

# Zoning Ordinance

for the City of Anniston, Alabama

Date: 6/26/24



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## **ARTICLE 1      GENERAL PROVISIONS**

### **§1.01 Enactment**

**WHEREAS**, Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the City of Anniston to establish districts within its corporate limits for the purpose of regulating the kind, character and use of structures and improvements within those zones, and to provide for the administration, enforcement and amendment thereof, and

**WHEREAS**, all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975 as amended, have been met;

**NOW, THEREFORE**, the public welfare requiring it, the City Council of the City of Anniston, Alabama, does hereby ordain and enact into law the following articles and sections:

### **§1.02 Purpose**

These regulations are intended to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. These regulations are designed to lessen congestion on the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of populations; and to facilitate the adequate provision of transportation, water, sewage and other public requirements.

### **§1.03 Applicability**

These regulations apply to all property within the corporate limits of the City of Anniston. No structure or land may hereafter be used or occupied, and no structure or part thereof may hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with these regulations.

### **§1.04 Effect Upon Outstanding Building Permits**

Nothing contained herein requires any change in the plans, construction, size, or designed use of any structure or part thereof for which there is a valid outstanding permit on the date of passage of this Ordinance. However, any further construction or use must be in conformance with this Ordinance.

### **§1.05 Conflict with Other Regulations**

- 1.05.01 All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions hereof, are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided, however, this does not relieve any person from any liability, offense, penalty or punishment committed or incurred under such ordinances before the effective date of this Ordinance. This Ordinance upon its adoption and publication as required by law shall become effective at 12:01 a.m. on the \_\_\_ day of \_\_\_\_\_, 2024.
- 1.05.02 Whenever there is a conflict between separate provisions of this Ordinance or between the provisions of this Ordinance and any applicable law, statute or regulation, the more restrictive governs.

### **§1.06 Severability**

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof or the application to any persons is held unconstitutional or invalid, such holding may not affect or impair the remainder of this Ordinance or the remaining persons to whom it applies, it being

the legislative intent to enact each provision, section, paragraph, sentence, and part thereof and the application thereof, separately from each other.

### **§1.07 Official Zoning Map**

- 1.07.01 The City is hereby divided into districts as shown on the Official Zoning Map of the City of Anniston, Alabama, hereinafter referred to as the “Zoning Map,” which, together with all explanatory matter thereon is adopted by reference and declared to be a part of this Ordinance.
- 1.07.02 The Official Zoning Map is signed by the Mayor, attested by the City Clerk, and shows the number and date of adoption of this Ordinance.
- 1.07.03 If changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes are entered by ordinance number and date by the Zoning Official on the Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance becomes effective until after such change and entry has been made on the map. No changes of any nature may be made in the Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized change is considered a violation of this Ordinance.
- 1.07.04 Regardless of any existence of purported copies of the Zoning Map, which may from time to time be made or published, the Zoning Map maintained in Planning and Development Services is the best and conclusive evidence thereof.
- 1.07.05 Interpretation of District Boundaries
  - a. Where district boundaries are indicated as following the center lines of streets, alleys or streams, lot lines, property lines or corporate limit lines, said lines are considered such boundaries. Boundaries indicated as following railroad lines are construed to be midway between the main tracks.
  - b. Boundaries indicated as parallel to or extensions of features indicated above are so construed. Distances not specified on the Zoning Map are determined by the scale of the map.
  - c. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered herein, the Zoning Board of Adjustment interprets the district boundaries.

### **§1.08 Districts**

For the purposes of this Ordinance, the City is hereby divided into the following districts:

- 1.08.01 C Urban Core
- 1.08.02 UC 1 Urban Center 1
- 1.08.03 UC 2 Urban Center 2
- 1.08.04 UN 1 Urban Neighborhood 1
- 1.08.05 UN 2 Urban Neighborhood 2
- 1.08.06 SC Suburban Corridor
- 1.08.07 SNC Suburban Neighborhood Center
- 1.08.08 SN 1 Suburban Neighborhood 1
- 1.08.09 SN 2 Suburban Neighborhood 2



- 1.08.10 SE Suburban Edge
- 1.08.11 IL Industrial Limited
- 1.08.12 IG Industrial General
- 1.08.13 MI Major Institution/Civic Campus
- 1.08.14 NO Natural/Open Space

### **§1.09 Principles**

Principles are statements of intent related to the character of the physical environment and preferences for how Anniston should manage its land resources in the future. They are used in conjunction with the districts to help communicate preferences for how and where development or redevelopment should or should not take place. The districts have been created with these principles in mind.

- 1.09.01 Priority investment areas are the focus for future development and will serve as catalysts for citywide reinvestment.
- 1.09.02 Infill development and redevelopment of underutilized and/or deteriorating sites take priority over development in greenfield locations.
- 1.09.03 Downtown is “everyone’s neighborhood,” featuring a vibrant mix of businesses, residences, and civic uses, and a distinctive character that is appealing to residents, visitors, and investors.
- 1.09.04 The city’s stable neighborhoods will be maintained.
- 1.09.05 The development of new residential areas and redevelopment of existing residential areas have strong neighborhood qualities, including sidewalks, mixed housing types, parks, and easy access to basic retail needs.
- 1.09.06 Development that includes a mix of uses (residential, commercial, institutional) either vertically within buildings or horizontally within sites and is connected to existing urban areas is encouraged.
- 1.09.07 The city’s historic assets are conserved and respected through future development.
- 1.09.08 More opportunities to walk, bike, and access public transportation are created.
- 1.09.09 Quality design is emphasized for all uses to create an attractive, distinctive public (streets, sidewalks, parks, and street trees, etc.) and private (building faces, lawns and landscaping, parking lots and driveways, etc.) realm.

### **§1.10 Zoning of Annexed Land**

Following the adoption of this Ordinance, any property annexed into the City is assigned a zoning classification by the City Council, after a recommendation from the Planning Commission, hereinafter referred to as “the Commission,” compatible with the intent of the Comprehensive Plan taking into consideration the existing use and zoning of adjoining land. Any subsequent rezoning follows the procedures in [§11.06 Amendments](#).

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**ARTICLE 2      DEFINITIONS****§2.01 Generally**

2.01.01 Certain words and phrases used in this Ordinance have the meaning ascribed to them in this Article. In the event a word or phrase is not listed in this Article or is not defined elsewhere in this Ordinance or the City Subdivision Regulations, the conventional meaning of the term applies. Words and terms are defined as follows:

**§2.02 Interpretation of Commonly Used Terms and Phrases**

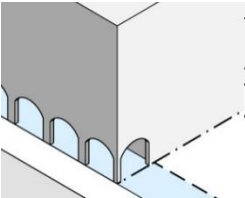
- 2.02.01 The Zoning Official is authorized to make a final determination of the meaning of any word or phrase used in this Ordinance.
- 2.02.02 In the interpretation of this Ordinance, the provisions of this Section are applied unless the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural; and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine.
- 2.02.03 The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
- 2.02.04 The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.
- 2.02.05 The word "structure" includes the word "building."
- 2.02.06 The word "lot" includes the words "plot", "parcel", or "tract."
- 2.02.07 The word "must" is mandatory and not merely directory.
- 2.02.08 The word "may" is permissive. When used in the negative, it is prohibitive (e.g., "may not" means "prohibited").

**§2.03 Definitions**

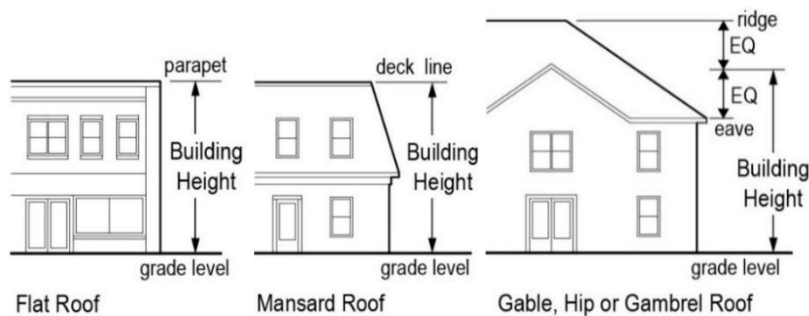
- 2.03.01 ACCESSORY DWELLING. See DWELLING, ACCESSORY.
- 2.03.02 ACCESSORY STRUCTURE. A detached subordinate structure located on the same lot with the principal structure, the use of which is incidental to that of the principal structure, including but not limited to garages, storage buildings, pools, and carports.
- 2.03.03 ACCESSORY USE. A use customarily associated with and subordinate to the principal use of the land or building on the same lot.
- 2.03.04 ADJACENT. Either adjoining or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by an interstate or railroad are not considered "adjacent."
- 2.03.05 ADJOINING. Having property or district lines in common. Properties separated by a right-of-way are "adjacent," but not "adjoining."
- 2.03.06 ADULT ENTERTAINMENT: Any business that engages for any length of time in any use that emphasizes Specified Sexual Activities or Specified Anatomical Areas, including but not limited to adult arcades and movie theaters, adult cabarets, and adult bookstores that meet any of the following criteria, measured on a daily, weekly, monthly or annual basis: 1) has more than 25% of its

inventory, stock-in-trade, or publicly displayed merchandise in ADULT MEDIA or ADULT NOVELTIES, 2) devotes more than 25% of its floor area (not including storage areas, bathrooms, basements, or any portion of the business not open to the public) to the sale, rental, display or presentation of ADULT MEDIA or ADULT NOVELTIES, 3) derives more than 25% of its gross revenue from ADULT MEDIA or ADULT NOVELTIES.

- a. ADULT MEDIA. Books, video and other media that contain, depict, stimulate or describe Specified Sexual Activities or Specified Anatomical Areas; are marketed for use in conjunction with, or are primarily used only with or during Specified Sexual Activities; or are designed for sexual stimulation.
  - b. SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below the top of the areola; and human male genitals in a state of sexual arousal, whether covered or not.
  - c. SPECIFIED SEXUAL ACTIVITIES. Activities including actual or simulated sexual intercourse; clearly depicted human genitals in the state of arousal; touching of Specified Anatomical Areas; inflicting pain or physical restraint of a person for the purposes of sexual stimulation; or sexually oriented contact with an animal by a human being.
- 2.03.07 ADULT NOVELTIES. Any objects or devices that contain, depict, stimulate or describe SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; are marketed for use in conjunction with, or are primarily used only with or during SPECIFIED SEXUAL ACTIVITIES; or are designed for sexual stimulation.
- 2.03.08 ADULT NOVELTY STORE. A business that has more than 75% of its inventory, stock-in-trade, or publicly displayed merchandise in ADULT NOVELTIES and that does not feature live entertainment.
- 2.03.09 AGRICULTURE or AGRICULTURAL. The production, harvesting, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
- 2.03.10 ASSISTED LIVING FACILITY. A facility licensed as such by the Alabama Department of Public Health that provides rooms, meals, personal care, and supervision of self-administered medication, excluding Group Homes. Minor Assisted Living Facilities provide care to at least three but no more than 16 residents. Major Assisted Living Facilities provide care to more than 16 residents.
- 2.03.11 ALTERATION and ALTERED. Any of the following:
- a. A change in the height or depth of a structure.
  - b. A change in location of any exterior walls of a structure.
  - c. An increase in the interior accommodations of a structure.
- In addition, a structure is considered altered when it is repaired, renovated, remodeled, or rebuilt at a cost of more than 50% of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.
- 2.03.12 ALTERNATIVE FINANCIAL INSTITUTION. Pawn shops, pay day lending, title pawn shops, deferred presentment financial services and similar financial services as defined in Ord. No. 14-O-21.

- 2.03.13 ALLEY. A public or private thoroughfare or way, other than a street, which provides vehicular access to adjoining property.
- 2.03.14 AMATEUR RADIO TOWER. A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
- 2.03.15 ANIMAL SHELTER. A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.
- 2.03.16 ANNISTON CITY CODE. The City of Anniston Code of Ordinances, 1981, as amended.
- 2.03.17 APPLICABLE DISTRICT. That zoning district in which the subject site, use or structure exists or is proposed to be located.
- 2.03.18 APPROVING AUTHORITY. For development requiring only administrative approval, the Zoning Official; for development involving a Special Exception or Variance, the Zoning Board of Adjustment ("ZBA").
- 2.03.19 ARCADE. A pedestrian area between a facade and a series of piers or columns that support one or more stories of the building, which extend over the pedestrian area. Arcades typically act as an extension of an adjoining sidewalk, providing a sheltered space for pedestrian circulation, outdoor dining and other functions related to the uses within the building.
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- 2.03.20 ARTISANAL MANUFACTURING. A business that makes high-quality or distinctive products in small quantities, usually by hand or using traditional methods. Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsman either by hand or with minimal automation, including activities and processes such as small-scale fabrication, welding, and coating, and which may include direct sales to consumers.
- 2.03.21 AUTOMOBILE REPAIR
- a. MINOR AUTOMOBILE REPAIR. Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire replacement and balancing, brake and muffler work, battery charging or replacement and similar activities, but excluding those activities included in the definition of MAJOR AUTOMOBILE REPAIR.
  - b. MAJOR AUTOMOBILE REPAIR. The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities.
- 2.03.22 BAKERY, MAJOR. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
- 2.03.23 BAKERY, MINOR. An establishment that bakes goods for only on-premises retail sales or catering.
- 2.03.24 BAR/TAVERN. An establishment that serves alcoholic beverages for on-premises consumption and where such sales exceed 50% of the gross revenue of the business.
- 2.03.25 BED AND BREAKFAST. A detached single-family dwelling or portion thereof using no more than five rooms to provide short term lodging accommodations and meals for the traveling public for a fee, all in accordance with [§7.05 Bed and Breakfast](#).
- 2.03.26 BEDROOM. A room marketed, designed and otherwise intended to function primarily for sleeping and meeting Building Code requirements for such use.

- 2.03.27 **BOARDING HOUSE.** A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for no more than five persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a Bed and Breakfast.
- 2.03.28 **BREWERY.** Any premises licensed by the City to engage in the manufacture of only malt or brewed alcoholic beverages, including receiving, storage, or warehousing of such beverages.
- 2.03.29 **BREW PUB.** Any premises on which malt or brewed alcoholic beverages are manufactured or brewed for consumption on the premises or for sale to wholesaler licensees, all in accordance with §28-4A of the Code of Alabama, as amended.
- 2.03.30 **BUFFER.** A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare.
- 2.03.31 **BUILDABLE AREA.** The portion of a lot remaining after required yards and/or setbacks have been provided.
- 2.03.32 **BUILDING.** Any structure having a foundation and roof supported by columns or by walls and intended to be used for sheltering people, animals, or business activity.
- 2.03.33 **BUILDING CODE.** The most recent building, residential construction and fire-related codes adopted by the City of Anniston.
- 2.03.34 **BUILDING, PRINCIPAL.** See **PRINCIPAL BUILDING** or **PRINCIPAL STRUCTURE**.
- 2.03.35 **BUILDING HEIGHT.** The height of a structure measured from grade level to the uppermost surface of a flat roof; to the deck line of a mansard roof; or to the mean height between the eaves and uppermost ridge of a gable, hip or gambrel roof. Refer also to [§3.04.04 Building Height](#).

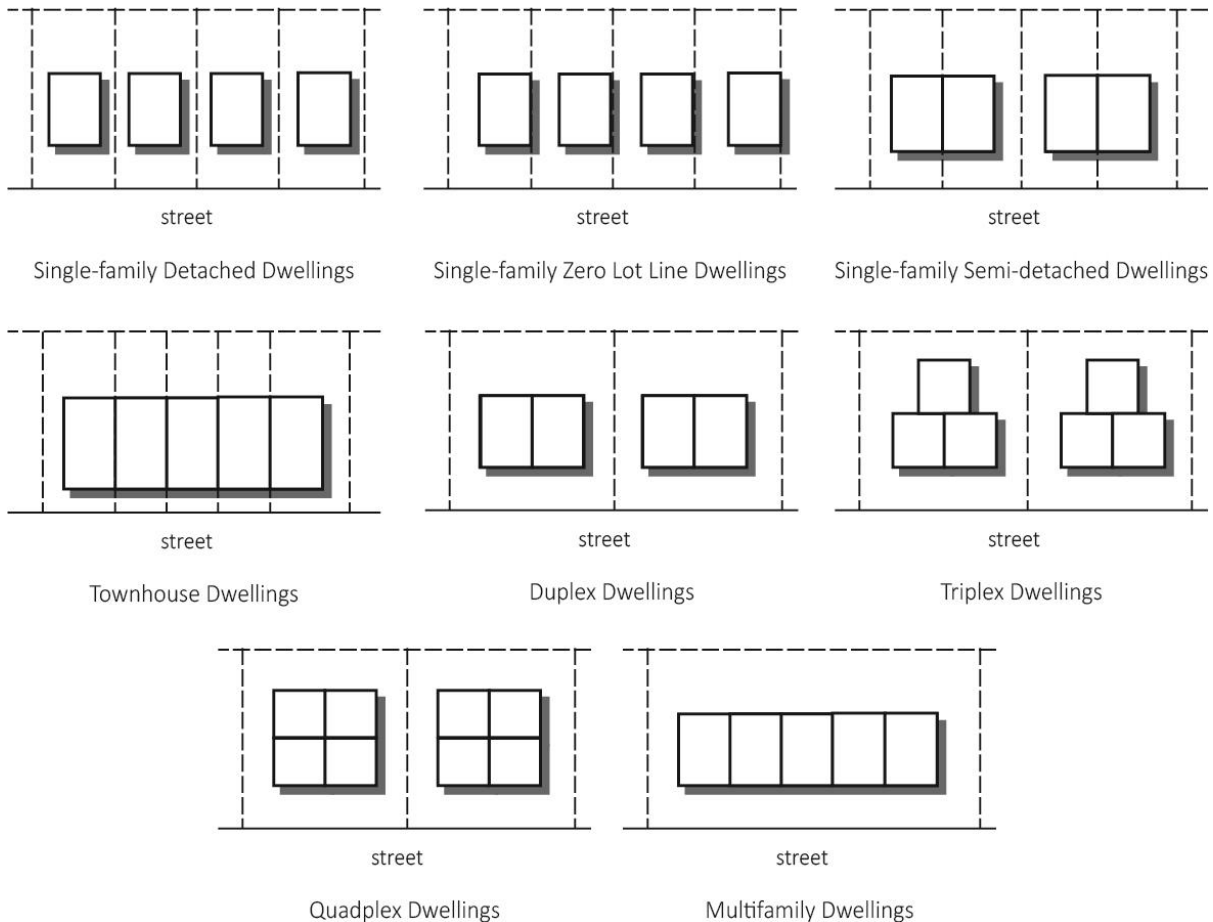


Building Height

- 2.03.36 **BUILD-TO AREA (BTA).** The area along street frontages within which the building must be located.
- 2.03.37 **BUSINESS OR PROFESSIONAL OFFICE.** One or more rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment. Includes call centers and medical, dental and similar healthcare offices for outpatient care on an appointment basis, including clinics with multiple practitioners.
- 2.03.38 **BUSINESS SUPPORT SERVICE.** A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; cleaning services; printing services, computer and office equipment repair and similar services.
- 2.03.39 **CAMPGROUND.** Land on which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes only. See also **RECREATIONAL VEHICLE PARK**.

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- 2.03.40 CIGAR BAR. A business in which the primary activity is the sale, manufacture or promotion of cigars or cigar accessories and in which sales of other products is incidental. Cigar bars are subject to the regulations in Ch. 28 1/2 , Article I of the City Code.
- 2.03.41 CITY. The City of Anniston, Alabama.
- 2.03.42 CITY CODE. The Code of the City of Anniston, Alabama, as amended.
- 2.03.43 CITY COUNCIL or COUNCIL. The City Council of the City of Anniston, Alabama.
- 2.03.44 CLUB, PRIVATE. A place of assembly operated by an association of persons united by some common interest such as social, educational or recreational purposes and characterized by membership qualifications, payment of fees or dues, and holding of regular meetings. The sales or serving of alcohol by a private club is regulated by Ch. 3, Article I of the City Code.
- 2.03.45 COMMERCIAL KITCHEN. A building where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.
- 2.03.46 CONFERENCE/CONVENTION CENTER. A facility with multiple assembly spaces for meetings, concerts, trade shows and similar events and that may include offices, exhibit spaces, dining areas, kitchens and related support facilities.
- 2.03.47 CONSTRUCTION SERVICE
- a. MAJOR CONSTRUCTION SERVICE. A business engaged in construction-related trade activities with outdoor storage such as a building contractor, electrician, plumber or similar trade and wholesale building supply sales.
  - b. MINOR CONSTRUCTION SERVICE. A business engaged in construction-related trade activities with only incidental outdoor storage such as a building contractor, electrician, plumber or similar trade excluding any building supply sales.
- 2.03.48 COUNTRY CLUB. Land or buildings containing golf courses, tennis courts, pools or similar recreational facilities for use by fee-paying private club members and their guests.
- 2.03.49 CROSS ACCESS. The use of a driveway within private property to interconnect two or more adjoining properties.
- 2.03.50 DAY CARE FACILITY
- a. DAY CARE CENTER. A building and premises licensed by the Alabama Department of Human Resources (ADHR) for the care of seven or more children or adults for only part of the day. This term also includes day care services for seven or more persons provided by an organization that is specifically exempted from ADHR license requirements.
  - b. FAMILY DAY CARE HOME. A detached single-family dwelling licensed by the ADHR for the care of six or fewer children or adults for only part of the day.
- 2.03.51 DECK. An open platform built above grade and attached to a building. In contrast to a PORCH, a DECK is not covered by a permanent roof.
- 2.03.52 DEVELOPMENT. The subdivision or re-subdivision of land, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of land.

- 2.03.53 DORMITORY. A building or part thereof operated by an institution and containing one or more habitable units used or intended to be used by residents of the institution for living and sleeping, but not for cooking purposes.
- 2.03.54 DUPLEX. See DWELLING, DUPLEX.
- 2.03.55 DWELLING or DWELLING UNIT. One or more rooms in the same building, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking and physically separated from any other dwelling units that may be within the same building.
- a. ACCESSORY DWELLING. A subordinate, independent dwelling unit located on the same lot as a DETACHED SINGLE-FAMILY DWELLING. See [§7.01 Accessory Dwellings](#).
  - b. CARETAKER DWELLING. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
  - c. DUPLEX. A building that contains two dwelling units and that is arranged to be occupied by two families living independently of each other.



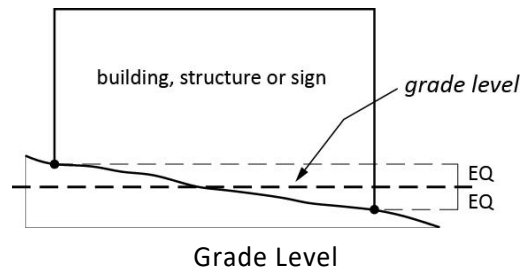
Dwelling Types

- d. MULTIFAMILY DWELLING. A dwelling within a building containing five or more dwelling units.
- e. QUADPLEX. A building arranged to be occupied by four families living independently of each other, the structure having four dwelling units.

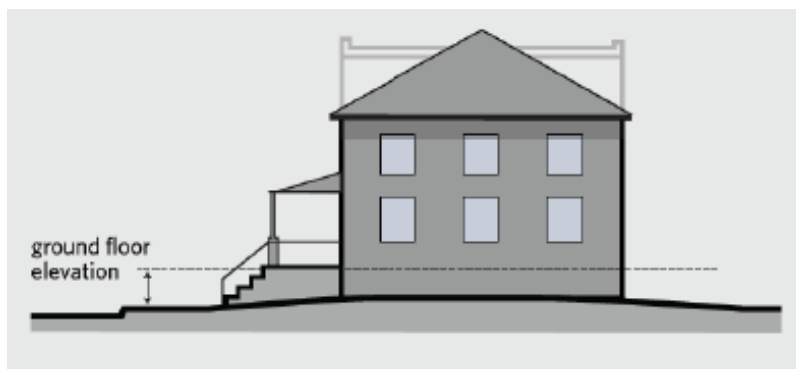


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- f. SINGLE-FAMILY DWELLING, DETACHED. A building containing one dwelling unit that is not attached to any other dwelling and is surrounded by open space or yards.
  - g. SINGLE-FAMILY DWELLING, SEMI-DETACHED. A single-family dwelling attached to one other single-family dwelling by a common, vertical wall, with each dwelling located on a separate lot.
  - h. TOWNHOUSE. A dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by vertical common, fire-resistant walls.
  - i. UPPER-STORY DWELLING. A dwelling unit located on a floor above another use in the same building.
  - j. ZERO LOT LINE DWELLING. A detached single-family dwelling located on a lot so that one of the dwelling's sides rests on a lot line.
- 2.03.56 EMERGENCY SHELTER, COMMUNITY. The use of a facility for the temporary sheltering of people by a public or nonprofit entity during a natural or human-caused disaster or state of emergency.
- 2.03.57 EMERGENCY SHELTER, PRIVATE. A structure for the temporary sheltering of people living on the premises during a natural or human-caused disaster or state of emergency.
- 2.03.58 ENGINEER. A professional engineer registered and in good standing with the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors.
- 2.03.59 ENTERTAINMENT AND RECREATION USES
- a. INDOOR ENTERTAINMENT. An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses and live music venues.
  - b. INDOOR RECREATION. An establishment providing recreation or fitness services within an enclosed building, including but not limited to fitness, swimming, yoga, martial arts, dance, billiards, bowling and gaming.
  - c. OUTDOOR ENTERTAINMENT. An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks and drive-in theaters.
  - d. OUTDOOR RECREATION. An establishment providing recreation or fitness services primarily outside of a structure, including but not limited to golf courses, driving ranges, miniature golf, swimming pools and tennis facilities and amusement parks.
- 2.03.60 EXTENDED CARE FACILITY. A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution.
- 2.03.61 EXTENDED STAY LODGING. A lodging establishment in which 50% or more of guest rooms are designed, marketed or utilized for weekly or monthly occupancy. Extended Stay Lodging establishments may also include dining facilities, fitness centers and similar incidental services for guests.
- 2.03.62 FAÇADE. A building elevation visible from and most nearly parallel to an adjoining street. For the purposes of Article 9 Sign Regulations, FAÇADE includes building elevations containing the primary public entrance to a building or tenant space, whether or not the building elevation is parallel to a street.
- 2.03.63 FAMILY. One or more persons living in a dwelling as a single, nonprofit housekeeping unit and sharing common living, sleeping, cooking, eating and housekeeping facilities, provided that unless all members are related by blood or marriage, the term Family is limited to five persons.
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- 2.03.64 FENCE. An artificially constructed barrier of any kind, other than a building, erected to enclose, delineate or screen a property or portions thereof.
- 2.03.65 FIRING RANGE. A facility for target practice using guns and rifles in accordance with all applicable state and federal regulations. Any facility in which, at any time, such activities are conducted outside of a building are considered “outdoor” FIRING RANGES.
- 2.03.66 FLAG. Any cloth or fabric banner that represents or identifies either a governmental entity or institution.
- 2.03.67 FLOOR AREA. The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
- 2.03.68 GAS STATION. An establishment involving the retail dispensing of automotive fuels.
- 2.03.69 GRADE LEVEL. For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.



- 2.03.70 GROSS FLOOR AREA (GFA). The total floor area of a building designed for both tenant occupancy and exclusive use. GFA 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, GFA is the gross floor area measured by taking the outside dimensions of the building at each floor level.
- 2.03.71 GROUND FLOOR ELEVATION. Vertical distance measured from the sidewalk to the top of the finished floor level of the ground floor of the building.



