

HUEYTOWN ZONING ORDINANCE

adopted on

June 16, 2015

with all amendments as of date of publication on

June 16, 2015

prepared under the direction of the

HUEYTOWN PLANNING COMMISSION

for additional information:

City of Hueytown
City Hall
PO Box 3650
Hueytown, Alabama 35023

(205) 491-7010

ORDINANCE NO. 15-0609-1

AN ORDINANCE OF THE CITY OF HUEYTOWN, ALABAMA, ADOPTING A 2015 ZONING ORDINANCE FOR CITY OF HUEYTOWN, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING THE 1989 ZONING ORDINANCE, ADOPTED AS ORDINANCE NUMBER 900828-1, AS AMENDED; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE

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

WHEREAS, the Planning Commission recommends by resolution passed at a public hearing held on April 21, 2015, that the City Council approve this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUEYTOWN, ALABAMA AS FOLLOWS:

SECTION 1. **THAT** a 2015 Zoning Ordinance for the City of Hueytown, Alabama, entitled the *Hueytown Zoning Ordinance*, attached hereto and made a part hereof, shall be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. **THAT** the 1989 *Hueytown Zoning Ordinance*, adopted by ordinance number 900828-1 on August 28, 1990, as amended, be repealed.

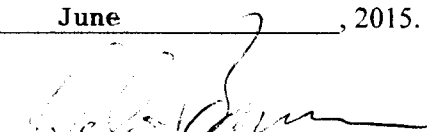
SECTION 3. **THAT** any person, firm, or corporation committing an offense of any provision of this ordinance is declared to be a misdemeanor and shall upon conviction be punished by a fine of not less than one dollar nor more than five hundred dollars. In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the City of Hueytown, Alabama, for a period of not exceeding six months, at the discretion of the court trying the case. Provided, however, that no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine and sentence established under State law for the commission of substantially similar offenses.

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

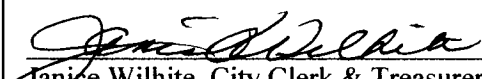
ADOPTED this 16th day of June, 2015.


President of City Council

APPROVED this 16th day of June, 2015.


Delor Baumann, Mayor

ATTEST:

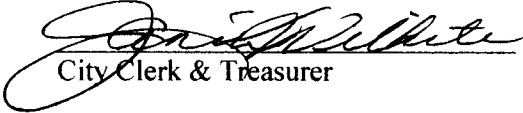

Janice Wilhite, City Clerk & Treasurer

CERTIFICATION

I, Janice Wilhite, City Clerk of the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Hueytown, Alabama, at its regular meeting held on **June 16, 2015** as same appears in the minutes of record of said meeting, and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

Mayor's Office/City Hall
Hueytown Public Library
Hueytown Post Office
Food Giant Grocery

Signed this 16th day of June, 2015.


City Clerk & Treasurer

RESOLUTION OF THE HUEYTOWN PLANNING COMMISSION

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE OF THE CITY OF HUEYTOWN, ALABAMA, ADOPTING A 2015 ZONING ORDINANCE FOR THE CITY OF HUEYTOWN, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING THE 1989 ZONING ORDINANCE, ADOPTED AS ORDINANCE NUMBER 900828-1, AS AMENDED; PROVIDED PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Hueytown, Alabama; and

WHEREAS, the City Council did adopt ordinance number 900828-1 on August 28, 1990 and subsequently amended such ordinance; and

WHEREAS, the Building Inspections Department, City Engineer's Office and the members of the Planning and Zoning Commission did prepare a new zoning ordinance to the satisfaction of the Hueytown Planning Commission; and

WHEREAS, the Hueytown Planning Commission held a public hearing on April 21, 2015 to receive public comments on the new zoning ordinance.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF HUEYTOWN, ALABAMA;

SECTION 1. That the Planning Commission recommends that a 2015 Zoning Ordinance for the City of Hueytown, Alabama, entitled the *Hueytown Zoning Ordinance*, attached hereto and made a part hereof, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That the Planning Commission recommends that the *1989 Hueytown Zoning Ordinance*, adopted by ordinance number 900828-1, on August 28, 1990 as amended, be repealed.

SECTION 3. That the Planning Commission recommends that any person, firm or corporation committing an offense of any provision of this ordinance is declared to be a misdemeanor and shall upon conviction be punished by a fine of not less than one dollar nor more than five hundred dollars. In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the City of Hueytown, Alabama, for a period of not exceeding six months, at the discretion of the court trying the case. Provided, however, that no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine and sentence established under State law for the commission of substantially similar offenses.

SECTION 4. That the Planning Commission recommends that this ordinance become effective upon its due adoption and publication, as provided by law.

ADOPTED THIS THE 21ST DAY OF APRIL , 2015.



John Ellis, Chairman

ATTEST: 

Lisa Reid, Secretary

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HUEYTOWN ZONING ORDINANCE

ARTICLE I: GENERAL

Sec. 1. Short title.

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

Sec. 2. Authority.

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

Sec. 3. Applicability.

- (a) The City Council hereby divides the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of this ordinance.
- (b) The City Council may divide the City into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this ordinance, and within such districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in any one district may differ from those in other districts.
- (c) For the purpose of promoting the health, safety, morals, or general welfare, this ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
- (d) The City Council shall provide for the manner in which these regulations and restrictions and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed and may adopt such ordinances as may be necessary to carry into effect and make effective the provisions of this ordinance.

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

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

Sec. 4. Non-discrimination as to housing.

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

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

Sec. 5. Purposes and considerations.

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

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

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

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

Sec. 6. Conflicting requirements.

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

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

Sec. 7. Severability.

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

Sec. 8. Saving provision.

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

Sec. 9. Repeal.

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

Secs. 10-19. Reserved.

ARTICLE II: ZONING DISTRICT REGULATIONS

Division 1: General

Sec. 20. Zoning districts.

The City Council hereby divides the City of Hueytown into zoning districts, which shall be known by the designations and titles, which follow:

(1) *Agricultural districts.*

AG Agricultural District

(2) *Residential districts.*

E-1 Single Family Estate Residence District
E-2 Single Family Estate Residence District
R-1 Single Family Residence District
R-2 Single Family Residence District
R-3 Single Family Residence District
R-4 Urban Housing District
R-5 Multi-Family Housing District
R-MH Manufactured Housing District

(3) *Commercial districts.*

B-1 Neighborhood Transition District
B-2 Neighborhood Core District
B-3 Community Business District

(4) *Industrial districts.*

M-1 Light Industrial District
M-2 General Industrial District

(5) *Special purpose districts.*

PUD Planned Unit Development District
MR Municipal Reserve District
F Flood Hazard District
SLD Sanitary Landfill District

Sec. 21. Zoning map.

- (a) The zoning districts established by this ordinance are bounded and defined by an official zoning map which shall be known as the *Hueytown Zoning Map* and which, together with all explanatory materials contained therein, is hereby made a part of this ordinance.
- (b) The official zoning map shall be drawn on durable transparent material from which prints can be made and shall be kept in the office of the Zoning Administrator.
- (c) The Zoning Administrator shall update the official zoning map within thirty days after amendments to it are adopted by the City Council.

- (d) Should the official zoning map or any portion be lost, destroyed, damaged, or difficult to interpret because of the nature or number of revisions, the Zoning Administrator shall have a new map drawn and adopted by resolution of the City Council. Any map amendment shall follow rezoning amendment procedures contained in this ordinance.

Sec. 22. Zoning district boundaries.

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

- (1) Boundaries shown as following or approximately following any jurisdictional limits shall be construed as following such limits.
- (2) Boundaries shown as following or approximately following streets, alleys, or rights-of-way shall be construed as following such streets, alleys, or rights-of-way
- (3) Boundary lines, which follow or approximately follow platted lot lines or other property lines as shown on the Jefferson County Tax Maps shall be construed as following such lines.
- (4) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- (5) Boundaries shown as following or approximately following shorelines of any lakes or ponds shall be construed to follow the mean high waterlines of such lakes or ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.
- (6) Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other water courses, the district boundary shall be construed as moving with the channel centerline.
- (7) Boundaries shown as separated from, and parallel or approximately parallel to any of the features listed in paragraphs (1) through (6) above shall be construed to be parallel to such features. In the absence of specific dimensions, the scale of the map shall determine the distance from such features.

Sec. 23. District use regulations.

Unless otherwise provided, no building, structure, or land shall be used except in the zoning districts indicated by this article and according to the additional regulations of this ordinance and other applicable codes and ordinances.

Sec. 24. Use limitations due to zoning standards.

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

Sec. 25. Combined principal and accessory uses.

- (a) Unless otherwise prevented by this ordinance, more than one permitted principal use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another. Further, all zoning regulations for each of the combined uses shall be met.
- (b) Whenever an activity, which may or may not be separately listed in the district is conducted in conjunction with a permitted use in the district as an incidental or insubstantial part of the total activity on a lot, the

incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.

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

Sec. 26. Interpretation of uses.

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

Sec. 27. Unclassified uses.

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

- (1) If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the Zoning Board of Adjustment.
- (2) If the unclassified use would not be compatible with the intent of the existing zoning district intent, the Zoning Administrator shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Zoning Board of Adjustment.
- (3) Following the final action on the unclassified use, as (1) or (2) above may require, the Planning Commission shall initiate an amendment to this ordinance to list the newly permitted use into the most appropriate district(s).

Secs. 28-39. Reserved.

Division 2: Agricultural Districts

Sec. 40. AG Agricultural District.

- (a) *AG District intent.* This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agricultural support centers may serve outlying rural areas beyond the City. Further, the intent of the AG District is to hold these lands in agricultural, forestall, outdoor recreational, rural residential, and other limited yet compatible uses until City services can be expanded to accommodate a higher intensity of development.
- (b) *AG District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Agricultural uses.*
- farm, subject to § 101
 - hobby farm, subject to § 102
 - kennel, subject to § 103
- b. *Residential uses.*
- accessory apartment, subject to § 104
 - accessory cottage, subject to § 105
 - duplex
 - group care residence, subject to § 107
 - single family residence
- c. *Institutional uses.*
- animal shelter
 - boarding house
 - cemetery, subject to § 115
 - country club
 - day care home, subject to § 126
 - domiciliary care facility
 - home instruction
 - public facility
 - public utility facility
 - public utility service
- d. *Commercial uses.*
- broadcast studio
 - home occupation, subject to § 118
 - stable
 - studio
- e. *Temporary uses.*
- garage or yard sales, subject to § 124

- seasonal sales
- special event

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Residential uses.*

- combination dwelling

b. *Institutional uses.*

- hospital
- military installation
- nursing care facility
- park
- penal institution
- place of worship
- public assembly center
- school

c. *Commercial uses.*

- animal hospital
- campground, subject to § 116
- entertainment, outdoor
- farm support business
- garden center or nursery
- livestock sales, subject to § 119
- recreation, outdoor

c. *Industrial uses.*

- resource extraction, subject to § 123
- salvage yard

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Commercial uses.*

- open air market, subject to § 121
- pet cemetery
- tourist home or bed and breakfast inn

b. *Industrial uses.*

- communication tower

(c) *AG District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area: 5 acres

Minimum lot width:	150 feet
Minimum front yard:	30 feet
Minimum side yard:	25 feet
Minimum rear yard:	20 feet
Maximum building height:	45 feet

(d) *AG District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Secs. 41-49. Reserved.

Division 3: Residential Districts

Sec. 50. E-1 Single Family Estate Residence District.

- (a) *E-1 District intent.* This district consists of areas suitable for single family residences on large estate-size lots. The E-1 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to residential neighborhoods.
- (b) *E-1 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- single family residence
- b. *Institutional uses.*
- day care home, subject to §126
 - home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118 d. *Temporary uses*.
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- combination dwelling
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Agricultural uses.*

- hobby farm, subject to § 102
- kennel, subject to § 103

b. *Residential uses.*

- accessory apartment, subject to § 104
- accessory cottage, subject to § 105
- group care residence, subject to § 107

c. *Institutional uses.*

- public facility
- public utility facility

d. *Temporary uses.*

- seasonal sales
- special event

(c) *E-1 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area	1 acre
Minimum lot width	200 feet
Minimum front yard	60 feet
Minimum side yard	20 feet
Minimum rear yard	35 feet
Maximum building height	35 feet
Minimum living area	2,000 square feet

(d) *E-1 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 51. E-2 Single Family Estate Residence District.

