully enclosed areas below the lowest floors that are subject to flooding, the following standards shall be certified by a registered professional engineer or architect:
  - a. The enclosed area shall be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; and openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
  - c. Access to the enclosed area shall be the minimum necessary to allow low for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairways or elevator).
  - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 168. Standards for small streams.

- (a) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided

demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with this district.

Sec. 169. Standards for subdivision plats.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Floodplains shall be delineated on all subdivision plats, and base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) which are either greater than fifty lots or five acres.

Sec. 170. Floodway standards and use regulations.

(a) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increases in flood levels during occurrence of the base flood discharge. In addition, all development, where permitted, shall comply with the standards applicable to all floodplain areas.

(b) *Permitted uses.* The following uses and activities are permitted provided they are in compliance with the provisions of the underlying zoning district and do not require structures, fill, or storage of materials and equipment:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming, crop farming, and similar uses and activities.
- (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching areas, swimming areas, hiking trails, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, hunting and fishing areas, and similar uses and activities.
- (3) Accessory residential uses such as yard areas, gardens, play areas, and loading areas, and similar accessory uses.
- (4) Accessory industrial, commercial, and institutional uses such as yard areas, parking and loading areas, airport landing strips, and similar accessory uses.

(c) *Special exception uses.* The following uses and activities are permitted by a special exception use permit granted by the Zoning Board of Adjustment provided that they are in compliance with the provisions of the underlying zoning district:

- (1) Structures (other than manufactured homes) accessory to the permitted uses in (b) above.
- (2) Certain utilities and public facilities and improvements such as pipe lines, water and sewage treatment plants, and other similar or related uses.
- (3) Water-related uses and activities such as marinas, docks, wharves, piers, and similar uses.
- (4) Extraction of sand, gravel, and other materials where no increase in the level of flooding or the velocity of discharge is caused thereby.
- (5) Storage of materials and equipment provided that they are not buoyant, explosive, toxic, or otherwise hazardous and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, or can be readily removed from the area within the time available after flood warning.
- (6) Other similar uses and activities provided they cause no increase in flood heights and velocities and are undertaken in strict compliance with the floodproofing and elevation provisions of this district.

(d) In passing upon an application for a special exception use, the Zoning Board of Adjustment shall consider the review criteria for special exceptions contained in § 277 and in addition, all technical evaluations, all relevant factors, all standards specified in other sections of this district, and the following criteria:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The requirements of the facility for a waterfront location.
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed uses.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and floodplain Management program for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.



- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(e) *Conditions attached to special exceptions.* Upon consideration of the factors listed above, the Zoning Board of Adjustment may attach such conditions to the granting of special exception use permits as it deems necessary to further the purposes of this district.

**Cross reference** - See § 277 for special exception procedures.

Sec. 171. Variances.

(a) An application for a variance to the standards of this district may be submitted to the Zoning Board of Adjustment in accordance with the administrative provisions of this zoning ordinance. The Board shall refer the variance application to a Professional engineer or other qualified person or agency for technical assistance in evaluating the proposal in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) The Zoning Board of Adjustment shall not approve a variance unless it finds the criteria variances contained within § 279 and in addition, the following criteria have been satisfactorily determined:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.

(e) Any applicant to whom a variance is granted shall be given written notice by the Zoning Administrator that the issuance of the variance to construct a structure below the 100 year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.

(f) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(g) The Zoning Administrator shall maintain the records of all variance and administrative appeal actions and shall annually report such actions to the Federal Emergency Management Agency.

**Cross reference** - See § 279 for variance procedures.

Sec. 172. Liability.

The degree of flood protection required by this district is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions and flood heights may be increased by man-made or natural, causes. Consequently, this district does not imply that land outside the floodplain or uses permitted within such areas will be free from flooding or flood damages. Therefore, this district shall not create liability on the part of the City of Jasper or by any officer or employee thereof for any flood damages that result from reliance on the provisions of this district or any administrative decision lawfully made thereunder.

Secs. 173-179. Reserved.

#### ARTICLE VI. SUPPLEMENTAL DISTRICT REGULATIONS

- Div. 1. Generally
- Div. 2. Off-Street Parking and Loading Regulations
- Div. 3. Screening and Buffer Yard Regulations
- Div. 4. Sign Regulations.

##### Division 1. Generally

Sec. 180. Compliance.

All uses and activities shall comply with the provisions of this article.

Secs. 181-189. Reserved.

# division 2

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**OFF-STREET PARKING AND  
LOADING REGULATIONS**

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## Division 2. Off -Street Parking and Loading Regulations

### Sec. 190. Purpose of off-street parking and loading regulations.

The primary purpose of these provisions is to reduce traffic congestion on public streets by requiring certain minimum parking and loading areas be provided off-street. Further, these provisions insure safe and convenient access to and from each site, insure safe and efficient on-site traffic circulation, and encourage the design of attractive and harmonious facilities.

### Sec. 191. Off-street parking and loading terms defined.

The following off-street parking and loading terms when used in this article shall have the meanings defined by this section.

*access driveway.* That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

BR. Bedroom or guest accommodations.

DU. Dwelling unit.

*employee.* The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

*GLA.* Gross leasable area. The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

*inoperative motor vehicle.* An unlicensed motor vehicle that is unusable or inoperative due to lack of or defects in component parts, damage from a collision or deterioration, beyond repair and therefore not intended for future use as a motor vehicle, and being retained on the property for the possible use of salvageable parts

*loading area.* That area used to satisfy the requirements of this ordinance for truck loading and unloading.

*loading space.* An off-street space or berth used for the unloading or loading of commercial vehicles.

*occupancy load.* The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.

*parking aisle.* That portion of the parking area consisting of lanes providing access to parking spaces.

*parking area.* An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles, and parking spaces.

*parking space.* That portion of the parking area set aside for the parking of one vehicle.

*sf.* Square feet.

**Cross references** - See § 331 for interpretation of definitions, § 332 for word usage, § 333 for general terms defined, and § 334 for uses defined.

Sec. 192. Required off-street parking spaces.

Unless otherwise provided for, all uses shall conform with the minimum parking space requirements in *Table V1. Required Off-street Parking Spaces* below. In situations where the required number of parking spaces is not readily determinable by the below table, the Zoning Administrator is authorized to determine the parking space requirements using the table as a guide.

Table V1. Required Off-Street Parking Spaces

<i>agricultural uses</i>	<i>required parking spaces</i>
farm	1 per 1.5 employees
farm stand	1 per 100 sf of display area
 <i>residential uses</i>	
accessory apartment	1 per BR
combination dwelling	2 per DU
duplex, manufactured home, patio home, single family residence, townhouse	2 per DU
elderly apartment	.5 per DU
emergency care home	1 per resident manager plus 1 per family at occupancy load
family care home	1 per resident manager plus 1 per 3 children at occupancy load
garden apartment, multiplex, multi-story apartment, upper story apartment:	
efficiency or studio	1.25 per DU
1 BR	1.5 per DU
2 BR	1.75 per DU
3 or more BR	2 per DU
 <i>institutional uses</i>	
boarding house	1 per BR
community center	1 per 300 sf of GLA
community service club	1 per 100 sf of GLA

country club	1 per 3 persons at occupancy load
day care center	1 per employee plus 1 stacking or parking space per 8 persons, enrolled at occupancy
hospital	1 per 2 patient beds plus 1.5 per emergency room bed plus 1 per employee
nursing care, domiciliary care, or rehabilitation facility	1 per 2 residents at occupancy load plus 1 per employee
place of worship	1 per 6 persons seated in the main sanctuary
post office	1 per 300 sf of GLA plus 1 per 1.5 employees
public assembly center	1 per 5 persons at occupancy load
public facility	1 per 300 sf of GLA
school - college or university	1 per 3 students at occupancy load plus 1 per 1.5 employees
school - elementary or middle	1 per 8 students at occupancy load or 2 per classroom, whichever is greater
school - high school or vocational	1 per 6 students at occupancy load plus one
<b><i>commercial uses</i></b>	
appliance store	1 per 1000 sf of GLA
auto body repair facility	1 per 5000 sf of GLA
bank	1 per 250 sf of GLA plus 2 stacking spaces per drive-in window
billiard room, pool hall	1 per table
barber or beauty shop	1 per chair plus 1 per employee
bowling alley	4 per alley
farm support business	1 per 1.5 employees plus 1 per company vehicle
home improvement center	1 per 400 sf of GLA
car wash - automated or self service	1 stacking space per bay
car wash- full service	2 stacking spaces per bay plus 1 space per employee

clinic	6 per practitioner plus 1 per employee
commercial school	1 per 3 students at occupancy load plus 1 per 1.5 employees
convenience store	1 per 250 sf of GLA
dance hall	1 per 100 sf of GLA
funeral home	1 per 1.5 employees plus 1 per 3 chapel seats
furniture store	1 per 1000 sf of GLA
furniture repair shop	1 per 500 sf of GLA
gasoline service station	2 per 500 sf of GLA
general retail business or service establishment	1 per 300 sf of GLA
grocery store	1 per 400 sf of GLA
hardware store	1 per 400 sf of GLA
hotel or motel	1 per room plus 1 per 1.5 employees
laundromat, dry cleaning establishment	1 per 200 sf of GLA
major convenience store	1 per 500 sf of GLA
mini-warehouse	1 per 20 units
motor vehicle sales	2 spaces per employee
movie theater	1 per 4 seats at occupancy load
office, business or professional	1 per 300 sf of GLA
open air market	1 per 100 sf of display area
manufactured building sales	1 per employee
manufactured housing sales	1 per employee
bar or liquor lounge	1 per 100 sf of GLA plus 1 per employee
outdoor recreation:	
golf course	3 per hole
carpet golf	2 per tee
golf driving range	1 per tee
other	1 per persons at occupancy load

pet grooming shop	1 per 300 sf of GLA
recycling collection center	2 per employee
restaurant-standard	1 per 100 sf of GLA plus 1 per employee
restaurant-fast food	1 per 100 sf of GLA plus 1 per employee plus 4 stacking spaces per drive-in window
shopping center:	1 per 300 sf of GLA
add for restaurants	1 per 100 sf of GLA plus 1 per employee
add for movie theaters	1 per 4 persons at occupancy load
specialty retail establishment	1 per 300 sf of GLA
stable	2 per employee
tourist home	1 per guest bedroom
<b><i>industrial uses</i></b>	
general industry and manufacturing	1 per employee
warehouse, distribution, and wholesale business	1 per employee

Sec. 193. Off-street parking design requirements.