- 2.03.72 GROUP HOME. A dwelling for the care of persons living together as a single housekeeping unit under the supervision of one or more resident managers. In addition to providing food and shelter, Group Homes may also provide some combination of personal care, social or counseling services, and transportation. A Group Home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than

the residents themselves or their parents or legal guardians. Group Homes are further categorized as follows:

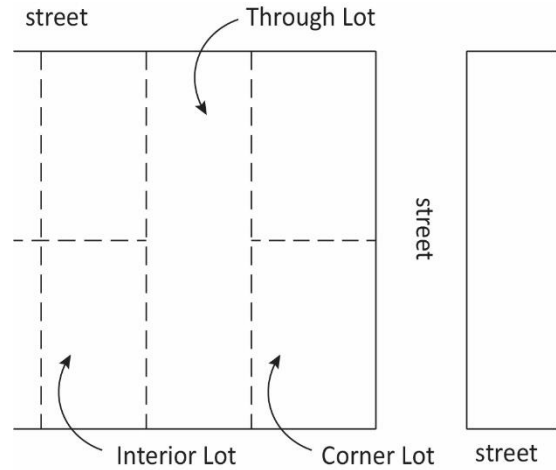
- a. EMERGENCY CARE HOME. A GROUP HOME providing temporary housing for no more than six persons who are victims of crime or domestic abuse and their immediate family members.
  - b. FAMILY CARE HOME. A state-licensed GROUP HOME providing long-term housing for no more than ten socially, physically, mentally, or developmentally impaired persons, in accordance with §11-52-75.1 of the Code of Alabama, 1975 as amended. FAMILY CARE HOMES for children are regulated by the Alabama Department of Human Resources. FAMILY CARE HOMES for adults are regulated by the Alabama Department of Public Health. Residents typically remain in a FAMILY CARE HOME for at least one year. When providing housing and care for more than ten persons, such facilities are categorized as Extended Care Facilities.
  - c. TRANSITIONAL CARE HOME. A GROUP HOME providing temporary housing for up to six persons who are transitioning from incarceration or recovering from substance abuse.
- Emergency and transitional care facilities providing housing for more than six persons are categorized as RESIDENTIAL CARE FACILITIES.
- 2.03.73 GUEST ROOM. A room used or intended for use by guests for sleeping purposes in a BED AND BREAKFAST, EXTENDED STAY, HOTEL, MOTEL or other lodging establishment.
  - 2.03.74 HARDSHIP. A condition not in control of or created by the Owner or Applicant such as, but not limited to, topography, lot shape or size, location of public utilities or similar conditions deemed a hardship by the Zoning Board of Adjustment.
  - 2.03.75 HARDSHIP, SELF-IMPOSED. A condition for which a variance is sought and that is caused or brought about by the Owner or Applicant, whether by their own action, inaction, knowledge or lack of knowledge. Self-Imposed Hardships are not considered a sufficient basis for variance approval.
  - 2.03.76 HEAVY INDUSTRY. Industrial processing which transforms materials, particularly raw materials, into a new substance, compound, or product. Uses include, but are not limited to, meat or poultry processing, slaughterhouse, chemical and petroleum processing and manufacturing, foundries, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
  - 2.03.77 HISTORIC PRESERVATION COMMISSION. The Historic Preservation Commission of the City of Anniston, Alabama.
  - 2.03.78 HOMELESS SERVICES FACILITY. A facility, other than a HOMELESS SHELTER, that provides services targeted to persons experiencing homelessness, such as meals, counseling, education and practical assistance but not housing or overnight lodging.
  - 2.03.79 HOMELESS SHELTER. A building providing temporary housing for homeless people, which may also include the serving of meals and other forms of support.
  - 2.03.80 HOME OCCUPATION. Business activity carried on in a dwelling that is limited in extent and clearly incidental to the use of the property for residential purposes. See also [§7.08 Home Occupations](#).
  - 2.03.81 HOME STAND. A space designed for the placement of a MANUFACTURED HOME within a MANUFACTURED HOME PARK.

- 2.03.82 HORTICULTURE or HORTICULTURAL. The production, harvesting, and management of plants, including but not limited to forages and sod crops; grains and seed crops; fruits, nuts and vegetables; trees, plants and flowers.
- 2.03.83 HOSPITAL. An institution providing medical, surgical and/or psychiatric care on inpatient and outpatient bases, which may include laboratories, pharmacies, food service, gift shops, training facilities, central service facilities and offices.
- 2.03.84 HOTEL. An establishment providing sleeping accommodations for the traveling public, in which guest rooms are accessed from the interior of the building. Hotels may also include dining facilities, fitness centers and similar incidental services for guests.
- 2.03.85 INDEPENDENT LIVING FACILITY. A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.
- 2.03.86 INSTITUTIONAL USE. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. Institutional uses are further categorized as shown in the table below. Fire and police stations are considered MINOR INSTITUTIONS. Public stadiums, arenas, correctional and detention facilities, institutions with on-premises housing and institutional facilities involving outdoor storage, work yards, or warehousing are considered MAJOR INSTITUTIONS.

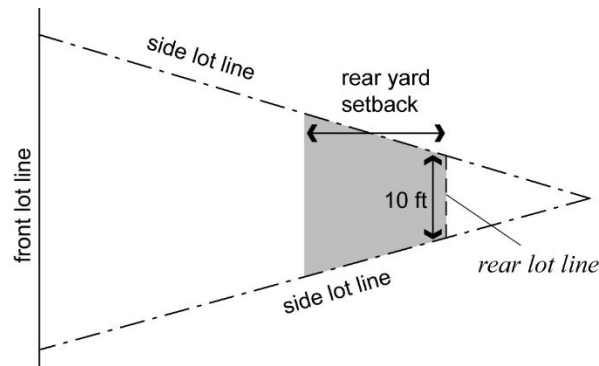
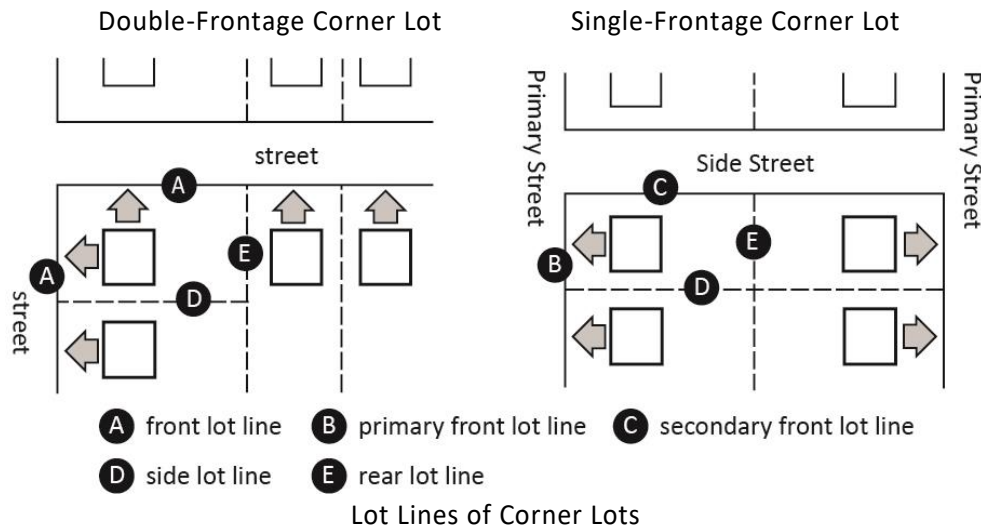
	Minor	Major
Places of assembly (capacity in main assembly space)	0-100	more than 100
Other institutions (floor area)	0-5,000 sf	more than 5,000 sf
Schools (type)	pre-k and elementary	middle, high school and above

- 2.03.87 JUNK. Used, dilapidated, scrap or abandoned metal, paper, building materials and/or equipment, bottles, glass, appliances, furniture, tools, implements or portions thereof, household debris, machinery or motor vehicles or parts thereof, plastic, cordage or other items, material or waste that has been abandoned from its original use, and may or may not be used again in its present or in some other form.
- 2.03.88 JUNKYARD. Any land or structure, or part thereof, used for the collecting, storage and sale of wastepaper, rags, scrap metal or other discarded material; or, for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. This does not include a Recycling Center or Recycling Plant.
- 2.03.89 KENNEL. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation. In contrast to Pet Grooming establishments, animals may be kept overnight in outside runs or other unenclosed or partially enclosed spaces overnight.
- 2.03.90 LAUNDERING PLANT. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding Laundry Services.

- 2.03.91 LAUNDRY SERVICES. Laundromats, laundry and dry-cleaning pick-up stations and clothing storage, excluding Laundering Plants.
- 2.03.92 LIVE-WORK UNIT. A building containing space for a business or occupation and one dwelling unit, where both spaces are occupied by the same person and the dwelling is the primary residence of the occupant.
- 2.03.93 LOADING SPACE. Space provided for loading and unloading of delivery vehicles.
- 2.03.94 LOT. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.
  - a. CORNER LOT. A lot adjoining two or more streets at their intersection. The intersection of a street and alley does not constitute a corner.
  - b. CORNER LOT, DOUBLE FRONTAGE. A CORNER LOT adjoined on each side by an INTERIOR LOT.
  - c. CORNER LOT, SINGLE-FRONTAGE. A CORNER LOT adjoined on one side by an INTERIOR LOT and on the other side by another CORNER LOT.
  - d. INTERIOR LOT. A lot with frontage on only one street.
  - e. THROUGH LOT. A lot other than a corner lot having frontage on two streets.



- 2.03.95 LOT AREA. The area included within all lot lines not including any public rights-of-way.
- 2.03.96 LOT FRONTAGE. The portion of a lot along a front or street side lot line.
- 2.03.97 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place. Refer to the following diagram and to diagrams under YARD.
  - a. FRONT LOT LINE. The LOT LINE separating a lot from a street right-of-way. DOUBLE-FRONTAGE CORNER LOTS have two FRONT LOT LINES. SINGLE-FRONTAGE CORNER LOTS have PRIMARY and SECONDARY FRONT LOT LINES. The PRIMARY FRONT LOT LINE is the LOT LINE most opposite the REAR LOT LINE. The SECONDARY FRONT LOT LINE is the LOT LINE along the SIDE STREET and is typically longer than the PRIMARY FRONT LOT LINE.
  - b. REAR LOT LINE. The LOT LINE that is generally parallel to and most distant from the PRIMARY FRONT LOT LINE on a SINGLE-FRONTAGE CORNER LOT. For DOUBLE-FRONTAGE CORNER LOTS, it is the Lot Line generally parallel to and most distant from the street along which the property has its address or towards which the building faces, as determined by the ZONING OFFICIAL. For determining setbacks in the case of a triangular or irregularly shaped lot, the REAR LOT LINE is considered to be a line ten feet in length, entirely within the lot, parallel to and at the maximum distance from the FRONT/PRIMARY FRONT LOT LINE.
  - c. SIDE LOT LINE. Any lot line other than a FRONT LOT LINE or a REAR LOT LINE.



Rear Lot Line of a triangular lot

- 2.03.98 **LOT WIDTH.** The width of a lot as measured at the minimum front setback line unless otherwise specified.
- 2.03.99 **MANUFACTURED BUILDING.** A factory-built structure other than a MODULAR STRUCTURE; transportable in one or more sections; designed for storage or other purposes other than a dwelling.
- 2.03.100 **MANUFACTURED HOME.** A structure constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation; transportable in one or more sections; and when erected on site, at least 320 sf in area.
- 2.03.101 **MANUFACTURED HOME PARK.** Land designed and improved for the location of MANUFACTURED HOMES on HOME STANDS made available for rent or lease, including common areas and interior vehicular circulation.
- 2.03.102 **MANUFACTURING**
  - a. **GENERAL MANUFACTURING.** Manufacturing of finished products and component products or parts, including the transportation, treatment, or processing of materials or substances, but excluding uses defined as Heavy Industry.
  - b. **LIGHT MANUFACTURING.** Indoor assembly and manufacturing of finished products or parts from previously prepared materials and parts. This includes fabrication limited to shaping or defining the final product provided such fabrication is not the primary activity of the operation.

- 2.03.103 **MEDICAL CANNABIS DISPENSARY.** An entity licensed by the Alabama Medical Cannabis Commission to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers.
- 2.03.104 **MINI-STORAGE FACILITY.** One or more structures containing individual storage spaces for rent or lease used exclusively for the storage of non-explosive, non-volatile materials. MINI-STORAGE FACILITIES may include an accessory office with retail sales of boxes, tape and similar storage- or moving-related items.
- 2.03.105 **MOBILE FOOD VENDING UNIT.** Any vending unit, truck, trailer, temporary establishment or pushcart that is not a permanent restaurant that serves food or drink to the public that is in compliance with Calhoun County Health Department guidelines and licensed with the City of Anniston Finance Department.
- 2.03.106 **MODULAR STRUCTURE.** A structure manufactured off-site in accordance with the Building Code, transported to and assembled on a building site on a permanent foundation. A “modular home” is a Modular Structure designed, manufactured and used for dwelling purposes and is regulated the same as a site-built dwelling.
- 2.03.107 **MOTEL.** An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. Motels may also include dining facilities, fitness centers and other incidental services for guests.
- 2.03.108 **MOVIE STUDIO.** Facilities for the production of motion pictures which includes stages, exterior sets, film laboratories, sound recording facilities, construction, repair, and storage facilities and accessory fabrication activities.
- 2.03.109 **NIGHTTIME CARE FACILITY**
- a. **NIGHTTIME CARE CENTER.** A building and premises licensed by the Alabama Department of Human Resources (ADHR) for the care of seven or more children after 7pm.
  - b. **NIGHTTIME HOME.** A detached single-family dwelling licensed by the ADHR for the care of six or fewer children after 7pm.
- 2.03.110 **NONCONFORMING STRUCTURE.** A structure that does not conform to the area or dimensional requirements of this Ordinance.
- 2.03.111 **NONCONFORMING LOT.** A lot that does not conform to the area and dimensional requirements of the applicable district.
- 2.03.112 **NONCONFORMING USE.** A use which does not conform to the use regulations of the applicable district.
- 2.03.113 **NONRESIDENTIAL USE.** Uses including agricultural, institutional, commercial, lodging and industrial activities.
- 2.03.114 **NURSING HOME.** See EXTENDED CARE FACILITY.
- 2.03.115 **OPEN SPACE.** A yard or other area of land not used for a structure, driveway, parking, loading or storage.
- 2.03.116 **OPEN SPACE, COMMON.** Open space within a development that is held in common ownership and maintained by a property owners association or other designated legal entity for recreation or other open space uses; subject to the applicable provisions of this Ordinance; and which may be protected by covenant to ensure that it remains in such use.

- 2.03.117 **OUTDOOR STORAGE.** The keeping in an unenclosed area of any goods, Junk, material, or vehicles or equipment in the same place for more than 24 hours. This does not include retail displays or Vehicle and Equipment Sales, Rental and Services or the keeping of construction materials and equipment in association with a valid building permit but includes vehicle storage associated with Automobile Repair businesses.
- 2.03.118 **OWNER.** The person having the right and legal title to, beneficial interest in a lot or parcel of land.
- 2.03.119 **PARKING, FREESTANDING.** A parking lot or structure providing parking for uses not located on the same premises.
- 2.03.120 **PARKING LOT.** An off-street parking area containing three or more parking spaces serving one or more nonresidential uses or serving more than one dwelling.
- 2.03.121 **PARKING SPACE.** An all-weather surfaced area for temporary storage and necessary access and maneuvering room for one automobile with access to a street or alley by an all-weather surface driveway without requiring another automobile to be moved.
- 2.03.122 **PARKING STRUCTURE.** A building or portion thereof designed or used exclusively for the parking of motor vehicles.
- 2.03.123 **PERSONAL SERVICE.** An establishment providing services involving the care of a person or their personal goods or apparel, including hair, nail and tanning salons, licensed massage therapists and repair of watches, phones, tablets, computers and other personal electronics.
- 2.03.124 **PET GROOMING.** An establishment providing grooming services or overnight boarding to household pets within a fully enclosed structure, which may include outside runs for keeping of animals for part of the day but not overnight.
- 2.03.125 **PLACE OF ASSEMBLY.** A facility used for the gathering of persons for religious, fraternal, recreational, social, educational or cultural activities and which may include the incidental preparation and sale of food and beverages on the premises. In addition to activities conducted within a building, Places of Assembly may also include activities conducted outdoors.
- 2.03.126 **PLANNING COMMISSION or COMMISSION.** The Planning Commission of the City of Anniston, Alabama.
- 2.03.127 **PORCH.** A structure attached to a dwelling and used as an outdoor living area. Porches are only partially enclosed though they may have roofs. If such a structure is less six feet or less in width as measured along the building line, it is considered a **STOOP**.
- 2.03.128 **PREMISES.** One or more lots designed and improved in a unified manner to function together, including all associated structures, parking areas and other improvements thereon.
- 2.03.129 **PRINCIPAL BUILDING or PRINCIPAL STRUCTURE.** A building or structure in which is conducted the principal use of the lot. Any garage, carport, porte-cochere, porch or part thereof, when attached to the principal structure is considered part of the structure. Multifamily, nonresidential and mixed-use developments may have more than one principal building on the same lot.
- 2.03.130 **PRINCIPAL USE.** The primary operation, business or other such use of a premises.
- 2.03.131 **PUBLIC FACILITY.** Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.



**2.03.132 PUBLIC UTILITY FACILITY**

- a. **MAJOR PUBLIC UTILITY FACILITY.** Electric or gas generating plants, sewage treatment plants and water treatment facilities.
- b. **MINOR PUBLIC UTILITY FACILITY.** A facility that provides utility services to the public, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities not otherwise defined as Major Public Utility Facility.

**2.03.133 RECREATIONAL EQUIPMENT.** Recreational vehicles, boats, boat trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**2.03.134 RECREATIONAL VEHICLE.** A vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including but not limited to, travel trailers, camping trailers, truck campers, and motor homes.

**2.03.135 RECREATIONAL VEHICLE PARK.** Any establishment designed with spaces for recreational vehicle camping for occupancy as temporary living quarters for recreation or vacation purposes.

**2.03.136 RECYCLING CENTER.** A premises, other than a junkyard, where recyclable materials are collected and may be separated, packed, bailed, stored and compacted before being transported to another location for processing and eventual reuse.

**2.03.137 RECYCLING PLANT.** A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

**2.03.138 REPAIR SERVICE.** An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances.

**2.03.139 RESEARCH LABORATORY.** Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**2.03.140 RESIDENTIAL CARE FACILITY.** A facility providing temporary housing and services similar to that of Emergency Care Homes or Transitional Care Homes but for more than six persons.

**2.03.141 RESOURCE EXTRACTION.** Extraction of gas, minerals, and similar natural resources including surface, subsurface, underground and strip-mining operations and associated processing and disposal of tailings, spoils and other waste.

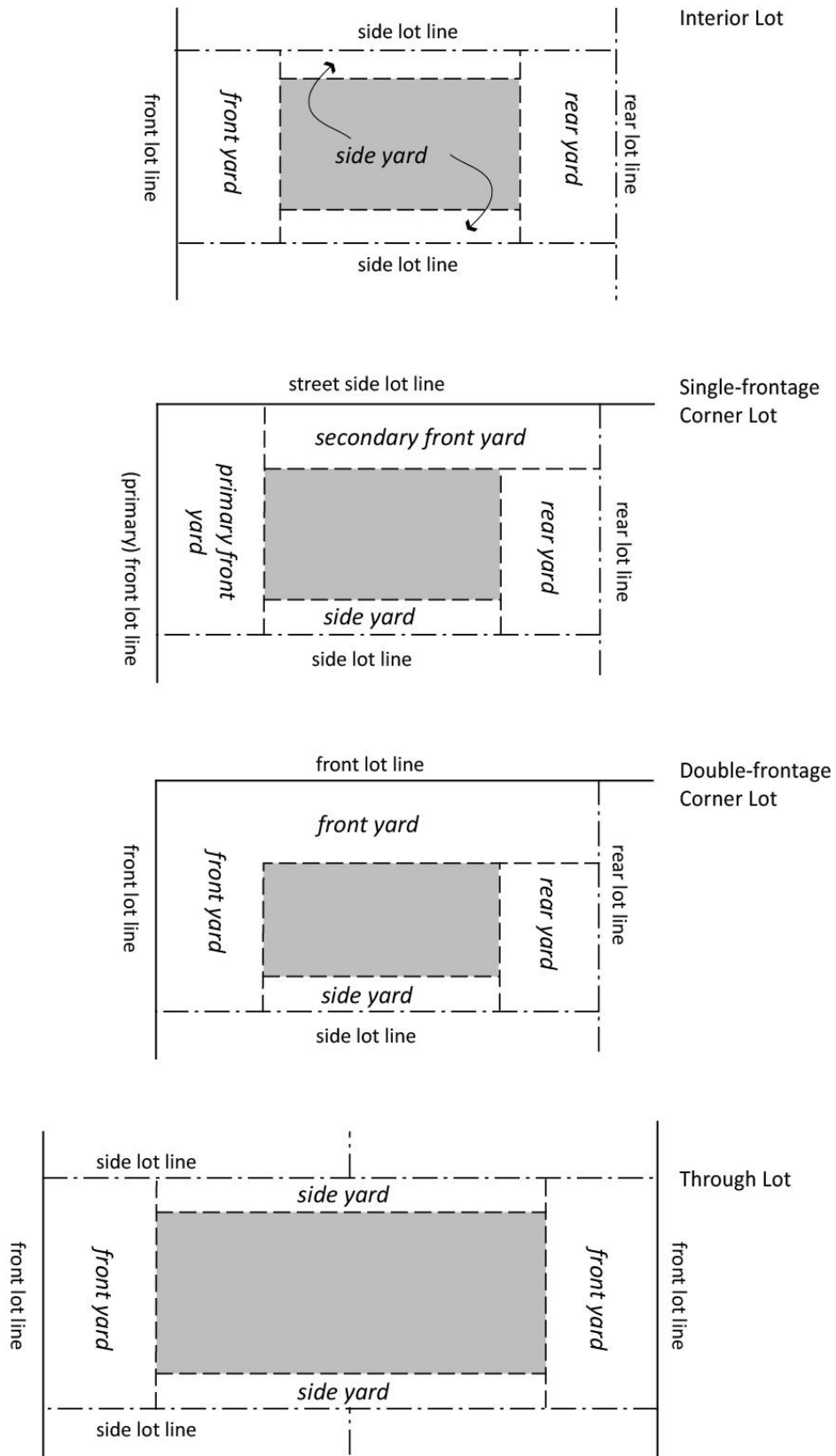
**2.03.142 RESTAURANT**

- a. **FAST FOOD RESTAURANT.** An establishment where food and drink may be ordered from an automobile and delivered through a drive-through window or to an ordering station.
- b. **PICK-UP AND DELIVERY ONLY RESTAURANT.** An establishment where food and drink are prepared and sold for consumption off-premises only.
- c. **STANDARD RESTAURANT.** An establishment where food and drink are prepared, served and consumed on-premises. Standard restaurants may also offer accessory pick-up service. A restaurant serving alcoholic beverages for on-premises consumption in excess of 50% of the business's gross receipts is considered a BAR/TAVERN.

**2.03.143 RETAIL, GENERAL.** Retail sales of goods, including but not limited to, clothing, shoes, home furnishings, appliances, automobile parts and supplies, gifts, jewelry, floral goods, pharmacy and

- medical supplies, hardware, musical instruments and sporting goods, which are conducted fully within a building but that may include only accessory outdoor displays and sales.
- 2.03.144 RETAIL, UNENCLOSED. Retail sales of goods conducted partially or fully outside of a building, including but not limited to flea markets, monument sales, lumber yards and similar activities but not including HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL and SERVICE NOR VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE, which are separately classified.
- 2.03.145 SETBACK, BUILDING. The distance from the lot line to the nearest part of a building.
- 2.03.146 SETBACK, PARKING. The minimum required distance from the lot line to the nearest edge of a parking surface or parking structure
- 2.03.147 SHORT-TERM RENTAL. The use of a dwelling unit for lodging purposes in accordance with Ch. 13, Art. IV and not otherwise considered a BED AND BREAKFAST.
- 2.03.148 SIDE STREET. A street along which there are no INTERIOR LOTS.
- 2.03.149 SIGN. Refer to Article 9 Sign Regulations for all sign-related definitions.
- 2.03.150 SPECIAL EVENTS CENTER. A building or part thereof rented for weddings, receptions, banquets and similar events, other than a CONFERENCE/CONVENTION CENTER, RESTAURANT or BAR/TAVERN. SPECIAL EVENTS CENTERS may include an area for catering preparation, cooking and storage.
- 2.03.151 SPECIAL EXCEPTION. Uses identified as such in the district regulations and adjustments to parking, height and other regulations that may be authorized by the Zoning Board of Adjustments (“ZBA”) subject to conditions set by the ZBA. Special Exceptions may not be appropriate generally or without restriction, but if controlled as to number, area, location, or relation to the surrounding area, would not harm the general public health, safety, or welfare.
- 2.03.152 STOOP. A raised structure attached to a dwelling and providing access by means of steps to the dwelling’s entrance. STOOPS are enclosed on no more than two sides, one of which is the building wall, but may be covered. If such a structure is wider than six feet as measured along the building line and excluding steps, it is considered a PORCH.
- 2.03.153 STORY. That portion of a building, other than a cellar or basement, included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, then the space between the floor and the next ceiling above it.
- 2.03.154 STREET LINE, FUTURE. A line delineating the future boundaries of a public right-of-way as provided for in the Major Thoroughfare Plan or similar plan adopted by the PLANNING COMMISSION.
- 2.03.155 STRUCTURAL ALTERATION. Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.
- 2.03.156 STRUCTURE. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including but not limited to signs, walls, fences and manufactured buildings, but excluding utility poles and overhead wires.
- 2.03.157 SUBSTANCE ABUSE TREATMENT
- a. IN-PATIENT SUBSTANCE ABUSE REHABILITATION FACILITY. A licensed facility meeting applicable state and federal standards that provides inpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.

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- b. **OUTPATIENT SUBSTANCE ABUSE TREATMENT FACILITY.** A licensed facility meeting applicable state and federal standards that provides outpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.
- 2.03.158 **TATTOOING.** The placing of body art—designs, letters, figures, symbols, or other marks—upon or under the skin, using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin.
- 2.03.159 **TATTOO PARLOR.** A commercial enterprise that offers tattooing to customers with or without appointments and where body art designs are often selected from stock designs. **TATTOO PARLORS** may also offer body piercing services.
- 2.03.160 **TATTOO STUDIO.** A commercial enterprise that offers tattooing, body piercing, branding, scarification services to customers by appointment only and which may specialize in custom-designed body art. **TATTOO STUDIOS** offer a level of privacy, or a controlled environment, not always found in **TATTOO PARLORS**.
- 2.03.161 **TOBACCO SHOP.** A retail establishment that primarily sells tobacco products, cannabidiol (CBD) oil, electronic smoking or vaping products, and which by law, persons under the age of 21 are prohibited from entry.
- 2.03.162 **TRANSPARENCY.** The area of windows and doors calculated as a percentage of a façade.
- 2.03.163 **TRUCK STOP.** A business dispensing fuel to commercial trucks and other vehicles and which may offer retail sale of accessories and equipment, repair services and overnight parking for commercial trucks, lodging accommodations, showers and restaurant facilities.
- 2.03.164 **VARIANCE.** A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in unnecessary **HARDSHIP**.
- 2.03.165 **VEHICLE SALES, RENTAL AND SERVICE**
- a. **HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE.** The sale or rental of trucks over one ton, tractors and farm implements, manufactured homes, recreational vehicles, boats, and construction and similar equipment, including the storage, maintenance and servicing of the same.
- b. **VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE.** The sale or rental of automobiles, light trucks, motorcycles, riding lawn mowers and similar household and gardening equipment, including the storage, maintenance and servicing of the same.
- 2.03.166 **VETERINARY CLINIC.** A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine, which may include overnight boarding of animals.
- 2.03.167 **WHOLESALE TRADE.** The selling of merchandise to or buying merchandise for other businesses or industries but not the general public. Businesses that sell merchandise on a membership basis that is not limited to other businesses or industries are categorized as Retail.
- 2.03.168 **YARD.** An open area of a lot, not occupied by any structure, measured from a property line to the nearest point of the structure. A required yard means a yard the depth of which is specified in the “Area and Dimensional Requirements” for the applicable district. Refer also to Lot Line and the diagrams following.
-



Location of Yards by Lot Type

- a. ESTABLISHED YARD. In contrast to a “required yard,” the area between a lot line and the corresponding building line as built. For example, an established rear yard is the area between the rear lot line and the rearmost line of the principal building.
  - b. FRONT YARD. The yard extending across the entire width of the lot between the PRINCIPAL BUILDING and the FRONT LOT LINE or an official future street line, if established.
    - 1. PRIMARY FRONT YARD. The yard of a Single-Frontage Corner Lot that corresponds with the FRONT YARD of the adjoining interior lot.
    - 2. SECONDARY FRONT YARD. A yard of a Single-Frontage Corner Lot along the SIDE STREET LOT LINE.
  - c. REAR YARD. The yard extending across the entire width of the lot between the PRINCIPAL BUILDING and the rear lot line. On all lots the REAR YARD is opposite the FRONT YARD or PRIMARY FRONT YARD.
  - d. SIDE YARD. A yard between the PRINCIPAL BUILDING and the SIDE LOT LINE and extending from the required FRONT YARD to the required REAR YARD.
- 2.03.169 YARD SALE. The sale of used or unwanted household or personal items displayed or offered for sale on any property without a business license for such sales activity, including garage and estate sales. The casual sale of household or personal items advertised by means other than by signs and where the items are not displayed outside of a structure is not considered a YARD SALE.
- 2.03.170 ZONING BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of the City of Anniston, Alabama.
- 2.03.171 ZONING OFFICIAL. That official of the City of Anniston appointed to oversee the enforcement and administration of this Ordinance, or their designee.