- (a) *E-2 District intent.* This district consists of areas suitable for single family residences on estate-size lots. The E-2 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to residential neighborhoods.
- (b) *E-2 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
 - a. *Residential uses.*
 - single family residence
 - b. *Institutional uses.*
 - day care home, subject to §126
 - home instruction
 - public utility service
 - c. *Commercial uses.*
 - home occupation, subject to § 118
 - d. *Temporary uses.*
 - garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
 - a. *Residential uses.*
 - combination dwelling
 - residential cluster subdivision, subject to § 113
 - b. *Institutional uses.*
 - cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
 - a. *Agricultural uses.*
 - kennel, subject to § 103

b. *Residential uses.*

- accessory apartment, subject to § 104
- accessory cottage, subject to § 105
- group care residence, subject to § 107

c. *Institutional uses.*

- public facility
- public utility facility

d. *Temporary uses.*

- seasonal sales
- special event

- (c) *E-2 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area	20,000 square feet
Minimum lot width	150 feet
Minimum front yard	50 feet
Minimum side yard	15 feet
Minimum rear yard	30 feet
Maximum building height	35 feet
Minimum living area	1,750 square feet

- (d) *E-2 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 52. R-1 Single Family Residence District.

- (a) *R-1 District intent.* This district consists of areas suitable for single family residences on large lots. The R-1 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to residential neighborhoods.
- (b) *R-1 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
 - a. *Residential uses.*
 - single family residence
 - b. *Institutional uses.*
 - day care home, subject to §126
 - home instruction
 - public utility service
 - c. *Commercial uses.*
 - home occupation, subject to § 118
 - d. *Temporary uses.*
 - garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
 - a. *Residential uses.*
 - combination dwelling
 - residential cluster subdivision, subject to § 113
 - b. *Institutional uses.*
 - cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
 - a. *Agricultural uses.*
 - kennel, subject to § 103

b. *Residential uses.*

- accessory apartment, subject to § 104
- accessory cottage, subject to § 105
- group care residence, subject to § 107

c. *Institutional uses.*

- public facility
- public utility facility

d. *Temporary uses.*

- seasonal sales
- special event

(c) *R-1 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area	16,000 square feet
Minimum lot width	100 feet
Minimum front yard	35 feet
Minimum side yard	15 feet
Minimum rear yard	25 feet
Maximum building height	35 feet
Minimum living area	1,400 square feet

(d) *R-1 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 53. R-2 Single Family Residence District.

- (a) *R-2 District intent.* This district consists of areas suitable for single family residences on small lots. The R-2 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses, which are integrally related to residential neighborhoods.
- (b) *R-2 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- single family residence
- b. *Institutional uses.*
- day care home, subject to §126
 - home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- combination dwelling
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Agricultural uses.*
- kennel, subject to § 103

b. *Institutional uses.*

- public facility
- public utility facility

c. *Temporary uses.*

- seasonal sales
- special event

- (c) *R-2 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	7,200 square feet
Minimum lot width:	75 feet
Minimum front yard:	25 feet
Minimum side yard:	10 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet
Minimum living area	1,000 square feet

- (d) *R-2 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 54. R-3 Single Family Residence District.

- (a) *R-3 District intent.* This district consists of areas suitable for a mix of single family attached and detached dwellings. The district permits a wide range of single family housing alternatives - single family residences, patio homes, and townhouses - at a controlled density. These permitted housing developments are most appropriate in the suburban fringe of the city or on large undeveloped tracts within the older city core. Further, the district provides for residential accessory uses and institutional use, which are integrally related to residential neighborhoods.
- (b) *R-3 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- patio home, subject to § 112
 - single family residence
- b. *Institutional uses.*
- day care home, subject to §126
 - home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- combination dwelling
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Agricultural uses.*

- kennel, subject to § 103

b. *Institutional uses.*

- public facility
- public utility facility

c. *Temporary uses.*

- seasonal sales
- special event

- (c) *R-3 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	7,200 square feet
Minimum lot width:	75 feet
Minimum front yard:	25 feet
Minimum side yard:	10 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

- (d) *R-3 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 55. R-4 Urban Housing District.

- (a) *R-4 District intent.* This district provides for in-fill development of large vacant tracts within the city core for a variety of urban housing types - townhouses, and duplexes - at a limited density. The intent of the R-4 District is to encourage the development of a range of housing types to serve the varied residential needs of the community. The R-4 District allows for customary accessory uses which are integrally related to residences. Further, the district provides for institutional uses, which are integrally related to residential neighborhoods.
- (b) *R-4 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- duplex
 - townhouse, subject to § 114
- b. *Institutional uses.*
- day care home, subject to §126
 - home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- combination dwelling
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- cemetery, subject to § 115
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Agricultural uses.*

- kennel, subject to § 103

b. *Institutional uses.*

- public facility
- public utility facility

c. *Temporary uses.*

- seasonal sales
- special event

(c) *R-4 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	7,200 square feet
Minimum lot width:	60 feet
Minimum front yard:	25 feet
Minimum side yard:	10 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

(d) *R-4 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 56. R-5 Multi-Family Housing District

- (a) *R-5 District intent.* This district consists of areas suitable for a variety of multi-family housing, institutional living facilities, and a variety of other housing types. The intent of the R-5 District is to encourage the development of high density housing that efficiently serves the varied residential needs of the community. The R-5 District allows for customary accessory uses which are integrally related to residences. Further, the district provides for institutional uses, which are integrally related to residential neighborhoods.
- (b) *R-5 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- combination dwelling
 - duplex
 - multiplex, subject to § 110
 - patio home, subject to § 112
 - single family residence
- b. *Institutional uses.*
- home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- group care residence, subject to § 107
 - multi-story apartment, subject to § 111
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- boarding house
 - cemetery, subject to § 115
 - day care home, subject to § 126
 - domiciliary care facility
 - nursing care facility
 - park
 - place of worship

- school

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Agricultural uses.*

- kennel, subject to § 103

b. *Institutional uses.*

- public facility
- public utility facility

d. *Temporary uses.*

- seasonal sales
- special event

(c) *R-5 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	7,200 square feet
Minimum lot width:	60 feet
Minimum front yard:	25 feet
Minimum side yard:	10 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

(d) *R-5 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 57. R-MH Manufactured Housing District.

- (a) *R-MH District intent.* This district consists of areas suitable for manufactured homes within parks or on lots within a subdivision. The underlying intent of this district is to encourage affordable homeownership alternatives in select locations within the city. The R-MH District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses which are integrally related to residential neighborhoods.
- (b) *R-MH District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- manufactured home park, subject to § 108
 - manufactured home subdivision, subject to § 109
 - single family residence
- b. *Institutional uses.*
- home instruction
 - public utility service
- c. *Commercial uses.*
- home occupation, subject to § 118
- d. *Temporary uses.*
- garage or yard sales, subject to § 124
- (2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- a. *Residential uses.*
- combination dwelling
 - residential cluster subdivision, subject to § 113
- b. *Institutional uses.*
- cemetery, subject to § 115
 - day care home, subject to §126
 - park
 - place of worship
 - school
- (3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Agricultural uses.*

b. *Institutional uses.*

- public facility
- public utility facility

c. *Temporary uses.*

- seasonal sales
- special event

(c) *R-MH District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	7,200 square feet
Minimum lot width:	60 feet
Minimum front yard:	25 feet
Minimum side yard:	10 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

(d) *R-MH District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.
- (4) Additional Requirements. Should any of the following conflict with the above, the more restrictive shall apply.
 - a) All required yards should be permanently landscaped and maintained with ground cover, trees, and shrubs.
 - b) Each mobile home lot/space should be provided with a deck or patio of at least two hundred (200) square feet.
 - c) All mobile home lots/spaces are to be leased or rented only, and are not to be sold individually.

(e) *Procedure for Plan Approval.* Layout plans of proposed mobile home parks shall be prepared and submitted to the Zoning Administrator for review and approval prior to construction, with the minimum information described in §314 (Ref. Ord. # 95-0926-2). Such plans shall include, at a minimum, the following information:

- a) A description of the park's location with regard to highways and streets.
- b) The area and dimensions of the park site.
- c) The number, location, and dimensions of all mobile home lots/spaces.
- d) The location and width of roadways, automobile parking facilities, and walkways.
- e) The location of service buildings and any other proposed structures.
- f) The location and dimensions of recreational areas.

Secs. 58-59. Reserved.

Division 4: Commercial Districts

Sec. 60. B-I Neighborhood Transition District.

- (a) *B-I District intent.* This district consists of areas where a transition in land development to non-residential uses may occur, particularly along major street frontages. Compatibility with adjacent, low density development and management of commercial sprawl are encouraged. The B-I District allows for institutional uses, light commercial uses (such as offices, clinics, and personal services), and planned residential developments (such as apartments and townhouses).
- (b) *B-I District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses **to** those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- combination dwelling
 - upper story apartment
- b. *Institutional uses.*
- boarding house
 - cemetery, subject to § 115
 - community center
 - community service club
 - country club
 - day care center
 - home instruction
 - hospital
 - nursing care facility
 - park
 - public facility
 - public utility service
 - school
- c. *Commercial uses.*
- animal hospital
 - bank or financial service
 - broadcast studio
 - business or professional office
 - business support service
 - clinic
 - commercial parking
 - commercial school
 - funeral home
 - garden center or nursery
 - home occupation, subject to §118
 - medical support service
 - personal service
 - studio
 - tourist home or bed and breakfast inn

d. *Temporary uses.*

- garage or yard sales, subject to § 124

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Residential uses.*

- garden apartment, subject to § 106
- townhouse, subject to § 114

b. *Institutional uses.*

- domiciliary care facility
- place of worship

c. *Commercial uses.*

- convenience store, subject to § 117
- specialty retail center, subject to § 122

c. *Industrial uses.*

- communication tower

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Institutional uses.*

- public utility facility

b. *Temporary Uses.*

- seasonal sales
- special event

(c) *B-1 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	none
Minimum lot width:	150 feet
Minimum front yard:	35 feet
Minimum side yard:	10 feet
Minimum rear yard:	35 feet
Maximum building height:	35 feet

(d) *B-1 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 61. B-2 Neighborhood Core District.

(a) *B-2 District intent.* This district consists of areas where a limited range of commercial uses may serve the needs of a large neighborhood. The district, with few exceptions, prohibits outdoor commercial activity and to a moderate degree manages the intensity of site development. The underlying objective of the district is to encourage the development of small-scale neighborhood centers for a variety of activities. The B-2 District also allows for a compatible mix of non-commercial land uses - high density residential and institutional uses - which may contribute to business activities in neighborhood core areas.

(b) *B-2 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.

(1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:

a. *Residential uses.*

- combination dwelling
- upper story apartment

b. *Institutional uses.*

- boarding house
- cemetery, subject to § 115
- community center
- community service club
- country club
- day care center
- domiciliary care facility
- home instruction
- hospital
- nursing care facility
- park
- public facility
- public utility service

c. *Commercial uses.*

- animal hospital
- bank or financial service
- broadcast studio
- business or professional office
- business support service
- clinic
- commercial parking
- commercial school
- convenience store
- entertainment, indoor
- funeral home
- garden center or nursery
- general retail business, enclosed
- home occupation, subject to §118
- laundry service
- medical support service

- personal service
- recreation, indoor
- restaurant, standard
- shopping center, neighborhood
- specialty retail center
- studio
- tourist home or bed and breakfast inn
- vehicle service station

d. *Industrial uses.*

- communication tower

e. *Temporary uses.*

- garage or yard sales, subject to § 124
- seasonal sales

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Residential uses.*

- garden apartment, subject to § 106
- townhouse, subject to § 114

b. *Institutional uses.*

- place of worship
- school

c. *Commercial uses.*

- liquor lounge

b. *Industrial uses.*

- restaurant, fast food

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Institutional uses.*

- public utility facility

b. *Commercial uses.*

- open air market, subject to § 121

c. *Temporary Uses.*

- seasonal sales

- special event

(c) *5-2 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	none
Minimum lot width:	150 feet
Minimum front yard:	35 feet
Minimum side yard:	10 feet
Minimum rear yard:	35 feet
Maximum building height:	35 feet

(d) *B-2 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 62. B-3 Community Business District.