- (a) The minimum parking space dimensions are as follows:
- (1) Each parking space shall contain a minimum rectangular area of 9 feet width and 18 feet length except as provided in (2) and (3) below.
  - (2) In large parking areas of 20 or more parking spaces, up to 20 percent of the parking spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of 8 feet width and 16 feet length. These spaces shall be conspicuously marked for compact cars only.
  - (3) Parallel parking spaces shall contain a minimum rectangular area of 9 feet width and 20 feet length.
  - (4) Stacking spaces shall contain a minimum rectangular area of 9 feet width and 18 feet length and be separated from parking aisles and spaces.
  - (5) Handicapped parking spaces shall be designed in accordance with the American with Disabilities Act (ADA)

- (b) Parking aisle widths shall conform to the following table which varies the width requirement according to the angle of parking:

Table V11. Minimum Parking Aisle Widths

<i>traffic direction</i>	<i>angle of parking (degrees)</i>				
	0°	30°	45°	60°	90°
one-way	13'	11'	13'	18'	24'
two-way	19'	20'	21'	23'	24'

(c) Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two dwelling units, although backing onto arterial streets shall be prohibited.

(d) All parking areas when adjoining a street right-of-way shall be physically separated from the right-of-way.

(e) All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining properties. Parking lot lighting fixtures shall be located or positioned to eliminate glare that would interfere with the safe operation of motor vehicles on adjoining streets.

(f) Parking areas for all developments shall be so designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous turning movements. Fire lanes may be required by the fire code.

(g) All required off-street parking shall be paved with asphalt or concrete. Other means of paving such as pervious concrete, porous asphalt or turf blocks may be permitted upon the approval of the Zoning Administrator. Unpaved spillover parking designed to accommodate sporadic or seasonal parking events may be permitted upon the approval of the Zoning Administrator. Spillover parking areas may consist of pervious surfaces such as gravel or similar materials. Grassed areas may also be permitted with the approval of the Zoning Administrator. All spillover parking areas shall be maintained in good condition, i.e. well graveled, grass cut, etc. Spillover parking areas shall be limited to places of worship, recreational facilities, special events or seasonal sales activities.

(h) Parking spaces (except those serving one or two dwelling units) shall be demarcated with painted lines or other markings.

(i) All parking areas shall be maintained in good condition, i.e., free of pot holes, weeds, trash, etc.

(j) Large parking areas of 40 or more spaces shall provide 12 square feet of landscaping for each parking space. One canopy tree (two-inch caliper minimum at planting) for each 10 parking spaces shall be planted within the required landscaped area. Required stormwater detention facilities and parking area landscaping may be combined.

(k) Drainage in parking areas shall direct stormwater back into the site from adjacent properties toward adequate drainage channels. Large parking areas of 20 or more spaces shall provide on-site stormwater detention to retard the sudden discharge of high volumes of stormwater into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a 25 year storm frequency. Drainage plans shall be subject to the City Engineer's approval.

(l) All handicapped parking spaces shall conform to the standards promulgated by the Americans with Disabilities Act (ADA). Additionally, each individual handicapped parking space shall contain a sign designating it as such handicapped parking space. Said sign shall be installed according to all requirements of the Federal Manual on Uniform Traffic Control Devices for Streets and Highways. Also, said sign shall in addition to the standard handicap logo display the following information:

Violation	
First Offense	\$ 50.00 plus court cost
Second Offense	\$ 200.00 plus court cost
Third Offense	\$500.00 plus court cost

Sec. 194. Location of required parking.

All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below.

- (1) Required parking within planned residential developments may be provided in common parking areas.
- (2) If the number of required parking spaces cannot reasonable be provided on the same lot as the served use, satellite parking may be provided on an adjacent lot. The satellite parking spaces shall be located within 400 feet of the nearest public entrance to the building housing the served use. if the use is not housed within a building, satellite parking spaces shall be located within 400 feet of the lot. A satellite parking exception requires satisfactory written legal documentation that the user of such satellite spaces has the right to such spaces.
- (3) A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the required parking for all uses. If, however, the combined uses wish to make use of the same spaces at different time, the same spaces may be credited to each separate use. The applicant for a combined use facility must present satisfactory legal documentation of a combined parking agreement, and if sharing the same spaces, a time schedule for allocation of such spaces.

Sec. 195. Parking prohibitions.

- (a) The keeping of an inoperative motor vehicle in a residential or agricultural district shall be within a fully enclosed building or structure or be completely screened or shielded from public view.
- (b) No vehicle exceeding 7,500 pounds gross weight and no boats, trailers, recreational vehicles, campers, and similar equipment, regardless of weight, shall be kept within a residential district unless such vehicle is parked behind the building front.

Sec. 196. Parking inside structures.

Required parking spaces may be provided in parking garages, roof parking on buildings, parking within buildings, and underground parking. Such parking spaces shall meet the parking space and aisle width requirements of this ordinance.

Sec. 197. Access controls.

(a) Access to streets within the City shall be approved by the Zoning Administrator. The proposed location, width, drainage structure, traffic conditions, site distances, and surfacing shall be addressed in the request for approval.

(b) Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades, and maximum separation. Combined or shared driveways and entrances or marginal access streets may be required for highway service uses along major streets.

(c) Entrances to detached residential lots shall not be less than ten feet nor more than twenty feet in width. Entrances to all other developments shall be no more than thirty five feet or seventeen and one-half feet per lane of travel nor less than twenty two feet or eleven feet per lane of travel in width measured at the right-of-way line. The radius to increase the opening shall not be less than fifteen but not more than twenty five feet. A larger radius to accommodate truck traffic may be required by the City Engineer.

(d) The maximum number of entrances for each site shall be limited on the basis of street frontage as follows:

Table VIII. Entrance Limitations

<i>street frontage width</i>	<i>maximum number of entrances</i>
less than 125 feet	one
125 to 300 feet	two
300 to 500 feet	three
500 to 1,000 feet	four
more than 1,000 feet	five

(e) Property which has frontage on two or more streets may be allowed entrances on each street in accordance with the above criteria.

(f) The distance between openings shall be 125 feet, center line to center line, except for single family detached lots.

(g) Entrances shall be located so that the curb openings are a minimum of five feet from the nearest edge of a street drainage inlet and fifty feet from the corner radius.

(h) Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the City Engineer to provide safe turning movements.

(i) Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the property line. Except for permitted accessways, such barriers shall be continuous.

Sec. 198. Required off-street loading spaces.

(a) Any use with a gross leasable area (GLA) of 6,000 square feet or more which requires deliveries and shipments must provide off-street loading spaces in accordance with the following table. In situations where the required number of loading spaces is not readily determinable by the table, the Zoning Administrator is authorized to determine the loading space requirement, using the table as a guide.

Table IX. Required Off-Street Loading Spaces

Every retail establishment, industrial or manufacturing use, storage warehouse, freight terminal, hospital, nursing home, or similar use shall provide off-street loading spaces, as follows:

<i>GLA of building (square feet)</i>	<i>required number of loading spaces</i>
6,000 - 24,999	1
25,000 - 79,999	2
80,000 - 127,999	3
128,000 - 198,999	4
199,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
each additional 72,000 square feet	1

Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office building, funeral home, multi-family apartment buildings of 20 or more units, restaurants and hotels of 30,000 square feet or more, and similar uses shall provide off-street loading spaces, as follows:

<i>GLA of building (square feet)</i>	<i>required number of loading spaces</i>
6,000 - 29,999	1
30,000 - 44,999	2
45,000 - 119,999	3
120,000 - 197,999	4
198,000 - 290,999	5
291,000 - 389,999	6
390,000 - 488,999	7
489,000 - 587,999	8
588,000 - 689,999	9
each additional 105,000 square feet	1

Sec. 199. Off-street loading design standards.

(a) Each loading space shall have a minimum rectangular area of 12 feet width and 55 feet length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of 14 feet height.