#### **§2.04 Abbreviations Used in this Ordinance**

- 2.04.01 ac – acre
- 2.04.02 Ch. – chapter
- 2.04.03 DU – dwelling unit
- 2.04.04 ft – feet
- 2.04.05 GFA – gross floor area
- 2.04.06 max. – maximum
- 2.04.07 min. – minimum
- 2.04.08 sf – square feet
- 2.04.09 ZBA – Zoning Board of Adjustment

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## **ARTICLE 3      GENERAL REGULATIONS**

### **§3.01 Uses**

- 3.01.01    Lots and buildings may be occupied only with the uses as permitted in Articles 4,5 and 6. One or more land uses allowed in a district may be established on any lot within that district in compliance with all applicable requirements.
- 3.01.02    Accessory uses on the same lot with and incidental to a permitted principal use are allowed.
- 3.01.03    Land uses not listed. If a proposed use is not listed in the applicable use table, but is similar to a listed use, the Zoning Official may allow the proposed use. The Zoning Official considers the following when determining if a proposed use is similar to a listed use:
- a. Amount of site or building area dedicated to the proposed use
  - b. Number of employees
  - c. Hours of operation
  - d. Arrangement of buildings, parking, loading and other site elements
  - e. Signage
  - f. Impact on surrounding properties from noise, smoke, glare, odor
  - g. Types of vehicles used and their parking requirements

### **§3.02 Lots, Setbacks and Open Spaces**

- 3.02.01    There may be only one principal structure on any lot zoned or used for single-family residential purposes.
- 3.02.02    The Zoning Official may permit any lot of record that does not conform to the minimum lot width or minimum lot area required in the district to be developed for uses permitted in the applicable district provided the development meets setback and all other applicable requirements. If such a development is unable to meet other requirements, a variance must be obtained from the Zoning Board of Adjustments in accordance with [§12.04 Variances](#).
- 3.02.03    Corner Lots. A corner lot must have at least one designated Primary Street. The Zoning Official determines the Primary Street and considers the following in the determination: street classification, orientation of other structures on the block, longest face of the lot, orientation of any alleys within the block, and address of the lot.
- 3.02.04    Open spaces and yards required for a structure or use may not be occupied by or counted as a yard or open space for another structure or use unless the uses are in the same structure.
- 3.02.05    No lot may be reduced in area so that yards and other spaces total less than that required under this Ordinance.
- 3.02.06    Common open spaces that are contained within their own lot are not subject to minimum area requirements for lots in the applicable district.

### **§3.03 Building Setbacks**

- 3.03.01    Future street lines. On any lot which, at the time of adoption or subsequent amendment of this Ordinance, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted major thoroughfare plan, the minimum required yards, lot area, lot width

and maximum building area are measured by considering the future street line as the lot line of such lot.

- 3.03.02 The minimum front yard setback may be reduced where existing buildings on the same block frontage do not conform to the front yard setback of the applicable district, as follows:
- a. On blocks up to 500 ft in length, the minimum setback requirement is reduced to the average setback of all buildings along the frontage or the average setback of buildings within 100 feet on each side of the subject lot, whichever is less.
  - b. On blocks longer than 500 feet, the minimum setback requirement is reduced to the average setback of buildings within 200 feet on each side of the subject lot.
  - c. For corner lots, the minimum setback requirement is reduced to the average setback of all existing buildings along the same block frontage.
- 3.03.03 Through Lots. A primary front yard setback is required on each frontage of a Through Lot.
- 3.03.04 Setback Encroachments. Setbacks are to remain clear of permanent structures except as follows:
- a. Porches and stoops as provided in [§4.01.05 Required Building Elements](#).
  - b. Unenclosed decks without a roof may extend up to six feet into a rear setback or up to four feet into a side setback but no closer than five feet to any lot line
  - c. Accessibility ramps, subject to approval of the Zoning Official
  - d. Mechanical equipment is permitted on the side or rear of the structure only and must be at least five feet from any lot line.
  - e. Arcades, awnings, and balconies may encroach into a required setback up to 50% of their depths but not closer than three feet to any lot line, except as provided for cantilevered balconies in [§5.01.03 Additional Regulations](#).
- 3.03.05 Floodways, wetlands, perennial streams and other watercourses may not be included in required setbacks.

### **§3.04 Building and Structures**

- 3.04.01 Only buildings conforming to the Building Code and manufactured homes conforming to the standards of the US Department of Housing and Urban Development may be used for permanent residential occupancy. Recreational vehicles and similar portable structures may only be used for temporary living quarters for camping, travel and similar recreational purposes only except as provided in [§11.07 Temporary Emergency Relief](#).
- 3.04.02 Modular Structures. For the purposes of this Ordinance, modular structures are treated the same as site-built structures conforming to the Building Code.
- 3.04.03 Every structure hereafter erected or moved must be on a lot adjoining a public street or approved private street. All structures must be located on lots to provide safe and convenient access as determined by the Fire Department.
- 3.04.04 Building height. Each structure, hereafter erected or altered, may not exceed the maximum building height of the applicable district.
- a. Parapet walls are subject to building height limitations if they extend more than four feet above the uppermost surface of the roof.



- b. Basements do not count as an additional story where they are more than 50% underground. Attics do not count as an additional story where they have a ceiling height clearance of seven feet or less for 50% or more of the floor area.
- c. Height limits do not apply to spires, steeples, cupolas, domes, elevator structures, cooling towers, roof accesses, mechanical equipment, electric utility equipment, chimneys, vent stacks, and similar parts of structures not intended for human occupancy or to flagpoles, monuments, water tanks or towers, or other structures that by design or function, must exceed the height limits.

**3.04.05 Accessory Structures**

- a. Accessory structures may not be erected in any required front or side yard. However, unenclosed, prefabricated metal carports:
  - 1. may be located between the principal building and side lot line but may be closer than five feet to the side lot line.
  - 2. may be permitted by the Zoning Official to extend forward of the front building line if no other location is feasible.
- b. Accessory structures must be set back at least five feet from any property line and ten feet from any other structure on the lot.
- c. Accessory structures may not be used as a dwelling, except as provided for Accessory Dwelling Units.
- d. Donation bins are permitted in accordance with [§7.14.03 Donation Bins](#).
- e. Private emergency shelters are permitted in any district subject to the following:
  - 1. Private emergency shelters may contain or be contained in other structures or may be constructed separately.
  - 2. Private emergency shelters may not be located within a required front yard, regardless of whether or not they extend above grade, and are otherwise subject to area and dimensional regulations of the district.

**§3.05 Transparency**

3.05.01 Applicability. Transparency requirements apply to facades on Primary and Side Streets and do not apply to buildings containing only dwellings.

**3.05.02 Measurement**

- a. Ground story transparency is measured between two and 12 feet above the adjacent sidewalk.
- b. Transparency on an upper story is measured from the top of the finished floor to the top of the finished floor above or to the top of the wall plate if there is no floor above.



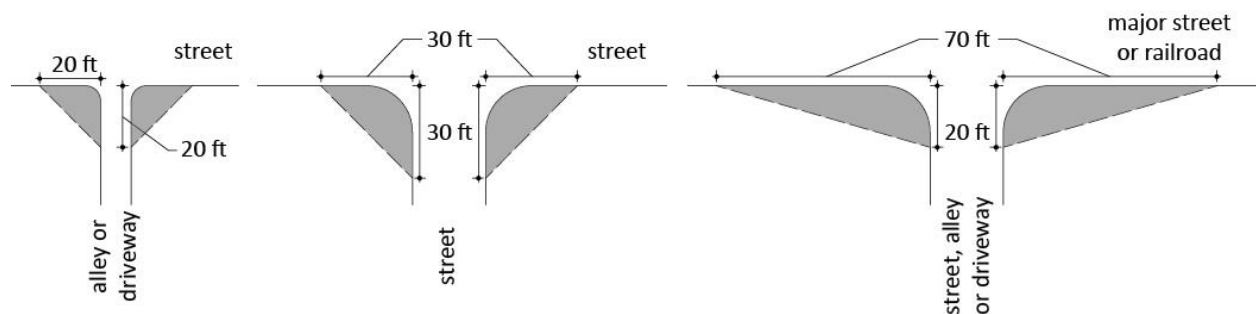
**3.05.03 Requirements**

- a. Blank wall area is defined as a wall that does not include a substantial material change; windows or doors; columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall applies to both horizontal and vertical measurements and to primary and side street facing facades, both ground and upper stories.
- b. In locally-designated historic districts, the Zoning Official may waive or reduce transparency requirements if the Anniston Historic Preservation Commission determines that proposed changes meet the historic district design guidelines.

**§3.06 Clearance Requirements**

3.06.01 Intersection Sight Distance. No fence, wall, landscaping, sign or other visual obstruction is permitted between the heights of 3.5 feet and ten feet above street level, that will obstruct a motorist’s line of sight at intersections of streets, driveways or alleys, as determined by the City Engineer in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition. Requirements are determined as follows:

- a. At the intersection of a street and a driveway or alley: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway or alley pavement
- b. At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement
- c. At the intersection of a street, alley or driveway with a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street, alley or driveway and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way



Intersection Sight Distance

- 3.06.02 Clearance for Vehicular and Pedestrian Movement. All portions of structures, signs, plantings, fences and other appurtenances, whether permanent or not, must comply with the following clearance requirements:
- a. A clear height of at least 14 ft above the driving surface must be maintained over an area intended for vehicular use. The Zoning Official may permit a lesser vertical clearance provided the applicable vehicle height limit is indicated to motorists.
  - b. A clear width of at least five feet must be maintained at all points along a public sidewalk. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. However, the Zoning Official may permit vertical clearance no less than seven feet where an existing structure is of a design that makes compliance with this requirement impracticable.

**§3.07 Driveways and Access**

- 3.07.01 Driveways. The following requirements apply to all driveways providing access to nonresidential, multifamily and mixed-use developments:
- a. The location of driveways accessing public streets are subject to the standards in Table 3-2. The Zoning Official may reduce spacing requirements when the following conditions exist, based on commonly accepted and applied traffic engineering principles: shared access is not possible; exceptional topographic or site conditions exist (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; application of the standards would conflict with other provisions of these Regulations; and where the reduction would not compromise the safe, efficient flow of traffic.
  - b. In the C District, if parking areas can be directly accessed from an improved alley, access from the alley is required; and no new curb cuts on the adjoining street may be created.
  - c. Whenever possible, driveways must be consolidated, and no additional driveways or curb cuts may be added. If an existing curb cut is closed or combined with another curb cut, the developer may construct one less landscape island than would normally be required.
  - d. No new driveways are permitted on Noble Street between 17th Street and 4th Street.
  - e. On corner lots, access must be from the street of lower classification.
  - f. At the front lot line, driveways may be no greater than the widths established in Table 3-3. Width is measured at the front lot line.

**Table 3-2 Driveway Standards**

Use and Street Type	Minimum Spacing		Max. number of driveways per frontage length
	from intersection <sup>1</sup>	from other driveways	
Arterial streets and highways	150 ft	100 ft	1 per 150 ft
Collector Streets	125 ft	75 ft	1 per 125 ft
Local Streets	75 ft	50 ft	1 per 75 ft

<sup>1</sup> Where the frontage of a corner lot is less than the required distance, a driveway may nonetheless be approved by the Zoning Official provided it is as far as practical from the intersection.

**Table 3-3 Maximum Driveway Widths**

	IL, IG	All other districts
One-way	15 ft	12 ft
Two-way	40 ft	24 ft

3.07.02 Cross Access. Shared parking and cross access are encouraged for all nonresidential uses with access from arterial roadways. Site plans must comply with the following:

- a. For new development or redevelopment, cross access or a stub for future cross access between adjoining properties must be provided. The requirement for cross access may be waived if it is deemed infeasible by the City Engineer.
- b. Where cross access is established, an easement allowing cross access and a joint maintenance agreement must be recorded.

**§3.08 Fences, Walls and Hedges**

- 3.08.01 Notwithstanding other provisions of this Ordinance, fences and walls may be permitted in any required yard, or along the edge of any yard. Fences and walls along the sides or front edge of any front yard may not be more than 36 inches in height, except for a public utility or electric substation where a taller fence is required.
- 3.08.02 Fences and walls may not impede intersection sight distance. See [§3.06.01 Intersection Sight Distance](#).
- 3.08.03 Fences and walls may not be built on or over any right-of-way or easement without approval of the entity having authority over the right-of-way or easement.
- 3.08.04 Fences and walls must not adversely affect stormwater drainage or create debris build-up, nor impede access to metering devices, public utilities or fire hydrants.

**§3.09 Common Open Spaces and Facilities**

For all proposals involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, that are to be owned and maintained by the developer or a property owner association, the following apply:

- 3.09.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of property within the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.
- 3.09.02 Management Plan. The applicant must submit a plan for management of any common open spaces or facilities that:
  - a. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements;
  - b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which funding will be secured;

- c. provides that any changes to the plan must be approved by the Commission; and
  - d. provides for enforcement of the plan.
- 3.09.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Costs may become a lien on all involved properties.

### **§3.10 Other Site Requirements**

#### 3.10.01 Pedestrian Access

- a. At least one functioning public entrance into a building, operable during normal business hours, must be maintained wherever street-facing entrance requirements apply. Additional entrances are permitted.
- b. On corner lots, an entrance at the corner of the building fulfills the street-facing entrance requirements for both streets.

3.10.02 Loading Areas and Bay Doors. All loading areas and bay doors must be located on the side or rear of the building and may not face the Primary Street in any district or the Side Street in the C, UC1, UC2, or SNC Districts.

3.10.03 Garbage Receptacles. All one-yard and larger garbage receptacles must be screened as required in [§10.02 Screening](#) and may not be located forward of the front building line.

3.10.04 Pools. Any pool with a depth of two feet or more in any portion of the pool must be set back at least five feet from any property line and at least ten feet from any other structure and must be secured as required by the Building Code. If located on the lot of a single-family dwelling, such pools must be located in the established rear yard.

#### 3.10.05 Satellite Dishes

- a. Satellite dishes no larger than three feet in diameter are permitted by right in all districts. Satellite dishes over three feet in diameter are permitted by right in the SC, SE, IL, IG and MI Districts and are subject to all applicable provisions of this Ordinance, the Building Code, and any other applicable regulations.
- b. No satellite dish may exceed 12 ft in diameter nor 18 ft in height, as measured from grade level to the highest point of the supporting structure.
- c. Freestanding satellite dishes must be set back from all property lines a distance equal to its height and may only be placed in the established rear yard. However, the Zoning Official may approve an alternate location if adequate reception cannot be achieved in the established rear yard.
- d. The supporting structure of a freestanding satellite dish may not elevate the lower edge of the satellite dish more than 18 inches above the roof eaves of the principal structure.

#### 3.10.06 Parking and Storage of Certain Vehicles

- a. Parking and storage of inoperable motor vehicles is subject to Ch. 34, Article II of the City Code.

- b. In addition to the requirements in this Ordinance, the parking of vehicles on streets is subject to all other applicable regulations, including but not limited to the Code of Alabama, 1975, and the City Code.

## ARTICLE 4 RESIDENTIAL DISTRICTS

### §4.01 General Regulations

4.01.01 Uses. Permitted uses are subject to Table 4-1 and any additional regulations of the applicable district.

4.01.02 Area and Dimensional Regulations. The size of lots and yards, height of structures and location of parking areas are subject to Table 4-2 and any additional regulations of the applicable district.

4.01.03 Accessory Structures. In addition to the requirements in §3.04.05:

- The cumulative area of accessory structures on a parcel may not exceed 30% of the established rear yard.
- Attached, unenclosed decks without roofs must be set back at least five feet from side and rear lot lines. If roofed, they are subject to the setback requirements for the principal structure.
- For nonresidential and multifamily uses and manufactured home park developments, accessory structures are subject to the setback requirements for the principal structure.

4.01.04 Porches, Stoops and Steps

- Required porches (see Table 4-2) must be at least 50% of the width of the façade and at least six feet deep, exclusive of steps or ramps. Porches may not be fully enclosed.
- Required stoops (see Table 4-2) must be no more than six feet deep and six feet wide, exclusive of steps. Stoops may be covered but not fully enclosed.
- All Districts. Porches, stoops and steps must be set back from side lot lines a distance equal to or greater than the side yard setback. Porches may not extend into the required rear yard. Stoops and steps may extend up to five feet into the required rear yard.
- UN1 and UN2 Districts. Porches, stoops and steps may extend into the required front yard but not by more than 50% of the required front yard setback.
- SN1, SN2 and SE Districts. Porches may not extend into any required yard. Stoops and steps may extend up to five feet into the required front yard.

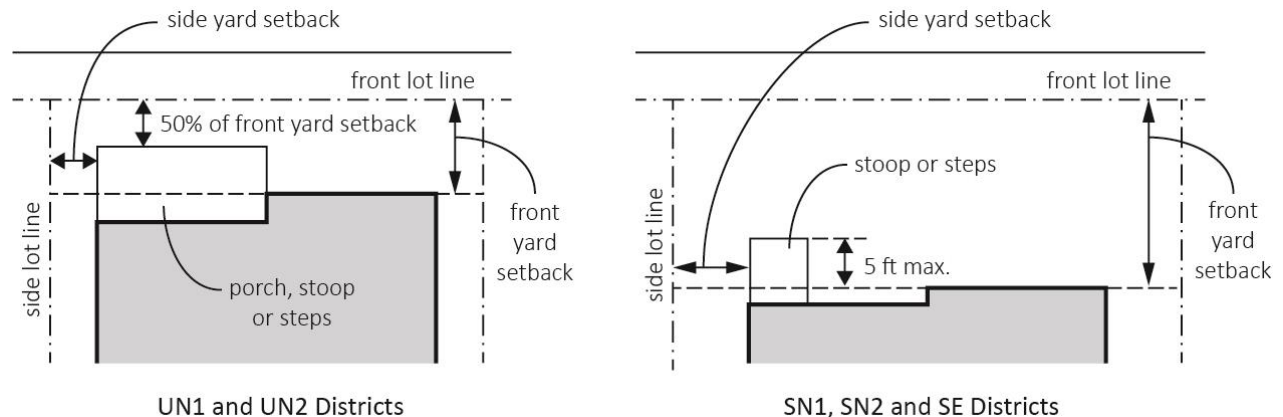


Figure 4.01 Setbacks for porches, stoops and steps

4.01.05 Fences and walls. In addition to the requirements in §3.08, fences and walls forward of the front building line may not be taller than 2.5 feet, otherwise they may be up to eight feet tall.

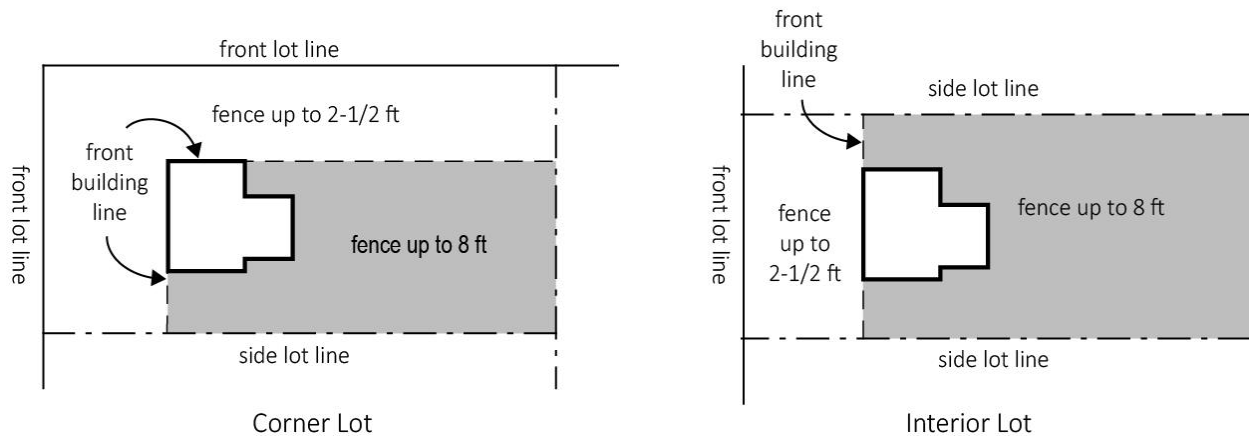


Figure 4.02 Fence location and allowable height

4.01.06 Parking and Storage of Certain Vehicles. The following provisions apply to all vehicles, except emergency and utility vehicles, in Urban Neighborhood and Suburban Neighborhood Districts.

- a. Recreational equipment, vehicles longer than 22 ft, and non-motorized vehicles attached to a motor vehicle, which together exceed 22 ft in length measured from the front of the motor vehicle to the rear of the non-motorized vehicle, may not be parked or stored for longer than 48 consecutive hours nor more than three days during any seven-day period on the street nor anywhere on the premises forward of the front building line.
- b. In any locally-designated historic district, recreational vehicles, recreational equipment and utility trailers may only be parked or stored, except during loading and unloading, as follows:
  1. Within a garage or within a carport that is screened from adjoining properties by fencing or landscaping at least six feet in height, or
  2. Within eight feet of the side lot line or in the rear yard, if screened from adjoining properties by fencing or landscaping at least six feet in height.
- c. It is not a violation of this §4.01.04 if, in the judgment of the Zoning Official, a recreational vehicle is sufficiently screened so as not to be visible to the adjoining property on either side of the dwelling where the vehicle is parked.

#### §4.02 UN1 Urban Neighborhood 1 District

4.02.01 Intent. The UN 1 district is a mixed residential neighborhood comprised primarily of small-lot single-family residences with some small multifamily, retail and office uses, and civic sites that may exist together within the same block. The intent of this district is to expand and diversify residential opportunities near downtown and to foster a walkable, mixed use neighborhood environment.

4.02.02 Additional Regulations

- a. The following uses may be permitted on corner lots only: Restaurant without bar, Retail (enclosed) and Personal Services. These uses may not exceed 2,500 sf in occupied floor area and no more than six parking spaces may be provided on-site. Corner lot, floor area and parking



limitations may be waived through approval of a Special Exception subject to conditions required by the ZBA.

- b. Lots used for commercial purposes may not exceed 15,000 sf.

#### **§4.03 UN2 Urban Neighborhood 2 District**

4.03.01 Intent. The UN2 district is a transitional neighborhood occurring at the edges of UN1. This district consists mainly of single-family residences on larger lots than UN1 with some small multifamily and civic sites. The intent of this district is to maintain and reinforce walkable residential neighborhoods and foster the development of neighborhood services in strategic locations.

#### **§4.04 SN1 Suburban Neighborhood 1 District**

4.04.01 Intent. The SN1 district is primarily comprised of single-family homes on lots of varying sizes, but most lots are larger than those found in the Urban Neighborhood districts. Some multifamily residential exists in this district as well, but it tends to be physically separated from single-family homes. The intent of this district is to provide for the protection of existing neighborhoods and creation of new neighborhoods that are better connected to community facilities and neighborhood services and other neighborhoods.

#### **§4.05 SN2 Suburban Neighborhood 2 District**

4.05.01 Intent. The SN 2 district is primarily comprised of single-family homes on lots of varying sizes, but most lots are larger than those found in the Urban Neighborhood districts. There is very little multifamily residential development in this district. The intent of this district is to provide for the protection of existing neighborhoods and creation of new neighborhoods that are better connected to community facilities, neighborhood services, and other neighborhoods.

4.05.02 Within an approved McClellan Planned Unit Development, multifamily may be permitted upon development plan review and approval by the Planning Commission.

#### **§4.06 SE Suburban Edge District**

4.06.01 Intent. The SN2 District is primarily comprised of lots at least one acre in size with scattered residential development. Sites often feature significant natural areas. The intent of the district is to focus development into areas where there is existing infrastructure and preserve invaluable natural features and areas.

- a. Additional Requirements.

- 1. Residential Care Facilities may not be located closer than 1,000 ft to another Residential Care Facility nor closer than 500 ft to any Transitional Care Home.

**Table 4-1 Use Regulations for Residential Districts**

P – The use is permitted by right

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	UN1	UN2	SN1	SN2	SE
<b>RESIDENTIAL USES</b>					
Accessory dwelling, subject to <a href="#">§7.01</a>	P	P	P	P	P
Assisted living facility, Major	SE		SE		
Assisted living facility, Minor	P		P		
Conservation subdivision, subject to <a href="#">§7.06</a>	P	P	P	P	P
Cottage subdivision, subject to <a href="#">§7.07</a>	P	P	P	P	P
Duplex dwelling	P		P	P	
Emergency care home <sup>1</sup>	P		SE		
Family care home <sup>1</sup>	P		P		
Independent living facility	P		P		
Multifamily dwellings, subject to <a href="#">§7.12</a>			P		
Manufactured home park, subject to <a href="#">§7.10</a>					SE
Single-family dwelling, detached	P	P	P	P	P
Single-family dwelling, semi-detached	P		P		
Townhouse, subject to <a href="#">§7.18</a>	P		P		
Transitional care home <sup>1</sup>	P		P		
Triplex and Quadplex	P		P		
<b>OTHER USES</b>					
Amateur radio tower, subject to <a href="#">§7.04</a>	P	P	P	P	P
Art studio, gallery or instruction	P				
Bed and breakfast, subject to <a href="#">§7.05</a>	P	P	P		P
Cemetery, freestanding					P
Cemetery, accessory	P	P	P	P	P
Child or adult day care center	P	SE	P	SE	
Community Emergency shelter	P	P	P	P	P
Country club			P		P
Dormitory	P				
Entertainment, Outdoor					P
Extended care facility			SE	SE	
Family Day Care Home	P	P	P	P	P
Forestry and timber management					P
Golf course			P		P
Home occupation, subject to <a href="#">§7.08</a>	P	P	P	P	P
Institutional use, Major <sup>2, 3, 4</sup>	SE		SE		SE
Institutional use, Minor <sup>3</sup>	P	P	P	P	P
Keeping of chickens, subject to Ch. 4, Art. 1, §4.8.1 Code of Ordinances	P	P	P	P	P
Keeping of honeybees, subject to Ch. 4, Art. 1, §4.6 Code of Ordinances	P		P		P
Kennel or Animal Shelter					P

**Table 4-1 Use Regulations for Residential Districts**

P – The use is permitted by right

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	UN1	UN2	SN1	SN2	SE
Nighttime home	SE				
Parking, freestanding	SE	SE	SE	SE	SE
Parks, playgrounds and nature preserves	P	P	P	P	P
Personal services, subject to <a href="#">§4.02.02</a>	P				
Public facilities (police or fire station, community center, etc.)	P	P	P	P	P
Public utility facility, Major	SE	SE	SE	SE	SE
Public utility facility, Minor	P	P	P	P	P
Recreational vehicle park or campgrounds, subject to <a href="#">§7.14</a>					SE
Restaurant, Standard, subject to <a href="#">§4.02.02</a>	P				
Residential Care Facility					SE
Retail, General, subject to <a href="#">§4.02.02</a>	P				
Short-term rental, subject to City Ordinance 21-O-11	P		P		P
Telecommunication tower, subject to <a href="#">§7.16</a>					SE
Yard Sales, subject to <a href="#">§7.19</a>	P	P	P	P	P

<sup>1</sup> No Group Home (Emergency, Family or Transitional Care Home) may be located within 1,000 ft of any other Group Home, regardless of type.