- (a) *B-3 District intent.* This district consists of areas where the widest range of commercial uses is permitted at the highest degree of intensity. The district encourages commercial centers to serve the community or region at large. Commercial activity may be conducted either indoors or, with few exceptions, outdoors. The B-3 District also allows for institutional uses which are compatible with commercial activities.
- (b) *B-3 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:

a. *Residential uses.*

- combination dwelling
- upper story apartment

b. *Institutional uses.*

- animal shelter
- boarding house
- cemetery, subject to § 115
- community center
- community service club
- country club
- day care center
- domiciliary care facility
- home instruction
- hospital
- nursing care facility
- park
- place of worship
- public assembly center
- public facility
- public utility service
- school

c. *Commercial uses.*

- animal hospital
- bank or financial service
- broadcast studio
- business or professional office
- business support service
- car wash
- clinic
- commercial parking
- commercial school
- convenience store
- entertainment, indoor
- entertainment, outdoor
- farm support business
- funeral home

- garden center or nursery
- general retail business, enclosed
- general retail business, unenclosed
- home improvement center
- home occupation, subject to §118
- hotel or motel
- laundry service
- medical support service
- mini-warehouse, subject to § 120
- open air market, subject to § 121
- personal service
- pet cemetery
- recreation, indoor
- recreation, outdoor
- restaurant, standard
- restaurant, fast food
- shopping center, community or regional
- shopping center, neighborhood
- specialty retail center
- studio
- tourist home or bed and breakfast inn
- vehicle repair service
- vehicle service station

d. *Industrial uses.*

- maintenance service

e. *Temporary uses.*

- garage or yard sales, subject to § 124
- seasonal sales

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Residential uses.*

- garden apartment, subject to § 106
- multi-story apartment, subject to § 111
- townhouse, subject to § 114

b. *Commercial uses.*

- arcade game machine
- liquor lounge
- pawn broker or pawn shop
- vehicle sales or rental
- non-depository financial institution, subject to § 125
 - car title loan business
 - check cashing/credit service
 - money broker
 - payday advance/loan establishment
 - title loan establishment

c. *Industrial uses.*

- communication tower

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Institutional uses.*

- public utility facility

b. *Temporary Uses.*

- seasonal sales
- special event

(c) *B-3 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	none
Minimum lot width:	150 feet
Minimum front yard:	35 feet
Minimum side yard:	10 feet
Minimum rear yard:	35 feet
Maximum building height:	35 feet

(d) *B-3 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Secs. 63-69. Reserved.

Division 5. Industrial Districts

Sec. 70. M-I Light Industrial District.

- (a) *M-I District intent.* This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities include light manufacturing, industrial services, warehousing, wholesaling, and distribution services, and other limited impact activities. The M-I District also allows for commercial and institutional uses which are supportive of industrial employment centers.
- (b) *M-I District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 374 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- combination dwelling
- b. *Institutional uses.*
- military installation
 - park
 - public facility
 - public utility facility
 - public utility service
- c. *Commercial uses.*
- bank or financial service
 - broadcast studio
 - business or professional office
 - business support service
 - car wash
 - commercial parking
 - commercial school
 - farm support business
 - garden center or nursery
 - home improvement center
 - laundry service
 - mini-warehouse, subject to § 120
 - studio
 - vehicle repair service
 - vehicle service station
- d. *Industrial uses.*
- communication tower
 - construction service
 - maintenance service
 - manufacturing, light
 - research lab
 - vehicle and equipment repair, major

- warehousing, wholesaling, and distribution, enclosed

e. *Temporary Uses.*

- seasonal sales

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Commercial uses.*

- vehicle sales or rental

b. *Institutional uses.*

- airport

c. *Industrial uses.*

- vehicle and equipment sales, major

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Temporary uses.*

- special event

(c) *M-1 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	none
Minimum lot width:	150 feet
Minimum front yard:	50 feet
Minimum side yard:	25 feet
Minimum rear yard:	50 feet
Maximum building height:	65 feet

(d) *M-1 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209.
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 71. M-2 General Industrial District.

- (a) *M-2 District intent.* This district consists of areas where heavy industrial uses are permitted. The district encourages employment centers with a potentially high degree of environmental impact. Principal industrial activities include general manufacturing, heavy industry, salvage yards, resource extraction, solid waste disposal, and other heavy impact activities. The M-2 District also allows for commercial and institutional uses which are supportive of industrial activities.
- (b) *M-2 District use regulations.* Accessory and combined uses and structures may be permitted subject to § 25 *Combined principal and accessory uses*, and similar uses to those listed below may also be permitted subject to § 26 *Interpretation of uses*. All uses listed in this district are defined by § 291 *Uses defined*.
- (1) *Permitted uses.* The following uses shall be permitted subject to appropriate permits being issued in accordance with this ordinance:
- a. *Residential uses.*
- combination dwelling
- b. *Institutional uses.*
- airport
 - military installation
 - park
 - public facility
 - public utility facility
 - public utility service
- c. *Commercial uses.*
- bank or financial service
 - broadcast studio
 - business or professional office
 - business support service
 - car wash
 - commercial parking
 - commercial school
 - farm support business
 - garden center or nursery
 - home improvement center
 - laundry service
 - mini-warehouse, subject to § 120
 - studio
 - vehicle repair service
 - vehicle service station
- d. *Industrial uses.*
- communication tower
 - construction service
 - maintenance service
 - manufacturing, general
 - manufacturing, light
 - research lab
 - vehicle and equipment repair, major

- warehousing, wholesaling, and distribution, enclosed
- warehousing, wholesaling, and distribution, open

e. *Temporary Uses.*

- seasonal sales

(2) *Conditional uses.* The following uses shall be permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Commercial uses*

- vehicle sales or rental

b. *Industrial uses.*

- heavy industry
- industrial park
- resource extraction, subject to §123
- salvage yard
- vehicle and equipment sales, major

(3) *Special exception uses.* The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.

a. *Temporary uses.*

- special event

(c) *M-2 District dimensional regulations.* Except as provided in Art. III. *Supplemental District Regulations*, the following dimensional standards shall be required:

Minimum lot area:	none
Minimum lot width:	150 feet
Minimum front yard:	50 feet
Minimum side yard:	25 feet
Minimum rear yard:	50 feet
Maximum building height:	65 feet

(d) *M-2 District site development regulations.* The following additional regulations shall be required:

- (1) Off-Street Parking and Loading Regulations, in accordance with §§ 170-189.
- (2) Screening and Buffer Yard Regulations, in accordance with §§ 190-209. 39
- (3) Sign Regulations, in accordance with Article IV, Division 4.

Sec. 72-79. Reserved.

Division 6. Special Purpose Districts

Sec. 80. PUD Planned Unit Development District.

- (a) *PUD District intent.* This District permits a tract to be planned and developed as an integral unit under single ownership or control, consisting of a combination of residential and non-residential uses. The District intent is to provide a living, working, and shopping environment within the development that contributes to a sense of community and a coherent living style. Further, the District seeks to provide a development framework that obtains commercial and industrial business activity that significantly improves the economic development of the community; to encourages the preservation and enhancement of the natural amenities of land and protect natural features; and to reduce improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems, and infrastructure.
- (b) *PUD approval process.* Approval of a PUD requires a three step approval process, as follows:
- (1) *Rezoning and concept plan approval.* A concept plan shall accompany each application for rezoning to the PUD District. Development of the PUD shall be in substantial accord with the approved concept plan. The concept plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The concept plan shall show, in schematic detail, the concept for use and development of the entire PUD tract.
 - (2) *Preliminary site plan approval.* Following rezoning and concept plan approval, the developer shall submit a preliminary site plan to the Planning Commission for each phase of the development in substantial accord with the concept plan. The preliminary site plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The preliminary plan shall show information necessary for the Planning Commission to adequately assess the suitability of the proposed development, including at a minimum the following items: the location of proposed uses; proposed building areas and heights; proposed residential development density; housing types; lots with proposed sizes, widths, and yards; proposed screening and buffer yards, proposed off-street parking and loading areas; layout of streets; pedestrian facilities, and drives; location of all entrances to the tract; and layout and configuration of common open space. Also, a narrative text and supplemental drawings shall accompany the preliminary site plan, describing the general design and construction policies for the PUD, the proposed design and construction standards for streets; the treatment of environmentally-sensitive land located in the project tract (areas of flooding, severe slope, woodlands, streams, lakes, and ponds); the proposed time frame for phased development; and such other conditions for use and development proposed by the applicant. All preliminary site plans shall be in substantial accord with the approved concept plan. Any deviation in the preliminary site plan from the approved concept plan shall require re-submittal of the PUD rezoning and concept plan approval application.
 - (3) *Final site plan approval.* Before each phase of the development is constructed, a final site plan shall be required, in accordance with § 314. *Site plan review.* Final site plan approval shall be coordinated with the approval of subdivision plats and construction plans required by the *Hueytown Subdivision Regulations*. All final site plans shall be in substantial accord with the approved preliminary site plan. Any deviation in the final site plan from the approved preliminary site plan shall require re-submittal of the preliminary site plan application.
- (c) *PUD District use regulations.* A Planned Unit Development District may be established for any tract. The Planned Unit Development (referred to as PUD) shall consist of a combination of uses planned and developed as an integral unit under single ownership or control. Specific use limitations shall be established in the process of plan approval.
- (d) *PUD District dimensional regulations.* In any PUD, the developer may create lots and construct buildings without regard to the conventional minimum lot size, lot width, or yard restrictions of this ordinance except that:

- (1) A 50 feet lot boundary setback shall apply where and to the extent that the development abuts land that is not part of the PUD, and
 - (2) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this ordinance, as approved by the Planning Commission in the preliminary and final site plans.
- (e) *PUD District design and construction standards.* Where the design and construction standards approved in the preliminary and final site plans conflict with the subdivision regulations and any other requirements of this zoning ordinance, the standards approved in the PUD approval process shall control.
- (f) *Issuance of permits within a PUD subdivision.* Permits may be issued in any phase of a PUD subdivision with public improvements under construction following completion of final site plan and subdivision plat approval, provided:
- (1) No building permits for a subdivision with public improvements under construction shall be issued by the Building Inspector unless the extent of street improvements is adequate for vehicular access by the prospective builder and by police and fire equipment. Further, no building permit shall be issued for the greater of two or the final 10% of lots within the subdivision until all public improvements and dedications have been completed by the developer and accepted by the City.
 - (2) No certificate of occupancy for any building in the subdivision shall be issued by the Building Inspector prior to the completion and dedication of required public improvements and posting of a maintenance bond for public improvements.

Sec. 81. MR Municipal Reserve District.

- (a) *MR District intent.* This district serves as an interim zone for newly annexed areas of the municipality. The MR District seeks to protect newly annexed areas prior to the time comprehensive zoning can be enacted.
- (b) *MR District regulations.*
 - (1) On the effective date of annexation all newly-annexed property shall be zoned MR Municipal Reserve District.
 - (2) At its next meeting following the Council's adoption of the annexation, the Planning Commission shall initiate a petition to rezone property from the MR District to any other district contained within this ordinance. In determining the most appropriate zone, the Planning Commission shall duly consider the following items, among others:
 - a. Comprehensive land use studies/plan;
 - b. The desires of the property owners subject to rezoning;
 - c. The State-mandated purposes and considerations of zoning, as set forth in section 11-52-72, Code of Alabama, 1975, as amended.
 - (3) All uses in existence at the time of annexation may lawfully continue under the provisions of the MR District, in accord with the E-1 District standards.
 - (4) All annexation ordinances enacted by the City shall include the provision that the property shall be temporarily zoned MR. A copy of the annexation ordinance shall be transmitted to the Planning Commission and the Zoning Administrator.
 - (5) The zoning map shall be updated within thirty days of enactment of the zoning change from the MR District.
 - (6) The Planning Commission shall be exempt from the written notification of property owners within 500 feet of property subject to rezoning.

Sec. 82. F Flood Hazard District.