(b) No loading space shall be located within the required front yard or within five feet of any property line.

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

(d) All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties.

(e) All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint use parking facilities, as provided by § 194 Location of *required parking*.

Sec. 200. Change in parking and loading requirements.

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

Secs. 201-209. Reserved.

# division 3

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**SCREENING AND BUFFER  
YARD REGULATIONS**

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### Division 3. Screening and Buffer Yard Regulations

#### Sec. 210. Purpose of screening and buffer yard regulations.

The intent of this division is to set minimum standards that reduce common conflicts associated with incompatible adjacent land uses and to protect natural boundaries. These standards seek to promote visual harmony, reduce noise, divert emissions, restrict passage, and enhance the natural environment, thereby providing for a compatible mix of otherwise conflicting uses of adjacent properties.

#### Sec. 211. Screening and buffer yard terms defined.

The following screening and buffer yard terms when used in this ordinance shall have the meanings defined by this section.

*Buffer yard.* A landscaped strip of specified width along certain segments of the site perimeter reserved for screening one use or structure from another adjacent use (including those uses on adjoining properties and properties directly across a right-of-way).

*Screening.* A method of visually shielding or obscuring one use or structure from another adjacent use (including adjoining properties and properties directly across a right-of-way) by opaque fencing, walls, berms, or densely-planted vegetation installed within a buffer yard.

**Cross references** - See § 331 for interpretation of definitions, § 332 for word usage, § 333 for general terms defined, and § 334 for uses defined.

#### Sec. 212. Administration.

(a) These standards are intended to encourage, not hamper, innovation in landscape and architectural design and shall be administered flexibly so as to give reasonable consideration to this objective.

(b) These standards shall apply to all developments subject to site plan review by § 274 *Site plan review*. Where screening and buffer yards are required, the site plan shall explicitly describe proposed compliance with these standards.

(c) Screening and buffer yard standards imposed by § 306 *Conditional rezoning* shall take precedence over the provisions of this division.

#### Sec. 213. Screening specifications.

(a) Acceptable screening materials include any combination of solid fencing (weather-resistant wood, brick, or decorative masonry), evergreen shrubs, or earth berms of a specified height. Planting of evergreen trees may also be required. Screening shall be continuously maintained, present an attractive exterior appearance, and in the case of fencing, be of durable construction.

(b) Location of screening shall not obstruct the visibility of traffic circulation. The screening shall not extend within 15 feet of any street or driveway opening onto a street. In the case of screening required along a street, the screening shall be set back at least 15 feet from the right-of-way.

(c) Evergreen plantings, where installed, shall be planted within the beginning of the first opportune planting season following approval of a final site plan but may be coordinated with construction scheduling. Evergreen shrubs shall be a rapid growth variety, with a minimum height of three feet at planting,

be planted two feet on center or less, and be capable of attaining an opaque density to the prescribed ultimate height within two years of planting. Evergreen trees shall be a rapid growth variety and be a minimum height of five feet at planting and be planted 20 feet on center or less.

(d) Fencing, where installed, shall be constructed prior to the issuance of a certificate of occupancy.

(e) All plantings shall be permanently maintained in good growing condition and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

Sec. 214. Buffer yard specifications.

(a) The buffer yard shall be reserved solely for screening. No buildings or structures, except for necessary access driveways, shall be permitted.

(b) The amount of required buffer yard shall not be more than 10 percent of the total site area, but in such case that the buffer yard is reduced, the intensity of screening shall be proportionately increased.

(c) Where a buffer yard is required adjoining a right-of-way, the width of the adjoining right-of-way shall count toward the minimum width of the required buffer yard. In no such event however, shall a buffer yard on a site be reduced to less than seven feet in width.

Sec. 215. Determination of adjacent land use classes.

The required screening and buffer yard shall depend on the land use intensity of the site in comparison to adjacent sites, including those directly across any right-of-way. The classes of land uses are shown on the following, table which determines the class according to the principal use of the site.

Table X. Land Use Classes

*Class principal land use*

- A Single family residences, including farm residences, vacant lots zoned AG, R-1, R-2, or reserved for single family residences in a planned residential development or planned unit development.
- B Patio homes, townhouses, duplexes, and vacant lots reserved for such uses in a planned residential development or planned unit development.
- C Multiplexes, manufactured home parks, apartments, and vacant lots zoned R-3 or R-5 or reserved for R-4 or R-5 uses in a planned unit development.
- D All institutional uses permitted in the residential districts, all additional uses permitted in the B-T District, and vacant lots zoned B-T or reserved for B-T uses in a planned unit development.
- E All additional commercial and non-residential uses permitted in the B-1, B-2 and B-3 Districts that are not permitted in the B-T District and vacant lots zoned B-1, B-2 or B-3 or reserved for B-1, B-2 or B-3 uses in a planned unit development.
- F All additional industrial and non-residential uses permitted in the M-1 District that are not permitted in the B-3 District and vacant lots zoned M-1 or reserved for M-1 uses in a planned unit development.

G All additional industrial and non-residential uses permitted in the M-2 District that are not permitted in the M-1 District and vacant lots zoned M-2 or reserved for M-2 uses in a planned unit development.

Sec. 216. Determination of screening and buffer yard types.

Types of required screening and buffer yards shall be determined by the following table:

Table X1. Screening and Buffer Yard Types

<i>type</i>	<i>minimum height of screening</i>	<i>required evergreen trees or shrubs</i>	<i>minimum width of buffer yard</i>
I	6'	no	15'
11	6'	yes	25'
111	8'	yes	50'
IV	8'	yes	100'

Sec. 217. Required screening and buffer yard.

To determine the required type of screening and buffer yard (type I, 11, 111, or IV), read across the following table to find the land use class of the site as proposed for development and down the table to find the land use class of the adjacent site.

Table XII. Minimum Required Screening and Buffer Yard

land use class of adjacent site	land use class of building site						
	A	B	C	D	E	F	G
A	-	I	II	II	III	III	IV
B	-	-	I	I	II	III	IV
C	-	-	-	-	I	II	III
D	-	-	-	-	-	I	II
E	-	-	-	-	-	-	I
F	-	-	-	-	-	-	-
G	-	-	-	-	-	-	-

Sec. 218. Modification or waiver of screening and buffer yard.

These screening and buffer yard standards shall be applied equally to all similarly classified and situated properties but may be modified or waived by the Zoning Administrator in certain cases where a site is subject to any of the following circumstances:

- (1) Natural land characteristics would achieve the same intent of this division.
- (2) Innovative landscape or architectural design is employed to achieve an equivalent screening and buffer yard effect.
- (3) Impending development of adjacent Property would make these standards unreasonable or impractical.
- (4) The adjacent property is physically separated by an arterial street right-of-way.

Secs. 219-229. Reserved.

# **division 4**

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**SIGN REGULATIONS**

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Division 4. Sign Regulations

Secs. 230-259. Reserved.

# division 1

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**GENERALLY**

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ARTICLE VII. ADMINISTRATION

- Div. 1. Generally
- Div. 2. Permits and Procedures
- Div. 3. Amendments
- Div. 4. Nonconformities
- Div. 5. Penalties and Remedies

Division 1. Generally

Sec. 260. Zoning Administrator.

Unless otherwise designated by resolution of the City Council, the provisions of this ordinance shall be administered and enforced by the City Planner who is hereby designated Zoning Administrator. The City Planner shall be assisted by the Building Inspector and the City Engineer who are hereby designated Deputy Zoning Administrators. The City Planner may, upon approval by resolution of the City Council, appoint such other Deputy Zoning Administrators as he/she deems necessary to effectively administer and enforce this ordinance. These officials shall have the, right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out their prescribed duties in the enforcement of this ordinance.

Secs. 261-269. Reserved.

# **division 2**

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**PERMITS AND PROCEDURES**

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## Division 2. Permits and Procedures

### Sec. 270. Permit compliance.

(a) No building permit, certificate of occupancy, business license, or any other permit or license shall be issued by any City department, official, or employee except in full compliance with this ordinance.

(b) Any permit or license issued by any City department, official, or employee where issued in conflict with or violation of any terms of this ordinance or other applicable codes or ordinances shall hereby be declared null and void.

### Sec. 271. Certificate of occupancy.

(a) No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied until the Zoning Administrator authorizes the Building Inspector to issue a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance.

(b) Within three days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to order a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or if such certificate is refused, to state the refusal in writing with the cause.

### Sec. 272. Building permit.

(a) It shall be unlawful to obtain a building permit to commence the excavation 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 one hundred dollars in value or painting or wallpapering) of any structure, including accessory structures, until the Zoning Administrator has issued authorization to the Building Inspector that the plans, specifications, and intended use of such structure in all respects conforms with the provisions of this ordinance.

(b) If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, a building permit may be issued. If an application for a building permit is not approved for zoning, the cause for such disapproval shall be stated in writing on the application. Issuance of a building permit shall in no case be construed as waiving any provision of this ordinance.

(c) Before issuing a building permit, the Building Inspector shall order an inspection of the site and examine the proposed development plans for compliance with this ordinance.

(d) Any permit under which no construction work has been done above the foundation walls or other foundation support within ninety days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of City codes in force at the time of said renewal.