<sup>2</sup> Post-secondary educational uses may be permitted in UN1 and UN2 District only in an existing building.

<sup>3</sup> In the UN1, UN2, SN1, and SN2 districts, parking may not be located forward of the front building line.

<sup>4</sup> Excludes correctional and detention centers and institutional activities involving outdoor storage, work yards, or warehousing.

**Table 4-2 Area and Dimensional Requirements Residential Districts**

		UN1	UN2	SN1	SN2	SE
Minimum Lot Area <sup>1</sup>		5,000 sf <sup>2</sup>	5,000 sf	5,000 sf <sup>2</sup>	5,000 sf	1 acre
Minimum Lot Width <sup>3</sup>		35 ft <sup>4</sup>	50 ft	50 ft <sup>4</sup>	50 ft	100 ft
Building Setbacks	Primary Front Yard (min.)	10 ft	20 ft	20 ft	25 ft	30 ft
	Primary Front Yard (max.)	20 ft				
	Secondary Front Yard (min.) <sup>5</sup>	10 ft	15 ft	20 ft	20 ft	30 ft
	Side (min.)	5 ft	10 ft	10 ft	10 ft	10 ft
	Rear (min.)	5 ft	10 ft	20 ft	20 ft	30 ft
	Rear, alley (min.)	5 ft	5 ft	n/a	n/a	n/a
Maximum Height (feet/stories)	Principal building	40/3	35/2.5	35/2.5	35/2.5	35/2.5
	Accessory structure	25/2	25/2	25	25	25
Residential Ground Floor Elevation (min.) <sup>6</sup>		2 ft	2 ft			
Building Elements	Street-facing entrance <sup>3</sup>	required	required			
	Porch, stoop or balcony (residential) <sup>3</sup>	required	required			
	Transparency (min.)	30%	30%			

1. For cottage developments, this is used to determine the number of allowable units but is not used as a minimum lot size (refer to §7.07.01.c).
2. Does not apply to townhouses.
3. Applies only to buildings developed on lots with street frontage.
4. The minimum lot width for townhouses is 20 ft on interior lots and 35 ft on corner lots.
5. On any corner lot adjoining the rear of another residentially-zoned lot, principal and accessory structures must be set back a distance equal to or greater than the required front yard of such adjoining residential lot. This does not apply to fences no taller than 2.5 ft.
6. Does not apply to lots on which the average grade at the front building line is one foot or more below the surface of the sidewalk along the lot frontage or curb, in the absence of a sidewalk.

## ARTICLE 5 NONRESIDENTIAL AND MIXED-USE DISTRICTS

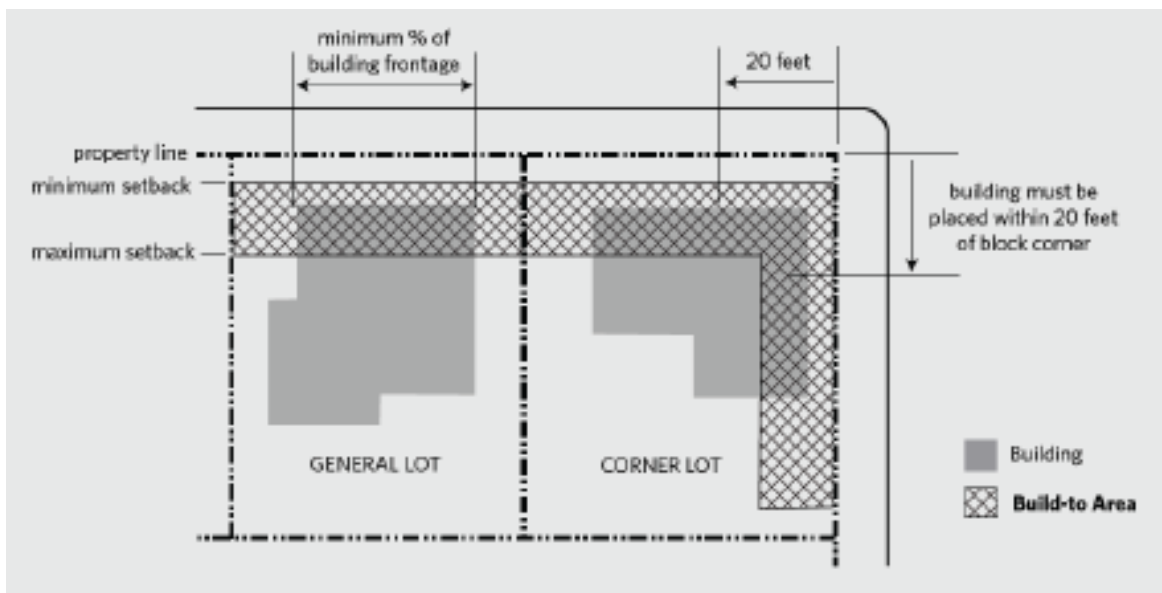
### §5.01 General Regulations

5.01.01 Uses. Permitted uses are subject to Table 5-1 and any additional regulations of the applicable district.

5.01.02 Area and Dimensional Regulations. The size of lots and yards, height of structures and location of parking areas are subject to Table 5-2 and any additional regulations of the applicable district.

5.01.03 Additional Regulations

- a. In the Urban Core and Urban Center districts, the City Engineer may permit cantilevered balconies to encroach up to five feet into the public right-of-way provided there are no columns or other elements attaching them to the ground.
- b. In the Urban Core and Urban Center Districts, two entrances are required along facades over 100 ft in length.
- c. Build-To Area (BTA)
  1. The percentage of the frontage specified in Table 5-2 must be occupied by a building between the minimum and maximum setbacks. The percentage is measured by dividing the width of the building by the width of the lot.
  2. On corner lots, the principal building must extend to within 20 ft of the corner, where the front lot lines intersect.
  3. Gas station canopies do not count toward Build-to-Area requirements on Primary Streets.



Build-To Area

### §5.02 C Urban Core District

5.02.01 Intent. The most compact, walkable development in the City comprises the Urban Core district. The district also contains the City's largest collection of historic commercial structures. The intent of the Urban Core district is to maintain and improve the City's historic downtown commercial area and at the same time foster adaptive reuse, redevelopment, and new construction that

contribute to the vitality of the district by promoting walkability, a mix of uses, and activity in design and practice.

5.02.02 Additional Regulations

- a. The front façade of buildings with frontage on Noble Street between 9th and 13th Streets must be at least 25 ft in height.

**§5.03 UC1 Urban Center 1 District**

5.03.01 Intent. The area immediately surrounding the Urban Core is the Urban Center 1 district, which accommodates a wide variety of uses and development types. The intent of the Urban Center district is to create a walkable mix of uses in the areas adjacent to the Urban Core to enhance the downtown area as a whole.

5.03.02 Additional Regulations

- a. Residential Care Facilities must be separated by at least 500 ft from other Residential Care Facilities and Transitional Care Homes.
- b. Transitional Care Homes must be separated by at least 500 ft from other Transitional Care Homes and Residential Care Facilities.

**§5.04 UC2 Urban Center 2 District**

5.04.01 Intent. Outside downtown Anniston, these small mixed-use centers serve surrounding urban neighborhoods. This district accommodates a variety of uses and development types, but the centers are generally small, sometimes occupying as little as one block.

**§5.05 SC Suburban Corridor District**

5.05.01 Intent. The Suburban Corridor district consists of areas along major road corridors primarily composed of commercial uses that serve the broader community. The intent of this district is to foster an environment conducive to primarily single use commercial development but also to improve the environment for drivers, cyclists, and pedestrians alike.

5.05.02 Additional Requirements. No more than four parallel parking aisles may be located between the building and the front lot line.

**§5.06 SNC Suburban Neighborhood Center**

5.06.01 Intent. The Suburban Neighborhood Center district is meant to allow small, mixed-use centers that primarily serve surrounding neighborhoods, but may also include higher density residential uses integrated with nearby office, commercial, or mixed-use buildings. The intent of this district is to provide opportunities for village centers in locations that are advantageous for both surrounding neighborhoods and transportation corridors.

**§5.07 IL Industrial Limited District**

5.07.01 Intent. The Industrial Limited district is comprised of primarily large footprint buildings intended for light industrial development, clean manufacturing, or warehousing activities. The intent of this district is to provide for industrial development that has little impact on surrounding properties.

**§5.08 IG Industrial General District**

5.08.01 Intent. The Industrial General district is comprised of sites generally larger than 20 acres that are the sites for large footprint buildings intended for a range of industrial development. Industrial development in this district tends to generate more traffic and other impacts on surrounding properties. Properties in this district tend to be near major transportation infrastructure. The intent of this district is to provide convenient sites for industrial development that minimize the effects on surrounding properties by ensuring development is not located near neighborhoods or other development that would be adversely affected by industrial uses. Furthermore, it is intended that development that is potentially harmful to the environment or public health is located to mitigate and minimize these effects.

**Table 5-1: Uses Permitted in Nonresidential and Mixed-Use Districts**

P – The use is permitted by right though it may be subject to any district regulations or use-specific regulations.

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	C	UC1	UC2	SC	SNC	IL	IG
<b>Agricultural Uses</b>							
Timber management						P	P
Horticulture						P	P
<b>Commercial Uses</b>							
Ambulance Service		P	P	P		P	P
Alternative Financial Institution, subject to <a href="#">§7.03</a>		P	P	P		P	
Artisanal Manufacturing	P	P	P	P	P	P	
Art Studio, Gallery, Instruction	P	P	P	P	P		
Automobile Repair, Minor		P	P	P	P	P	
Automobile Repair, Major				P		P	P
Bakery, Minor	P	P	P	P	P		
Business or Professional Office	P	P	P	P	P	P	
Broadcast Studio without antennae	P	P	P	P	P	P	P
Broadcast Studio with antennae		P	P	P		P	P
Business Support Service	P	P	P	P	P	P	P
Cigar Bar, subject to City Ordinance 15-O-16	P	P	P	P	P		
Commercial Kitchen	P	P	P	P	P	P	
Construction Service, Major						P	P
Construction Service, Minor		P	P	P		P	P
Car Wash			P	P		P	P
Funeral Home		P	P	P	P		
Gas Station		P	P	P	P	P	P
Heavy Vehicle and Equipment Sales, Rental and Service						P	P
Kennel						P	P
Medical Cannabis Dispensary, subject to City Ordinance 22-O-15		P	P	P	P		

**Table 5-1: Uses Permitted in Nonresidential and Mixed-Use Districts**

P – The use is permitted by right though it may be subject to any district regulations or use-specific regulations.

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	C	UC1	UC2	SC	SNC	IL	IG
Mini-storage Facility, subject to <a href="#">§7.11</a>				P		P	P
Outdoor Storage as an accessory use			P	P	P	P	P
Outdoor Storage as a principal use						P	P
Parking, Off-site	P	P	P	P	P	P	P
Pawn shop, subject to <a href="#">§7.03</a>				P		P	
Repair Service	SE	P	P	P	P	P	P
Research Laboratory						P	P
School, Commercial	P	P	P	P	P	P	
Truck Stop				SE		P	P
Vehicle and Equipment Sales, Rental and Service			P	P	P	P	P
Wholesaling Establishment		P	P	P		P	P
<b>Day Care and Residential Care Uses</b>							
Day Care Home (Child or Adult)		P	P		P		
Assisted Living Facility		P	P	P	P		
Child or Adult Day Care Center		P	P	P	P		
Family Care Home					P		
Nighttime Care Center		P	P	P	P		
Residential Care Facility, subject to <a href="#">§5.03.02</a>		P					
Transitional Care Home, subject to <a href="#">§5.03.02</a>		P					
<b>Residential Uses</b>							
Boarding House		P	P				
Dormitory		P	P	P			
Independent Living Facility		P	P	P			
Live-Work Unit		P	P		P		
Multifamily dwellings, subject to <a href="#">§7.12</a>		P	P	P	P		
Single-family dwelling, detached		P	P		P		
Duplex dwelling		P	P				
Townhouses, subject to <a href="#">§7.18</a>		P	P				
Upper-story dwellings	P	P	P	P	P		
<b>Institutional and Assembly Uses</b>							
Major Institution	P	P	P	P	P		
Minor Institution	P	P	P	P	P		
Animal Shelter						P	P
Cemetery, accessory	P	P	P	P	P		
Conference/Convention center	P			P			
Club, Private		P	P	P	P		
Extended Care Facility		P	P	P	P		
Homeless Services Facility		P	P	P			



**Table 5-1: Uses Permitted in Nonresidential and Mixed-Use Districts**

P – The use is permitted by right though it may be subject to any district regulations or use-specific regulations.

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	C	UC1	UC2	SC	SNC	IL	IG
Homeless Shelter		P	P	P			
Hospital		P	P	P	P		
Public Facility	P	P	P	P	P	P	P
Substance Abuse Rehabilitation Facility, In-patient		SE	SE				
Substance Abuse Treatment Facility, Outpatient		SE	SE				
<b>Lodging Uses</b>							
Bed and Breakfast, subject to <a href="#">§7.05</a>		P	P				
Extended Stay Lodging				P	P		
Hotel	P	P	P	P	P		
Motel				P	P		
<b>Manufacturing and Industrial Uses</b>							
Heavy Industry							P
Laundering Plant						P	P
Junkyard, subject to <a href="#">§7.09</a>							P
Manufacturing, General							P
Bakery, Major				P		P	P
Brewery						P	P
Manufacturing, Light						P	P
Movie Studio		P				P	P
Recycling Center, subject to <a href="#">§7.14.01</a>		P	P	P	P	P	P
Recycling Plant							P
Resource Extraction							P
Sanitary Landfill							P
Warehousing and distribution						P	P
<b>Personal services</b>							
Personal services	P	P	P	P	P		
Pet Grooming, Veterinary Clinic with no outside runs		P	P	P	P	P	
Pet Grooming, Veterinary Clinic with outside runs				P		P	P
Laundry services	P	P	P	P	P	P	P
Tattoo parlor, subject to <a href="#">§7.15</a>	P	P	P	P	P	P	
Tattoo studio, subject to <a href="#">§7.15</a>	SE	P	P	P	P	P	
<b>Recreation and Entertainment</b>							
Bars and Taverns, excluding Adult Entertainment	P	P	P	P	P	P	
Brewpub	P	P	P	P	P	P	
Country Club				P			
Entertainment, Adult, subject to <a href="#">§7.02</a>							P
Entertainment, Indoor	P	P	P	P	P	SE	
Entertainment, Outdoor	P	P	P	P	P		

**Table 5-1: Uses Permitted in Nonresidential and Mixed-Use Districts**

P – The use is permitted by right though it may be subject to any district regulations or use-specific regulations.

SE – The use requires Special Exception approval by the Zoning Board of Adjustments per [§12.03](#)

A blank cell indicates the use is prohibited.

	C	UC1	UC2	SC	SNC	IL	IG
Firing range, indoor				P		P	P
Firing range, outdoor <sup>1</sup>						SE	SE
Parks, Playgrounds and Nature Preserves	P	P	P	P	P	P	P
Recreation, Indoor	P	P	P	P	P	SE	
Recreation, Outdoor	P	P	P	P	P		
Special Events Center	P	P	P	P	P	P	P
Restaurant							
Fast Food Restaurant <sup>2</sup>		P	P	P	P		
Pick-Up and Delivery Only Restaurant	P	P	P	P	P		
Standard Restaurant	P	P	P	P	P		
Retail							
General Retail	P	P	P	P	P		
Adult Novelty Store				SE		SE	
Beer/wine sales for off-premises consumption	P	P	P	P	P		P
Liquor sales		P	P	P	P		P
Tobacco Shop, subject to <a href="#">§7.17</a>	P	P		P	P	P	
Garden centers, nurseries		P	P	P	P	P	
Unenclosed Retail		P	P	P		P	
Telecommunications, Transportation and Utilities							
Airport							P
Helipad						P	P
Passenger transportation terminal	P	P	P	P	P	P	P
Public Utility Facility, Major						P	P
Public Utility Facility, Minor			P	P	P	P	P
Railroad shops and yards	SE	SE	SE	SE	SE	SE	SE
Taxi or Limousine Service		P	P	P	P	P	P
Telecommunication Tower, subject to <a href="#">§7.16</a>		SE	SE	SE		P	P

1. The point of origin of any weapons being fired must be at least 500 yards from any residential property.

2. In the UC1, UC2, and SNC Districts, pick-up windows of restaurants may not face a Primary Street.

**Table 5-2 Area and Dimensional Requirements Nonresidential and Mixed-Use Districts**

		C	UC1	UC2	SC	SNC	IL	IG
Minimum Lot Area		n/a	n/a	5,000 sf	5,000 sf	5,000 sf	1 ac	2 ac
Minimum Lot Width		n/a	n/a	50 ft	50 ft	50 ft	100 ft	150 ft
Building Setbacks	Front Yard (min)	0 ft	0 ft	5 ft	5 ft	5 ft	20 ft	40 ft
	Side and Rear (min)	0 ft <sup>1</sup>	0 ft <sup>1</sup>	0 ft <sup>1</sup>	0 ft <sup>1</sup>	0 ft <sup>1</sup>	20 ft	20 ft
	Rear, alley (min)	5 ft	5 ft	5 ft	5 ft	5 ft		
Build to Area	Primary street	0-5 ft <sup>2</sup>	0-20 ft <sup>2</sup>	5-20 ft		5-20 ft		
	% of bldg in primary street BTA (min)	85% <sup>3</sup>	50% <sup>3</sup>	50% <sup>3</sup>		50%		
	Side street	0-10 ft <sup>2</sup>	0-20 ft <sup>2</sup>	5-20 ft		5-20 ft		
	% of bldg in side street BTA (min)	50% <sup>3</sup>	30% <sup>3</sup>	30% <sup>3</sup>		30%		
Maximum Building Height (ft/stories)		110/10 <sup>4</sup>	55/5	45/4	35/3	55/4	44/4	45/4
Residential Ground Floor Elevation		2 ft min	2 ft min	2 ft min				
Transparency, Primary Street	Ground floor (min) <sup>5</sup>	50%	40%	40%				
	Upper floor (min)	20%	10%	10%				
Transparency, Side Street	Ground floor (min) <sup>5</sup>	30%	20%	10%				
	Upper floor (min)	20%	10%	5%				
Blank wall area (max)		20 ft	20 ft	20 ft				
Street-facing entrance		required	required	required				
Entrance transparency (min)		50%	50%					

1. Any portion of the principal building that does not extend to the lot line must be set back at least five feet.
2. The maximum building setback is increased to 20 ft and BTA requirements reduced by 25% for institutional uses. No parking is permitted in front of the building on either the Primary or Side street.
3. Requirement is reduced by 25% for institutional uses.
4. Refer to [§5.02](#) for additional requirements.
5. Requirement is reduced by 10% for institutional uses.

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**ARTICLE 6 SPECIAL DISTRICTS****§6.01 NO Natural/Open Space District**

6.01.01 *Intent.* The Natural/Open Space district is comprised of areas intended to remain in a natural state and may include infrastructure as well as passive recreational facilities and trails. Some places in the district may be suitable for development or may have been developed but are now vacant and returning to a natural state. The intent of this district is to preserve natural areas and open space to preserve wildlife habitat, improve air and water quality, and protect scenic areas and views. Furthermore, the intent of this district is to direct development into areas most suitable for development where there are existing services, infrastructure and connections.

6.01.02 Permitted Uses. Refer to Table 6-1

- a. Recreational uses are limited to a total impervious surface area of five percent.
- b. Permitted institutional uses require a minimum lot area of five acres. This does not apply to police or fires stations.
- c. Temporary festivals and special events may not exceed six continuous days in length.

6.01.03 Area and Dimensional Requirements. Refer to Table 6-1.

**Table 6-1 NO District Regulations**

Permitted Uses			
Borrow Pit	SE	Place of worship	P
Cemetery	P	Temporary festival or special event	P
Detached single-family dwelling	P	Timber management	P
Family Day Care Home	P	Public Utility Facility, Major	SE
Home occupation, subject to <a href="#">§7.08</a>	P	Public Utility Facility, Minor	P
Outdoor Recreation	P	RV campground, subject to <a href="#">§7.14</a>	P
Police or fire station	P	Telecommunication tower, subject to <a href="#">§7.16</a>	P
Public park or recreation	P		

P – The use is permitted by right  
SE – Special Exception Use approval is required per [§12.03](#).

Area and Dimensional Requirements		
Lot Dimensions	Lot Area (min)	5 acres
	Lot Width (min)	500 ft
Building Setbacks	Front (min)	45 ft
	Side and Rear (min)	20 ft
Max Building Height (ft/stories)	25/2	
Maximum Impervious Surface	20%	

**§6.02 MI Major Institution/Civic Campus District**

6.02.01 Intent. The Major Institution/Civic Campus district encompasses major community-serving institutions such as educational campuses, hospitals, parks and cemeteries. The development patterns for these institutions are unique to the site and may differ significantly from their surroundings. The intent of this district is to create places for these types of uses, which are highly desirable as economic generators, but also to ensure that these sites do little harm to surrounding districts by integrating better into their surroundings.

6.02.02 General Procedure

- a. Proposals involving only the use of an existing structure or the construction of only one principal building are subject to approval by the Zoning Official.
- b. Any development involving the construction of multiple principal buildings must be reviewed by the Planning Commission. A development plan describing the proposed uses, arrangement of buildings, parking areas and internal vehicular circulation must be submitted to the Zoning Official. The Commission will approve, approve with conditions or disapprove the development plan within 60 days. Decisions of the Commission may be appealed to the Zoning Board of Adjustment. Following approval of the development plan, the Zoning Official may approve changes provided they are in accordance with this Section and any conditions established by the Commission.

**Table 6-2 Permitted Uses, MI District**

Permitted Uses		
Ambulance or emergency service	Passenger transportation terminal	
Art or dance studio, gallery	Place of assembly	
College or university	Public facilities	
Conference/Convention Center	Public park or recreation area	
Country club	Recreation facility, indoor	
Fire and police stations	Research laboratory	
Hospital	School, public or private (Pre-K-12)	
Housing facilities accessory to a place of worship, college or similar institution	Special Events Center	
	Substance abuse rehabilitation facility, in-patient	
Parking structure	Substance abuse treatment center, outpatient	
Parking lot, freestanding	Utility Facility, Minor and Major	
Area and Dimensional Requirements		
Lot Dimensions	Lot Area (min)	15,000 sf <sup>1</sup>
	Lot Width (min)	100 ft <sup>1</sup>
Building Setbacks	Front (min)	20 ft
	Side and Rear (min)	10 ft
Max Building Height (ft/stories)	45/4	
1. Does not apply to minor utility facilities		

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## §6.03 Planned Unit Development

### 6.03.01 General Provisions

- a. Purpose. The Planned Unit Development District offers flexibility in density, use and design to enable and encourage innovation and development meeting community objectives.
- b. Community objectives. Planned developments are afforded more flexibility than provided through conventional zoning regulations to:
  1. Enable choice in housing type, lot size and neighborhood design;
  2. Preserve trees, slopes, wetlands, flood prone areas and natural drainage patterns and limit disruption of natural features; and
  3. Promote efficient development patterns that result in economically designed infrastructure.
- c. Applicability
  1. All properties in an approved PUD are bound by the standards in its Master Plan, even if subsequently sold, until the Master Plan is voided by the City. In the case of multiple ownership, the approved Master Plan is binding on all owners. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the approved Master Plan.
  2. No amendment of this Section affects a PUD approved prior to such amendment. The approved Master Plan may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the Master Plan approval expire or be voided, any newly submitted Master Plan must conform to the regulations in effect at the time of the new submittal.
  3. The Zoning Board of Adjustments may not grant variances that would have the effect of amending an approved Master Plan.
  4. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section and within the approved Master Plan. During review of any subdivision plats related to an approved PUD, the Planning Commission (“Commission”) may modify or waive requirements of the Subdivision Regulations, as necessary to implementation of the approved Master Plan.

### 6.03.02 General requirements

- a. Minimum area. Each PUD must contain at least ten acres of contiguous land. A smaller land area may be permitted provided evidence that:
  1. the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
  2. the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;
  3. the design concept fully integrates the development into the surrounding neighborhood or business area;
  4. the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site under conventional zoning regulations.

- b. Community benefits. The applicant must demonstrate that, in exchange for the flexibility conferred by PUD designation, the development will feature one or more of the following benefits:
  1. All buildings will feature quality, durable materials.
  2. Driveways, garages and parking areas will not dominate public views along streets. Parking garages along residential blocks will be varied, set back behind the front building line and/or oriented away from street view.
  3. Residential developments will feature a range of housing types and sizes appropriate to different stages in life.
  4. Residents will be able to safely walk or bicycle to neighborhood-serving businesses nearby.
  5. Usable open spaces will be provided in accessible locations throughout the development. A greater amount of common open space will be provided in more intensively developed portions of the development.
  6. Paths will be provided to enable the safe movement of residents, on foot or bike, throughout the development and to adjoining neighborhoods and community destinations.
- c. Common property. Provisions must be made for the ownership and perpetual maintenance of common open spaces and facilities in accordance with [§3.09 Common Open Spaces and Facilities](#).

#### 6.03.03 Development Standards

- a. PUDs are composed of residential subdistricts, mixed-use subdistricts or a combination of these.
- b. Uses. Uses in residential and mixed-use subdistricts must be in accordance with Table 6-5 and are contingent on approval of the Master Plan. Uses similar in character or impact to those in Table 6-5 may be considered. If any such use is not specifically approved by the Council with the PUD zoning, it may only be approved by the Council as an amendment to the PUD Master Plan.
- c. Density, building height and setbacks must conform to the standards in Table 6-4. The area and dimensional requirements for uses in Article 7 apply unless other standards are approved with the PUD zoning.
- d. Open Space Standards. Common Open Space must be provided in each subdistrict as shown in Table 6-4. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any other purpose unless approved through an amendment to the Master Plan. The following are excluded from calculation of required common open space:
  1. open spaces that may only be accessed by way of individual residential lots;
  2. land encumbered by any substantial structure, enclosure or parking facility;
  3. narrow, remnant strips of land except those provided for pedestrian or bicycle trails; and
  4. land to be used as or be in any required drainage area or easement unless such area is designed and maintained for recreational use.
- e. Signage. For PUDs containing nonresidential uses, a Signage Plan must be submitted as part of the Master Plan and must generally conform to Article 9 Sign Regulations and this Section. The Commission uses the most compatible sign height, size and location requirements in Article 9 as a guide in reviewing proposed Signage Plans. All permitting and building code requirements apply to signs in a PUD District.