- (a) *F District intent.* This district intends to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions.
- (b) *Overlay district concept.* The provisions of this district shall be overlay provisions to the existing underlying zoning districts. All properties within the district shall be designated by the *F* suffix added to the underlying district prefix, i.e., *R-IF*. As overlay provisions, the requirements of this district shall serve as a supplement to the underlying zoning district provisions. Where there happens to be any conflict between the provisions of this overlay district and the provisions of the underlying district, the more restrictive provisions shall apply.
- (c) *Compliance with Flood Hazard District regulations.*
 - (1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, enlarged, converted, or structurally altered except in full compliance with the terms of this district and other applicable regulations.
 - (2) The provisions of this district are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these provisions and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - (3) The provisions of this district supersede any regulations currently in effect in flood-prone areas. However, any underlying regulations shall remain in full force and effect to the extent that those provisions are more restrictive.
- (d) *Flood hazard terms defined.* The following flood hazard terms when used in this district shall have the meanings defined by this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Flood Hazard District boundaries.*

- (1) All properties included within the 100-year floodplain boundary on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps published by the Federal Emergency Management Agency, effective date September 29, 1989, or as later amended, and areas along all small streams specified by this division shall be included within the F Flood Hazard District boundaries. All designated properties within the Flood Hazard District shall be referred to by a suffix to the underlying zoning district designation (i.e., R-1-F, B-2-F, etc.)
- (2) All Flood Boundary and Floodway Maps and Flood Insurance Rate Maps published by the Federal Emergency Management Agency, dated effective September 29, 1989, and any subsequent revisions, and the Flood Insurance Study, dated September 29, 1989, with supporting data and maps, are hereby adopted by reference and declared to be supplemental to the provisions of this district.
- (3) The delineation of any of the floodplain areas within the Flood Hazard District may be revised by the City Council where natural or man-made changes have occurred or detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual document or study indicate the need for revision. Such studies may include, but not be limited to U.S. Soil Conservation Service soil reports, U.S. Geological Survey topographic surveys, or reports of the City Engineer or other qualified consultant. However, prior to any such revision, approval must be obtained from the Federal Emergency Management Agency. Upon final approval of the revised delineation of the regulated floodplain, the City shall give notice of the revisions to the Alabama Department of Economic and Community Affairs.

- (4) Where interpretation is needed as to the exact location of boundaries of the Flood Hazard District or any floodplain areas within the district (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Zoning Administrator shall make the necessary interpretation. Should a dispute arise concerning the boundaries of the district, an administrative appeal may be filed with the Zoning Board of Adjustment.
- (f) *Floodplain areas.* The Flood Hazard District includes various areas subject to flooding. The primary basis for the delineation of these areas shall be the Flood Insurance Study for Hueytown, Alabama prepared by the Federal Emergency Management Agency, dated September 29, 1989, and subsequent amendments. The delineations of the floodplain for the purposes of this district shall be as follows:
- (1) *Floodway.* The floodway is delineated using the criteria that a certain areas within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood at any point. These floodways are more specifically defined in the above-referenced Flood Insurance Study and are shown on the Flood Boundary and Floodway Maps accompanying that study.
 - (2) *Floodway fringe.* The floodway fringe shall be that area of the 100 year floodplain not included in the floodway. The basis for the outermost boundary of the floodway fringe shall be the 100 year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study, and the boundaries are shown on the Flood Boundary and Floodway Maps accompanying that study.
 - (3) *Approximated floodplain.* The approximated floodplain shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100 year floodplain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for a permit shall have a technical study completed to determine such data.
 - (4) *Small streams.* Small streams exist where no base flood data and no flood boundaries have been provided by the Flood Insurance Study. Floodplain areas along small streams are within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer determines otherwise.
- (g) *Required permits and certifications.*
- (1) *Building permit.* Application for a building permit shall be submitted prior to any development activities within the Flood Hazard District and shall include the following information which shall be maintained as public record by the Zoning Administrator:
 - a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of new or substantially improved structures, prepared by a registered land surveyor or professional engineer.
 - b. Elevation in relation to mean sea level to which any structure will be flood-proofed, prepared by a registered land surveyor or professional engineer.
 - c. Where a structure is intended to be flood proofed below the base flood level, a certification from a professional engineer or architect that the structural design, specifications, and plans for construction will meet the flood-proofing criteria of this district and the additional provisions of the Current City of Hueytown Building Code.
 - d. Description, prepared by a professional engineer, of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- (2) *Certificate of occupancy.* Before the issuance of a certificate of occupancy, during the construction stage of the development, the permit holder shall provide the following certifications which shall be maintained as public record by the Zoning Administrator:
 - a. The as-built elevation of the lowest floor, flood proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, certified by a registered land surveyor or professional engineer.
 - b. Evidence of flood-proofing of a building, where required, certified by a professional engineer or architect.
 - (3) Where additional federal or state permit requirements apply, the Zoning Administrator shall require that copies of such permits be provided and maintained on file with the building permit as public record.
 - (4) The Zoning Administrator shall notify adjacent communities and the Alabama Department of Economic and Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (5) When base flood elevation data or floodway data have not been provided by the Flood Insurance Study in approximated floodplains or along small streams, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this section. If no data is available, then the applicant for a permit, shall submit data in accordance with recognized hydrologic and hydraulic engineering techniques. The technical analyses and determination of data shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods correctly reflect currently accepted technical concepts and consider existing land use and reasonable estimates of ultimate development according to the City's comprehensive land use plan. All technical studies shall be subject to approval by the City Engineer.
- (h) *General flood hazard prevention standards.* The following standards shall apply to all floodplain areas:
- (1) Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
 - (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and by methods and practices that minimize flood damage.
 - (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and to minimize or eliminate discharges from the systems into flood waters.
 - (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (8) Flammable, explosive, toxic, or otherwise hazardous materials shall not be stored in the floodplain.

- (9) Any alteration, repair, reconstruction or improvements to an existing structure which is in compliance with the provisions of this district, shall meet the requirements of new construction.
 - (10) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwater shall be provided.
 - (11) Any manufactured home shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation. It shall be securely anchored to prevent flotation, collapse, or lateral movement in accordance with the Current City of Hueytown Building Code. Such standards shall be in addition to and consistent with applicable state requirements for resisting wind forces. The provisions of this subsection shall apply to existing manufactured home parks, subdivisions, and lots where an existing manufactured home is replaced or substantially improved; to any expansion to an existing park or subdivision; and to new parks, subdivisions and installations after the effective date of this ordinance.
 - (12) New construction or substantial improvement of any commercial, industrial, institutional or other non-residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation.
 - (13) Structures may be flood proofed in lieu of being elevated one foot or more above the base flood provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water. The walls shall use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
 - (14) For all new construction or substantial improvements of elevated buildings that include fully enclosed areas below the lowest floors that are subject to flooding, the following standards shall be certified by a registered professional engineer or architect:
 - a. The enclosed area shall be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; and openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
 - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairs or elevator).
 - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (i) *Standards for small streams.*
- (1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations

established in accordance with this district.

(j) *Standards for subdivision plats.*

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Floodplains shall be delineated on all subdivision plats, and base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) which are either greater than fifty lots or five acres.

(k) *Floodway standards and use regulations.*

- (1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increases in flood levels during occurrence of the base flood discharge. In addition, all development, where permitted, shall comply with the standards applicable to all floodplain areas.
- (2) *Permitted uses.* The following uses and activities are permitted provided they are in compliance with the provisions of the underlying zoning district and do not require structures, fill, or storage of materials and equipment:
 - a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming, crop farming, and similar uses and activities.
 - b. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching areas, swimming areas, hiking trails, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, hunting and fishing areas, and similar uses and activities.
 - c. Accessory residential uses such as yard areas, gardens, play areas, and loading areas, and similar accessory uses.
 - d. Accessory industrial, commercial, and institutional uses such as yard areas, parking and loading areas, airport landing strips, and similar accessory uses.
- (3) *Special exception uses.* The following uses and activities are permitted by a special exception use permit granted by the Zoning Board of Adjustment provided that they are in compliance with the provisions of the underlying zoning district:
 - a. Structures (other than manufactured homes) accessory to the permitted uses above.
 - b. Certain utilities and public facilities and improvements such as pipe lines, water and sewage treatment plants, and other similar or related uses.
 - c. Water-related uses and activities such as marinas, docks, wharves, piers, and similar uses.
 - d. Extraction of sand, gravel, and other materials where no increase in the level of flooding or the velocity of discharge is caused thereby.

- e. Storage of materials and equipment provided that they are not buoyant, explosive, toxic, or otherwise hazardous and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, or can be readily removed from the area within the time available after flood warning.
- f. Other similar uses and activities provided they cause no increase in flood heights and velocities and are undertaken in strict compliance with the flood proofing and elevation provisions of this district.

(4) *Special exception use criteria.* In passing upon an application for a special exception use, the Zoning Board of Adjustment shall consider the review criteria for special exceptions contained in § 317 and in addition, all technical evaluations, all relevant factors, all standards specified in other sections of this district, and the following criteria:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.
- e. The requirements of the facility for a waterfront location.
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed uses.
- g. The compatibility of the proposed use with existing and anticipated development.
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

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

(l) *Variances.*

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

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base

flood discharge would result.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) The Zoning Board of Adjustment shall not approve a variance unless it finds the criteria variances contained within § 318 and in addition, the following criteria have been satisfactorily determined:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased 52 flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.
 - (5) Any applicant to whom a variance is granted shall be given written notice by the Zoning Administrator that the issuance of the variance to construct a structure below the 100 year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
 - (6) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.
 - (7) The Zoning Administrator shall maintain the records of all variance and administrative appeal actions and shall annually report such actions to the Federal Emergency Management Agency.
- (m) *Liability.* The degree of flood protection required by this district is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions and flood heights may be increased by manmade or natural causes. Consequently, this district does not imply that land outside the floodplain or uses permitted within such areas will be free from flooding or flood damages. Therefore, this district shall not create liability on the part of the City of Hueytown or by any officer or employee thereof for any flood damages that result from reliance on the provisions of this district or any administrative decision lawfully made thereunder.

Sec. 83. SLD Sanitary Landfill District.

- (a) *SLD District intent.* This District permits a tract to be planned and developed as a sanitary landfill. The District intent is to assure the appropriate location of sanitary landfills which have minimal impact on surrounding lands and the environment.
- (b) *SLD approval process.* Approval of a SLD requires a three step approval process, as follows:
 - (1) *Rezoning and concept plan approval.* A concept plan shall accompany each application for rezoning to the SLD District. Development of the SLD shall be in substantial accord with the approved concept plan. The concept plan shall be drawn to scale and dimensioned, prepared by a professional engineer or land surveyor licensed to practice in the State of Alabama. The concept plan shall show, in schematic detail, the concept for use and development of the entire SLD tract.
 - (2) *Preliminary site plan approval.* Following rezoning and concept plan approval, the developer shall submit a preliminary site plan to the Planning Commission for each phase of the development in substantial accord with the concept plan. The preliminary site plan shall be drawn to scale and dimensioned, prepared by a professional sanitary or environmental engineer licensed to practice in the State of Alabama. The preliminary plan shall show information necessary for the Planning Commission to adequately assess the suitability of the proposed sanitary landfill.
 - (3) *Final site plan approval.* Before each phase of the development is constructed, a final site plan shall be required, in accordance with § 314. *Site plan review.* Final site plan approval shall be coordinated with the approval by State and County authorities. All final site plans shall be in substantial accord with the approved preliminary site plan. Any deviation in the final site plan from the approved preliminary site plan shall require re-submittal of the preliminary site plan application.
- (c) *SLD District use regulations.* A Sanitary Landfill District may be established for any tract intended for solely for use as a sanitary landfill as defined by this ordinance, as well as any accessory uses customarily associated with and clearly incidental to a sanitary landfill. Any additional use limitations shall be established in the process of plan approval.
- (d) *SLD District dimensional regulations.*
 - (1) The minimum site area shall be 100 acres.
 - (2) A minimum 50 feet lot boundary setback shall apply where and to the extent that the development abuts land that is not part of the SLD. The development shall comply with the minimum requirements of a Screening and Buffer Yard Type IV, as provided for in §§ 190-209 *Screening and Buffer Yard Regulations.*
- (e) *SLD District design and construction standards.* Development of a sanitary landfill shall comply with all Federal, State, County, and City requirements of law, as well as any other requirements established by this district.

Secs. 84-89. Reserved.

ARTICLE III: SUPPLEMENTAL DISTRICT REGULATIONS

Division 1. Generally

Sec. 90. Compliance with supplemental district regulations.

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

Sees. 91-99. Reserved.

Division 2. Supplemental Use Regulations.

Sec. 100. Purpose of supplemental use regulations.

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

Sec. 101. Farm.

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

Sec. 102. Hobby farm.

- (a) The minimum lot area shall be five acres.
- (b) The keeping of the following farm animals shall be permitted:
 - poultry;
 - small livestock, such as sheep and goats; and
 - horses and similar animals, such as ponies and donkeys.
- (c) The keeping of swine, cattle, and similar large livestock shall be prohibited.
- (d) The use shall be subject to the following setback and area requirements:
 - Farm animals shall be housed not less than 100 feet from any adjacent lot not zoned AG.
 - At least one acre of lot area shall be required for each small livestock animal, horse, and similar animal, and a maximum of 20 poultry for every 8,000 square feet of lot area shall be permitted.
- (e) Offensive animal odors shall not be detectable at the property line.