Sec. 273. Plot plan.

(a) It shall be unlawful for the Zoning Administrator 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 ordinance. To this end, the Zoning Administrator shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed development is in conformance with this ordinance:

- (1) The actual shape, proportion and dimensions of the lot to be built upon.
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
- (3) The existing and intended use of all such buildings or other structures.
- (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this ordinance.

Sec. 274. Site plan review.

(a) New construction and substantial site development expansion of all planned residential developments, planned unit developments, townhouses, 5 or more multi-family dwellings, manufactured home parks, institutional uses, commercial uses, and industrial uses shall require the approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information described below. Two copies of each set shall be submitted for approval.

- (1) Cover sheet with:
  - a. Name and location of the development; name, address, and signature of the owner; name, address, and seal of the engineer.
  - b. Vicinity map.
  - c. Zoning and existing and proposed land use of the site.
  - d. Date, scale, north arrow.
- (2) Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
- (3) Drainage, paving, grading and excavation, erosion and sedimentation, stormwater detention, floodplain management controls.
- (4) Public and private utilities, including sewage disposal system and water system.
- (5) Fire lanes and hydrants.

(b) The Zoning Administrator shall review the site plans for general completeness and compliance with this ordinance and shall forward copies of the plans to the City Engineer, Fire Chief for their review and comment. The Zoning Administrator shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve months of approval.

(c) The applicant shall reimburse the city for any professional fees incurred in the review of the applicant's site plan.

(d) During site development, unavoidable air pollution can occur. This will primarily consist of particulate matter. It shall be the responsibility of the owner or his agent to take those measures deemed necessary by the aforementioned to control such particulate matter from escaping from the site.

(e) During the construction and site preparation phase of a development erosion and sedimentation controls shall be installed and properly maintained. It shall be the responsibility of the property owner and/or his agent (s) to install and maintain erosion and sedimentation controls. These controls must be maintained until proper vegetation is established and stable. **Suggested illustrated methods attached at back of Ordinance named Appendix A.**

Sec. 275. Permits for unsewered areas.

An application for a building permit or site plan approval for a development not served by public sewer shall not be submitted unless the applicant submits evidence of a preliminary finding by the Walker County Health Department which confirm the suitability of soils for private septic facilities.

Sec.276. Conditional use procedures.

(a) Application. All permitted conditional uses where listed in the Table of Permitted Uses shall require the submission of an application to the Planning Commission. An application for a conditional use shall be filed with the Zoning Administrator at least 30 days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Zoning Administrator and shall include the following information and materials:

- (1) Name, signature, and address of the property owner and agent of the property owner, if any.
- (2) Address of the property under consideration.
- (3) Zoning and land use of the property under consideration.
- (4) Proposed conditional use.
- (5) A vicinity map showing the location of the property.
- (6) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.

(b) *Public notice.* At least 15 days prior to the scheduled Planning Commission hearing, the Zoning Administrator shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:

- (1) The name of the applicant.
- (2) The location of the property.
- (3) The proposed conditional use by special exception.
- (4) The time, date, and location of the Planning Commission hearing.

(c) *Planning Commission action.* The Planning Commission shall review the plot plan and use proposal for compliance with this chapter and other applicable codes and ordinances. If deemed in compliance, the Planning Commission may still deny any proposal if it concludes, based upon the information submitted at the hearing, that the proposal, more probably than not will adversely affect the public interest and the intent of this chapter, as contained in the purposes and consideration of this chapter and the district intent where the proposal would be carried out. In particular, the Planning Commission shall determine that satisfactory provisions have been made concerning the following, among other considerations of this chapter.

- (1) Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- (2) Off-street parking and loading areas, with particular attention to the items in (1) above.
- (3) Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
- (4) Screening and buffering of potentially adverse views and activities from surrounding properties.
- (5) Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
- (6) Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.
- (7) Signs and lighting, with reference to glare, traffic safety, and visual harmony with adjoining properties.
- (8) Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.

(d) *Conditions.* The Planning Commission may impose such conditions for approval as it may deem necessary in the particular case to protect the public interest and the intent of this chapter, in relation to the items listed in above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure or use for which the conditional use was granted and not to a particular person. Violations of conditions lawfully attached to any conditional use shall be deemed violations of this chapter.

(e) *Appeal.* Appeal of the Planning Commission's decision may be filed by any party affected by the Planning Commission decision. Such appeal shall be filed with the City Council within thirty days of the Planning Commission decision. Within a reasonable period following receipt of the appeal, the Council by majority vote shall decide to affirm, modify, or reverse the decision of the Planning Commission.

Sec. 277. Special exception procedures.

(a) *Application.* All permitted uses by special exception where listed in the Table of Permitted Uses shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception shall be filed with the Zoning Administrator at least 10 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Zoning Administrator and shall include the following information and materials:

- (1) Name, signature, and address of the property owner and agent of the property owner, if any.
- (2) Address of the property under consideration.
- (3) *Zoning and* land use of the property under consideration.
- (4) Proposed use by special exception.
- (5) A vicinity map showing the location of the property.
- (6) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.

(b) *Public notice.* At least 5 days prior to the scheduled Board of Adjustment hearing, the Zoning Administrator shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as shown in the most recent records of the Walker County Tax Assessor. The notice shall state the following information:

- (1) The name of the applicant.
- (2) The location of the property.
- (3) The proposed use by special exception.
- (4) The time, date, and location of the Board hearing.

(c) *Board action.* The Zoning Board of Adjustment shall review the plot plan and use proposal for compliance with this chapter and other applicable codes and ordinance. If deemed in compliance, the Board may still deny any proposal if it concludes, based upon the information submitted at the hearing, that the proposal, more probably than not will adversely affect the public interest and the intent of this chapter, as contained in the purposes and consideration of this chapter and the district intent where the proposal would be carried out. In particular, the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this chapter.

- (1) Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- (2) Off-street parking and loading areas, with particular attention to the items in (1) above.
- (3) Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
- (4) Screening and buffering of potentially adverse views and activities from surrounding properties.
- (5) Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
- (6) Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.
- (7) Signs and lighting, with reference to glare, traffic safety, and visual harmony with adjoining properties.
- (8) Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.

(d) *Conditions.* The Board may impose such conditions for approval as it may deem necessary in the particular case to protect the public interest and the intent of this chapter, in relation to the items listed in above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure or use for which the special exception was granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed violations of this chapter.

**State law reference** - Board of Adjustment, Code of Ala. 1975, § 11-52-80.

**Cross references** - See § 170 for special exception uses in floodway, § 322 for meetings of the Board, § 323 for appeals to the Board, and § 324 for powers and duties of the Board.

Sec. 278. Administrative appeal procedures.

(a) *Application.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. All actions by the Zoning Administrator on the matter subject to appeal shall be frozen until the appeal is acted upon by the Board. An administrative appeal shall require the submission of an application to the Zoning Board of Adjustment. The application shall be filed with the Zoning Administrator at least 30 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Zoning Administrator and shall include the following information and materials:

- (1) Name, signature, and address of the property owner and attorney for the property owner, if any.
- (2) Address of the property under consideration.
- (3) The decision of the Zoning Administrator under appeal.
- (4) A written statement specifying the grounds for appeal.

(b) *Public notice.* At least 15 days prior to the scheduled Board of Adjustment hearing, the Zoning Administrator shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:

- (1) The name of the applicant.
- (2) The location of the property.
- (3) The decision of the Zoning Administrator under appeal.
- (4) The time, date, and location of the Board hearing.

(c) *Board action.* The Zoning Administrator shall transmit all papers constituting the record upon which the action appealed was taken to the Board which shall take action to uphold, modify, or overturn the decision of the Zoning Administrator.

State law reference - Board of Adjustment, Code of Ala. 1975, § 11-52-80. Cross references - See § 322 for meetings of the Board, § 323 for appeals to the Board, and § 324 for powers and duties of the Board.

Sec. 279. Variance procedures.

(a) *Justification.* Variances to the terms of this chapter may be granted individual cases upon a finding by the Board of Adjustment that the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this chapter subject to a variance will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:

- (1) The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
- (2) Variances should be permitted only under peculiar and exceptional circumstances.
- (3) Hardship alone is not sufficient; Alabama statutes require unnecessary hardship.
- (4) Mere financial loss of a kind which might be common to all of the property owners in a district is not an unnecessary hardship.
- (5) Variances should be granted sparingly, and spirit of this chapter in harmony with the spirit of State law should be carefully preserved, to the end that the structure of this chapter would not disintegrate and fall apart by constant erosion at the hands of the Board.
- (6) When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.

(b) *Application.* An application for a variance shall be filed with the Zoning Administrator at least 10 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Zoning Administrator and shall include the following information and materials:

- (1) Name, signature, and address of the property owner and agent of the property owner, if any.
- (2) Address of the property under consideration.
- (3) Zoning and land use of the property under consideration.
- (4) Nature of the variance with reference to applicable zoning provisions.
- (5) Justification for the variance in accordance with all of the criteria in (a) above.
- (6) A vicinity map showing the location of the property.
- (7) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.