1. Off-premises signs are prohibited.
2. Street signs must be uniform in design throughout a PUD development. If a street sign standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.

**Table 6-3 PUD Permitted Uses**

	Residential	Mixed-Use
Accessory dwellings, subject to <a href="#">§7.01</a>	A	A
Amateur radio towers, subject to <a href="#">§7.04</a>	P	P
Assisted, extended and nursing care facilities	A	A
Bed and breakfasts, subject to <a href="#">§7.05</a>	P	P
Cemeteries	A	A
Commercial uses, enclosed, including retail, restaurants, personal services and business and professional offices		P
Commercial uses, unenclosed		A
Country clubs	A	A
Day care homes, group homes and centers	P	P
Duplex, Triplex and Quadplex dwellings	P	P
Emergency and transitional care homes	A	A
Family care homes	P	P
Gas stations, automobile repair and vehicle sales, rental or service		A
Golf courses	A	A
Home occupations, subject to <a href="#">§7.08</a>	P	P
Independent living facilities	P	P
Institutional uses, low intensity	P	P
Institutional uses, medium and high intensity	A	A
Keeping of chickens, subject to Ch. 4, Art. 1, §4.8.1 Code of Ordinances	P	
Keeping of honeybees, subject to Ch. 4, Art. 1, §4.6 Code of Ordinances	P	
Hotels and motels		P
Multifamily dwellings, subject to <a href="#">§7.12</a>	A	A
Parks, playgrounds and nature preserves	P	P
Public utility facilities, minor	P	P
Public utility facilities, major	A	A
Short-term rental, subject to City Ordinance 21-O-11	P	P
Single-family dwellings, including detached, semi-detached and cottage subdivisions, subject to <a href="#">§7.07</a>	P	P
Telecommunications towers, subject to <a href="#">§7.16</a>	A	A
Townhouses, subject to <a href="#">§7.18</a>	P	P
Upper-story dwellings		P

P – The use is permitted regardless of whether or not it is specified in the plan approved by the Council.

A – The use is subject to approval by the Council with the request for PUD zoning. If not specified in the plan approved by the Council, any subsequent proposal for such a use requires amendment by the Council.

**Table 6-4 PUD Development Standards**

	Residential	Mixed-Use
Max. Residential Density	9 du per gross acre	12 du per gross acre
Min. Common Open Space	10%	15%
Min. Land Area Designated for Commercial Uses	n/a	50%
Max. Building Height	3 stories	4 stories

#### 6.03.04 Procedure

- a. Application. Application for PUD zoning must be accompanied by a Preliminary Master Plan. See Appendix for submittal requirements.
- b. Commission, Council Action
  1. Within 30 days after holding a public hearing on a PUD rezoning request and approval of the Preliminary Master Plan, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.
  2. Upon receipt of the Commission's recommendation, the Council will conduct a public hearing on the rezoning request. Zoning approval by the Council establishes the maximum density, maximum number of dwelling units and the land use composition in each subdistrict and phase.
  3. After PUD zoning has been established, no building permit may be issued, and no grading, clearing, excavation or filling may take place, until the Commission has approved the Master Plan. The applicant has 180 days from zoning approval to submit the Master Plan to the Commission. Upon the applicant's request, the Zoning Official may extend this time period by 60 days. If not submitted within this period, the Council may take action to void the PUD overlay zoning.
  4. The proposed Master Plan must conform to the density and uses approved with the PUD rezoning and must incorporate any modifications recommended or required as conditions by the Council. How such conditions are to be addressed must be clearly indicated in the proposed Master Plan.
  5. For PUDs requiring subdivision approval, the Preliminary Plat of all or a portion of the development may be considered at the same Commission meeting as that of the Master Plan.
  6. Within 30 days after holding a public hearing on the Master Plan, the Commission will approve, approve with changes, or disapprove the Master Plan; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes. If disapproved by the Commission, the applicant may appeal the decision to the Council.
- c. Changes and Amendments
  1. The Zoning Official and Commission may approve changes as provided in Table 6-5. Changes by the Commission do not require a public hearing. All other changes require an amendment by the Council, which may only be approved after a public hearing.
  2. Any deviation from the Master Plan in conflict with the above limits constitutes a violation of this Ordinance.

**Table 6-5 PUD Changes and Amendments**

	Zoning Official	Planning Commission	Amendment by Council
Increase in overall density or total number of dwelling units in each subdistrict			X
Reduction in the overall amount of open space			X
Change in subdistrict boundaries		X	
Rearrangement of streets and any reduction in pedestrian and bicycle facilities		X	
Reductions in setbacks, lot area or lot width no greater than 10%	X		
Reductions in setbacks, lot area or lot width greater than 10%		X	
Increases in building height no greater than 10%	X		
Increases in building height greater than 10%		X	
Reduction of off-street parking or loading space no greater than 10%	X		
Reduction of off-street parking or loading space greater than 10%		X	
Changes to the development schedule/phasing		X	

#### **§6.04 Infill Development Overlay**

6.04.01 Purpose. The Infill Development Overlay district provides flexibility in density, use and design to enable and encourage infill development and redevelopment.

##### 6.04.02 Applicability

- a. All properties in an approved IDO development are bound by the approved development plan, even if subsequently sold. The approved development plan is binding on all owners. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the approved development plan.
- b. All provisions of the Zoning Ordinance apply except where specifically addressed in this Section and within the approved development plan.

##### 6.04.03 General requirements

- a. Each IDO development must contain at least one acre of contiguous land.
- b. The project must be consistent with the developmental goals of the Comprehensive Plan.
- c. The plan must fully integrate the development into the surrounding neighborhood or business area.
- d. Community benefits. The applicant must demonstrate the development will feature one or more of the following benefits:
  1. The development will provide a use that is needed or desired in the surrounding area.
  2. All buildings will feature quality, durable materials.

3. Driveways, garages and parking areas will not dominate public views along streets.
4. Residents will be able to safely walk or bicycle to neighborhood-serving businesses nearby.
5. Usable open spaces will be provided in accessible locations.
6. Paths will be provided to enable the safe movement of residents, on foot or bike.

#### 6.04.04 Development Standards

- a. Uses. Uses may vary from those permitted by right or by Special Exception in the underlying district, subject to development plan approval by the Zoning Official and in accordance with the following:
  1. Manufactured housing is prohibited.
  2. Nonresidential uses are limited to those that are fully enclosed or that have only incidental outdoor sales, work yards or storage areas.
  3. Industrial uses may only be considered if the property adjoins an active and appropriately zoned industrial use. The Zoning Official may not permit industrial uses that would pose a nuisance to nearby residential and business areas through smoke, odors, noise or other means.
  4. If within or adjoining a residential district, the hours in which a business may be open to the public are limited to 7:00 am to 10:00 pm.
- b. Building heights may not exceed the greater of:
  1. 150% the maximum building height of the underlying district
  2. the maximum building height of an adjoining underlying district
- c. Buildings must be set back from external property lines as required in the underlying district. However, the Zoning Official may approve up to 50% reduction in minimum front yard setbacks.
- d. No minimum lot width or lot area is required. Lots must be of sufficient size to accommodate the proposed use and its required setbacks, parking and loading.
- e. Sidewalks must be provided whether or not the development is subject to the City Subdivision Regulations. The Zoning Official may require existing sidewalks be replaced if undersized, cracked or broken.
- f. Off-street parking may only be located to the side or rear of the principal building and not forward of the front building line.
- g. The Zoning Official may approve up to 20% reduction in parking requirements for businesses that serve primarily customers in the surrounding neighborhood and that are accessible by sidewalks from within the neighborhood.

#### 6.04.05 Procedure

- a. Application must be made to the Zoning Official and be accompanied by a development plan.
- b. Within 30 calendar days of receipt of a complete application, the Zoning Official will approve or deny the development plan. During this time, the Zoning Official may require a meeting with the applicant to review the proposed plan and may request additional information from the applicant.
- c. Decisions of the Zoning Official may be appealed as provided in §12.02 Administrative Appeals.

**ARTICLE 7 USE-SPECIFIC REGULATIONS****§7.01 Accessory Dwellings**

Accessory Dwellings may only be permitted as an accessory use to a permitted single-family detached dwelling in accordance with the following:

- 7.01.01 Area and Dimensional Requirements. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each of the dwellings.
- a. Accessory dwellings must be set back from lot lines and other structures as required in [§3.04.05 Accessory Structures](#) and [Article 4 Residential Districts](#).
  - b. The habitable floor area of an accessory dwelling must be at least 400 sf but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive. If detached, accessory dwellings are also subject to the cumulative area permitted for accessory structures.
- 7.01.02 Additional Requirements
- a. No more than one accessory dwelling is permitted on the lot of a single-family detached dwelling, regardless of the lot size.
  - b. Accessory dwellings must have a separate 911 address for emergency purposes. If a separate mailbox is used for the accessory dwelling, it must be collocated with the mailbox for the principal dwelling, in accordance with US Postal Service regulations.
  - c. Accessory dwellings must comply with the Residential Code, be constructed upon a permanent foundation and must maintain the appearance of the principal dwelling, including colors, materials and architectural style.
  - d. An accessory dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.
  - e. One parking space, in addition to that required for the principal dwelling, must be provided off-street. If an accessory garage is converted to an accessory dwelling, off-street parking requirements for the principal dwelling and accessory dwelling must be met concurrently with the conversion.
  - f. Submittal requirements for building permit:
    1. A scaled site drawing showing all existing structures and proposed structure
    2. An elevation drawing showing the proposed height of the structure
    3. A scaled foundation and interior floor plan

**§7.02 Adult Entertainment**

Adult Entertainment businesses are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two such uses are hereafter permitted within 1,000 ft of each other, as measured between the nearest property lines. Nor may an adult entertainment use be located closer than 500 ft to the nearest boundary of any residential district or the nearest property lines of the following uses: child day care center or learning center;

place of assembly or worship; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted adult entertainment use to become nonconforming. No alcohol of any kind may be offered for sale, sold or served on the premises of an adult entertainment establishment.

### **§7.03 Alternative Financial Institutions**

- 7.03.01 No two Alternative Financial Institutions may be located within 600 ft of each other.
- 7.03.02 No Alternative Financial Institutions is permitted within 500 ft of a dwelling, place of worship, school or public park.
- 7.03.03 No new Alternative Financial Institution may be permitted if there is a ratio of more than one existing Financial Institution for every 2,500 residents of the City.

### **§7.04 Amateur Radio Towers**

- 7.04.01 Amateur radio towers may not exceed 65 ft in height, may only be placed in the established rear yard and must be set back a distance equal to the height of the tower from all property lines. Additional height may be approved by the Zoning Board of Adjustments per [§12.03 Special Exceptions](#).
- 7.04.02 Within residential districts:
  - a. Amateur radio towers are permitted on detached single-family residential lots but not on other residential lots.
  - b. On nonresidential premises amateur radio towers may be approved by the ZBA per [§12.03 Special Exceptions](#).

### **§7.05 Bed and Breakfast**

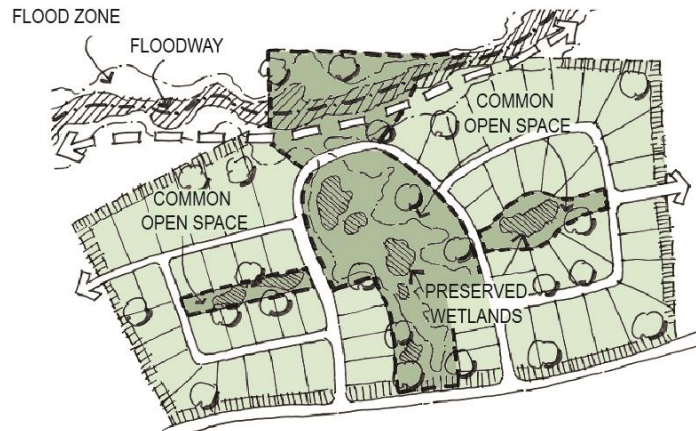
The following standards apply to Bed and Breakfast establishments in residential districts only:

- 7.05.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.
- 7.05.02 Bed and breakfasts may provide lodging for not more than 14 consecutive days and may contain no more than six guest rooms.
- 7.05.03 No meals other than breakfast may be provided by the proprietor.
- 7.05.04 Guest rooms may not contain cooking facilities and do not constitute separate dwelling units.
- 7.05.05 One parking space must be provided for each guest room, in addition to the spaces required for the dwelling. Recreational vehicle parking is prohibited except on lots one acre or larger in size. If permitted, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to the maximum extent practicable. Recreational vehicles may not be used for overnight lodging.

## §7.06 Conservation Subdivision

### 7.06.01 Intent

- a. To provide flexibility to accommodate development on lands constrained by natural hazards that may limit the amount or type of development
- b. To promote the creation of accessible green space
- c. To protect sensitive, environmental land features to promote the public health and safety
- d. To reduce erosion, sedimentation, land disturbance, and removal of vegetation
- e. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers
- f. To reduce perceived density by providing access to and views of open space.



7.06.02 Applicability. The Conservation Subdivision option is available for single-family detached residential development of sites containing at least five acres. If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility. The development must adhere to all other requirements of this Ordinance and the Subdivision Regulations.

### 7.06.03 Density Determination

- a. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: 5,000 sf or by regulations of the County Health Department for septic tank use, or by other density limitations applicable to the site. In making this calculation, the following may not be included in the total area of the tract:
  1. Designated floodway
  2. Bodies of open water over 5,000 sf of contiguous area
- b. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. Separation between dwellings must be at least 14 ft as measured between nearest points of exterior walls.

### 7.06.04 Application Requirements

- a. Site Analysis Map. The applicant must prepare and submit a Site Analysis Map with the preliminary plat. The purpose of the Site Analysis Map is to ensure that important site features have been identified prior to the creation of the site design and that the proposed open space will meet the requirements herein.
- b. Conservation Subdivision Plan. As part of the preliminary plat, the applicant must prepare a Conservation Subdivision Plan yielding no more lots than identified under §7.06.03 Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and

include an open space management plan, all of which must be submitted and approved by the Planning Commission prior to the issuance of a grading permit.

- c. Instrument of Permanent Protection. An instrument of permanent protection, as described in §7.06.06, must be placed on the open space at the time of issuance of a grading permit.

7.06.05 Open Space Management Plan. For the purposes of this Section, “open space” is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection. The use of open spaces must be restricted in perpetuity by a legal instrument approved by the City Attorney.

a. Standards

1. At least 25% of the total area of the tract must be maintained as open space.
2. The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
  - i. The 100-year floodplain
  - ii. Riparian zones of at least 75 ft total width along all perennial streams
  - iii. Slopes above 25% of at least 10,000 sf contiguous area
  - iv. Delineated wetlands
  - v. Archaeological sites, cemeteries and burial grounds
3. The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
  - i. Historic sites
  - ii. Existing trails that connect the site to neighboring areas
  - iii. Existing healthy, native forests of at least one-acre contiguous area
  - iv. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
4. Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are not counted toward the open space requirements.
5. At least 25% of the open space must be suitable for passive recreational use.
6. At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.
7. To the extent practicable, the open space should be accessible to the largest number of lots and/or buildings within the site. Non-adjointing lots must be provided with access to the open space through sidewalks or off-street walkways.

b. Permitted Uses of Open Space

1. Conservation of natural, archeological and historical resources



2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, and similar conservation-oriented areas
3. Agricultural and forestry activities may only be permitted when conducted according to best management practices
4. Passive recreation areas, walking, bicycle and similar trails
5. Active recreation areas, if they are limited to no more than 20% of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces necessary to the recreational activity, excluding vehicular ways and parking and loading areas.
6. Landscaped stormwater management facilities, community and individual wastewater disposal systems. Such facilities must be located outside of primary conservation areas.
7. Easements for drainage, access, and underground utility lines
8. Other conservation-oriented uses compatible with the purposes of this Section.

c. Prohibited Uses of Open Space

1. Golf courses
2. Streets, parking and loading areas and similar impervious surfaces, except as specifically authorized in the preceding subsections (a) and (b)
3. Other activities as may be established by the applicant and recorded on the legal instrument for permanent protection.

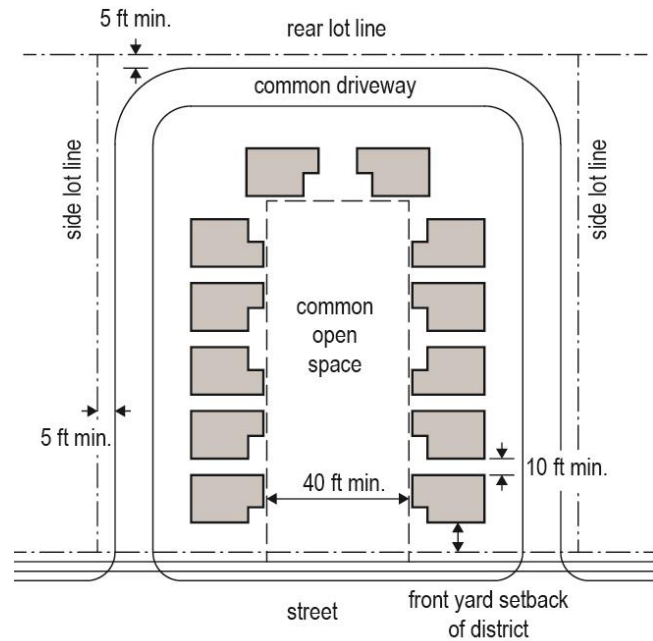
7.06.06 Ownership, Management and Protection of Open Space

- a. Responsibility for management of open spaces must be established in accordance with [§3.09 Common Open Spaces and Facilities](#).
- b. The open space must be protected in perpetuity by one of the following binding legal instruments, which must be recorded with the deed and include clear restrictions on use of the open space in accordance with this Section:
  1. A permanent conservation easement in favor of either:
    - i. a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - ii. a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.
  2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  3. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

## §7.07 Cottage Development

### 7.07.01 General Standards

- a. Cottage Developments are permitted only on sites served by public water and sewer services.
- b. Cottage Developments may be subdivisions, in condominium form or a combination.
- c. The number of allowable dwellings is determined by dividing the total tract size by the minimum lot size prescribed for detached single-family dwellings in the applicable district. Any fraction is rounded down to the nearest whole number. In no case may the number of units be less than four nor more than twelve.
- d. Not all lots are required to have street frontage, subject to the following:
  1. Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street or Common Open Space.
  2. The rear of dwellings may not face toward a street, except in the case of a double-frontage tract, the rear of cottage lots may be oriented toward the street of higher classification.
  3. Lots must be readily accessible for fire suppression purposes as determined by the Fire Chief or their designee during subdivision plat review.



### 7.07.02 Area and Dimensional Requirements

- a. The minimum lot size, lot width and side yard setback prescribed for detached single-family dwellings in the applicable district do not apply, except in determining the number of allowable dwellings (§7.07.01(c)). Spacing between cottage dwellings must be at least ten feet, which may include zero-lot line arrangements.
- b. Minimum Common Open Space: 250 sf per unit and not less than 40 ft in width at any point.
- c. Permitted Total Floor Area per Dwelling:
  1. One-Story units: no more than 1,000 sf
  2. 1-1/2 and Two-Story units: no more than 1,400 sf
- d. Maximum Height: two stories
- e. Minimum Building Setbacks
  1. Dwellings must be set back at least 20 ft from the exterior lot lines of the overall development and must observe the front yard setback for the district along all street frontages.
  2. No setback is required between a dwelling and the common open space; however, no portion of a building may encroach into or over the common open space.

### 7.07.03 Ownership and Management of Open Space. See [§3.09 Common Open Spaces and Facilities](#).

- 7.07.04 Parking. Parking must be provided as required for detached single-family dwellings and may be clustered together or provided individually at the rear of each home. Clustered parking areas must be screened from the common open space and from streets and adjacent residential uses.

### **§7.08 Home Occupations**

- 7.08.01 Home occupations may only be conducted by a permanent resident of the dwelling. If the dwelling is rented, the tenant must have the written permission of the owner of the dwelling to conduct a home occupation.
- 7.08.02 Home occupations only include uses that are clearly incidental and secondary to the principal residential use and may not include any retail or wholesale sales on the premises, other than over the phone, through the mail, or online, nor any industrial use other than custom crafts and sewing.
- 7.08.03 Occupations that involve clients, customers or other visitors as part of the conduct of the business are prohibited, except that tutoring, dance and music lessons and similar instruction is permitted but limited to one client at any one time. Barber, beauty and similar personal services for clients or customers on the premises are prohibited.
- 7.08.04 No equipment or process may be used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or is dangerous or otherwise detrimental to persons in the home or adjacent areas.
- 7.08.05 No change may be made to the outside appearance of the dwelling or premises and no evidence of the conduct of the home occupation may be visible from the street.

### **§7.09 Junkyards**

- 7.09.01 No automobile wrecking yard, salvage yard or junkyard may be established closer than 500 ft to an established residential district.
- 7.09.02 All outdoor storage of salvage and wrecking operations must be completely contained within and screened by an opaque fence or wall designed in accordance with [§10.05 Design Standards for Required Fences](#). The storage of wrecked automobile, junk, or salvaged materials may not exceed the height of the required screen fence or wall.

### **§7.10 Manufactured Home Parks**

The following regulations are designed to encourage the development of manufactured home parks in a manner that will provide a quality living environment for the residents. The regulations will ensure ample open space and flexibility in layout to enhance the development with respect to flood zones, steep slopes and other topographical features.

- 7.10.01 Procedure. A Master Plan showing the exact manner in which the entire tract will be improved and used must be presented to the Planning Commission for subdivision approval, if required, and the Zoning Board of Adjustment for approval of the use.
- 7.10.02 Development Standards
- a. Manufactured home parks must contain at least 10 contiguous acres.
  - b. Manufactured home parks may not be occupied until at least 25% of its home stands have been improved together with facilities required herein and meeting all applicable city, county, or state regulations.

- c. Each manufactured home stand must be at least 50 feet wide by 90 feet long. Manufactured homes must be separated by at least 20 ft in any direction.
- d. Manufactured homes must be set back at least 20 ft from any internal driveway and buffer strip.
- e. Buffers. In addition to the requirements in [§10.03 Buffers](#), each manufactured home park must provide a buffer strip at least 30 ft in depth along all front property lines. This buffer must be planted with shrubs as normally required for all buffers and trees as required for Class A buffers. If a fence or wall meeting the standards of [§10.05](#) is provided, the front property line buffer may be reduced to 22 feet.
- f. Parking. Each manufactured home must be provided with two parking spaces paved with asphalt or concrete. Parking is prohibited along interior streets unless they are of a width and design to accommodate such parking. If permitted by the ZBA, such parking may not be counted toward resident parking requirements but may be used for visitor parking.
- g. Interior Streets. All interior streets must have a driving surface at least 20 ft in width and must be paved with asphalt or concrete with sufficient subgrade and paving to support the transportation of manufactured homes.
- h. Walkways. Concrete or asphalt walkways of not less than four feet wide and four inches thick must be provided along one side of all interior streets and as necessary to connect all home spaces to common buildings and open spaces.
- i. Water and Sewage. Each manufactured home must be connected to a sanitary sewerage and water supply system approved by the Calhoun County Health Department.
- j. Wiring. All utility wiring must be installed underground.
- k. Lighting. Lighting must be provided to illuminate streets, intersections, driveways, walks, and parking areas for safe movement of vehicles and pedestrians.
- l. Recreational Area. At least 10% of the gross acreage must be provided and improved for recreational use, including playgrounds, swimming pools, tennis courts, basketball courts, multipurpose fields and similar amenities. The recreational space must be located on land suitable for recreational use.
- m. Refuse Disposal. Each manufactured home space must be provided with at least two 20-gallon or larger garbage cans. Common waste containers must be provided for the collection and disposal of waste as required by the Public Works Department.

#### **§7.11 Mini-Storage Facilities**

- 7.11.01 No cubicle may be used as a dwelling or for conducting a business of any kind. This does not preclude periodic auctions by the owner of the facility to dispose of abandoned items.
- 7.11.02 No storage of volatile, toxic or explosive materials is permitted, either inside the structure or on the premises.
- 7.11.03 Any outdoor storage must be screened from public view and from adjoining properties as required in [§10.02 Screening](#).

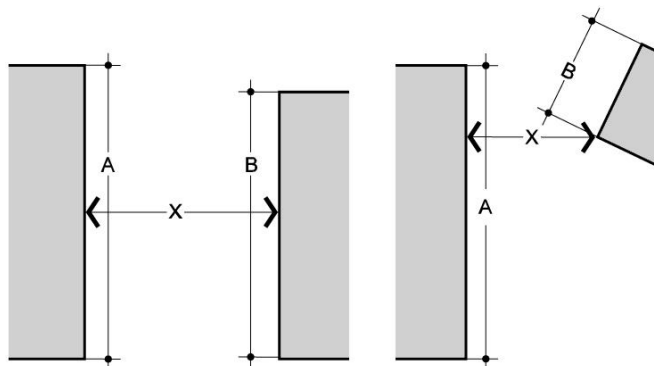
#### **§7.12 Multifamily Development**

- 7.12.01 Multifamily developments with buildings containing five or more dwelling units are subject to the following standards and to development plan review to assure that the layout of buildings, open

spaces, circulation, drainage and infrastructure is in harmony with the equivalent standards of the City Subdivision Regulations.

#### 7.12.02 Site Development Standards

- a. The arrangement of buildings, open spaces, parking areas and drives must be suitable to existing topography to avoid extensive grading.
- b. Buildings must be spaced no less than the sum of their lengths divided by three  $((A+B)/3)$ , or 90 ft whichever is less (see Figure 7-1). In no case may buildings be placed closer together than 20 ft. Building spacing is measured perpendicularly from the longer of the two building walls at the closest point between them.



Minimum Building Spacing by Length of Building Walls

$X = (A+B)/3$   
 where X = min. building spacing,  
 A = length of building wall, and  
 B = length of opposing building wall

Figure 7-1: Minimum Building Spacing

- c. Each multifamily building, regardless of district, must have at least one porch or stoop.
- d. Multifamily buildings may not be surrounded on all sides by parking and driveways. On at least one side of each multifamily building, there must be an open space of at least 40 ft in depth, another building or the property boundary.
- e. Parking and Driveways
  1. Common and individual garages, if provided, must be oriented so that the garage doors do not face public street views.
  2. Boats and recreational vehicles may not encroach into required parking and may not be kept forward of the front building line.
  3. The number and location of access points to a public street must be as required by the Building Code.
- f. Open Space. For the purposes of this section, “improved open space” means open space created or modified for resident use, including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, and landscaped common areas.
  1. At least 20% of the site must be permanently reserved as open space. All common open spaces and recreational areas must be well maintained in a safe and orderly condition.

2. At least 50% of the required open space must be improved and maintained as open space for the use of residents and guests. Improved open spaces should be consolidated into one or a few central locations to assure accessibility and usability and must be oriented to receive adequate sunlight.
  3. Required setback and buffer areas do not count toward open space requirements. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft. Gazebos, pavilions and similar open structures for the use of residents are permitted in improved open spaces.
  4. Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.
- g. Stormwater Management. Stormwater retention or detention facilities should be integrated into the design of parking areas and open spaces as landscape amenities. Stormwater facilities located within an open space may be counted as improved open space if designed so that it need not be fenced and is appropriately landscaped as an amenity.
- h. Waste Collection, Service and Loading Areas. Each development must be provided with service areas for waste collection. Each such area must be located away from public views but accessible to residents and to vehicles for collection purposes. Each such area must be paved with concrete.
- i. Fire Protection
1. No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft of hose.
  2. Every multifamily building must be accessible to fire trucks and equipment as approved by the Fire Chief or their designee.
- j. Pedestrian Access Standards
1. Walkways must connect the pedestrian circulation system to adjacent public streets.
  2. If not already provided, a publicly accessible sidewalk at least five feet wide must be provided along all public street frontages and within the right-of-way.
  3. Walkways must connect the main entrances of all buildings. For buildings fronting on a public street, a public sidewalk may be counted toward this standard. Walkways must be provided that connect building entrances to parking areas and common areas and facilities.
  4. Walkways must be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.
- k. Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a Traffic Engineer, may be required as part of development plan review. In such cases the study must be prepared in accordance with generally accepted standards for traffic studies and must show the effect that traffic generated will have on the area adjacent to and near the site. The study must make recommendations with respect to what additional traffic controls will be needed adjacent to or near the site. The developer must pay the cost of any such signals and/or devices if required as part of the development plan approval.