Sec. 103. Kennel.

- (a) All kennels, where permitted in residential districts, shall have a minimum lot area of 15,000 square feet.

- (b) All kennels shall provide shelters; dog kennels shall provide fenced runs or pens.
- (c) Commercial sales and boarding shall not be permitted in residential districts.
- (d) Offensive animal odors shall not be detectable at the property line.

Sec. 104. Accessory apartment.

- (a) Occupancy of the apartment shall be limited to household servants or immediate family members to the resident of the principal dwelling. *Immediate family member* include any person who is a naturally or legally-defined offspring, spouse, parent, grandparent, sibling, aunt, or uncle.
- (b) The apartment shall be attached to the principal dwelling, forming one structure that maintains the exterior appearance of a single family residence.
- (c) The floor area of the apartment shall not exceed 25% of the floor area of the single family residence in which it is located. The minimum floor area of the apartment shall be 300 square feet.
- (d) No direct entrance to the apartment shall be permitted unless the entrance is on the side or rear of the structure as it faces the front lot line. For conversion of existing residences, no additional front entrances shall be permitted.
- (e) Each application for a permit shall include the following materials:
 - a scaled plot plan showing the location and dimensions of property lines, structures, parking, and improvements; and
 - a rendering showing the house maintains the exterior appearance of a single family residence.

Sec. 105. Accessory cottage.

- (a) Occupancy of the apartment shall be limited to household servants or immediate family members to the resident of the principal dwelling. *Immediate family member* includes any person who is a naturally or legally-defined offspring, spouse, parent, grandparent, sibling, aunt, or uncle.
- (b) Location of the cottage on the lot shall be limited to the rear of the principal dwelling or within the upper floor of a garage.
- (c) The floor area of the cottage shall not exceed 25% of the floor area of the principal dwelling. The minimum floor area of the cottage shall be 300 square feet.
- (d) The cottage shall maintain the appearance of a garage that is architecturally compatible with the principal dwelling, in terms of scale, placement on the lot, and materials.
- (e) Each application for a permit shall include the following materials:
 - a scaled plot plan showing the location and dimensions of property lines, structures, parking, and improvements.
 - a rendering of the cottage showing its architectural compatibility with the principal dwelling.

Sec. 106. Garden apartment.

- (a) The minimum site area shall be 20,000 square feet. The maximum density shall be determined by the district, as follows:

<i>district</i>	<i>density</i>
R-5, B-1	16 dwelling units per acre of site area
B-2, B-3	24 dwelling units per acre of site area

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

Sec. 107. Group care residence.

- (a) The use shall be conducted within a single family residence.
- (b) The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.
- (c) The group care residence must be sponsored by a public or non-profit organization. Licensing by the State Department of Human Resources or appropriate government agency requirements shall be met.
- (d) Maximum capacity of each group care residence shall be limited to six individuals.
- (e) No group care residence shall be located within 1,000 feet of another group care residence as measured between lot lines.

Sec. 108. Manufactured home park.

- (a) *Uses and activities.* The manufactured home park shall be limited to the following uses and activities:
 - manufactured home;
 - management office;
 - manager's residence;
 - service facilities, such as laundromats, household storage buildings, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.
 - recreational facilities designed and intended to serve only the residents of the park;
 - retail convenience sales for residents of the park; and
 - residential accessory uses and structures.
- (b) *Site area.* The minimum site area for the manufactured home park shall be ten contiguous acres.
- (c) *Density.* The maximum density shall be eight manufactured home spaces per acre of site area. If not served by public water and sewer, the maximum density shall be two manufactured home spaces per gross acre or a lower density may be set by the County Health Department.
- (d) *Perimeter yards.* No manufactured home space or buildings shall extend into any required yards along the perimeter of the park, as listed below. The perimeter yards shall be reserved for screening and buffering yards and may also be used for common streets, walkways, and passive recreation areas (without structures). The screening and buffer yard standards of this ordinance may require wider perimeter yards,

depending on the adjacent uses of land, and may place additional restrictions on the use of the perimeter yards.

- Front perimeter yard: 25 feet
- Rear perimeter yard: 15 feet
- Side perimeter yard: 10 feet

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

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

with public sewer and water

- Minimum area: 4,000 square feet
- Minimum width at front setback line: 40 feet *without public sewer and water*
- Minimum area; 15,000 square feet
- Minimum width at front setback line: 85 feet

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

with public sewer and water

- Minimum area: 5,000 square feet
- Minimum width at front setback line: 50 feet *without public sewer and water.*
- Minimum area: 15,000 square feet
- Minimum width at front setback line: 85 feet

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

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

- Minimum front yard setback from the private street right-of-way which serves the space:
20 feet
- Minimum side yard setback: 5 feet
- Minimum rear yard setback: 10 feet

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

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

(4) Each space shall have a concrete pad constructed for placement of a manufactured home in full compliance with the setback and distancing requirements of this section.

(g) *Installation of manufactured homes.* All manufactured homes shall be installed according to all requirements of the Current City of Hueytown Building Code and be completely skirted with a weather-resistant material. Skirting shall be adequately vented.

- (h) *Outdoor living area.* A 300 square feet outdoor living area shall be reserved on spaces of less than 7,000 square feet. Not less than 100 square feet, with a minimum dimension of 10 feet, shall be a hard-surfaced patio.
- (i) *Storage facilities.*
 - (1) A minimum 240 cubic feet storage area shall be provided on each space. The storage area may be under the unit or within an accessory building. Alternatively, the park management may provide common storage lockers at an equivalent capacity.
 - (2) Vehicles and recreational equipment exceeding 7,500 pounds gross weight shall not be parked on any manufactured home space. The park management shall maintain a common storage yard. The outdoor storage yard shall be screened to a height of six feet.
- (j) *Recreation areas.* At least eight percent of the gross area of the park shall be improved for the recreational use of park residents, including active facilities in centralized locations.
- (k) *Service facilities.*
 - (1) Common laundromats may be provided for use by park residents only.
 - (2) Refuse collection and disposal shall be the responsibility of the park management. Common refuse disposal areas shall be provided and be screened to the full height of such facilities.
- (l) *Utilities.* All utility lines shall be placed underground.
- (m) *Parking.* Each manufactured home space shall have at least two side-by-side, dust-free surfaced parking spaces located off the common street right-of-way. Parking spaces shall be either perpendicular to the private street with minimum dimensions of 9 feet by 19 feet or parallel to the private street with minimum dimensions of 8 feet by 22 feet.
- (n) *Private streets and walkways.*
 - (1) Two-way private streets maintained by the park management shall be installed to furnish convenient access to all manufactured home spaces within the park. To the furthest extent practicable, streets shall follow natural land contours and be curvilinear in design. No manufactured home space shall have its own direct access to a public street.
 - (2) Street surfaces shall be dust-free and, except as provided below, have minimum surface widths and maximum gradients determined according to the number of manufactured home spaces served by the street, as follows:

<u># of spaces served</u>	<u>surface width</u>	<u>gradient</u>
> 25 spaces	26 feet	6 %
7- 25 spaces	24 feet	8 %
< 7 spaces	22 feet	12 %
 - (3) Curb and gutter shall be required, except where six feet wide shoulders and drainage swales align either side of the street within a common right-of-way. In such cases, street surface widths may be reduced by four feet to not less than 20 feet, but street grades shall not exceed six per cent. Street surface widths shall be increased by six feet for each parallel parking lane on either side of the street. Sufficient common right-of-way shall be provided to accommodate streets, drainage ways, walkways along streets (where provided), and utilities, but in no event shall the common right-of-way be less than 24 feet.

- (4) Dead-end streets shall have turnarounds with a minimum radius of 50 feet.
 - (5) Minimum three feet wide, dust-free surfaced walkways shall link manufactured home spaces with one another and common park facilities. Required walkways shall be common areas and not extend onto any manufactured home space.
- (o) *Drainage and flood controls.*
- (1) To the maximum practicable extent, the development of the manufactured home park shall conform to the natural contours of the land, keeping natural drainage ways undisturbed. The park drainage system shall connect to adequate drainage channels of surrounding properties and streets.
 - (2) Stormwater management controls shall be provided on-site to prevent the sudden discharge of surface water onto adjacent properties. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a 25-year storm frequency.
- (p) *Lighting.* Outdoor lighting, where installed, shall be directed to prevent glare on adjacent properties and manufactured homes within the park.
- (q) *Residential accessory uses and structures.* Residential accessory uses within manufactured homes and accessory structures on manufactured home spaces shall be subject to the following provisions:
- (1) Permitted accessory uses within manufactured homes shall include the same accessory uses permitted within single family residences and subject to the same limitations, including home instruction and home occupations.
 - (2) Permitted accessory structures on manufactured home spaces shall include all accessory structures permitted on the lots of single family residences, except for private swimming pools and satellite dish antennae.

Sec. 109. Manufactured home subdivision.

- (a) The manufactured home shall have the tow assembly and wheels removed.
- (b) A minimum 240 cubic feet storage area shall be provided for the storage of yard equipment. The storage area may be under the unit or within an accessory building.
- (c) The manufactured home shall be installed according to all requirements of the current City of Hueytown Building Code. The unit shall be completely skirted with a weather-resistant material. Skirting shall be adequately vented.
- (d) The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

Sec. 110. Multiplex.

- (a) The maximum density shall be 12 dwelling units per acre of site area, and the minimum site area shall be 12,000 square feet.
- (b) All buildings shall be set back at least 15 feet from all parking areas.
- (c) Not more than four dwelling units shall be permitted per building.
- (d) Buildings shall be spaced front to front, front to rear, front to side, and rear to rear at least to a distance

equal to twice the tallest building height and spaced side to side and side to rear at least to a distance equal to the tallest building height.

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

Sec. 111. Multi-story apartment.

- (a) The maximum density shall be 30 dwelling units per acre of site area, and the minimum site area shall be 20,000 square feet.
- (b) All buildings shall be set back at least 15 feet from all parking areas.
- (c) Buildings shall be spaced front to front, front to rear, front to side, and rear to rear at least to a distance equal to twice the tallest building height and spaced side to side and side to rear at least to a distance equal to the tallest building height.
- (d) At least 10% of the site area shall be improved for the recreational use by the apartment residents.

Sec. 112. Patio home.

- (a) Subdivision of lots for patio homes outside of a residential cluster sub-division shall be restricted to tracts with a minimum site area of 12,000 square feet. The maximum density shall be seven dwelling units per acre.
- (b) Except within a residential cluster subdivision, the patio home shall meet the following dimensional requirements:

Minimum lot area:	6,000 square feet
Minimum lot width:	50 feet
Minimum front yard:	20 feet
Minimum side yard:	8 feet
Minimum rear yard:	15 feet
Maximum building height:	35 feet

- (c) Patio homes on adjacent lots to the rear or sides may own and maintain common party fences. An attached garage to a patio home may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.
- (d) To permit zero lot-line development, one side yard may be reduced to zero, provided a five foot easement of maintenance is reserved on the adjoining lot, buildings are separated by at least 20 feet, and the adjoining lot is reserved for a patio home.
- (e) An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.
- (f) All utilities shall be placed underground.
- (g) All lots shall be served by public water and sewer.

Sec. 113. Residential cluster subdivision.

- (a) Permitted dwellings. The following dwelling types shall be permitted within a single family cluster subdivision:

<i>dwelling type</i>	<i>districts permitted</i>
single family residences	E-1, E-2, R-1, R-2, R-3, R-4, R-5, R-MH
patio homes	R-2, R-3, R-4, R-5
townhouses	R-3, R-4, R-5
manufactured homes	R-MH

(b) *General performance standards.*

(1) The minimum site area shall be as follows:

<i>district</i>	<i>minimum site area</i>
E-1	10 acres
E-2, R-1, R-MH	5 acres
R-2, R-3, R-4, R-5	3 acres

(2) The maximum density per acre of site area shall be as follows:

<i>district</i>	<i>density</i>
E-1	1.0 dwelling units per acre of site area
E-2	2.2 dwelling units per acre of site area
R-1	2.9 dwelling units per acre of site area
R-2, R-MH	6.0 dwelling units per acre of site area
R-3	8.0 dwelling units per acre of site area
R-4	12.0 dwelling units per acre of site area
R-5	14.0 dwelling units per acre of site area

(3) The amount of required open space that must be set aside shall be determined by the following formula:

- Determine minimum lot area for a conventional lot for the same dwelling type in the district.
- Subtract from the conventional minimum lot area the amount of lot area that is smaller than the conventional. Add together the results obtained for each lot.
- The minimum required open space shall be the greater of the results obtained in b. above or 20 % of the site area.