(c) *Public notice.* At least 5 days prior to the scheduled Board of Adjustment hearing, the Zoning Administrator shall give written notice of the variance to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as shown in the most recent records of the Walker County Tax Assessor. The notice shall state the following information:

- (1) The name of the applicant.
- (2) The location of the property.
- (3) The nature of the variance and the applicable zoning provisions.
- (4) The time, date, and location of the Board hearing.

**State law reference** - Board of Adjustment, Code of Ala. 1975, § 11-52-80. Cross references - See § 171 for variances to Flood Hazard District requirements, § 322 for meetings of the Board, § 323 for appeals to the Board, and § 324 for powers and duties of the Board.

Secs. 280-289. Reserved.

# division 3

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**NONCONFORMITIES**

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### Division 3. Nonconformities

#### Sec. 290. Purpose of provisions for nonconformities.

Within the districts established by this ordinance or by subsequent amendments to this ordinance, lawful uses, lots, buildings, and characteristics of uses existed in conformity to all applicable zoning provisions before this ordinance was adopted or subsequently amended. However, as a result of adoption or subsequent amendment to this ordinance, such lawful activities no longer conform to all applicable zoning provisions. These activities shall be deemed lawful nonconformities which are permitted to remain under the provisions of this division. It is the intent of this division that the continuation of lawful nonconformities should not be indefinite and that all nonconformities with this ordinance should gradually be removed.

#### Sec. 291. Types of nonconformities.

(a) *nonconforming building.* An otherwise legal building that does not conform with the yard, height, or other dimensional requirements for the district in which it is located or is designed or intended for a nonconforming use.

(b) *nonconforming characteristics of use.* An otherwise legal characteristic of use, lot, or structure which does not conform with the off-street parking and loading standards, screening and buffer yard standards, sign standards, or any supplemental standards for the district in which it is located or is designed or intended for a nonconforming use.

(c) *nonconforming lot.* An otherwise legally platted lot that does not conform with the dimensional requirements for the district in which it is located.

(d) *nonconforming use.* The otherwise legal use of a building, structure, or lot that does not conform with the permitted uses for the district in which it is located.

#### Sec. 292. Continuation of nonconformities.

Nonconformities may be continued as provided by this section:

- (1) If any changes in ownership or tenancy occurs, any nonconformity may be continued by the new owner or tenant under the provisions of this division.
- (2) A nonconformity may continue if it does not cease for any reason for a period exceeding six months.
- (3) Plans for nonconforming construction, site development, site alteration, use or occupancy for which a valid building permit, certificate of occupancy, site plan, special exception, preliminary subdivision plat, or other City license was approved prior to the effective date of this ordinance or subsequent amendment may proceed. However, all construction, site development, or site alteration must be completed within one year and use or occupancy must be established within 30 days after the effective completion date.
- (4) A lot that was legally platted prior to the effective date of this ordinance that does not meet the lot area, width, or dimensional requirements for the district in which it is located may be developed or used in conformity with all other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

- yard,
- (5) Any use in existence prior to the effective date of this ordinance or subsequent amendment that results in a nonconforming characteristic of use may continue in nonconformity with the off-street parking and loading, screening and buffer sign, or supplemental standards so long as the kind or extent of such use does not increase the ordinance requirements for such characteristics of use.
  - (6) A nonconforming use may occupy any part of a structure or lot that was arranged or designed for such use unless occupancy of that part of the structure or lot has been discontinued for a period exceeding six months.

Sec. 293. Repair and maintenance of nonconformities.

(a) On any structure, devoted entirely or partly to a nonconforming use, work may be done on ordinary maintenance or repair and replacement of walls, fixtures, wiring, or plumbing, provided the cubic content of the structure, as it existed at the effective date of this ordinance or subsequent amendment, shall not be increased. The cost of the work shall not exceed ten percent of the appraised replacement cost of the structure or the part.

(b) On any lot devoted entirely or in part to any nonconforming use, work may be done on ordinary maintenance or repair and replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities provided the extent of those amenities shall not be increased or rearranged.

(c) Nothing in this division shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared unsafe by any official charged with protecting the public safety, on order of such official, nor shall anything in this division be deemed to exempt any such structure or amenity from any requirements of any federal, state, or local government regulation.

Sec. 294. Alteration, enlargement, or restoration of nonconformities.

(a) No nonconforming use shall be enlarged within a structure or occupy a greater area of land than at the effective date of this ordinance or subsequent amendment.

(b) No nonconforming use or structure shall be moved to any portion of the lot other than that occupied at the effective date of this ordinance or subsequent amendment.

(c) No nonconforming use, structure or characteristic of use may be altered or enlarged or intensified in any way which increases its nonconformity but may be altered or reduced to decrease its nonconformity.

(d) If a nonconforming structure is removed or damaged in any manner to the extent that the restoration costs exceeds fifty percent of the original value of the structure immediately before the damaging occurrence, subsequent use of the lot shall be in full compliance with the district in which it is located.

Sec. 295. Change in use.

(a) Any nonconforming use which changes to a permitted use within the district in which it is located, shall not revert to a nonconforming use.

(b) A nonconforming use may change to a new nonconforming use provided the new use is more in keeping with the district in which it is located and is less objectionable and measures less external impact than the existing nonconforming use. In determining whether the new use would be in greater conformity with this ordinance, impact criteria such as, but not limited to, the following shall be evaluated.

- (1) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
- (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

Sec. 296. Appraised cost or value.

For the purpose of this division, *appraised cost or value* shall refer to an appraised valuation by a board of not less than three professionally certified real estate appraisers.

Secs. 297-299. Reserved.

# **division 4**

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**AMENDMENTS**

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#### Division 4. Amendments

##### Sec. 300. Authority to amend.

Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the City Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries herein established.

**State law reference** - Amendment, Code of Ala. 1975, § 11-52-78.

##### Sec. 301. Authorized petitioners.

A petition for amendment of this ordinance or the zoning district boundaries may be initiated by the City Council, the *Planning Commission*, or the owner or agent of such property subject to amendment of zoning district boundaries.

##### Sec. 302. Petition for amendment.

(a) A petition for amendment when initiated by the property owner or authorized agent of such owner shall meet the application requirements of this section.

(b) The application for rezoning shall be made on a form available from the Zoning Administrator and be filed with the Zoning Administrator at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:

- (1) Name, signature, and address of the property owner and agent of the property owner, if any.
- (2) Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
- (3) Present and proposed zoning and land use of the property under consideration.
- (4) Reason for the rezoning request.
- (5) Availability of required utilities and methods of stormwater drainage and traffic control.
- (6) A vicinity map, drawn to scale, showing the size and location of the property.
- (7) A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
- (8) A \$100 filing fee.

Sec. 303. Planning Commission action.

(a) In the case of a petition by a property owner, at least 15 days prior to the scheduled Planning Commission hearing, the Zoning Administrator shall give written notice of the rezoning to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to the names and addresses of adjacent property owners (including those directly across a public right-of-way) as shown in the most recent records of the Walker County Tax Assessor. The notice shall state the following information:

- (1) The name of the petitioner.
- (2) The location of the property.
- (3) The current and proposed zoning and land use of the property.
- (4) The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.

(b) The *Planning Commission* shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this ordinance.

(c) At least six days public notice of the hearing shall be given in accordance with the publication or posting requirement in § 305 *Public notice of hearings*. The Planning Commission, by majority vote, shall report its recommendations to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty days of the hearing, unless the City Council grants an extension of such period. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Sec. 304. City Council action.

(a) Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

(b) The City Council shall give public notice of the hearing on the proposed amendment in accordance with § 305 *Public notice of hearings*.

(c) Following notice and hearing, the City Council shall decide by majority vote to accept or reject the proposed amendment.

(d) If the City Council takes no final action upon the proposed amendment within ninety days after receipt of the recommendation of the Planning Commission the proposed amendment shall be deemed to have been rejected and overruled by the Council.

Sec. 305. Public notice of hearings.

(a) At least 15 days in advance of the public hearing before the City Council, the Council shall publish the proposed zoning ordinance amendment in full for one insertion in a newspaper of general circulation published within the City, together with a notice stating the time and place that the ordinance is to be considered by the City Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance. One week after the first insertion, the City Council shall have published a synopsis of the proposed ordinance, which synopsis shall refer to the date of the newspaper in which the proposed ordinance was first published. If there is no newspaper of general circulation published within the City, then the City Council must cause the ordinance and notice to be posted in four conspicuous places within the City. The Council may both publish and post the hearing notice.

(b) At least six days In advance of the public bearing before the Planning Commission, the Commission shall publish notice of the proposed zoning ordinance amendment for one insertion in a newspaper of general circulation published within the City, stating the time, place, and object of the hearing and stating further that at such time and place all person who desire shall have opportunity of being heard in opposition to or in favor of such ordinance. If there is no newspaper of general circulation published within the City, then the Planning Commission must cause the ordinance and notice to be posted in four conspicuous places within the City. The Commission may both publish and post the hearing notice.

(c) The Zoning Administrator shall be responsible for posting proper notification with signs noting the proposed district change and the time and place of the Planning Commission hearing. Property shall be posted at least 15 days in advance of the public hearing before the Planning Commission and posting shall be deemed complete upon the posting of the notice. The signs shall be placed at reasonable intervals along the public street abutting the property.