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**§7.13 Recreational Vehicle Parks and Campgrounds****7.13.01 Park and Campground Standards**

- a. Minimum tract size: Three acres
- b. Minimum street frontage: 60 ft
- c. All structures, camp sites and RV spaces must be set back at least 35 feet from all property lines.
- d. No recreational vehicle may be occupied by a person or family for more than two consecutive weeks.
- e. Perimeter and frontage landscaping must be provided on all sides of a recreational vehicle park as required for parking lots in [§10.04 Vehicular Area Landscaping](#).
- f. At least 5,000 sf for the first 20 RV spaces plus 150 sf for each additional RV space must be provided for recreational use of park occupants.

**7.13.02 Standards for RV Spaces**

- a. Each RV space must be at least 500 sf in area. Spaces for non-motorized recreational vehicles must be large enough for the RV and the passenger vehicle pulling it unless parking is provided for the passenger vehicle elsewhere on site.
- b. Only one recreational vehicle may be located in each RV space.
- c. Spaces must be designed to provide at least 20 feet separation between RVs in adjoining spaces.

**7.13.03 Parking and Access**

- a. At least one parking space must be provided for each camp site plus one parking space per employee. One visitor parking space must be provided per six RV spaces. Parking spaces are not required to be paved but must be graded and surfaced as approved by the City Engineer.
- b. All RV spaces and all parking, sanitary, recreation and other common facilities must be accessed from an internal vehicular drive designed to accommodate recreational vehicles.
- c. Vehicular drives must be maintained by the park owner or operator and open for access at all times to emergency vehicles.
- d. Vehicular drives must be surfaced with asphalt, crushed rock or other suitable, dustless material and of a width as approved by the City Engineer and the Fire Department.

**7.13.04 Lighting.** All vehicular drives and walkways providing access to restrooms, campground office and other common facilities must be adequately lighted for safety.**7.13.05 Sanitation**

- a. The following facilities must be provided, at a minimum, two shower facilities and a washer and dryer for the use of park occupants. In addition, two toilets and lavatories must be provided for each 15 camp sites and RV spaces or fraction thereof not provided with water and sewer connections.
- b. For any RV spaces not provided with drain inlets for discharge of toilets, dump stations designed to receive discharge of sewage holding tanks must be provided. Such stations must be set back at least 100 ft from all camp sites and RV spaces.

- c. Two-cubic yard or larger waste containers must be located within 300 ft of every RV space. Alternatively, the Zoning Official may approve the use of individual waste containers for each RV space provided the park operator provides for regular waste pickup from RV spaces.
- d. Dump stations and two-cubic yard and larger waste containers may not be closer than 30 ft to any property line and must be screened in accordance with [§10.02 Screening](#).

#### **§7.14 Recycling Facilities and Donation Bins**

##### 7.14.01 Recycling Centers

- a. Recycling centers must be operated from a permanent building located on the premises.
- b. Receptacles must be located behind the front building line to the extent practicable. Any receptacles and any outdoor storage or collection of recyclables that are located forward of the front building line must be screened in accordance with [§10.02 Screening](#) except as needed for access for loading and unloading of recyclables.
- c. All recyclables must be within a receptacle or otherwise stored out of public view whenever the recycling center is closed. The operation and/or its site must be designed and managed so that any after-hours drop-off of recyclables, if permitted, does not result in accumulation of recyclable materials in areas visible to the public. If after-hours drop-off of recyclables is not permitted, the Zoning Official may require that the premises be secured to prevent such accumulation.

7.14.02 Recycling Plants. Outdoor areas for the collection, processing and storage of recyclables must be screened from street views and from any adjoining property, excluding those zoned IL or IG. See [§10.02 Screening](#).

##### 7.14.03 Donation Bins

- a. Donation Bins are permitted as an accessory use on nonresidential premises only and may only be placed with permission of the property owner.
- b. Location of donation bins must be approved by the Zoning Official before being placed on premises. Contact information for the owner or sponsor of the donation bin and the individual responsible for collection must be provided to the Zoning Official and displayed on the bin. This includes name, address, telephone number and email address. The owner, sponsor or individual responsible for collection must be able to respond within 48 hours of notice by the City. Should the responsible individual or their contact information change, this must be provided to the Zoning Official within five working days.
- c. Donation Bins may not encroach on any required parking, loading or landscaping and may not interfere with vehicular circulation on or off the premises.
- d. Donated goods must be collected regularly so as not to allow accumulation of goods outside of containers. All donated goods accumulating outside of containers must be collected within 48 hours of notice by the City.

#### **§7.15 Tattoo Parlors and Studios**

##### 7.15.01 Tattoo Parlors

- a. No tattoo parlor may be located closer than 500 ft to another tattoo parlor or tattoo studio, as measured between the nearest property lines.
- b. Tattoo Parlors are not permitted on properties with frontage on Noble Street in the Core District



**7.15.02 Tattoo Studios**

- a. No more than three tattoo studios are permitted in the C District.
- b. Tattoo studios are not permitted on properties with frontage on Noble Street in the Core District.
- c. Tattoo studios may not be co-located with food service businesses, hair or nail salons, dwellings, lodging establishments or other establishments not directly associated with the provision of body art services. Retail sales are limited to those customarily incidental to body art services.
- d. All body art services must be by appointment only. Walk-in service is not permitted.

**§7.16 Telecommunication Facilities****7.16.01 Definitions.** As used in this Section, the following terms have the following meanings:

- a. **ANTENNA.** An electromagnetic device which conducts radio, cellular or other communication signals to or from a transmitter or receiver. Antenna includes devices commonly referred to as “whips”, “panels” and “parabolic dishes” but does not include antennae for receiving only of radio or television signals.
- b. **BASE STATION.** A structure or equipment, other than a telecommunications tower, at a fixed location that enables wireless communications between user equipment and a communications network.
- c. **CO-LOCATION SITE.** Land on which the antennae and related equipment of more than one party are located.
- d. **COMMUNICATION FACILITIES.** Towers, antennae and equipment, collectively.
- e. **EQUIPMENT.** All equipment and facilities used in conjunction with one or more towers and/or antennae, including, but not limited to, electronic systems, generators, fuel tanks and fuel.
- f. **GUYED TOWER.** A telecommunication tower that is supported, in whole or in part by guy wires and ground.
- g. **RESIDENTIAL PROPERTY.** Any land located in a Residential District.
- h. **SELF-SUPPORTING LATTICE TOWER.** A tapered tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennae.
- i. **TOWER.** Any telecommunication Monopole including those used for microwave, cellular or personal communication service systems and any other telecommunication systems now or hereafter in use. TOWER includes any telecommunication tower installed or constructed within the city prior to the effective date of this Ordinance, regardless of whether such tower is a MONOPOLE or another type of tower.
- j. **TOWER COMPOUND.** A parcel of land or a building on which Communication Facilities are located.

**7.16.02 General Provisions.** All communication facilities are subject to the following general requirements:

- a. The erection of communication facilities and installation of antennae on telecommunication towers and other structures require a building permit. Applications must include signed authorization of the owner of the property or structure on to which the erection or installation is proposed, if other than the applicant.

- b. All facilities and operations must comply with the City Building Code and all other applicable city, state and federal laws and/or regulations.
- c. The installation or modification of communication facilities may not interfere with the operation of any other existing communication facilities.

#### 7.16.03 Wall Mounted Antennae

- a. Wall-mounted antennae to be installed on a building wall facing a public street or on a wall containing the building's primary or public entrance require Special Exception approval as provided in [§12.03 Special Exceptions](#).
- b. Wall-mounted antennae may not extend above the parapet of flat roof buildings or eave of pitched roof buildings or extend more than four feet horizontally from the face of the building without Special Exception approval.
- c. Antenna equipment and the supporting structure must be painted to match the color of the structure or background against which they are most commonly seen.
- d. Whip antennae are not allowed on a wall-mounted antenna structure.
- e. The total area for all wall-mounted antennae and supporting structures may not exceed 100 sf on each exterior wall. The antenna area is calculated as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.
- f. No more than three antennae may be on any one building wall. Additional carriers require Special Exception approval.

#### 7.16.04 Roof-Mounted Antennae

- a. Roof-mounted antennae must be enclosed by a structure that effectively screens the antennae from public view along adjoining streets. The screening structure and antenna mounting structures may not extend more than eight feet above the roofline.
- b. The maximum height of a roof-mounted antenna is equal to the distance the antenna is set back from the exterior wall.
- c. Roof-mounted antennae may not be located on a building that exceeds the maximum building height of the applicable district.
- d. The total area of all roof-mounted antennae and support structures may not exceed 200 sf per building.

#### 7.16.05 Telecommunication Towers

- a. **Applicability.** All towers, antennae and equipment constructed or installed after the effective date of this Ordinance and any changes or additions to any tower or antenna in existence before the effective date of this Ordinance are subject to this Section. A tower which is proposed to be built on a collocation site is subject to the same requirements and conditions as all other towers. Routine maintenance of, and repairs to, the communication facilities, may be performed without City approval, though a permit may be required if applicable to the nature of the maintenance or repair activity.
- b. **Required Approvals**

1. In those districts where telecommunication towers are permitted by right, construction of a tower or tower compound and installation of antenna on an existing tower may be approved by the Zoning Official.
2. In those districts where telecommunication towers require Special Exception approval, the construction of a new tower or tower compound and any change to an existing tower that would result in a substantial change to the physical dimensions of the tower or base station, as defined by the FCC, must be approved by the ZBA before a building permit may be issued.
3. Relation to FCC regulations. Nothing in this section shall be construed to conflict with the most recently approved rules of the Federal Communications Commission (FCC), which states that a local government may not deny, and must approve, any request to modify an existing tower or base station involving collocation, removal or replacement of transmission equipment that does not result in a substantial change to the physical dimensions of the tower or base station.

c. General Standards

1. Collocation. A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower which is able to support the proposed antenna. An affidavit that reasonable effort has been made by the applicant to locate the proposed antenna on an existing tower must be submitted with the application for the construction of a new tower.
2. Towers must comply with wind-load and other structural standards of applicable building and technical codes and Electronic Industries Alliance standards so as not to endanger public health and safety in the event of a structural failure.
3. All communication facilities must comply with all applicable rules, codes, regulations and requirements of the governmental agencies having jurisdiction over them. The approving authority may require satisfactory evidence of such compliance.
4. The maximum allowable height for a telecommunication tower designed only for one antenna is 90 feet. Otherwise, the maximum allowable height is 180 feet.
5. Towers must be set back at least 50 feet from the nearest street right-of-way.
6. No tower may be located closer to the boundary line of any residential property than a distance equal to the height of the tower. If the land on which a tower is located, and all land which adjoins the tower, is in a nonresidential zoning district, the minimum setback is reduced to 50 ft from the nearest property line. These setbacks may be reduced in exceptional cases where, due to unusual topographic conditions, the enforcement of the setback requirements would result in unnecessary hardship; provided that the setback may not be reduced to less than the minimum setback required in the applicable district and that the reduction of the setback requirements may not, in the opinion of the approving authority, be contrary to the health, safety and general welfare of the public.
7. Each tower compound must be secured by a dark colored, vinyl-coated or galvanized steel chain-link security fence, opaque, treated wood fence or masonry wall or combination thereof, at least eight feet in height.
8. All tower compounds must be screened from view from public ways and residential property. Required screening must be located outside of the security fence and include a combination of trees and shrubs. Screening must be maintained. In isolated locations, where the tower

compound is not visible from adjoining property or where there is limited visibility, the approving authority may reduce screening requirements on the condition that if the areas surrounding the tower become developed, the City may require the owner of the tower compound to comply with these requirements.

9. No signs may be attached to, or depicted on, a tower at a height more than 20 ft above grade level.
  10. Towers may not be illuminated except for warning beacons and lighting used for security and maintenance purposes. Security and maintenance lighting must be directed downward and shielded.
- d. Review Criteria. In considering whether to permit communication facilities to be constructed and/or installed at a certain location, the approving authority will consider the following criteria:
1. The manner in which towers and tower compounds are designed, including materials, colors, textures, screening and landscaping to make them visually compatible with their surroundings
  2. Whether proposed towers are designed to accommodate installation of additional antennae
  3. The degree to which existing trees and natural landforms are preserved
  4. The degree to which the height and mass of the proposed structure is compatible with existing buildings and other structures in the surrounding area;
  5. Whether the facility would improve coverage or capacity for underserved areas
  6. Impact of the proposed facility or change to an existing facility on adjacent properties
  7. The degree to which surrounding topography and natural features affects the location of the facility
  8. The degree to which the location of a proposed tower in relation to streets, buildings, vegetation, grade changes and other existing features contributes to screening the facility from public view and from residential property.
- 7.16.06 Application. The following materials must be provided with each building permit application or special exception request, as applicable:
- a. Name, address, and telephone number of the applicant and property owner
  - b. Description of the work to be performed
  - c. Dimensioned site plan, drawn to scale, showing the location of any proposed antennae, tower or tower compound and any other proposed improvements in relation to rights-of-way, property lines and other existing features
  - d. Dimensioned elevation drawing, drawn to scale, showing, as applicable, the height of any proposed tower (and its antennae locations) or any proposed antennae in relation to the structure on which it is to be installed
  - e. Frequency band and maximum wattage of proposed communication facilities
  - f. For new towers:
    1. a map indicating the location of all existing towers, whether or not in use, within five-miles of the proposed tower

2. An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower (from which the area proposed to be served by the new tower could be served) and has been unable to do so and giving a written narrative of such efforts.
- g. A written statement from the owner of the property stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
- h. Certification from an Alabama Licensed Professional Engineer that the design of the facility meets all applicable standards for the facility, including but not limited to electrical safety, material and design integrity, natural hazards, safety (e.g., wind, thunderstorms, tornadoes, etc.)
- i. Name and address of adjoining property owners (for special exceptions only)
- j. Any additional information required by the approving authority to determine compliance with this Section.

### **§7.17 Tobacco Shop**

Tobacco shops must be separated from places of worship, schools including pre-kindergarten through 12<sup>th</sup> grades, and child day care uses by at least 1,000 ft as measured between the nearest property lines.

### **§7.18 Townhouses**

#### 7.18.01 General requirements

- a. At least three but no more than eight townhouses may be contiguous.
- b. Contiguous townhouses must be separated by a fire wall that complies with the Building Code.
- c. Each townhouse must be on its own lot, unless developed in a condominium arrangement.
- d. At least ten percent of the overall development site must be reserved and improved as one or more common open spaces, each of which must be at least 40 feet in their least dimension.
- e. Each townhouse must have its own yard, containing not less than 500 square feet, reasonably secluded from view from streets and from neighboring property.

7.18.02 Waste collection and resident access to any common waste collection facilities must be properly integrated into the development plan. Common waste collection areas, including individual and common receptacles, may not be located forward of the building line. Individual waste receptacles may not be kept in front of dwellings unless screening is provided as approved by the Zoning Official.

7.18.03 Maintenance easements must be provided along shared lot lines of contiguous townhouses. Other access easements may also be required based on the site arrangement.

#### 7.18.04 Parking

- a. Off-street parking may be placed on individual lots or grouped within one or more common parking areas to the side or rear of the dwellings.
- b. Driveways and parking spaces, if permitted forward of the front building line, may not occupy more than 50% of the required front yard of a townhouse dwelling. Front-loaded garages are

limited to one bay. That portion of the façade containing garage doors may not extend closer to the front lot line than any other part of the front façade.

**§7.19 Yard Sales**

- 7.19.01 Yard sales may not be held for longer than 48 hours and may not be conducted more than once every three months on any single lot, parcel, or tract of land.
- 7.19.02 Items offered for sale must be relocated indoors or otherwise out of public view upon the expiration of the 48-hour period, except lawn furniture and similar items customarily kept in a front yard.

**ARTICLE 8     PARKING REGULATIONS****§8.01 Definitions**

Terms used in this Article have the following meanings:

- 8.01.01   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.
- 8.01.02   LOADING AREA. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 8.01.03   LOADING SPACE. An off-street space, berth or dock used for the unloading or loading of commercial vehicles.
- 8.01.04   OCCUPANCY LOAD. The maximum number of persons, which may be accommodated by the use as determined by the Building Code.
- 8.01.05   PARKING AISLE. That portion of a parking area consisting of lanes providing access to parking spaces.
- 8.01.06   PARKING AREA. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
- 8.01.07   PARKING SPACE. That portion of the parking area set aside for the parking of one vehicle.
- 8.01.08   STACKING SPACE. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

**§8.02 Parking Required**

- 8.02.01   Off-street parking must be provided as required in Table 8-1 unless otherwise specified. When the requirement is not readily determinable, the Zoning Official determines parking requirements using the table as a guide. When calculating the number of required spaces, any fraction is rounded up to the nearest whole number.
- 8.02.02   Building permit applications must include the location, dimensions and number of off-street parking spaces and the means of access from public streets, which must be in sufficient detail to determine whether the requirements of this Article will be met.
- 8.02.03   Off-street parking must be provided in accordance with the Americans with Disabilities Act, as amended.
- 8.02.04   Except as provided for shared parking facilities in §8.02.04, no off-street parking required for one use or structure may, during its life, be occupied by or counted as off-street parking for another use or structure.
- 8.02.05   Shared parking. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. However, if the uses have different parking demand periods, the total parking requirement is calculated using Table 8-2. In such case, the minimum parking requirement is based on the time period with the highest total parking demand. Shared parking involving any uses not located on the property on which the parking is provided is subject to the requirements in §8.03 Location.

8.02.06 If any structures or uses are enlarged, expanded or changed to a use requiring more parking, additional parking must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Zoning Official may approve a reduction of 10%. A reduction of more than 10% of the parking requirement may only be approved by the Zoning Board of Adjustments (“ZBA”) as a Special Exception.

8.02.07 Modifications for the C, UC1 and UC2 Districts

- a. Minimum parking requirements do not apply except that lodging facilities and multifamily dwellings, including those in mixed-use developments, must provide 75% of the required off-street parking spaces in Table 8-1.
- b. On-street parking spaces adjoining a property may be counted toward required parking on a one-to-one basis but may not be reserved for the exclusive use of the adjoining property.

### **§8.03 Location**

Required off-street parking facilities must be located on the same lot as the structure or use served. If required parking spaces cannot reasonably be provided on the same premises as the use, remote parking may be permitted by the Zoning Official if within 600 ft of premises. Written legal documentation must show that the applicant has the right to use such remote parking spaces. The owner of the remote parking premises must enter into a written agreement, satisfactory to the City Attorney, assuring that that the property on which remote parking is provided may not be sold or developed until parking requirements for the use identified in the agreement have been met otherwise. The agreement may be voided if the remote parking is no longer needed to meet parking requirements.

### **§8.04 Design Standards**

8.04.01 Access to parking facilities may not interfere with the free flow of vehicles on city streets nor block or endanger pedestrians or vehicles on sidewalks or streets.

8.04.02 All off-street parking facilities must be designed so that access to the parking spaces does not require maneuvering in or backing into a public street. This does not apply to off-street parking for single-family and duplex dwellings.

8.04.03 Parking areas must be arranged and marked in accordance with the dimensional standards in Table 8-3 or alternate dimensions as approved by the Zoning Official. Parking spaces for single-family and duplex dwellings, unless parking is provided in common parking areas, need not be marked.

8.04.04 Private parking is prohibited in the right-of-way of any public street, road or alley. No spaces may be signed or otherwise marked for private use only except drop-off/pick-up space for valet parking expressly approved by the City Council.

8.04.05 In all residential zones, parking is permitted in an established front yard only on a driveway or other approved and appropriately surfaced parking space.



**Table 8-1 Minimum Parking Requirements**

AGRICULTURAL	
Farm, horticultural and forestry	1 per 1.5 employees
Farm Support Business	1 per 1.5 employees plus 1 per company vehicle
Stable or Kennel	1 per 4 persons of occupancy load plus 1 per 1.5 employees
RESIDENTIAL AND RESIDENTIAL CARE FACILITIES	
Accessory Dwelling	1 per DU
Assisted living facility	1 per 4 residents plus 1 per employee
Boarding house	1 per boarding room plus 1 for the resident manager
Day care homes	2 per DU + adequate loading and unloading space for children
Group homes	1 per 2 beds plus 1 per employee
Independent living facility	.5 per DU plus 1 per employee
Manufactured home	2 per DU
Multifamily dwellings	.5 per bedroom or 1 per DU, whichever is greater, plus 2 visitor spaces per 10 DU
Single-family, duplex, triplex and quadplex dwellings	2 per DU
Townhouse	.5 per bedroom plus 2 visitor spaces per 10 DU
INSTITUTIONAL, HEALTH CARE AND RECREATIONAL USES	
Country club	1 per 4 persons of occupancy load
Extended care facility	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GFA
Outdoor Recreation	
Golf Course	2 per hole
Miniature Golf	.5 per hole
Golf Driving Range	1 per tee
Park, up to 10 acres	1 for first 2 acres plus 1 per additional acre plus parking for any other functions
Park, more than 10 acres	5 for first acre plus 1 per additional 10 acres plus parking for any other functions
Sports field or complex	1 per 40 sf of seating
Other	1 per 4 persons of occupancy load
Place of assembly or worship	1 per 5 seats in main assembly area
In-patient Substance Abuse Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	
Public	Subject to Commission review per §11-52-11, Code of Alabama
Private	1 per 3 employees plus 1 per 10 students residing on campus plus 1 per 5 students not residing on campus
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)

**Table 8-1 Minimum Parking Requirements**

All other institutional	1 per 300 sf of GFA
<b>LODGING</b>	
Bed and breakfast	1 per guest room plus those spaces required for the dwelling
Hotel or motel	1 per guest room plus 1 per employee
<b>COMMERCIAL AND ENTERTAINMENT</b>	
Automobile sales	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile rental	1 per 400 sf of GFA plus 1 per rental vehicle
Bank with no drive-through	1 per 350 sf of GFA
Bank, drive-through only	1 per 2 employees plus 4 stacking spaces per teller
Bank with drive-through	1 per 350 sf of GFA plus 4 stacking spaces per teller
Barber, beauty shop, nail or tanning salon	1.5 per chair or booth
Bar or nightclub	1 per 3 persons of occupancy load
Bowling alley	1.5 per bowling lane
Call center, telemarketing office	1 per employee
Car wash, full service or automated	1 per employee plus 4 stacking spaces per wash bay
Car wash, self-service	1 stacking space per wash bay
Commercial school	1 per 3 students of occupancy load plus 1 per employee
Day care center	1 per employee + 1 stacking or parking space per 15 persons enrolled or of occupancy load
Dry cleaning pick-up	1 per 300 sf of GFA
Funeral home	1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture or Appliance Store	1 per 600 sf of GFA
Gas Station / Convenience Store	1 per 400 sf of GFA plus 1 stacking space per fuel island
Home improvement store	1 per 500 sf of GFA
Laundromat	1 per 2 washing machines
Mini-storage facility	Aisles suitable for loading and unloading + 1 per employee
Office, business or professional	1 per 400 sf of GFA, for medical or dental offices 4 per practitioner
Movie Theater	1 per 4 seats
Pool/Billiards Hall	2 per 3 tables
Retail, general, enclosed	1 per 300 sf of GFA for tenant spaces up to 50,000 sf, 1 per 400 sf of GFA for tenant spaces over 50,000 sf plus 3 stacking spaces per pick-up window, if applicable
Restaurant, Take-out or delivery only	1 per employee plus 1 per 400 sf of GFA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-through	1 per 200 sf of GFA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital, Pet grooming	1 per 300 sf of GFA
Wholesale establishment	1 per 600 sf of GFA
All other general business	1 per 300 sf of GFA

**Table 8-1 Minimum Parking Requirements**

INDUSTRIAL	
Warehouse or distribution business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 1,000 sf of GFA
All other industrial uses	1 per 1,000 sf of GFA OR 1 per employee, whichever is less

**Table 8-2: Typical Shared Parking Demand by Use and Time of Day\***

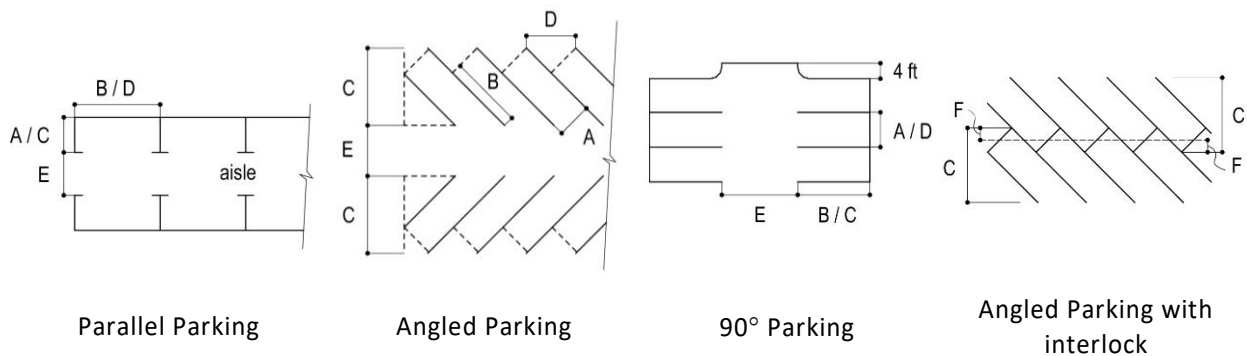
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional	100%	20%	5%	10%	10%	5%
Place of Worship	10%	5%	5%	100%	50%	5%

\* Different parking demands may be used than those shown if documented in a parking demand study.

**Table 8-3: Parking Lot Dimensional Requirements**

Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	9 ft	22 ft	9 ft	22 ft	12 ft	20 ft	n/a
30°	9 ft	18 ft	16.8 ft	18 ft	15 ft	20 ft	3.9 ft
45°	9 ft	18 ft	19.1 ft	12.7 ft	15 ft	20 ft	3.2 ft
60°	9 ft	18 ft	20.1 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	18 ft	18 ft	9 ft	20 ft	24 ft	n/a

Note: For parking lots being redesigned or enlarged on an already developed property, a shorter stall length or depth may be permitted if greater stall width is provided or if overhang is available without encroaching into space required for other purposes. In no case may the required stall length be less than 18 feet.



**§8.05 Loading Spaces**

Nonresidential uses must provide off-street space for the loading and unloading of materials or goods, as specified in Table 8-4, without encroaching upon or interfering with the use of adjoining properties, streets, alleys, required parking areas and sidewalks. When calculating required loading spaces, a fraction is rounded up to the nearest whole number.

- 8.05.01 If any structures or uses are enlarged, expanded or changed to a use requiring more loading space, additional loading space must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Zoning Official may approve a reduction of 10%. A reduction of more than 10% of the loading requirement may only be approved by the ZBA as a Special Exception.
- 8.05.02 Each off-street loading space must be at least ten feet wide and 55 ft long, exclusive of maneuvering space, with not less than 14 ft in vertical clearance.
- 8.05.03 Loading space for two or more uses on the same lot may be shared if the amount of space meets the combined requirements of all uses to be served.
- 8.05.04 Loading spaces may not be in a required front yard and must be set back at least five feet from any property line.
- 8.05.05 Plans showing required off-street loading must be submitted with any Building Permit application. Plans must show location, arrangement, and dimensions of loading spaces, circulation and access in a manner satisfactory for the safety and convenience of pedestrian and vehicular traffic.