(4) Half of the required open space shall be usable recreation space.

(5) Open space may be dedicated to the City upon acceptance by the City Council.

(c) *Residential development standards.* Each permitted residential use within the cluster subdivision shall be subject to the following standards:

(1) *Single family residences* within the cluster subdivision shall be subject to the following dimensional standards, which vary by district:

	<i>E-1</i>	<i>E-2</i>	<i>R-1</i>	<i>R-2, 3, 4, 5, MH</i>
Minimum lot area:	30,000 sf	15,000 sf	12,000 sf	6,000 sf
Minimum lot width:	120 ft	85 ft	75 ft	50 ft
Minimum front yard:	50 ft	35 ft	30 ft	20 ft
Minimum side yard:	20 ft	15 ft	10 ft	8 ft
Minimum rear yard:	30 ft	25 ft	20 ft	15 ft
Maximum building height:	35 ft	35 ft	35 ft	35 ft

Note: sf = square feet ft = feet

(2) *Patio homes* within the cluster subdivision shall be subject to the following standards:

a. Dimensional standards.

Minimum lot area: 4,500 square feet
Minimum lot width: 45 feet
Minimum front yard: 20 feet
Minimum side yard: 8 feet
Minimum rear yard: 15 feet
Maximum building height: 35 feet

b. Additional standards.

1. All yard areas behind the front building line shall be fully enclosed by an opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard-surfaced patio or porch.
2. Patio homes on adjacent lots to the rear or sides may own and maintain common party fences. An attached garage to a patio home may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.
3. To permit zero lot-line development, one side yard may be reduced to zero, provided a five foot easement of maintenance is reserved on the adjoining lot, buildings are separated by at least 20 feet, and the adjoining lot is reserved for a patio home.

(3) *Townhouses* within the cluster subdivision shall be subject to the following standards:

Minimum lot area
- interior unit: 2,000 square feet
- end unit: 3,500 square feet
Minimum lot width
- interior unit: 18 feet
- end unit: 35 feet
Minimum front yard: 20 feet
Minimum side yard
- end unit: 15 feet
Minimum rear yard: 15 feet
Maximum building height: 35 feet
Maximum units per building: 8 dwelling units

(4) *Manufactured homes* shall be subject to the following standards:

a. Dimensional standards.

Minimum lot area: 5,000 square feet
Minimum lot width: 50 feet
Minimum front yard: 20 feet
Minimum side yard: 8 feet
Minimum rear yard: 15 feet

b. Additional standards.

1. The tow assembly and wheels shall be removed from the manufactured home.
2. A minimum 240 cubic feet storage area shall be provided for the storage of yard equipment. The storage area may be under the unit or within an accessory building.
3. The manufactured home shall be installed according to all requirements of the Current City of Hueytown Building Code and be completely skirted with a weather-resistant material. Skirting shall be adequately vented.
4. The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

Sec. 114. Townhouse.

- (a) Conventional subdivision of lots for townhouses outside of a residential cluster subdivision shall be restricted to tracts with a minimum site area of 9,000 square feet. The maximum density shall be determined by the district, as follows:

District Density

R-3	8 dwelling units per acre of site area
R-4	10 dwelling units per acre of site area
R-5, B-1	12 dwelling units per acre of site area
B-2, B-3	14 dwelling units per acre of site area

- (b) Except within a residential cluster subdivision, each townhouse shall meet the following dimensional requirements:

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

- (c) Not more than eight dwelling units shall be permitted per building.
- (d) A 300 square feet fenced or walled private yard area shall be provided on lots of less than 6,000 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard-surfaced patio or porch. Town-houses on adjacent lots to the rear or sides may own and maintain common party fences or walls.
- (e) All -utilities shall be placed underground.
- (f) All lots shall be served by public water and sewer.

Sec. 115. Cemetery.

- (a) The minimum site area shall be 5 acres.
- (b) Each grave site shall be set back a minimum distance of 50 feet from any property line of the cemetery. Each columbarium or mausoleum shall be set back a minimum distance of 200 feet from any property line of the cemetery.
- (c) A 6 feet high protective wall or fence shall be located along all property lines, except at points of vehicular access where gates with locks shall be maintained. The cemetery shall be exempt from any required screening and buffer yard along a public right-of-way.
- (d) No grave site shall be located closer than 150 feet from a potable water line or underground water supply.

Sec. 116. Campground.

- (a) *Uses and activities.* The campground shall include individual campsites for travel trailer or tents but may also include following uses and activities:
 - hotel, motel, or similar guest accommodations;
 - facilities designed to serve only the park guests, such as restaurants, cafeteria, retail concession sales, laundromats, bathing facilities, recreational facilities, and similar guest facilities, and accommodations for resident personnel employed by the campground management.
- (b) *Site area.* The minimum site area shall be ten contiguous acres.
- (c) *Density.* The maximum number of campsites per acre shall be 15.
- (d) *Perimeter yards.* No campsite or building shall extend into any required yards along the perimeter of the park, as listed below. The perimeter yards shall be reserved for screening and buffering yards and may also be used for common streets, walkways, and passive recreation areas (without structures). The screening and bufferyard standards of this ordinance may require wider perimeter yards, depending on the adjacent uses of land, and may place additional restrictions on the use of the perimeter yards.
 - Front yard: 50 feet
 - Rear yard: 30 feet
 - Side yard: 30 feet
- (e) *Dimensions.* The minimum area for each campsite shall be 1,500 square feet with a minimum width of 40 feet. Boundaries shall be clearly marked on the ground by permanent flush stakes.
- (f) *Pad.* Each campsite shall have a level pad for parking a travel trailer or installing a tent.
- (g) *Recreation space.* At least fifteen percent of the site area of the park shall be devoted to usable recreation space.
- (h) *Restroom facilities.* Common restroom and bathing facilities to meet the needs of park guest at full capacity are required.
- (i) *Streets.* One or two-way private streets shall be provided to furnish access to each campsite and other park facilities. The street surface may be graveled or paved. Surface widths of streets shall be twelve feet per travel lane plus six feet per parallel parking lane on either side. Maximum gradients shall be 12 percent. Dead end streets shall provide turnarounds with a minimum 40 feet radius.
- (j) *Parking.* One and one-half parking spaces shall be provided in the park for each campsite. One 9 feet by 19 feet space shall be provided on each campsite.

- (k) *Utilities.* All utility lines shall be placed underground.
- (l) *Refuse disposal.* Refuse collection and disposal shall be the responsibility of the campground management. Dumpsters in centralized locations shall be provided.

Sec. 117. Convenience store.

Where located in the B-1 District, the following limitations shall apply:

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

Sec. 118. Home occupation.

- (a) Customary home occupations shall be limited to office, artistic and craft pursuits, fix-it services, and similar limited activities but shall exclude barber shops, beauty shops, clinics, fortune tellers, automobile repair or body shops, automobile sales, storage of contractors' supplies, and similar activities.
- (b) The use shall be conducted entirely within the dwelling and be confined to not more than 25% of the livable floor area.
- (c) Employment shall be limited to residents of the dwelling.
- (d) No customers or clients shall be permitted on the premises. All goods and services shall be delivered to the consumer.
- (e) Not more than one, non-illuminated, wall-mounted sign of one or less square feet of area.

Sec. 119. Livestock sales.

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

Sec. 120. Mini-warehouse.

- (a) No storage space shall exceed 400 square feet in area and one story in height.
- (b) Each storage space shall be served by a paved driveway of 15 feet minimum width for each direction of travel.
- (c) The entire site shall be enclosed by security fencing of 8 feet minimum height and be kept lit with security lighting throughout.

Sec. 121. Open air market.

- (a) Display areas shall not occupy any part of a required off-street parking or loading area.
- (b) Display areas shall be set back from all lot lines so as to meet the district yard requirements.

Sec. 122. Specialty retail center.

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

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

- all permitted commercial uses in the B-1 District
- small retail specialty stores and services such as antique shops, curio shops, hobby shops, gift shops, appliance stores, ice cream stores, import food stores, delicatessens, bakeries, home furnishings stores, import shops, book stores, baby stores, pet stores, sporting goods stores, florists, photo shops, clothing stores, shoe stores, jewelry stores, tobacco stores, candy stores, sporting goods stores, bicycle shops, toy stores, and other retail sales and services determined by the Zoning Administrator to be of an equivalent specialized nature but excluding department stores, variety stores, automotive uses, recreation uses, and uses involving any outdoor display or sales.

(2) Each specialty retail store within the center shall occupy no more than 2,000 square feet of gross leasable area.

(3) The maximum building height shall be one story.

(4) No parking space shall occupy a required front yard which shall be kept landscaped and free of signs.

Sec. 123. Resource extraction.

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

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

Sec. 124. Garage or -yard sales.

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

Sec. 125. Non-depository Financial Institution.

This includes any car title loan business, check cashing/credit service, money broker, payday advance/loan establishment, or title loan establishment.

(a) Location: No person, whether as principal or agent, clerk, or employee, either himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any non-depository financial institution in the following locations:

1. Within 1,500 feet of any parcel of real property upon which is located any of the following facilities:

- a. Existing non-depository financial institutions;
- b. A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school;
- c. Park or recreational facilities operated and improved by the city;

2. Within 1,500 feet of any residentially zoned or used property.

3. Measurement of distance: The distance between any two non-depository financial institutions shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any non-depository financial institution and any daycare,

school, public park, or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the non-depository financial institution to the closest property line of any daycare, school, public park or any property designated for residential use or used for residential purposes.

Sec. 126. Day care, home.

- (a) The use shall be conducted within a single family residence.
- (b) The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.
- (c) Licensing by the State Department of Human Resources or appropriate government agency requirements shall be met.
- (d) Employees must be immediate family members living in the same household in which the day care operates.
- (e) No day care home shall be located within 1,000 feet of another day care home as measured between lot lines.

Secs. 127-139. Reserved.

Division 3. Supplemental Dimensional Regulations

Sec. 140. Purpose of supplemental dimensional regulations.

This division assigns supplemental dimensional standards over and above those imposed by the district dimensional regulations. Unique characteristics and conditions of development require these supplemental standards.

Sec. 141. Dimensional terms defined.

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

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

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

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

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

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

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

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

Cross references - See § 371 for interpretation of definitions, § 372 for word usage, § 373 for general terms defined, and § 374 for uses defined.

Sec. 142. Minimum standards for un-sewered lots.

Any lot not served by public water and sewer shall have a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet. The County Health Department may set a larger minimum lot area requirement to accommodate private wells or septic systems. Where the district dimensional regulations or the supplemental use regulations require a lot area greater than 15,000 square feet the more restrictive regulations shall apply.

Sec. 143. Minimum lot width exceptions.

- (a) *Reduction of lot width in commercial and industrial districts.* Except as provided in the supplemental use regulations, where a lot within the B-1, B-2, B-3, M-1, or M-2 District fronts a marginal access or local street, the minimum lot width requirement may be reduced to 50 feet.
- (b) *Flag lots.* Flag lots may be created in accordance with the following provisions:

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

Sec. 144. Minimum yard exceptions.

- (a) *Projections into required yards.*
 - (1) Architectural features, chimneys, eaves, and the like may project up to two feet into any required yard, but no closer than three feet to any lot line.
 - (2) Terraces, steps, uncovered porches, and similar features less than three feet above the floor level of the ground story may project into any required yard, but no closer than three feet to any lot line.
 - (3) Covered entry porches, balconies, fire escapes and similar features may project up to four feet into any required yard.
- (b) *Fences, walls, and hedges.* Fences, walls, and hedges that are substantially opaque may not exceed thirty inches in height within a required front yard, subject to the traffic visibility provisions of this article.
- (c) *Satellite dish antennas.* Satellite dish antennas and other ground mounted antennas shall not be permitted in the front yard. Set backs shall be from all property lines a distance equal to the height of the antenna. The setback of a satellite dish antenna shall be the minimum distance measured from the closest edge of the dish to the property line. Satellite dishes are subject to the district maximum building height limitations.

- (d) *Elimination of non-residential yards.* For any non-residential buildings, the side or rear yard may be eliminated to accommodate attached buildings sharing a common party wall at the lot line.
- (e) *Reduction of front yard in commercial and industrial districts.* The front yard within the B-1, B-2, B-3, M-1, or M-2 Districts may be reduced to not less than 15 feet, provided the reduced front yard is kept landscaped and free of signs, parking areas, and loading areas (except for required access to the lot).
- (f) *Side yard along street lines.* In the case of a corner lot, the side yard which extends along one of the street lines shall in no event be less 15 feet, regardless of the district minimum or the yards set by supplemental use regulations.