(d) The Zoning Administrator shall be responsible for posting property with signs announcing the proposed rezoning hearing before the City Council. Each placard shall note the proposed district change and the time and place of the City Council hearing. Property shall be posted at least 15 days in advance of the public hearing before the City Council and posting shall be deemed complete upon the posting of the notice. The signs shall be placed at reasonable intervals along the public street abutting the property. Municipal Reserve (MR) zoning districts are not subject to the provisions of this section. Refer to S 150-154.

**State law reference** - Procedure for adoption, Code of Ala. 1975§ 11-52-77.

Sec. 306. Conditional rezoning.

(a) In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable condition in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must be made prior to the public hearing held by the City Council and must adhere to the following criteria:

- (1) The rezoning itself must give rise for the need for the conditions.
- (2) Such conditions shall have a reasonable relation to the rezoning.
- (3) Such conditions shall not include a cash contribution to the City.
- (4) Such conditions shall not include dedication of property for public right-of-way of facilities, unless otherwise required by the Jasper Subdivision Regulations.
- (5) Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Jasper Subdivision Regulations.
- (6) No conditions shall be proffered that is not related to the physical development or physical operation of the property.
- (7) No condition shall allow for the reversion of zoning held previous to rezoning, unless a new application for rezoning is filed in accordance with this division.

(8) All such conditions shall be in conformity with the purposes and considerations of this ordinance.

(b) The Zoning Administrator shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.

(c) The official zoning map shall show by an appropriate symbol the existence of conditions attaching to the zoning. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-2C), and the zoning map shall reference the Conditional Zoning Index by ordinance number.

(d) Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Sec. 307. Limitations on rezoning amendments.

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind or rezoning of the same tract land will not be considered by the Planning Commission until a period of one year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require a one year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

Secs. 308-309. Reserved.

# **division 5**

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**VIOLATIONS  
PENALTIES, AND REMEDIES**

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## Division 5. Penalties and Remedies

### Sec. 310. Penalties.

Any person, firm, corporation, or other organization committing an offense which is in violation of any provision of this ordinance shall be fined upon conviction not less than one dollar nor more than five hundred dollars. In addition thereto, any person so convicted, may be imprisoned or sentenced to hard labor for the city for a period not exceeding six months, at the discretion of the court trying the case. Provided, however, no penalty shall consist of a fine or sentence or imprisonment exceeding the maximum fine or sentence of imprisonment established under state law for the commission of substantially similar offenses. Each day such violation continues shall constitute a separate offense. The conviction of an offense shall not constitute an exemption from compliance with the provisions of this ordinance.

**Cross reference** - General penalty, City Code, § 1-8.

### Sec. 311. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

**State law reference** - Remedies, Code of Ala. 1975, § 11-52-83.

Secs. 312-319. Reserved.

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**ZONING BOARD OF  
ADJUSTMENT**

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## ARTICLE VIII. ZONING BOARD OF ADJUSTMENT\*

### Sec. 320. Creation.

The City Council of Jasper hereby appoints a Zoning Board of Adjustment. This Board shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this ordinance in harmony with its general purposes and interests and in accordance with the rules contained in this Article.

### Sec. 321. Composition and appointment.

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, except that in the first instance one member shall be appointed for a term of three years, two for a term of two years and two for a term of one year, and thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed. In addition to the five regular members provided for in this section two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for re-appointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

### Sec. 322. Meetings.

The Board shall adopt rules of meeting procedures. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such 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. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

### Sec. 323. Appeals to the Board.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the board of adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or

**\*State law reference** - Board of Adjustment, Code of Ala. 1975, § 11-52-80.

**Cross references** - See § 277 for special exception procedures, § 278 for administrative appeal procedures, and § 279 for variance procedures.

property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the Zoning Administrator and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Sec. 324. Powers and duties.

- (a) The Board of Adjustment shall have the following powers:
  - (1) To hear and decide appeals Where it is alleged there is error in an y order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto;
  - (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; and
  - (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

(b) In exercising the powers mentioned in this section, such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, -requirement, decision or determination as ought to be made and, to that end shall have all the powers of the Zoning Administrator. The' concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

(c) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Sec. 325. Appeal of Board decision.

Any party aggrieved by any final judgment or decision of such Board of Zoning Adjustment may within 15 days thereafter appeal therefrom to the circuit court by filing with such Board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal such Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

**State law reference** - Appeals to circuit, Code of Ala. 1975. § 11-52-81.

Secs. 326-329. Reserved.

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## **DEFINITIONS**

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## ARTICLE IX. DEFINITIONS

### Sec. 330. Purpose of definitions.

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

### Sec. 331. Interpretation.

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

**Cross reference** - See § 278 for administrative appeal procedures.

### Sec. 332. Word usage.

In the interpretation of the words used in this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The word *shall* is mandatory, and the word *may* is permissive.
- (5) The word *person* includes an individual, firm, association, organization, partnership, trust, company, or corporation.

### Sec. 333. General terms defined.

The following general terms when referred to in this ordinance shall have the meanings defined by this section:

*abut, adjacent, adjoin, or contiguous.* To physically touch or border upon; or to share a common border with or be separated from the common border by an easement.

*access.* A way or means of approach to provide physical entrance to a property.

*access driveway.* Refer to § 190. *Off-street parking and loading terms defined.*

*accessory structure.* A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

*accessory use.* A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot and which constitutes a customarily incidental and insubstantial part of the total activity on the lot.

*acre.* A measure of land area containing 43,560 square feet.

*addition.* A structure added to the original structure at some time after completion of or after a certificate of occupancy has been issued for the original structure.

*alteration.* Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

*applicant.* A person submitting an application for development.

*appraised cost or value.* Refer to § 296. *Appraised or value.*

*base flood or 100 year flood.* Refer to § 163. *Flood hazard terms defined.*

*basement.* A portion of a building located wholly or partially underground, having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground.

*bedroom.* A room marketed, designed or otherwise likely to function primarily for sleeping.

*berm.* A grass-covered or landscaped mound of earth with a slope of 1/3 or greater on both sides of mound, used to screen activities or uses on a lot.

*Board or Board of Adjustment.* The Zoning Board of Adjustment of Jasper, Alabama.

*boarder.* An individual other than a member of the family occupying the dwelling unit or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

*buffer yard.* Refer to § 211. *Screening and buffer Yard terms defined.*

*building.* A structure designed to be used as a place of occupancy, storage, or shelter.

*building, accessory.* A subordinate building detached from a principal building on the same lot and that is used incidentally to a principal building or that houses an accessory use.

*building, principal.* The primary building on a lot or a building that houses a principal use.

*building front.* The exterior wall of a building which faces a street line on the lot.

*building height.* Refer to § 111. *Dimensional terms defined.*

*building line.* A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

*building spacing.* The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices, and gutters.

*BR.* Refer to § 190. *Off-street parking and loading terms defined.*

*carport.* A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

*City.* The City of Jasper, Alabama.

*Commission or Planning Commission.* The Planning Commission of Jasper, Alabama.

*club.* A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

*commonly associated.* Refer to § 42. *Combined and accessory uses.*

*condominium.* An ownership arrangement, not a land use. It is allowed in any district and under the same restrictions at the land uses that it comprises. It is characterized by private ownership of individual units and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.

*Council or City Council.* The City Council of Jasper, Alabama.

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

*development.* The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of use of land. Also refer to § 163. *Flood hazard terms defined.*

*DU.* Refer to § 190. *Off-street parking and loading terms defined.*

*dwelling.* Any building or portion thereof which is designed and used for residential occupancy.

*dwelling, attached.* Three or more dwelling units adjoining one another by a common roof, wall or floor, such as a multiplex, townhouse, garden apartment, or upper-story apartment.

*dwelling, detached.* A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, such as a single-family residence, patio home, or manufactured home.

*dwelling, multi-family.* A building containing two or more dwelling units on a commonly shared lot, such as a duplex, multiplex, garden apartment, multi-story apartment, or upper-story apartment.

*dwelling, semi-detached.* Two dwelling units adjoining one another by a common roof, wall, or floor, such as a duplex or twin townhouses.

*dwelling, single family.* A dwelling unit on an individual lot, such as a single family residence, patio home, manufactured home, or townhouse.

*dwelling unit.* An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use by a single family.

*easement.* Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.

*employee.* Refer to § 190. *Off-street parking and loading terms defined.*

*family.* One or more persons living together as a single housekeeping unit.

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

*flag lot.* A parcel of land which does not have the required minimum lot width at the building line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel. These provisions are intended for tracts with limited frontage that would limit the number of lots with the required width, but the tract has sufficient area to the rear for an additional lot or two.

*flood or flooding.* Refer to § 163. *Flood hazard terms defined.*

*floodplain.* Refer to § 163. *Flood hazard terms defined.*

*floodway.* Refer to § 163. *Flood hazard terms defined.*

*floodway fringe.* Refer to § 163. *Flood hazard terms defined.*

*floor area, gross.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

*GLA.* Refer to § 190. *Off-street parking and loading terms defined.*

*immediate family member.* Refer to § 64. *Accessory apartment, § 65. Accessory collage, § 66. Accessory manufactured home, and § 115. Frontage requirement.*

*improvement.* Any man-made, immovable item which becomes part of, placed upon, or affixed to real estate.