**Table 8-4 Loading Space Requirements**

Use	Space Required
Retail store, warehouse, wholesale establishment, industrial plant or factory, freight terminal, restaurant, funeral home, laundry or dry-cleaning plant, or similar use	Less than 8,000 sf GFA: no space required unless the Zoning Official determines that the specific use requires such space
	8,001-20,000 sf of GFA: 1 space
	20,001-60,000 sf GFA: 2 spaces
	Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf
Auditorium, convention or exhibit hall, hotel, office building, stadium, nursing care facility or similar use	Less than 10,000 sf GFA: no space is required unless the Zoning Official determines that the specific use requires such space
	10,001-40,000 sf GFA: 1 space
	Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf

**ARTICLE 9 SIGN REGULATIONS****§9.01 Purpose, Applicability**

- 9.01.01 The purpose of these provisions is to promote the use of signs to assist the public in its orientation within the City, to express the history and character of the City, to prevent the degradation of the aesthetic qualities of the City, and to promote the public safety by limiting visual clutter and distraction of motorists.
- 9.01.02 Any new sign erected after the effective date of enactment of this Article must expressly meet the regulations contained herein. Any sign which does not conform to the provisions of this Article, may not, after the effective date of this Article, be enlarged, structurally altered or extended unless it is made to conform to the provisions herein.

**§9.02 Definitions**

- 9.02.01 ABANDONED SIGN
- a. A permanent sign containing a commercial message and which is located on a premises that has been vacant for a continuous period of one year or longer.
  - b. A permanent sign with no message or a message that has been covered for a continuous period of one year or longer.
- 9.02.02 BANNER. A temporary sign printed or otherwise inscribed on fabric or a similar non-rigid material and that is larger than 16 sf in area.
- 9.02.03 BUILDING SIGN. Any permanent on-premises sign installed upon and supported by a building.
- 9.02.04 CANOPY OR AWNING SIGN. A sign installed upon a building awning or canopy.
- 9.02.05 CHANGEABLE COPY SIGN. A sign in which the message may be manually or electronically changed without altering the sign.
- 9.02.06 DIGITAL READER BOARD. A sign or portion thereof designed so that characters, letters or illustrations can be changed or rearranged electronically.
- 9.02.07 FREESTANDING SIGN. A sign permanently installed on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.
- 9.02.08 GHOST SIGN. A sign hand-painted on the side or rear of a building in a locally-registered historic district prior to the designation of the district.
- 9.02.09 INSTALL. To place, construct, erect, mount, paint, affix or attach a sign to a structure or to the ground.
- 9.02.10 ILLUMINATED SIGN
- a. EXTERNALLY ILLUMINATED SIGN. A permanent sign lighted by artificial lighting from an external source, such as lights directed onto the sign.
  - b. INTERNALLY ILLUMINATED SIGN. Any sign lighted by artificial lighting within or affixed to the sign face so that the sign is illuminated from within.
- 9.02.11 INTERMITTENT LIGHTING. Any flashing light, including those that spell messages, simulate motion or form various symbols or images.
- 9.02.12 LEGIBLE. Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.

- 9.02.13 **NONCOMMERCIAL MESSAGE.** Any message other than a commercial message and any messages or types of messages considered noncommercial speech by a court of law.
- 9.02.14 **OFF-PREMISES SIGN or MESSAGE.** A sign or message that advertises or directs attention to a use, product, service, or activity occurring on property other than where the sign is located. Signs bearing noncommercial messages are not considered OFF-PREMISES SIGNS.
- 9.02.15 **ON-PREMISES SIGN or MESSAGE.** A permanent sign that advertises, directs attention to or provides information on a use, product, service, or activity occurring on the property where the sign is located. For the purposes of these regulations, signs bearing noncommercial messages are considered ON-PREMISES SIGNS.
- 9.02.16 **PORTABLE SIGN.** A freestanding sign greater than six square feet in area that is readily movable and that is not permanently affixed to the ground, including signs mounted on weighted bases or wheeled chassis.
- 9.02.17 **PROJECTING SIGN.** A permanent sign affixed to and extending from a building wall such that the sign face is approximately perpendicular to the wall.
- 9.02.18 **SEASONAL DECORATIONS.** Decorations and lighting displayed during religious, national or state holidays not installed in a permanent manner and that contain no commercial message. This does not include temporary signs that are greater than four square feet in sign area, that are directed at and legible from the public right-of-way.
- 9.02.19 **SIGN.** Any device, fixture, placard or structure, including its component parts, which is legible from a street or adjoining parcel and that directs attention to an object, product, place, activity, service, person, institution, organization, or business or which promotes the interests of any person. The term does not include the following objects though they may be legible from a public area: cemetery markers, vending machines, express mail drop-off boxes, decorations, a building's architectural features, or a manufacturer's or seller's markings on machinery or equipment.
- 9.02.20 **SIGN FACE.** The surface area of a sign devoted to a message or advertising display.
- 9.02.21 **TEMPORARY SIGN.** A sign, other than a portable sign, that is not permanently attached to the ground or a structure, that is not intended for permanent display and that is designed and fabricated with materials of a temporary nature, including but not limited to paper, fabric, corrugated plastic, cardboard and vinyl.
- 9.02.22 **WALL SIGN.** A sign installed on a building wall of a building such that the sign face is approximately parallel to the wall.
- 9.02.23 **WINDOW SIGN.** A sign applied to, attached to or displayed within a first-floor window to attract attention of persons outside the building. Merchandise in a window display is not considered a window sign.

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**§9.03 Permitting and Exemptions**

## 9.03.01 Permit Required

- a. No sign may be installed, replaced, or changed in location or size without a valid Sign Permit issued by the City, unless exempted by §9.03.02 or §9.03.03. Sign permit applications must show the proposed location of the sign, and any pavement, curb, public right-of-way or easement within 25 feet of the sign, sign type, size, height, type of foundation, electrical scheme, illumination scheme, and any other information required by the City.
- b. All necessary application and permitting fees must be paid prior to the issuance of a sign permit.

## 9.03.02 Excluded Signs. The following are not subject to regulation under this Article and do not require a Sign Permit, though they may require other types of permits, whenever applicable:

- a. Signs that are not legible from any public right-of-way, public space or another property
- b. Any permanent sign with a sign area of one square foot or less
- c. Signs of a governmental body, public authority or public utility including, but not limited to, traffic and similar regulatory devices, legal devices, warnings at railroad crossings, governmental survey or boundary markers, signs indicating bus stops, taxi stands, and similar transportation facilities, notices of water lines or buried cables and any signs displayed on public property authorized by the City.
- d. Publicly owned memorial tablets and signs
- e. Signs required by law or governmental order, rule, or regulation
- f. Signs inside a building other than Window Signs
- g. Seasonal decorations containing no commercial message
- h. Signs, other than digital reader boards, on an operable vehicle used in the normal course of business. Signs on vehicles or trailers that are kept, on a recurring basis, on the premises so that the sign is oriented toward and legible to passing motorists are treated as freestanding signs.
- i. Banners, flags, pennants and similar signs displayed temporarily on the premises of and during a special event sponsored or approved by the City
- j. Signs of local cultural or historical significance as determined so by the Historic Preservation Commission, including ghost signs. Restoration or removal of ghost signs are subject to review and approval of the Historic Preservation Commission.

## 9.03.03 Permit Exemptions. The following signs and actions related to signs do not require a Sign Permit, unless the sign or action is of a nature that requires a building, electrical or other permit. However, they must nonetheless conform in all other respects to the requirements of this article, may not be illuminated and may not have a total sign area greater than six square feet:

- a. Temporary signs
- b. Window signs
- c. Painting, repainting, cleaning, repair, or copy changes including removal and reinstallation not involving structural changes, changes in the manner of illumination or changes to the sign area or height

## **§9.04 General Regulations Applying to All Signs**

### 9.04.01 Viewpoint and Content Neutrality, Substitution

- a. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.
- b. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent an inadvertent favoring of commercial messages over noncommercial messages or favoring of any particular noncommercial message over another. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

### 9.04.02 Applicability of other requirements

- a. All signs must conform with building, electrical, and other applicable codes.
- b. All signs on property adjoining US or State Roads must comply with FHWA and other State or Federal requirements.

### 9.04.03 Maintenance

- a. All signs and components thereof, including structural supports, must be kept in a state of good repair, in good working order, and free of excessive rust, corrosion, rotting, or other deterioration.
- b. If abandoned, conforming signs must be covered within six months from the date on which they become abandoned until the premises is reoccupied or the sign is otherwise put back in to use.
- c. The ground within 25 ft of the base of freestanding signs and off-premises signs must be kept free and clear of sign materials, weeds, debris, trash, and other refuse.

### 9.04.04 Placement

- a. Whenever a sign is approved to extend over a public right-of-way, a vertical clearance of at least eight feet from grade level to the bottom-most edge of the sign must be maintained.
- b. In the C, UC1 and UC2 Districts, A- or T-frame signs may be placed at the point of entry of a nonresidential use, including along the public sidewalk provided the following:
  1. Such signs may not interfere with pedestrian clearance along the sidewalk in accordance with §3.06 Clearance Requirements
  2. If located on a sidewalk within a public right-of-way, such signs may only be placed within the portion of the right-of-way directly in front of the property occupied by the nonresidential use placing the sign.
  3. Signs must be removed from the sidewalk during that time in which the nonresidential use placing the sign is not open to the public.
  4. Such signs may not exceed eight square feet in area nor be taller than four feet.
- c. Signs may not be installed on the roof of any building or extend more than twelve inches above the parapet or eave against which it is installed.



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- d. Signs may not be attached to utility poles, meter posts, fences, fence posts, or street lights and may not be painted or drawn upon rocks, trees or other natural features.
  - e. Signs and sign structures may not obstruct openings required for ventilation or means of egress, including any fire escape, window, door, stairway, exit, walkway, utility access or Fire Department connection.
- 9.04.05 Prohibited Signs. In the interest of public safety and aesthetics, the following signs are expressly prohibited in all districts:
- a. Any sign determined to constitute a traffic hazard or that may be confused with or construed as a traffic control device by reason of site, location, content, color or type of illumination.
  - b. Except as otherwise provided in this Article, any sign located within a public right-of-way, public park, or other public property
  - c. Portable signs
  - d. Any moving, swinging, rotating, flashing, strobing, blinking, scintillating, fluctuating or otherwise animated sign, including but not limited to streamers, pennants, string lights and other attention-getting devices that may be moved by the wind; this does not include flags installed on flagpoles or stanchions in accordance with [§9.06, inflatable signs permitted subject to §9.05.07 Temporary Signs](#) nor Digital Reader Boards as herein provided.
  - e. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication
  - f. Signs constructed of mirrors or other surfaces that reflect light.
- 9.04.06 Measurement of Signs
- a. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.
  - b. For sign messages installed on a background panel, cabinet, or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encompasses the extreme limits of the background panel, cabinet or surface. See Figures 9-1 and 9-2.
  - c. For sign messages where individual letters or elements are installed on a building façade and where there is no background panel, cabinet or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encloses all the letters or elements associated with the sign. When there are multiple sign elements on the same surface, the Zoning Officer determines the outermost boundaries of individual sign elements. See Figure 9-3.
  - d. For sign messages that are nonplanar, the sign area is calculated as the smallest rectangle that encompasses the profile of the sign message and any background object, panel, cabinet or surface distinctively designed to serve as the background for the sign message. The profile used is the largest area of the sign message and background visible from any one point. See Figure 9-4.
- 9.04.07 Sign height. For freestanding signs, including temporary and portable signs, sign height is measured from the grade level of the adjoining roadway at its centerline directly in front of the freestanding sign.
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Figure 9-1 Wall Sign with panel



Figure 9-2 Freestanding Sign

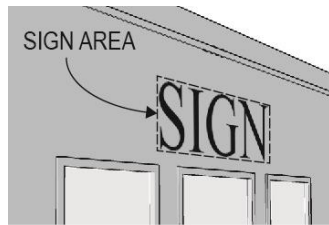


Figure 9-3 Wall Sign without panel



Figure 9-4 Nonplanar Sign

**§9.05 Standards by Sign Type**

9.05.01 Permanent signs are permitted by type as provided in Table 9-1.

9.05.02 Building Signs

Building signs may only be located on street-facing facades or on a facade with a customer entrance.

9.05.03 Freestanding Signs

- a. Freestanding signs must be set back at least ten feet from the public right-of-way line and may not extend into or over the right-of-way.
- b. If more than one freestanding sign is permitted on a lot, the sign bases must be separated by at least 50 ft.

**TABLE 9-1 Permanent Sign Types Permitted by District**

	C	UC1	UC2	UN1	UN2	SC	SNC	SN1	SN2	SE	IL	IG	MI	NO
Freestanding Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P									
Canopy/Awning Sign	P	P	P	P	P	P	P				P	P	P	P
Digital Reader Board		SE	SE	SE	SE	P	P	SE	SE	SE	P	P	P	
Internally Illuminated Sign				P	P	P	P				P	P	P	
Externally Illuminated Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	
Off-premises Signs						P					P	P		

P – permitted

SE – requires Special Exception approval

Blank cell indicates the sign type is not permitted in that district

**9.05.04 Projecting signs**

Projecting signs may not project more than 30 inches from the wall plane.

**9.05.05 Illuminated Signs**

- a. Illuminated signs must conform in all respects to the City Electrical and Building Codes.
- b. Any light mounted on, within or directed toward any sign must be shielded so that no direct illumination is cast upon any surrounding property or on or toward any public right-of-way.

**9.05.06 Digital Reader Boards**

- a. Standards for all digital reader boards, including those on vehicles:
  1. Digital reader boards may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic and pedestrian safety. Digital Reader Boards, regardless of the method of illumination, may not be brighter than 4,690 nits throughout the daytime until at least one-half hour before sunset and 1,675 nits throughout the nighttime until sunrise.
  2. Digital reader boards must be equipped with a dimmer control and photocell and must automatically adjust the display intensity as required herein.
  3. Digital reader boards must have a default mechanism that will freeze the display in a static message, turn off the display or revert to a black screen if a malfunction occurs.
  4. Message displays must be static, employing no motion, animation or changes in color or brightness, and may not change more frequently than nine seconds. Transitions between message displays must be instantaneous and may not simulate movement, such as flashing, scrolling, racing, strobing, twinkling, or animation.
- b. Standards for digital reader boards which are incorporated into building and freestanding signs:
  1. No digital reader board may exceed 75% of the entire sign face of which it is part. This does not apply to off-premises signs.
  2. Digital reader boards must be set back at least 50 ft from any residential district boundary. If permitted in a residential district, the sign must be set back at least 50 ft from the lot lines of the nearest dwelling or as far as practicable as determined by the approving authority.

**9.05.07 Temporary Signs**

Display of inflatable signs and banners are subject to any applicable permitting requirements of the City and the following regulations:

- a. Inflatable Signs. Each nonresidential premises may display inflatable signs during no more than four time periods each calendar year. Each time period is limited to 14 days.
- b. Banners
  1. For grand openings, sales and other special events, each nonresidential premises may display banners during no more than four time periods each calendar year. Each time period is limited to 30 days.
  2. Banners must be securely connected to a pole or building as approved by the Zoning Official.
  3. Banners must be maintained in good condition and must be removed if they are in disrepair.

9.05.08 Portable Signs. The following requirements apply to all existing portable signs:

- a. Any existing portable signs are counted toward the allowable number of freestanding signs on each premises.
- b. Portable signs may not be located closer than 30 feet to any freestanding sign and must be secured, as approved by the Zoning Official, to prevent unintended movement due to wind or other causes.
- c. Portable signs must comply with the setback and sight distance requirements applicable to freestanding signs.
- d. Portable signs may not contain off-premises messages.

9.05.09 Window Signs

- a. Window signs may not exceed 50% of the total glass area on a street-facing facade.
- b. Window signs in locally-designated historic districts are subject to review by the Anniston Historic Preservation Commission.

### **§9.06 Signs Permitted in All Districts**

The following signs are permitted in all zoning districts subject to applicable regulations herein.

9.06.01 Temporary Signs, in accordance with [§9.07 Residential and Suburban Edge Districts](#), [§9.08 Nonresidential and Mixed-Use Districts](#) and [§9.09 NO District](#). Temporary signs may be used for commercial or noncommercial speech.

9.06.02 Flagpoles and Stanchions

- a. Unless otherwise required by law, for each developed residential premises, one permanent flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
- b. For each nonresidential premises up to one-half acre in size, up to two permanent flagpoles are permitted. For each nonresidential premises over one-half acre in size, up to three permanent flagpoles are permitted. For each additional acre, one additional permanent flagpole is permitted. Up to two flags may be displayed per flagpole.
- c. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole be taller than 50 ft.
- d. For each principal structure, up to two flag brackets or stanchions may be attached or placed for the display of flags.

### **§9.07 Residential and Suburban Edge Districts**

Signs in the UN1, UN2, SN1, SN2 and SE Districts are subject to the following standards:

9.07.01 General Standards

- a. Only those signs expressly permitted in [§9.06](#) and this Section are permitted
- b. Sign types must be in accordance with Table 9-1.
- c. Sign height and area must be in accordance with Table 9-2.
- d. Digital Reader Boards may be permitted only by special exception (see [§12.06](#)) and only on permitted nonresidential premises.

9.07.02 Building Signs

- a. Each multifamily building is permitted one wall sign.
- b. Each principal nonresidential building is permitted one wall sign. One additional wall sign is permitted for a secondary façade along an adjoining public street, if applicable.

9.07.03 Freestanding Signs

- a. Subdivisions. Each subdivision is permitted one freestanding sign at each street entrance, which may not be placed within any public right-of-way. An acceptable legal entity other than the City must be responsible for perpetual maintenance of the sign.
- b. Multifamily Developments, Manufactured Home Parks and Nonresidential Premises. Each housing development and nonresidential premises is permitted one externally illuminated, freestanding sign.

9.07.04 Temporary Signs

- a. During construction of a residential or nonresidential development, only the following temporary signs are permitted:
  - 1. Subdivisions, Multifamily and Nonresidential Developments, Manufactured Home Parks. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 18 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, “completion” refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable. In all other cases “completion” refers to issuance of a Certificate of Occupancy for the development.
- b. After initial construction, each premises is permitted the following temporary signs:
  - 1. At any time, three temporary signs with a combined area of 20 sf, with no sign larger than nine square feet in sign area nor taller than four feet.
  - 2. For nonresidential uses, a banner may be displayed in accordance with [§9.05.07 Temporary Signs](#).

**Table 9-2 Permitted Sign Area by District**

DISTRICT	Building Sign Area per facade	Freestanding Signs	
		Area (total)	Height
C	2 sf per 1 linear foot of facade or 32 sf, whichever is more	36 sf	6 ft
UC1, UC2, SNC and MI	2 sf per 1 linear foot of facade or 32 sf, whichever is more	64 sf	8 ft
UN1, UN2, SN1, SN2 and SE	36 sf <sup>1</sup>	36 sf	6 ft
SC	2 sf per 1 linear foot of facade or 32 sf, whichever is more	100 sf	24 ft
IL and IG	150 sf	100 sf	24 ft
NO	36 sf	64 sf	8 ft

1. Internally illuminated building signs may be no larger than 24 sf in area.

## **§9.08 Nonresidential and Mixed Use Districts**

Signs in the C, UC1, UC2, SC, SNC, MI, IG and IL Districts are subject to the following standards:

### 9.08.01 General Standards

- a. Only those signs expressly permitted in [§9.06](#) and this Section are permitted.
- b. Sign types must be in accordance with Table 9-1.
- c. Sign height and area must be in accordance with Table 9-2.

### 9.08.02 Building Signs

- a. Multifamily developments are permitted wall signs in accordance with [§9.07 Residential and Suburban Edge Districts](#).
- b. For nonresidential and mixed-use premises, each ground floor tenant is permitted one wall sign subject to the following:
  1. One wall sign per street-facing façade per tenant.
  2. In addition to a primary wall sign, each premises or each tenant is allowed up to two canopy or awning signs, the area of which is counted toward the total allowed sign area for building signs.

### 9.08.03 Freestanding Signs

- a. Residential premises are permitted freestanding signs in accordance with [§9.07 Residential and Suburban Edge Districts](#).
- b. Nonresidential and mixed-use premises are permitted freestanding signs provided in Table 9-1 and as follows:
  1. Each premises may have one freestanding sign per street frontage.
    - i. The sum of the area of each freestanding sign on each premises may not exceed the total area allowed in accordance with Table 9-2.
    - ii. Shopping centers with four or more tenant spaces may have a freestanding sign of up to 200 sf.
  2. In addition, at the driveway entrance to each premises, up to two permanent, freestanding signs, which may not exceed four square feet in area nor three feet in height, may be displayed.

### 9.08.04 Off-premises Signs. See [§9.10 Off-premises Signs](#).

### 9.08.05 Temporary Signs

- a. Residential premises are permitted temporary signs in accordance with [§9.07 Residential and Suburban Edge Districts](#).
- b. Nonresidential and mixed-use premises are permitted temporary signs as follows:
  1. During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days after the Certificate of Occupancy has been issued.
  2. After initial construction, each premises is permitted the following temporary signs:
    - i. At any time, each premises is permitted two temporary signs with each sign no larger than 16 sf in sign area nor taller than six feet.

- ii. Inflatable signs may be displayed in accordance with [§9.05.07 Temporary Signs](#).
- iii. Banners may be displayed in accordance with [§9.05.07 Temporary Signs](#).
- iv. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

## **§9.09 NO District**

### 9.09.01 General Standards

- a. Sign types must be in accordance with Table 9-1.
- b. Sign height and area must be in accordance with Table 9-2.

### 9.09.02 Building Signs. Nonresidential premises are permitted one wall sign per street frontage.

### 9.09.03 Freestanding Signs. Each nonresidential premises may have one freestanding sign per street frontage.

### 9.09.04 Temporary Signs

- a. Residential premises are permitted temporary signs in accordance with [§9.07 Residential and Suburban Edge Districts](#).
- b. Nonresidential premises are permitted temporary signs as follows:
  - 1. During construction, up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days after the Certificate of Occupancy has been issued.
  - 2. After initial construction, each premises is permitted the following temporary signs:
    - i. At any time, each premises is permitted two temporary signs with each sign no larger than 16 sf in sign area nor taller than six feet.
    - ii. Banners may be displayed in accordance with [§9.05.07 Temporary Signs](#).
    - iii. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

## **§9.10 Off-Premises Signs**

### 9.10.01 Off-premises signs are permitted only in the SC, IL, and IG districts, unless expressly prohibited herein. Off-premises signs are permitted only on lots with frontage on arterial roads as classified by the Calhoun Area Metropolitan Planning Organization.

### 9.10.02 General Requirements

- a. Off-premises signs are prohibited in the following locations:
  - 1. properties with frontage on Iron Mountain Road
  - 2. properties fronting on Quintard Avenue between A Street and 22nd Street

3. properties within 300 ft of any property used for public parks, public schools, place of worship, courthouse, city hall or public museum and having principal frontage on the same street.
  - b. No portion of an off-premises sign may be closer to the street than the building setback line, if such a line exists. No portion of any off-premises sign may be placed on or extend over the right-of-way line of any street or highway.
  - c. On the interstate system, sign height, area and spacing must comply with the Highway Beautification Act - Outdoor Advertising of the State of Alabama.
- 9.10.03 Area, Height and Spacing. Where not subject to the Highway Beautification Act, off-premises signs are subject to the following standards:
- a. Sign faces may not be larger than 800 sf inclusive of any border and trim, but excluding the base, apron, supports and other structural members.
  - b. No sign may exceed 45 ft in height or the height limit of the applicable zoning district.
  - c. No off-premises sign may be established within 1,000 ft of any other off-premises signs. The minimum distance between off-premises signs is measured along the nearest edge of the pavement between points directly opposite the center of the signs along either side of the roadway.
- 9.10.04 Digital Off-Premises Signs. The replacement of existing non-digital off-premises signs with digital off-premises signs is permitted. Displays are subject to the requirements in [§9.05.06](#) except that displays may not change more frequently than nine seconds. No new digital off-premises signs may be erected except in compliance with the spacing requirements above.

### **§9.11 Nonconforming Signs**

- 9.11.01 When a nonconforming sign is removed, damaged, or destroyed by any means to the extent of 50% of its replacement value exclusive of foundation, it may not be restored, unless it is made to conform to the provisions of this Article.
- 9.11.02 Any nonconforming sign which is abandoned for more than six months must be removed or made to conform with this Article by the owner.



## ARTICLE 10 LANDSCAPING

### §10.01 Definitions

Certain terms used in this section are defined as follows:

- 10.01.01 FRONTAGE LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between any off-street parking area and adjoining rights-of-way. See Figure 10-1.
- 10.01.02 INTERIOR LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation within an off-street parking area. See Figure 10-1.
- 10.01.03 PERIMETER LANDSCAPING. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking area and adjoining properties. See Figure 10-1.
- 10.01.04 VEHICULAR AREA. Any area used for the circulation or parking of automobiles, including but not limited to, parking lots, driveways, fuel island aprons and drive-through facilities. Does not include vehicle sales display areas or fully screened storage areas for vehicles.

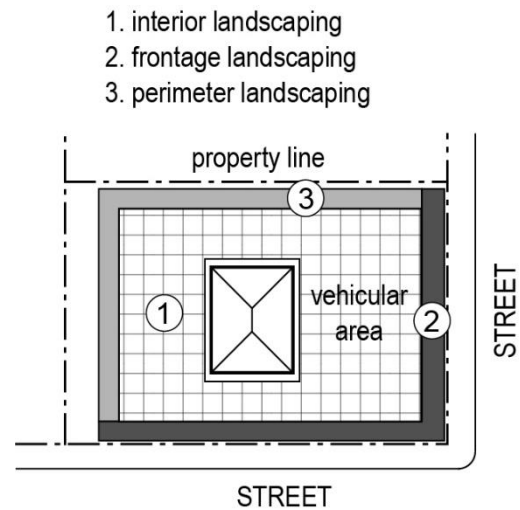


Figure 10-1 Landscaping Types

### §10.02 Screening

Screening provides visual separation of certain site elements from public areas and adjoining properties.

- 10.02.01 Applicability. For all multifamily, nonresidential and mixed-use developments, the following must be screened from public view and view from adjoining properties, excluding properties in an IL or IG District:
- Waste collection, recycling and refuse handling areas
  - Maintenance areas or utility structures associated with a building or development
  - Outside runs for veterinarians, animal shelters, and kennels
  - Telecommunication towers
  - Mechanical units
  - Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair or dismantled), not including retail display
  - Any other uses for which screening may be required by the approving authority
- 10.02.02 Design Requirements. Screening must comply with the following and as required by the approving authority:
- Location of the site element should be the first consideration in providing required screening. The approving authority may reduce requirements when the location of the element obscures it from public view and from neighboring properties. Screening requirements may also be reduced between similar site elements on adjoining properties provided the site elements are adequately screened from public view.

- b. Screening may not impede any drainage way or block access to any above-ground, pad-mounted transformer. The utility company may require a minimum clear distance.
- c. The method of screening, including height and materials, must sufficiently screen the site element from view. Screening may be provided through evergreen plantings, an enclosure meeting the requirements of [§10.05](#) or a combination of these. The minimum height needed is preferred.
- d. Multiple elements may be screened together.
- e. In addition to screening, site elements that produce objectionable noise or odors may be required to be located to minimize any nuisance to the public and adjoining properties.
- f. Shrubs, if used as the primary screening material, must be evergreen and spaced so that, at maturity, they create a solid, opaque screen. If used in combination with a fence, shrubs may be deciduous and must be spaced no more than eight feet on center.