Sec. 145. Maximum building height exceptions.

- (a) The maximum building height limitations do not apply to spires, belfries, cupolas, antennas, (except satellite dishes), water tanks, ventilators, chimneys, or other appurtenances customarily placed above the roof and not intended for human occupancy.
- (b) Any principal building may be erected to a height in excess of the maximum building height for the district, provided each required yard is increased one foot for each one foot of excess height. In no event shall the building height exceed 65 feet. Subject to Board of Adjustment approval.

Sec. 146. Frontage exceptions.

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

- (1) Lots of less than 7,000 square feet within a residential cluster subdivision. All such lots may be served by private streets, constructed in accordance with the City Engineer's standards, and owned and maintained in common by a homeowner ' association or equivalent legal entity.
- (2) Family subdivisions involving the conveyance of a one acre or larger lot from a five acre or larger parcel for the purpose of constructing a single family residence as the primary habitat of an immediate family member. For the purpose of this provision, *immediate family member* shall include any naturally or legally-defined offspring. Such subdivision shall provide a 50 feet access easement from a public street to the lot.

Sec. 147. Traffic visibility at intersections.

- (a) On any corner lot, nothing shall be erected, placed, planted, or allowed to grow which would impede traffic visibility at intersections. No obstruction shall be placed within a clear sight triangle between a height of two feet and seven feet above the centerline grades of the intersecting streets. This clear sight area on the two lot lines forms a triangle. The triangle is bounded by the two lot lines along the street, each measured twenty-five feet from their intersection; a straight line connects the legs of the triangle. This shall be a twenty-five foot clear sight triangle.
- (b) When one or both of the intersecting streets is an arterial street, the clear sight triangle shall be 50 feet.
- (c) Where a private driveway intersects a public street, a clear sight triangle of 10 feet shall be maintained. The legs of the triangle shall be measured from the intersection of the street line and the edge of the driveway.

Sec. 148. Dimensional requirements for accessory buildings. (See Ord. # 93-0525-1)

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

above 12 feet up to the district maximum building height limitation.

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

- (1) The maximum floor area for a detached structure shall not exceed the floor area of the principal building unless the Building Inspector approves it.(Ref. Ord. # 93-0525-1)
- (2) The maximum height shall be 18 feet but in no case greater than the principal building height.
- (3) Such structures and additions shall be subject to the district front yard requirement.
- (4) Such structures shall be no closer than 5 feet to any property line, except structures above 12 feet shall be set back an additional one foot for each foot above 12 feet.

Secs. 149-159. Reserved.

ARTICLE IV. SITE DEVELOPMENT REGULATIONS

Div. 1. Generally

Div. 2. Off-Street Parking and Loading Regulations

Div. 3. Screening and Buffer Yard Regulations

Div. 4. Sign Regulations

Division 1. Generally

Sec. 160. Compliance.

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

Secs. 161-169. Reserved.

Division 2. Off-Street Parking and Loading Regulations

Sec. 170. Purpose of off-street parking and loading regulations.

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

Sec. 171. Off-street parking and loading terms defined.

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

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

BR. Bedroom or guest accommodations.

DU. Dwelling unit.

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

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

inoperative motor vehicle. An unlicensed motor vehicle or any motor vehicle, due to disrepair or dismantling, that is incapable of being driven safely upon a public street.

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

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

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

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

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

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

sf. Square feet.

Cross references - See § 371 for interpretation of definitions, § 372 for word usage, § 373 for general terms defined, and § 374 for uses defined.

Sec. 172. Required off-street parking spaces.

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

Table I. Required Off-Street Parking Spaces

AGRICULTURAL USES	<i>required parking spaces</i>
farm	1 per 1.5 employees
farm stand	1 per 100 sf of display area
RESIDENTIAL USES	
accessory apartment	1 per BR
combination dwelling	2 per DU
manufactured home, patio home, single family residence,	
- townhouse	2 per DU
- elderly apartment	0.5 per DU
emergency care home	1 per resident manager plus 1 per family at occupancy load
family care home	1 per resident manager plus 1 per 3 children at occupancy load
garden apartment, multiplex, multi-story apartment, upper story apartment:	
- efficiency or studio	1.25 per DU
- 1 BR	1.5 per DU
- 2 BR	1.75 per DU
- 3 or more BR	2 per DU
INSTITUTIONAL USES	
boarding house	1 per BR
community center	1 per 300 sf of GLA
community service club	1 per 100 sf of GLA
country club	1 per 3 persons at occupancy load
day care center	1 per employee plus 1 stacking or parking space per 8 persons enrolled at occupancy load
hospital	1 per 2 patient beds plus 1.5 per emergency room bed plus 1 per employee
nursing care, domiciliary care, or rehabilitation facility	1 per 2 residents at occupancy load plus 1 per employee

place of worship	1 per 3 persons seated in the main sanctuary at occupancy load
post office	1 per 300 sf of GLA plus 1 per 1.5 employees
public assembly center	1 per 3 persons at occupancy load
public facility	1 per 300 sf of GLA
school - college or university	1 per 3 students at occupancy load plus 1 per 1.5 employees
school - elementary or jr. high	1 per 8 students at occupancy load or 2 per classroom, whichever is greater
school - high school or vocational	1 per 6 students at occupancy load plus one per 1.5 employees

COMMERCIAL USES

appliance store	1 per 400 sf of GLA
arcade game	1 per machine plus 4 spaces or one per two hundred square feet of GLA, whichever is greater
bank	1 per 250 sf of GLA plus 4 stacking spaces per drive-in window
billiard room, pool hall	1 per table
barber or beauty shop	1 per 100 sf of GLA
bowling alley	4 per Alley
farm support business	1 per 1.5 employees plus 1 per company vehicle
home improvement center	1 per 400 sf of GLA
car wash	
Coin Operated	1 space per bay and 1 per vacuum site
Self – Service	4 stacking spaces per bay
Full-Service	1 space per employee plus 4 stacking spaces per bay
clinic	6 per practitioner
commercial school	1 per 3 students at occupancy load plus 1 per 1.5 employees
convenience store	1 per 150 sf of GLA
dance hall	1 per 100 sf of GLA
funeral home	1 per 1.5 employees plus 1 per 3 chapel seats at occupancy load plus 1 per company vehicle
furniture store	1 per 500 sf of GLA
furniture repair shop	1 per 500 sf of GLA
gasoline service station	2 per service bay plus 1 per company vehicle plus 1 per 1.5 employees plus 2 stacking spaces per fuel

	island
general retail business or service establishment	1 per 200 sf of GLA
hardware store	1 per 500 sf of GLA
hotel or motel	1 per room plus 1 per 1.5 employees
laundromat, dry cleaning establishment	1 per 2 machines or 1 per 200 sf of GLA, whichever is greater
mini-warehouse	1 per 20 units
money brokers	1 per one hundred square feet of GLA plus off premise storage of vehicles
motor vehicle sales	1 per 400 sf of GLA plus 1 per 1.5 employee plus 2 per service bay plus 1 per 2,500 sf of outdoor display area
motor vehicle service	1 per 200 sf of sales plus 1 per employee plus 2 per service bay
office, business or professional	1 per 250 sf of GLA
open air market	1 per 100 sf of display area
outdoor recreation	
- golf course	5 per holes
- carpet golf	2 per tee
- golf driving range	1 per tee
- other	1 per 3 persons at occupancy load
pawn brokers	1 per one hundred square feet
restaurant	1 per 100 sf of GLA plus 1 per delivery vehicle plus 4 stacking spaces per drive-in window
shopping center:	
- under 25,000 sf of GLA	1 per 200 sf of GLA
- 25,000 or more sf of GLA	1 per 250 sf of GLA
- add for restaurants	1 per 100 sf of GLA
- add for movie theaters	1 per 3 persons at occupancy load
stable	1 per 3 persons at occupancy load plus 1 per 1.5 employees
tourist home	1 per guest bedroom

INDUSTRIAL USES

general industry and manufacturing	1 per 1.5 employees plus 1 per company vehicle but not less than 1 per 1,000 sf of GLA
warehouse, distribution, and wholesale businesses	1 per 1.5 employees plus 1 per company vehicle but not less than 1 per 500 sf of GLA

Sec. 173. Off-street parking design requirements.

- (a) The minimum parking space dimensions are as follows:
 - (1) Each parking space shall contain a minimum rectangular area of ten feet in width and twenty feet length except as provided in (2) and (3) below.
 - (2) In large parking areas of 20 or more parking spaces, up to 20 percent of the parking spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of 8 feet width and 16 feet length. These spaces shall be conspicuously marked for *compact cars only*.
 - (3) Parallel parking spaces shall contain a minimum rectangular area of 9 feet width and 22 feet length.
 - (4) Stacking spaces shall contain a minimum rectangular area of 10 feet width and 20 feet length and be separated from parking aisles and spaces.
 - (5) Handicapped parking spaces shall be designed in accordance with the Current City of Hueytown Building Code.

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

Table II. Minimum Parking Aisle Widths

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

- (c) Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two dwelling units, although backing onto arterial streets shall be prohibited.
- (d) All parking areas when adjoining a street right-of-way between adjoining lots shall be physically separated from the right-of-way.
- (e) All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.
- (f) Parking areas for all developments shall be so designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous turning movements. Fire lanes may be required by the fire code.
- (g) All parking areas shall be surfaced with dust-free materials (asphalt or concrete).
- (h) Parking spaces (except those serving one or two dwelling units) shall be demarcated with painted lines or other markings.
- (i) All parking areas shall be maintained in good condition, i.e., free of pot holes, weeds, trash, etc.
- (j) Except within the M-1 and M-2 Districts, large parking areas of 40 or more, spaces shall provide 12 square feet of landscaping within the parking area interior for each parking space. One canopy tree with a minimum caliper of two inches shall be planted for each 10 parking spaces.

- (k) Drainage in parking areas shall direct stormwater back into the site from adjacent properties toward adequate drainage channels. Large parking areas of 40 or more spaces shall provide on-site storm-water detention to retard the sudden discharge of high volumes of stormwater into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a 25 year storm frequency. Drainage plans shall be subject to the City Engineer's approval.

Sec. 174. Location of required parking.

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

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

Sec. 175. Parking prohibitions.

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

Sec. 176. Parking inside structures.

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

Sec. 177. Access controls.

- (a) Access to streets within the City shall be approved by the City Engineer. The proposed location, width, drainage structure, traffic conditions, site distances, and surfacing shall be addressed in the request for approval.
- (b) Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades, and maximum separation. Combined or shared driveways and entrances or marginal access streets may be required for highway service uses along major streets.
- (c) Entrances to detached residential lots shall not be less than ten feet nor more than twenty feet in width..

Entrances to all other developments shall be no more than thirty five feet or eighteen feet per lane of travel nor less than twenty four feet or twelve feet per lane of travel in width measured at the right-of-way line. The radius to increase the opening shall not be less than fifteen but not more than twenty-five feet. A larger radius to accommodate truck traffic may be required by the City Engineer.

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

Table III. Entrance Limitations

<i>street frontage width</i>	<i>maximum number of entrances</i>
less than 150 feet	one
150 to 300 feet	two
300 to 500 feet	three
500 to 1,000 feet	four
more than 1,000 feet	five

- (e) Property which has frontage on two or more streets may be allowed entrances on each street in accordance with the above criteria.
- (f) The distance between openings shall be at least 150 feet, except for single family detached lots.
- (g) Entrances shall be located so that the curb openings are a minimum of five feet from the nearest edge of a street drainage inlet and fifty feet from the corner radius.
- (h) Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the City Engineer to provide safe turning movements.
- (i) Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front lot line, unless suitable barriers are located within the street right-of-way. Except for permitted access ways, such barriers shall be continuous.

Sec. 178. Required off-street loading spaces.

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

Table IV. Required Off-Street Loading Spaces

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

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

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

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

Sec. 179. Off-street loading design standards.

- (a) Each loading space shall have a minimum rectangular area of 12 feet width and 55 feet length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of 14 feet height.
- (b) No loading space shall be located within the required front yard or within five feet of any property line.
- (c) No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.
- (d) All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties.
- (e) All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint use parking facilities, as provided by § 174 *Location of required parking*.

Sec. 180. Change in parking and loading requirements.

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

Sees. 181-189. Reserved.

Division 3. Screening and Buffer Yard Regulations

Sec. 190. Purpose of screening and buffer yard regulations.