*inoperative motor vehicle.* Refer to § 190. *Off-street parking and loading terms defined.*

*livable or habitable floor area.* Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation, or working purposes.

*loading area.* Refer to § 190. *Off-street parking and loading terms defined.*

*loading space.* Refer to § 190. *Off-street parking and loading terms defined.*

*lot.* A parcel of land in one ownership used, or set aside and available for use, as the site of one or more buildings and accessory buildings, or for any other purpose. A lot is not divided by a street and does not include any land within the abutting right-of-way of a public or private street even if the ownership to such right-of-way is in the owner of the lot. A lot for the purpose of this ordinance may or may not coincide with a lot of record.

*lot, corner.* A lot abutting two or more streets at their intersection.

*lot, double frontage or through.* A lot having frontage on two streets but not at their intersection.

*lot, interior.* A lot other than a corner lot.

*lot, reverse frontage.* A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.

*lot area or lot size.* Refer to § 111. *Dimensional terms defined.*

*lot frontage or frontage.* Lot width measured at the street line. When a lot has more than one street line, lot width shall be measured, and the minimum lot width required by this ordinance shall be provided at each such line.

*lot line.* A line bounding a lot which divides one lot from another or from a street or from any other public or private space.

*lot line, front.* In the case of a lot abutting only one street, the street line separating such lot from such streets shall be the front lot line; in the case of a double frontage lot, each street line separating such lot from a street shall be the front lot line, in the case of a corner lot, the street line having the least dimension.

*lot line, rear.* That lot line which is parallel to and most distant from the front line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there are no rear lot lines but only front and side lot lines.

*lot line, side.* Any lot line other than a front or rear lot line.

*lot of record.* Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

*lot width.* Refer to § 111. *Dimensional terms defined.*

*lowest floor.* Refer to § 163. *Flood hazard terms defined.*

*manufactured home.* A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein. If constructed on or after June 15, 1976 the unit bears a seal certifying compliance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. Also refer to § 163. *Flood hazard terms defined.*

*manufactured home lot.* A lot that is designed for use by a manufactured home within a manufactured home subdivision.

*manufactured home space.* A space that is designed for use by a manufactured home within a manufactured home park.

*modular home.* A dwelling constructed on-site in accordance with the Standard Building Code. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a manufactured home in that the latter is constructed in a plant in accordance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and does not meet the construction standards of the Standard Building Code.

*nonconforming building.* Refer to § 291. *Types of nonconformities.*

*nonconforming characteristics of use.* Refer to § 291. *Types of nonconformities.*

*nonconforming lot.* Refer to § 291. *Types of nonconformities.*

*nonconforming use.* Refer to § 291. *Types of nonconformities.*

*nonconformities.* Lawful uses, lots, structures, or characteristics of uses which, as a result of adoption or subsequent amendment to this ordinance, no longer conform to all applicable zoning provisions.

*occupancy load.* Refer to § 190. *Off-street parking and loading terms defined.*

*open space, common.* Land area within a residential development that is held in common ownership and maintained by a homeowners' association for all of the residents for recreation, protection of natural land features, amenities, or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes, or ponds) nor land occupied by nonresidential buildings, common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

*outdoor storage.* The keeping, in an unenclosed-enclosed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty-four hours.

*owner.* The person or persons having the right to legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

*parking aisle.* Refer to § 190. *Off-street parking and loading terms defined.*

*parking area.* Refer to § 190. *Off-street Parking and loading terms defined.*

*parking space.* Refer to § 190. *Off-street Parking and loading terms defined.*

*patio or terrace.* A level, landscaped or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.

*perimeter.* The boundaries or borders of a lot, tract, or parcel of land.

*porch.* A roofed open area, which may be windowed or screened, attached to and with direct access to or from a building. A porch becomes a room within the building when heated or air conditioned or when the walled area is less than 50% windowed or screened.

*premises.* A lot, parcel, tract, or plot of land together with the structures thereon.

*property line.* The lot line.

*retail.* The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

*satellite dish antenna.* An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

*screening.* Refer to § 211. *Screening and buffer yard terms defined.*

*sidewalk.* A paved, surfaced, or leveled area, paralleling and separated from the street, used as a pedestrian walkway.

*sight triangle.* A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

*site.* A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

*site area.* A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:

- land within an existing or future street right-of-way;
- land which is not contiguous or is cut off by a major barrier;
- land which is part of a previously-approved development; and
- land which is zoned for another use.

*sf.* Refer to § 190. *Off-street parking and loading terms defined.*

*start of construction.* Refer to § 163. *Flood hazard terms defined.*

*story.* That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next above. A mezzanine or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is 24 feet or more. A basement shall be counted as a story if it is used as livable area in the case of dwellings or is used by the principal use in the case of all other uses.

*story, half.* A space under a sloping roof, in which the floor area with head room of five feet or greater occupies no more than two-thirds of the total floor area of the story directly beneath.

*street.* Any vehicular way which has been dedicated to the public for public use, including all land within the right-of-way.

*street, arterial.* A major street intended to move through traffic to and from major activity centers within the City or intended as a major route between communities.

*street, collector.* A major street intended to move traffic from local streets to arterial streets. A collector street serves a neighborhood or large subdivision.

*street, local.* A minor residential street intended to provide access to other streets from individual lots.

*street, major.* A collector or arterial street.

*street, marginal access or service.* A street intended to provide access to a parallel arterial street from adjacent properties.

*street line.* The lot line along the street right-of-way.

*structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings. Also refer to § 163. *Flood hazard terms defined.*

*subdivision.* The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes resubdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

*substantial improvement.* Refer to § 163. *Flood hazard terms defined.*

*Table of Permitted Uses.* Refer to § 50 *Table of Permitted Uses.*

*this ordinance.* The Jasper Zoning Ordinance.

*travel trailer.* A structure that is intended to be transported over the streets, either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary recreational use as sleeping quarters but that does not meet the definitional criteria of a manufactured home.

*use.* The activity or function that actually takes place or is intended to take place on a lot or site.

*variance.* A relaxation or waiver of the terms of this ordinance (other than use provisions) as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

*yard.* Refer to § 111. *Dimensional terms defined.*

*yard, front.* Refer to § 111. *Dimensional terms defined.*

*yard, rear.* Refer to § 111. *Dimensional terms defined.*

*yard, side.* Refer to § 111. *Dimensional terms defined.*

*Zoning Administrator.* An official charged with the administration and enforcement of this ordinance.

Sec. 334. Uses defined.

The following uses when referred to in this ordinance shall have the meanings defined by this section.

(1) *Agricultural uses.*

*farm.* A 10 acre or larger tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following farming activities:

forages and sod crops;

grains and seed crops;

dairy animals and products;

poultry, including egg production but excluding poultry processing;

livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;

nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;

forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards mills, and similar activities;

bees and apiary products;

fisheries, excluding fish and seafood processing;

fur animals, limited to the breeding and raising of such animals; and

fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing. Refer to § 61 for supplemental use regulations.

*hobby farm.* A five acre or larger tract of land used for the production, keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract. Refer to § 62 for supplemental regulations.

*kennel.* The boarding or raising of small animals for commercial purposes. Refer to § 63 for supplemental use regulations.

(1) *Residential uses.*

*accessory apartment.* An accessory dwelling unit attached to a single family residence. Refer to § 64 for supplemental use regulations.

*accessory cottage.* An accessory dwelling unit detached and located on the same lot as a single family residence. The term includes garage apartments. Refer to § 65 for supplemental use regulations.

*accessory manufactured home.* A manufactured home used as an accessory dwelling to a single family residence on the same lot. Refer to § 66 for supplemental use regulations.

*combination dwelling.* A dwelling unit used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard within the same building or on the same lot of an institutional, commercial, or industrial establishment.

*duplex.* A semi-detached, multi-family dwelling.

*emergency care home.* A group care home serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home provides a protective sanctuary and emergency housing to victims of crime or abuse, such as rape, child abuse, spouse abuse, or physical beating. Refer to § 67 for supplemental use regulations.

*family care home.* A group care home serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home serves socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, including child care homes for orphans or neglected children, and handicapped or infirm homes for the mentally retarded or mentally ill. The family care home provisions of this ordinance meet or exceed the minimum requirements § 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multi family zone*, Code of Alabama, 1975, as amended. Refer to § 68 for supplemental use regulations.

*garden apartment.* Five or more attached, multi-family dwellings within a building of three or less stories. Refer to § 69 for supplemental use regulations.

*manufactured home, class A.* A design-restricted manufactured home placed on a subdivided lot. Refer to § 70 for supplemental use regulations, § 163 for *manufactured home* defined as a flood hazard term, and § 333 for *manufactured home* defined as a general term.

*manufactured home, class B.* A conventional manufactured home placed on a subdivided lot. Refer to § 71 for supplemental use regulations, § 163 for *manufactured home* defined as a flood hazard term, and § 333 for *manufactured home* defined as a general term.