#### 10.02.03 Requirements for Specific Uses

- a. Refuse and recycling containers may not be located forward of the front building line or in required buffers. These containers must be placed on a concrete pad and screened on three sides with an opaque access gate that is normally kept closed. The fence must be at least two feet taller than the container. The enclosure must be of wood or masonry construction or a combination of these. Waste containers of 20 gallons or less do not require screening unless more than two such containers are kept together.
- b. Outdoor storage must be screened to at least the height of the material or equipment to be screened.

10.02.04 Outdoor service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any adjoining properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

### **§10.03 Buffers**

10.03.01 Applicability. Buffers must be provided as specified in Table 10-1 and as described in this Section. Buffers are required for the developing land use. Buffer requirements are based on the developing land use and the existing, adjoining use. Required yards, when corresponding with the buffer area, may overlap and may be counted toward buffer width requirements. Required buffers must be indicated on a landscaping plan provided with the Building Permit application.

10.03.02 Modifications. Buffer requirements may be modified by the approving authority as follows:

- a. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly, the buffer requirement may be modified to be consistent with the planned use of the neighboring property.
- b. If the land use relationship between two adjoining lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
- c. Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the adjoining property or the use projected by the Comprehensive Plan, whichever requires a greater buffer.

- 
- d. Buffers may not be used for parking, recreational use or any other purpose, except as follows:
    1. The approving authority may permit a walkway through a buffer.
    2. Public utilities and storm drainage facilities may be constructed in a buffer if the buffer otherwise complies with this Section.

#### 10.03.03 Design Standards

Buffer design must provide an opaque visual barrier from the ground to at least six feet above grade throughout the length of the buffer. This may be achieved using evergreen shrubs or a combination of evergreen shrubs and a fence meeting the requirements of [§10.05 Design Standards for Required Fences](#). Trees must also be provided as specified in Table 10-1.

##### a. Shrubs

1. Evergreen shrubs must be at least three feet in height at time of planting and must be of a variety that will achieve a mature height of at least six feet.
2. Shrubs must be spaced closely enough to form a continuous, opaque visual barrier while accommodating healthy growth, which will vary based on the plant variety.
3. Deciduous shrubs do not count toward buffer requirements but may be used to supplement evergreen shrubs.

##### b. Trees

1. Trees used to fulfill buffer requirements may be evergreen or deciduous.
2. Evergreen trees must be a variety that achieves a mature height of at least 10 ft. Deciduous trees must be of a variety that achieves a mature height of at least 25 ft.
3. At the time of planting, trees must have a caliper of at least 2.5 inches measured six inches above grade.

##### c. The following modifications are permitted when a fence is provided that is at least six feet tall and meets the requirements of [§10.05](#):

1. shrubs need not be taller than four feet above grade at maturity
2. the number of shrubs may be reduced by 15% (the number of shrubs necessary to fulfill the normal requirement must be noted on the landscaping plan)
3. the buffer width may be reduced as provided in Table 10-1.

**Table 10-1 Buffer Requirements By Use**

Developing Land Use	Existing Adjoining Use							
	Single-family, duplex, triplex and quadplex	Multi-family	Lodging	Institutional			Business	Parks & greenways
				low/medium/high				
<b>Residential and Lodging</b>	<b>Buffer Class Required</b>							
Single-family, duplex, triplex and quadplex	n/a	n/a	n/a	n/a			n/a	n/a
Multifamily	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	A	n/a	n/a			n/a	n/a
Manufactured home parks, RV parks and campgrounds	B	B	B	A			B	A
<b>Institutional</b>								
Low intensity	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a
High intensity	B	B	A	A	n/a	n/a	n/a	A
<b>Business/Commercial</b>								
Offices up to 50,000 sf	A	A	n/a	A	n/a	n/a	n/a	n/a
Offices greater than 50,000 sf	B	A	n/a	A	n/a	n/a	n/a	n/a
Amusement; outdoor entertainment	B	B	A	A	A	n/a	n/a	A
Mixed-use building containing dwellings	B	A	n/a	n/a	n/a	n/a	n/a	n/a
Retail and restaurants up to 50,000 sf	B	A	n/a	n/a	n/a	n/a	n/a	n/a
Retail and restaurants greater than 50,000 sf	B	B	n/a	n/a	n/a	n/a	n/a	A
Mini-storage facilities	B	B	n/a	n/a	n/a	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	A	B	A	n/a	n/a	A
<b>Industry and Utilities</b>								
Warehousing, storage and public utility facilities	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	B	B
<b>Planting Requirements by Buffer Class</b>								
Buffer Class	Width with fence/wall		Width without fence/wall			Required trees <sup>1</sup>		
A	10 ft		15 ft			1 tree per 20 ft		
B	15 ft		20 ft			1 tree per 15 ft		
C	22 ft		30 ft			1 tree per 12 ft		

<sup>1</sup> Trees may need to be staggered, depending on species and spacing, to support healthy growth.

**§10.04 Vehicular Area Landscaping**

10.04.01 Purpose. These regulations are intended to:

- a. Protect the appearance and value of surrounding properties, and thereby promote the general health, safety and welfare;
- b. Insulate public rights-of-way and adjoining residential properties from noise, glare, overall visual impact and other distractions from off-street parking areas;
- c. Provide shade in off-street parking areas
- d. Promote stormwater management by incorporating landscape areas in impervious parking lots.

10.04.02 Applicability. These regulations apply to vehicular areas in nonresidential, multifamily and mixed-use developments used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels as specified in Table 10-2. All landscaping requirements must be fulfilled before a Certificate of Occupancy is issued.

- a. Single-family dwellings are exempt from these regulations; however, these regulations apply to parking areas for swimming pools and other common areas in single family residential development maintained by a private homeowners' association or any public entity.

**Table 10-2 General Requirements**

Number of Spaces in Parking Lot	Type of Landscaping		
	Frontage	Perimeter	Interior
Parking area of 20 or fewer spaces	required	required where adjoining a residential use	
Parking area of 21—39 spaces	required	required	
Parking area of 40 or more spaces	required	required	required
Parking decks	required	required	
Any other vehicular use area	required	required	

- b. Existing vehicular areas: If the size of an existing vehicular area is increased by more than 20% or by ten or more spaces, the new vehicular area must comply with this Section. If the existing vehicular area is increased by more than 40% or by 25 or more spaces, the entire off-street parking area must be brought into conformity with these regulations.

10.04.03 Frontage landscaping

- a. A landscaped strip must be provided along all adjoining public rights-of-way as required in Table 10-3, which must include a minimum of one tree and six shrubs per full 50 linear feet of each frontage. Landscaping within rights-of-way do not count toward required frontage landscaping.
- b. When a fence or wall meeting the standards in [§10.05](#) is provided as part of frontage landscaping, the depth of the landscaping strip may be 50% provided the reduced depth is not less than three feet.

**Table 10-3 Landscaping for Vehicular Areas**

	C, UC1, UC2	All other districts
Frontage, primary and side streets (min)	7 ft	10 ft
Side and rear (min)	5 ft	5 ft
Minimum DBH of required trees	2 in	2 in
Maximum number of parking spaces between landscape islands or peninsulas	12	10

10.04.04 Perimeter Landscaping. Unless otherwise specified, perimeter landscaping strips are subject to the following:

- a. The area of driveways for cross access are discounted from calculation of perimeter landscaping requirements.
- b. If a wall or fence is provided on the adjoining lot, the approving authority may permit a perimeter landscaping strip of lesser depth without the need for a wall or fence to be provided on the site.
- c. Perimeter landscaping strips must be planted with evergreen shrubs at an average spacing of four feet and one tree per 50 ft. If the vehicular area is set back more than 20 ft from a side or rear lot line, shrub spacing may be increased to six feet.

10.04.05 Interior Landscaping

- a. All landscape islands and peninsulas must be at least 100 sf in area, at least six feet in their least dimension exclusive of curbs and must contain at least one tree. For landscape islands within or at the end of a double parking row, said islands must be at least 200 sf in area.
- b. Landscape islands and peninsulas must be designed to allow infiltration of stormwater.

### **§10.05 Design Standards for Required Fences**

Fences used to meet the landscaping requirements of this Article are subject to the following:

- 10.05.01 Fences must be vinyl, masonry, durable wood, cementitious wood or a combination thereof. Wood that is untreated and not naturally decay resistant, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. However, chain-link fencing with slats may be used for screening purposes but not to meet buffer or frontage landscaping requirements.
- 10.05.02 For frontage and perimeter landscaping, no more than 25% of the fence surface may be left open. Fences used as part of frontage or perimeter landscaping must be at least three feet tall but must comply with the height limits in [§3.06.01 Intersection Sight Distance](#), if applicable.
- 10.05.03 Only the finished side of the fence may face adjoining property or public views.
- 10.05.04 Shrubs and trees required for buffers, screening or landscaping must be planted on the exterior side of the fence.
- 10.05.05 If a fence extends more than 100 ft in one direction, it must have columns or similar articulation, which project outward from the fence surface and are spaced no more than 50 ft on center.

**§10.06 Modifications**

10.06.01 Planting requirements may be modified in the following circumstances, as determined by the approving authority:

- a. Where existing trees and other vegetation fulfill in part or in whole the purposes for which landscaping is required. See also §10.06.02.
- b. Where impending development of adjoining property would make these standards unreasonable or impractical.
- c. Where views from adjoining properties is blocked by a change in grade or other natural or man-made features.
- d. Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome
- e. Where use of alternative landscaping methods would enable preservation of unique natural or historic features or views of such features

10.06.02 Preservation of Existing Trees

- a. The preservation of existing trees is encouraged. Preserved trees are credited toward required trees as provided in Table 10-4.
- b. The preservation of existing trees may only be credited for required tree plantings if the following conditions are met:
  1. The critical root zone of the tree must be protected during the construction process. The extent of the protected area must be shown on the submitted site plan.
  2. No part of a structure or pavement, except for sidewalks or other surfaces not intended for vehicular use, may encroach into the critical root zone.

**Table 10-4 Credits for Preserved Trees**

Diameter at Breast Height of Preserved Tree	9-19 inches	20-25 inches	26-29 inches	30-35 inches	36 or more inches
Trees Credited	2	3	4	5	6

**§10.07 Required Maintenance**

10.07.01 The owner is responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition. All unhealthy and dead materials must be replaced during the next appropriate planting period.

10.07.02 All fencing used to meet landscaping standards must be maintained in good condition and replaced or repaired as needed.

10.07.03 At no time may required landscaping be reduced to less than that required by this Article or the originally approved landscape plan.

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## **ARTICLE 11 ADMINISTRATION AND ENFORCEMENT**

### **§11.01 Generally**

- 11.01.01 The Zoning Official administers and enforces this Ordinance. He or she may be provided with the assistance of such other persons as the City Manager may direct.
- 11.01.02 If the Zoning Official finds that any provisions of this Ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall, in accordance with [§11.08 Nonconforming Uses](#), order discontinuance of illegal use of land or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### **§11.02 Building Permits**

- 11.02.01 No structure may be erected, moved, added to, structurally altered, renovated, or remodeled without a building permit issued by the City. All building permits are issued in accordance with this Ordinance, the provisions of the Building Code, and the various other rules, regulations, and laws pertaining to construction.
- 11.02.02 Any use, arrangement or construction at variance with that authorized under a Building Permit is a violation of this Ordinance and the Building Code and is punishable as provided in [§11.04 Violations](#).
- 11.02.03 Application
- a. All building permit applications must be accompanied by the required fee and plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building, its proposed uses and any other uses of the land; the number of dwelling units the building is designed to accommodate; and such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this Ordinance.
  - b. One copy of the plans shall be returned to the applicant, marked as approved or disapproved and signed by the Zoning Official / Building Official. The original copy of the plans, similarly marked, shall be retained by the Zoning Official / Building Official for at least the minimum duration as required by the Records Disposition Authority of the Office of the Alabama Secretary of State.
  - c. If the proposed construction, moving or alteration and use as set forth in the application conform to this Ordinance, the Zoning Official / Building Official issues a building permit accordingly. If a building permit is not approved, the Zoning Official / Building Official states in writing on the application the cause for such disapproval. Issuance of a building permit may, in no case, be construed as waiving any provision of this Ordinance.
- 11.02.04 Expiration of Building Permit. Refer to City Code §6.3.6.

### **§11.03 Certificate of Occupancy**

- 11.03.01 No land or structure or part thereof hereafter erected, moved or altered following issuance of a Building Permit may be occupied or utilized until the Zoning Official / Building Official has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance and the Building Code.

11.03.02 Within three days after the owner or his agent has notified the Zoning Official / Building Official that the structure or premises or part thereof is ready for occupancy or use, the Zoning Official / Building Official will make a final inspection and issue a Certificate of Occupancy if the structure or premises or part thereof is found to conform to:

- a. The provisions of this Ordinance, the Building Code and the various other rules, regulations, and laws pertaining to construction.
- b. The site development and use information submitted in the application for zoning approval or rezoning, as applicable; and,
- c. Any restrictions or conditions stipulated with approval of the zoning request, if applicable.

11.03.03 If said land, structures or parts thereof are not in full conformance with the items set forth above, a Certificate of Occupancy will be refused, and said refusal and the cause for same will be stated in writing. Should there be only minor issues outstanding and in need of resolution per the Zoning Official / Building Official, a Temporary Certificate of Occupancy can be issued for an initial period of no more than 30 days during which the building can be occupied while the project is being completed. The Temporary Certificate of Occupancy indicates the outstanding issues that need resolution for the Certificate of Occupancy to be issued. Should additional 30-day time periods be required to continue the validity of a Temporary Certificate of Occupancy, they must be both requested and issued in advance of the expiration of the respective Certificate.

#### **§11.04 Violations**

11.04.01 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Official, who will record, investigate, and take action on the complaint as provided by this Ordinance.

11.04.02 Violation of this Ordinance or failure to comply with any of its requirements, including violations of conditions established in connection with grants of variances or special exceptions, are deemed unlawful. Any person who violates any provision of this Ordinance or fails to comply with any of its requirements is subject to the penalties in §1.14 of the City Code of Ordinances. Conviction of a violation and imposition of any fine does not exempt the party from compliance with this Ordinance.

11.04.03 Nothing herein contained prevents the City from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **§11.05 Schedule of Fees**

The City Council establishes a schedule of fees per the City Code of Ordinances. Until all applicable fees, charges, and expenses have been paid in full, no action is taken on any application or appeal.

#### **§11.06 Amendments**

11.06.01 An amendment to the Zoning Map or regulations may be initiated by the City Council or the Planning Commission. In addition, any property owner, or their authorized agent, may request a change to the zoning classification of their property.

11.06.02 Application. To be considered at the next regularly scheduled Planning Commission meeting, rezoning applications must be filed with Planning and Development Services at least ten calendar days prior to the meeting. Applications must include the rezoning fee, as established by the

Council to defray the costs of public notice, and the information listed in the appendix to this Ordinance.

11.06.03 Procedure

- a. Following the submission of a completed application, the City posts signs on the subject property a minimum of ten calendar days prior to the Commission hearing at which the request is to be heard. The signs include the date, time and location of the hearing and the existing and proposed zoning of the property.
- b. The Commission has 60 calendar days after the public hearing to make recommendations to the City Council. The recommendations of the Commission are advisory only. Failure of the Commission to make its recommendation within the prescribed time constitutes a favorable recommendation.
- c. Following receipt of the Commission's recommendation, a public hearing will be held by the City Council, after which the Council will render its decision.
- d. Notice of the time and place of public hearings will be given as required by state law.

11.06.04 Limit on Reapplications

- a. When the City Council denies a request to amend the Zoning Map, an application for the same request will not be considered for a period of one year. The Commission may adjust this time period if, in the opinion of the majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing prior to expiration of the one-year period.
- b. When a rezoning application is withdrawn after the hearing held by the Commission but prior to hearing by the City Council, another application of the same nature involving the same property will not be considered until one year has elapsed from the date the original application was withdrawn.

**§11.07 Temporary Emergency Relief**

11.07.01 In the event of a natural disaster or other event causing widespread damage within the city or to multiple properties in a neighborhood or district, the Zoning Official is hereby granted authority to provide immediate emergency relief to applicants requesting such relief by issuing permits authorizing the installation of manufactured homes for temporary residential use and manufactured buildings for temporary nonresidential use under the following conditions:

- a. The permit may not exceed one year from date of issuance.
- b. The permit may not be transferable to another owner or to another property.

11.07.02 Prior to the issuance of such permit, the Zoning Official must be reasonably satisfied that the applicant's request is necessary, and that the need for such relief was primarily caused by damage resulting from natural disaster or similar event.

### **§11.08 Nonconforming Use**

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

- 11.08.01 No existing structure devoted to a use not permitted in the applicable district may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the applicable district.
- 11.08.02 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, must thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- 11.08.03 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure, or structure and premises in combination, may not thereafter be used except in conformity with the regulations of the applicable district.
- 11.08.04 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. For the purposes of this section, “destruction” is defined as damage to an extent of more than 50% of the replacement cost immediately prior to such destruction.

### **§11.09 Building Code Compliance**

- 11.09.01 No existing structure may be enlarged, extended, constructed, reconstructed, moved, structurally altered, or repaired except in strict accordance with the provisions of the current adopted construction codes, and the various other rules, regulations, and laws pertaining to construction. Permits must be obtained prior to the commencement of any work being performed.
- 11.09.02 When an existing structure, or structure and premises in combination, does not fully meet current code requirements for the occupancy classification for which the structure is being used for and the said use has been discontinued or abandoned for six consecutive months, the structure, or structure and premises in combination, may not thereafter be used further for the same use or occupancy until the structure is fully upgraded to meet the requirements of the Building Code, and the various other rules, regulations, and laws pertaining to construction.

## **ARTICLE 12 ZONING BOARD OF ADJUSTMENT**

### **§12.01 Establishment**

A Zoning Board of Adjustment (“ZBA”) is hereby established. The appointment, procedure, powers and action of the ZBA are governed and controlled by Section 11-52-80, Code of Alabama 1975. The ZBA consists of five members and two supernumerary members, appointed by the City Council for a period of three years, except that in the first instance one member is appointed for a term of three years, two for a term of two years and two for a term of one year. The ZBA is an appeal board for variances, special exceptions, and ordinance interpretations.

The ZBA hears, only, requests for variances and special exceptions and determines whether there has been an error in any decision made by the Zoning Official while enforcing the ordinance.

### **§12.02 Administrative Appeals**

- 12.02.01 The ZBA hears and decides appeals where it is alleged that an error exists in any order, requirements, decision or determination made by the Zoning Official in the interpretation or enforcement of this Ordinance.
- 12.02.02 Appeals to the ZBA may be taken by any person or by any officer, department or board of the City aggrieved or affected by any zoning-related decision of the Zoning Official.
- 12.02.03 All appeals must be filed on forms made available by the City within 30 days of the date of the decision being appealed. The Zoning Official must present to the ZBA all documentation constituting the record upon which the action appealed was taken. The ZBA will hold a hearing on the appeal.
- 12.02.04 An appeal stays all proceedings in furtherance of the action appealed therefrom, unless the Zoning Official certifies to the ZBA, after the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Official’s opinion, cause imminent peril to life or property. In such case, proceedings may not be stayed except by a restraining order granted by the ZBA or by a court of record.
- 12.02.05 In exercising the power of administrative review, the ZBA must apply, not vary, the terms of this Ordinance.
- 12.02.06 The ZBA may affirm, reverse wholly or in part, or modify the Official’s decision, order or determination as in its opinion should be done.
- 12.02.07 No appeal of an administrative decision may be reheard by the ZBA.

### **§12.03 Special Exceptions**

- 12.03.01 Application. A complete application, made on forms provided by the City, and the required fee must be submitted before the request is placed on the agenda of the next available meeting of the ZBA.
- 12.03.02 In considering a Special Exception request, the ZBA considers such factors as, but not limited to, site access, visibility, noise, traffic to be generated, effects on adjacent uses and the shape, topography and suitability of the land for the use involved. Before granting any Special Exception, the ZBA must find that the proposed Special Exception will not:
  - a. Be contrary to the public interest or to the spirit of this Ordinance;

- b. Permit the establishment of a use prohibited in the zoning district nor otherwise violate other Sections of this Zoning Ordinance; and
  - c. Cause an adverse impact on property or improvements in the vicinity or in the applicable district.
- 12.03.03 In granting a Special Exception, the ZBA may attach such reasonable conditions and safeguards as it may deem necessary to promote the public health, safety, and general welfare. The ZBA may require inspections of such premises on an annual or similar basis as a condition of approval. Violations of conditions lawfully attached to any Special Exception constitute violations of this Ordinance.
- 12.03.04 Board approval of a Special Exception pertains solely to that specific use, structure or improvement at the specified location. It is not transferable to another use at that location or the same use at another location.
- 12.03.05 Special Exception approval lapses and will be of no effect if, after one year from the date of approval, no construction or change in use pursuant to the approval has taken place. The ZBA may, for good cause shown, specify a longer time period with its approval.

#### **§12.04 Variances**

- 12.04.01 Application. A complete application, made on forms provided by the City, and the required fee must be submitted before the request is placed on the agenda of the next available meeting of the ZBA.
- 12.04.02 The ZBA may authorize variances from the terms of this Ordinance 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 the ordinance is observed and substantial justice done.
- 12.04.03 The ZBA may impose such conditions for approval as it deems necessary to protect the public interest and the intent of this Ordinance. Violations of conditions lawfully attached to any variance constitute violations of this Ordinance.
- 12.04.04 The ZBA uses the following guidelines in evaluating variance requests:
- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are generally not applicable to other lands structures, or buildings in the same district.
  - b. A literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.
  - c. The special conditions, for which relief is sought, do not constitute a self-imposed hardship;
  - d. Granting of the variance is in harmony with the intent and purposes of the ordinance;
  - e. The variance will not adversely affect surrounding property, the neighborhood, or the community as a whole;
  - f. The variance will not allow the establishment of any use expressly or by implication prohibited in the applicable district;
  - g. The variance requested is the minimum adjustment necessary to enable the legal use of the land or structure.

12.04.05 The ZBA does not consider the following as grounds for approval of a variance:

1. The nonconforming use of land or structures in the same district. Uses and structures in other districts are also not considered grounds for a variance.
2. Proof that a variance would increase the financial return from the land.

12.04.06 Variances are considered to “run with the land.” Once approved, they do not expire and are not affected by a change in ownership of the property for which they are granted.

**§12.05 Appeals of Board Decisions**

Any person or any board, department, or bureau of the City aggrieved by any decision of the ZBA may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by §11- 52-81, Code of Alabama 1975, as amended.

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APPENDIX

Rezoning Application Requirements

PUD Application Requirements

Special Exception/Variance Application Requirements



**Rezoning Application Requirements**

1. Rezoning fee
2. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
3. Name of the owner of the subject property
4. Names and addresses of all owners of property adjoining the subject property, to be obtained from the Calhoun County Tax Assessors Office.
5. Address and legal description of the subject property
6. A map, drawn to scale, indicating the dimensions and exact location and boundaries of the subject property and adjoining public rights-of-way
7. Reason for the rezoning request; if the request involves a change in the zoning regulations, the applicant must submit a written statement describing the desired amendment and the reasons for the request.
8. Location of any proposed structures
9. Availability of required utilities
10. Written time schedule for beginning and completion of any proposed development planned by the applicant.

### **Planned Unit Development Submittal Requirements**

1. Preliminary Master Plan. Drawings must be approximately to scale and include the following:
  - A. Vicinity map showing the location of the proposed project.
  - B. Site map showing the property boundaries and ownership of adjoining property.
  - C. Existing zoning map, indicating the zoning classification of the tract and all properties within 500 ft
  - D. Existing site conditions map
  - E. Development plan showing the total project including:
    - 1) Conceptual circulation plan, including whether streets will be public or private, shown in relationship to external streets (with street name and existing right-of-way width noted)
    - 2) Conceptual drainage plan
    - 3) Conceptual open space plan showing common areas to remain in private ownership and proposed public dedication sites, if any
    - 4) A proposed use plan showing the location of acreage of distinct use areas including:
      - Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
      - Density of each residential development area calculated in gross acres
  - F. Phasing plan, if involving multiple phases of development
2. Preliminary Master Plan Narrative:
  - A. Evidence that the proposal is compatible with the Comprehensive Plan
  - B. Evidence that the proposal meets the purpose for PUD development and community objectives and description of community benefits to be achieved as described in §6.03
  - C. Preliminary information regarding normally required zoning and subdivision standards to be modified and alternative standards to be proposed
  - D. A general description of any community facilities to be provided, such as school sites, fire stations or recreation facilities, if any
  - E. Preliminary information regarding restrictive covenants and form of ownership and maintenance of any common open spaces and facilities
3. Master Plan. The Master Plan submission must include the following:
  - A. Total project plans and conditions:
    - 1) The property boundaries, including metes and bounds
    - 2) An area map showing the applicant's entire holding and all properties, streets, rights-of-way and easements within 300 feet of the property.
    - 3) Topographic map with five-foot contour intervals
    - 4) Phasing plan, if applicable, showing areas already developed, areas for which development approval is being requested, and areas for future development with approximate timetable for completion.
  - B. Development Plan showing the total project including:
    - 1) Proposed use plan showing the location and acreage of distinct land use areas including:
      - Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
      - Density of each residential area calculated in net acres

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- 2) Site plan showing location, use, scale and orientation of all buildings other than detached single-family dwellings
  - 3) Conceptual lotting plan for attached and detached single-family dwellings
  - 4) The internal street network shown in relationship to external streets with street name and existing right-of-way width noted
  - 5) Conceptual drainage and utilities plan, including method of sewage disposal and location of such facilities
  - 6) Open space plan, including identification of improved and unimproved open spaces and area and overall dimensions of each required open space
  - 7) Parking master plan, including location and circulation pattern of all nonresidential and common parking areas
  - 8) Signage master plan, including location, height and size of all freestanding signs
  - 9) Landscaping plan, including location, overall dimensions and design approach to parking lot landscaping, screening, buffers and open spaces
  - 10) Location and design of lighting facilities
4. Master Plan Narrative
    - A. Evidence that the proposal is compatible with the Comprehensive Plan
    - B. Evidence that the proposal meets the purpose for PUD development and community objectives and description of community benefits to be achieved as described in [§6.03](#)
    - C. Prototype development plans and schedule to show lot sizes, setbacks, typical structure arrangements, access and parking provisions
    - D. Complete description of all normally required zoning and subdivision standards to be modified and proposed alternative standards
    - E. Description of community facilities to be provided, such as school sites, fire stations or recreation facilities, or statements on which existing facilities will be used by the proposed residents of the project
    - F. Proposed restrictive covenants including how any common open spaces and facilities are to be owned and maintained; design standards and method of implementation

### **Special Exception/Variance Application Requirements**

1. Application fee
2. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
3. Name of the owner of the subject property
4. Names and addresses of all owners of property adjoining the subject property, to be obtained from the Calhoun County Tax Assessors Office
5. Address and legal description of the subject property
6. Width, depth and area of the subject property
7. Zoning classification and present use of the subject property
8. Reason for the Special Exception/Variance request
9. For requests involving a change in use:
  - A. Proposed days of the week and hours of operation, if applicable
  - B. Estimated minimum and maximum number of employees
  - C. Whether the use will be open to the public, whether visits will be by appointment only or otherwise limited; estimated number of visitors per day
  - D. Provisions for off-street parking
  - E. Description of any activities to be undertaken involving the use of equipment or operations, which would generate noise or odors that may be detectable beyond the building and any measures to lessen the impact of noise or odors on adjoining properties
  - F. Location of loading areas, including waste receptacles
  - G. Location of any outdoor storage or work areas
  - H. Location and height of any freestanding, exterior light fixtures
  - I. Description of any proposed/required screening or buffers
10. A map, drawn to scale, indicating the dimensions and exact location and boundaries of the subject property and adjoining public rights-of-way
11. Location of any proposed structures, building additions and site improvements.
12. Written time schedule for beginning and completion of any proposed development planned by the applicant