*manufactured home park.* A tract of land used or designed to accommodate a manufactured home community of multiple spaces for lease or condominium ownership. Refer to § 72 for supplemental use regulations, § 163 for *manufactured home* defined as a flood hazard term, and § 333 for *manufactured home* defined as a general term.

*multiplex.* Three or four attached, multi-family dwellings within a building of three or less stories. Refer to § 73 for supplemental use regulations.

*multi-story apartment.* Attached, multi-family dwellings within a building of four or more stories. Refer to § 74 for supplemental use regulations.

*patio home.* A detached, single family dwelling constructed on-site in accordance with the Standard Building Code. The unit occupies a small lot and has an enclosed yard area with a porch or patio. Refer to § 75 for supplemental use regulations.

*planned residential development.* A tract of five or more acres planned and developed as an integral unit under single ownership or control, consisting of one or more types of the following types of single family dwellings: single family residences, patio homes, and townhouses. These use provisions permit a developer to



create smaller lots than in a conventional development, and leave the land saved by so doing as usable open space. Refer to § 76 for supplemental use regulations.

*single family residence.* A detached, single family dwelling constructed on-site in accordance with the Standard Building Code.

*townhouse.* An attached or semi-detached, single family dwelling within a building of eight or less units. Refer to § 77 for supplemental use regulations.

*upper-story apartment.* A multi-family dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.

(3) *Institutional uses.*

*airport.* A place where aircraft can land and take off with related facilities such as terminals, hangars, refueling and repair facilities, passenger accommodations, and other integrally related facilities.

*animal shelter.* Nonprofit (SPCA) or public organization providing shelter for small domestic animals.

*boarding house.* A dwelling for the residency of two or more boarders on a long term basis (at least month- to-month). Each unit intended to be rented does not constitute a *dwelling unit* as defined by this ordinance.

*cemetery.* Human burial grounds. Refer to § 78 for supplemental use regulations.

*community center.* Buildings arranged for the community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCA's YWCA's and similar uses.

*community service club.* Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal club or lodge, union hall, civic association, and similar uses.

*country club.* Land and buildings containing recreational facilities and club house for private club members and their guests.

*day care center.* A licensed facility, other than a residence, providing day care on a regular basis to more than six children, elderly, or handicapped or infirm persons.

*day care home.* A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children, elderly, or handicapped or infirm persons.

*domiciliary care facility.* Licensed homes for the aged, intermediate institutions, and related institutions (not otherwise defined by this section), whose primary purpose is to furnish room, board, laundry, personal care, and other non-medical services, regardless of what it may be named or called, for not less than 24 hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home.

*home instruction.* Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

*hospital.* An establishment which provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

*military installation.* A government-sponsored defense facility, including military bases, national guard centers, military reserve centers, armories, and similar uses.

*nursing care facility.* A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

*park.* Publicly-owned and operated parks, playgrounds, recreation facilities, open spaces.

*penal institution.* A public institution housing inmates for correction or rehabilitation.

*place of worship.* Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, and other integrally related activities.

*public assembly center.* Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

*public facility.* Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

*public utility facility.* Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

*public utility service.* Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.

*rehabilitation facility.* An institutional facility providing residential and custodial for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

*school.* Public or non-profit school.

(4) *Commercial uses.*

*animal hospital.* A place where small household pets are given medical or surgical treatment and short term boarding of pets within an enclosed building may be provided.

*auto body repair facility.* A commercial establishment engaged in the repair of damaged passenger automobiles and light trucks.

*bank or financial service.* A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses. Refer to § 79 for supplemental use regulations.

*broadcast studio.* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

*business or professional office.* A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, and the like.

*business support service.* A place of business *which supplies* support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

*campground.* A group of buildings or structures on a site of 10 or more acres planned as a whole for seasonal recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities, bathrooms, and sale of personal care items and gifts. Refer to § 68 for supplemental use regulations.

*car wash.* A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

*clinic.* A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out patient basis.

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

*commercial school.* Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

*convenience store.* A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including, not more than one automotive fuel service island. Refer to § 81 for supplemental use regulations.

*entertainment, indoor.* A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

*entertainment, outdoor.* A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks.

*farm support business.* A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, and similar farm support goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services to large animals.

*funeral home.* A commercial establishment engaged in funeral and undertaking services for human burial.

*garden center or nursery.* Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools and equipment, and seeds.

*general retail business, enclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, catalogue stores, and similar enclosed retail businesses.

*general retail business, unenclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and other outdoor display or sales.

*home improvement center.* A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

*home occupation.* A business, profession, occupation, or trade conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the resident. Refer to § 82 for supplemental use regulations.

*hotel or motel.* A commercial facility offering transient lodging accommodation on a daily or weekly basis to nine or more guests, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities.

*laundry service.* A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under *personal service*), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

*liquor lounge.* A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included within this definition are establishments which sell or serve only beer or wine as an incidental activity on the premises or establishments which sell liquor, beer, or wine in packages for off-premises consumption.

*livestock sales.* The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities. Refer to § 83 for supplemental use regulations.

*major convenience store.* A one story, retail store containing more than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), or such a store, regardless of square footage, which has more than one automotive fuel service island. Refer to S 81 for supplemental regulations.

*manufactured building sales.* A commercial establishment engaged in the sale of manufactured buildings including incidental parking, storage, maintenance and servicing.

*manufactured home sales.* A commercial establishment engaged in the sale of Class (A) and/or Class (B) manufactured homes, including incidental parking, storage, maintenance and servicing.

*medical support service.* A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician, and the like.

*mini-warehouse.* A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage. Refer to § 84 for supplemental use regulations.

*open air market.* Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market. Refer to § 85 for supplemental use regulations.

*personal service.* A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

*pet cemetery.* Burial grounds for small household pets, including funeral service and undertaking services.

*pet grooming shop.* A commercial establishment providing grooming services for small animals and pets. It shall include the incidental retail sale of grooming supplies such as soaps, shampoos, and other associated items. Refer to S 89 for supplemental regulations.

*recreation, indoor.* A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

*recreation, outdoor.* A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

*restaurant, fast food.* An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-thru, or drive-in and may also include standard sit-down consumption.

*restaurant, standard.* An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

*shopping center, community or regional.* A group of commercial establishments (as permitted in the district) located on a lot of ten or more acres planned and developed in a unified design with shared parking and driveway facilities and under common management authority.

*shopping center, neighborhood.* A group of commercial establishments (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

*specialty retail center.* A group of commercial establishments (as permitted in the district) located on a lot of one to less than three acres planned in a unified design with shared parking and driveway facilities and under common management authority. The center may be a new development or involve the resubdivision and redevelopment of residential lots so as to create a planned grouping of buildings and commercial uses with common parking areas and access drives under a common management authority. Refer to § 86 for supplemental use regulations.

*specialty retail establishment.* A commercial establishment or service such as an antique shop, art shop, bicycle shop, book store, camera shop, curio shop, clothing store, florist shop, gift shop, hobby shop, home furnishing store, music store, photography studio, and other retail sales or services determined by the Zoning Administrator to be of an equivalent specialized nature but excluding department stores, variety stores, automotive uses, pharmacies, recreational uses, restaurants, liquor stores, bars or taverns. Refer to Sec. 86 (1) for supplemental regulations.

*stable.* A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

*studio.* A place of work by an artist, photographer, or craftsman,, including instruction, display, production, and retail sales of materials produced on the premises.

*tourist home or bed and breakfast inn.* An establishment, which may be a dwelling, which provides lodging for three to eight transient guests on a short term basis (daily or weekly).

*vehicle repair service.* A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

*vehicle sales or rental.* A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

*vehicle service station.* A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

(5) *Industrial uses.*

*construction service.* A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

*heavy industry.* Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

*maintenance service.* An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

*manufacturing, general.* The basic processing and manufacturing of material products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.

*manufacturing, light.* The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly treatment and packaging of such products, and incidental storage, sales, and distribution of such products.

*recycling collection center.* An enclosed facility that is not a salvage or junk yard and in which recoverable resources such as newspapers, cardboard, glassware, plastics, and metal cans are stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products.

*research lab.* An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm or research lab.

*research extraction.* The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining. Refer to Section 87 for supplemental use regulations.

*salvage yard.* A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

*sanitary landfill.* A State-approved site for solid waste disposal.

*transmission tower.* A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

*vehicle and equipment repair, major.* A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

*vehicle and equipment sales, major.* A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment including incidental storage maintenance, and servicing.

*warehouse, wholesaling, and distribution, enclosed.* A place of business engaged in warehousing, wholesaling, or distribution services within a building.

*warehousing, wholesaling, and distribution, open.* A place of business engaged in open air warehousing, wholesaling, or distribution services.

(6) *Temporary uses*

*garage or yard sales.* The sale of a resident, conducted on the premises of a dwelling, of personal property belonging to the occupant of such dwelling. Refer to Section 88 for supplemental use regulations.

*seasonal sales.* Temporary seasonal sales of produce, ornamental plants, fire wood, trees, and other temporary sales that are unlike the usual activities on the lot where the sales occur.

*special event.* Circuses, fairs, carnivals, festivals, benefits, religious events, or similar types of temporary outdoor events that run longer than one day but no longer than thirty days, are likely to attract large crowds, and are unlike the usual activities on the lot where the event occurs.

Secs. 46-49. Reserved.