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

Sec. 191. Screening and buffer yard terms defined. (Ref. Ord. # 95-0926-2)

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

Buffer yard. A landscaped strip of specified width along certain segments of the site perimeter reserved for screening one use or structure from another adjacent use.

Screening. A method of visually shielding or obscuring one use or structure from another adjacent use by opaque fencing, walls, berms, or densely-planted vegetation installed within a buffer yard.

Cross references - See § 371 for interpretation of definitions, § 372 for word usage, § 373 for general terms defined, and § 374 for uses defined.

Sec. 192. Administration.

- (a) These standards are intended to encourage, not hamper, innovation in landscape and architectural design and shall be administered flexibly so as to give reasonable consideration to this objective,
- (b) Screening and buffer yard standards imposed by § 346 Conditional re-zoning shall take precedence over the provisions-of this division. (Ref. Ord. # 95-0926-2).

Sec. 193. Screening specifications.

- (a) Acceptable screening materials include any combination of solid fencing (weather-resistant wood, brick, or decorative masonry), evergreen shrubs, or earth berms of a specified height. Planting of evergreen trees may also be required. Screening shall be continuously maintained, present an attractive exterior appearance, and in the case of fencing, be of durable construction.
- (b) Location of screening shall not obstruct the visibility of traffic circulation.(Ref. Ord. # 95-0926-2).
- (c) Evergreen plantings, where installed, shall be planted within the beginning of the first opportune planting season following approval of development but may be coordinated with construction scheduling. Evergreen shrubs shall be a rapid growth variety, with a minimum height of three feet at planting, be planted two feet on center or less, and be capable of attaining an opaque density to the prescribed ultimate height within two years of planting. Evergreen trees shall be a rapid growth variety and be a minimum height of five feet at planting and be planted eight feet on center or less.(Ref. Ord. # 95-0926-2).
- (d) Fencing, where installed, shall be constructed prior to the issuance of a certificate of occupancy.
- (e) All plantings shall be permanently maintained in good growing condition and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

Sec. 194. Buffer yard specifications. (Ref. Ord. # 95-0926-2).

- (a) The buffer yard shall be reserved solely for screening. No building, structure (except for privacy fencing) nor paving shall be permitted. The entire buffer yard shall be planted with trees and shrubs.
- (b) The amount of buffer yard shall not be more than 10 percent of the total site area, but in such case that the buffer yard is reduced, the intensity of screening shall be proportionately increased. In no such event however, shall a buffer yard on a site be reduced to less than seven feet in width.

Sec. 195. Determination of adjacent land use classes.

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

Table X. Land Use Classes

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

Sec. 196. Determination of screening and buffer yard types.

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

Table XI. Screening and Buffer Yard Types

<i>type</i>	<i>minimum height of screening</i>	<i>required evergreen trees</i>	<i>minimum width buffer yard-</i>
I	6'	no	15'
II	6'	yes	25'
III	8'	yes	50'
IV	8'	yes	100'

Sec. 197. Required screening and buffer yard.

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

Table XII. Minimum Required Screening and Buffer Yard

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

Sec. 198. Modification or waiver of screening and buffer yard.

These screening and buffer yard standards may be modified or waived by the Zoning Board of Adjustment in certain cases where a site is subject to any of the following circumstances: (Ref. Ord. # 95-0926-2).

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

Secs. 199-209. Reserved.

Division 4. Sign Regulations

SECTION ONE. PURPOSE OF SIGN REGULATIONS.

The primary purpose of these provisions is to provide minimum control of signs that insures the protection of the public's safety and general welfare. Further, these provisions intend to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon the community; prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned; and, in general, preserve the character and aesthetic quality of the various zones within the city.

SECTION TWO. SIGN TERMS DEFINED.

The following sign terms when used in this ordinance shall have the meanings defined by this section:

attached sign. Any permanent on-premises sign, other than a freestanding sign, attached to, erected on, or supported by any building, including a canopy sign, projecting sign, wall sign (mounted or painted), roof sign, window sign, or similar sign that is permanently attached to a building.

billboard. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling or donating the display space on that sign.

erect a sign. To build, construct, attach, hang, place, suspend, paint, or affix a sign.

exempt sign. A sign made exempt from a sign permit, in accordance with Section 4.

freestanding sign. Any permanent sign, other than an attached sign, supported by some structure or the ground and independent of support from any building, including a ground sign, pole sign, pylon sign, A-frame sign, sandwich sign, billboard, or similar sign that is freestanding.

illuminated sign. A sign lighted by or exposed to artificial lighting which is further distinguishable as follows:

externally illuminated sign. A sign where the source of the illumination is reflected off the surface of the sign from an external artificial lighting source.

internally illuminated sign. A sign where the source of the illumination is inside the sign and artificial light emanates through the message of the sign.

neon window signs. Any internally illuminated or lighted sign placed inside or upon a window facing the outside and which is intended to be viewed or seen from the exterior which customarily displays or advertises activities, services, goods, products, and/or messages and are exempt signs pursuant to Section 4(h).

number of signs. For the purpose of determining the number of signs, each sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements; each element shall be considered a single sign. A multi-sided sign shall be considered one sign.

off-premises sign. A sign which directs attention to or conveys information about a business, profession, service, commodity, accommodation, attraction, or other activity that exists or is conducted, sold, offered, maintained, or provided at a location other than on the premises where the sign is located.

on-premises sign. A permanent sign which directs attention about a business, profession, service, merchandise, accommodation, attraction, or other activity that exists or is conducted, sold, offered, maintained, or

provided on non-residential premises where the sign is located. Such sign may also communicate personal, religious, or political statements or announce community events.

permanent sign. Any sign, other than a temporary sign, designed with a permanent display area. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall still be regarded as permanent.

portable sign. Any sign that is designed to be transported, including but not limited to such signs:

- with wheels removed;
- with chassis or support constructed without wheels;
- designed to be transported by trailer or wheels;
- converted to an A- or T-frame sign;
- attached temporarily - to the ground, structure, or other signs;
- mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business;
- menu and sandwich boards;
- searchlight stands; and
- hot-air or gas-filled balloons, or umbrellas used for advertising.

proportional lot frontage. A lot frontage figure derived from lot area. It is calculated by taking the square root of the number obtained by dividing the lot area by two. For example, the proportional lot frontage of a lot with 20,000 square feet of lot area is calculated by taking the square root of (20,000 square feet/2 or 10,000) which is equal to 100 feet.

shopping center. A group of commercial establishments located on a lot of one or more acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority,

sign. Any temporary or permanent display device (including all of its structural components), partially or fully exposed to public view, that is designed to inform or attract the attention of persons not on the premises on which the device is located.

sign area. That area delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation, or other display. The area shall be determined by using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in computing sign-area. If a sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of sign area.. On a multi-sided sign, sign area shall include the total of all sides designed to attract attention or communicate information that can be seen at any one vantage point. Specifically,. The sign area of a double-face, back-to-back or V-shape sign shall include only the area of one sign face.

temporary sign. Any sign fabricated of paper, plywood, fabric, window whitewash, or other light, impermanent material and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SECTION THREE. REQUIRED PERMITS, FEES, AND INSPECTIONS.

- (a) Except where this ordinance explicitly exempts a sign, all signs erected shall require a sign permit issued by the Administrator. In addition, whether a sign is exempt or not, city building and electrical codes may require additional permits.

- (b) Each application for a sign permit shall include the following items:
1. Name, signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
 2. Address of the property where the sign is to be erected.
 3. Lot area, zoning, and principal land use(s) on the lot subject to erection of a sign.
 4. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
 5. A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot.
 6. Other details sufficient for the Administrator to determine compliance with the requirements of this Ordinance.
 7. Application fee.
- (c) A \$25 fee shall accompany each application for a sign permit, except billboards and off-premises signs. All new and existing billboards and off-premises signs shall require an annual permit fee of \$200.
- (d) The administrator shall inspect each sign authorized by permit to determine compliance with the permit application.

SECTION FOUR. SIGNS EXEMPT FROM SIGN PERMITS.

The following signs are exempt from required sign permits and are permitted in accordance with the standards contained within this section and any other applicable provisions of these sign regulations. All exempt signs are permitted in any district if related to a permitted activity on a lot.

- (a) "Informational Sign". Such sign shall not exceed four square feet in area and may give the names, addresses, and business of the occupants of premises.
- (b) "Official Sign". Such sign may include legal notices required by law; warning signs and no trespassing signs; identification, informational, or directional signs erected by any governmental agency or public utility.
- (c) "Directional Sign". Such sign may indicate bus stops, taxi stands, off-street parking or loading facilities; other signs required for the control of vehicular or pedestrian traffic; restroom identification and direction; drive-thru window direction; telephone identification; and similar directional information.
- (d) "Non-Commercial Display". Such non-commercial display may include temporary holiday signs, displays, and decorations; flags and banners of a governmental, religious, charitable or fraternal organization; personal announcements of birth, marriages, birthdays and similar personal events.
- (e) "Artistic Display". Such display may include decorative or architectural features of a building; public artworks or displays; and similar artistic displays.
- (f) "Real Estate Signs". Such sign shall be limited to one per 100 feet of street frontage or one per sale location and be restricted to the site or unit subject to sale, rent or lease. Such sign shall not be internally illuminated; shall not exceed 16 square feet in area on a residential lot or 32 square feet on a non-residential lot; shall not be placed in a public right-of-way; shall not interfere with traffic utility at intersections of public streets and private drives; and shall be removed immediately after sale, lease, or rental. A real estate sign may contain the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner, property manager, or agent. In addition to the real estate signs described above, directional signs and/or "arrow" signs are permitted. Said directional signs shall likewise be removed immediately after sale, lease or rental.
- (g) "Construction Site Identification Sign". Not more than one construction sign per street frontage shall be permitted on the site where building is actually in progress under a current building permit. Such sign shall

not exceed 64 square feet in area; and shall not be internally illuminated. A construction sign may identify the project on the site and include the owner or developer, architect, engineer, contractor, subcontractor, funding sources, and related information such as, but not limited to, sale or leasing information. Such sign shall not be erected before a building permit is issued and must be removed before a certificate of occupancy is obtained.

- (h) "Temporary Window Sign". A temporary window sign may identify or advertise activities, services, goods or products available within the building. Such sign shall be mounted to the interior of a display window.
- (i) "Temporary Political Sign". A temporary political sign may be erected in connection with elections or political campaigns. Such sign shall not be internally illuminated; shall not exceed 16 square feet in area on a residential lot; shall not be placed in a public right-of-way; shall not interfere with traffic visibility at intersections of public streets and private drives; and shall be removed immediately after the election or campaign.
- (j) "Garage or Yard Sale Sign". A temporary sign advertising the sale of personal property on a lot may be erected on the lot and other directional signs, if necessary, may be placed on adjacent roadways. Such sign shall not be illuminated; shall not exceed four square feet in area on a residential lot; shall not interfere with traffic visibility at intersection of public streets and private drives; and shall be removed immediately after the sale.
- (k) "Special Event Sign". A temporary or permanent sign indicating a special event such as a grand opening, fair, carnival, circus, festival or similar event may be erected on the lot where the event is to take place. Such sign shall not exceed 32 square feet in area; and shall not be internally illuminated. Such sign shall be removed immediately after the event. Banners over public right-of-ways are specifically allowed for special events only. The banner shall be limited to 120 square feet and shall remain a maximum of 30 days.
- (l) "Commercial Information Display". Such sign may include vending machines, gasoline price information, oil and supply racks, pricing, checks cashed, credit cards accepted, business .hours, barber poles, car wash directions; automated tellers, and similar minor information displays related to commercial activities permitted in the zoning district. Such sign shall be set back a minimum of 15 feet from the public right-of-way.
- (m) "Farm Information Sign". Such sign may include farm logos or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar agricultural displays.
- (n) "Vehicle Sign". Such sign may depict identifying name, business, product, service, logo, and similar information painted or otherwise affixed to a vehicle.
- (o) "Temporary Sign". Any other temporary sign, as defined by this Ordinance may be deemed exempt from required permits, as determined by the Zoning Administrator. Christmas lighting and decorations are specifically excluded from this ordinance.

SECTION FIVE. SIGN PROHIBITIONS.

Except as provided for exempt signs, the following signs are prohibited throughout the city:

- (a) Any sign erected or maintained at any location where by reason of its position, illumination, shape, symbol, color, form or character may obstruct, impair, obscure, interfere with the view of or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse or disrupt traffic safety or flow.
- (b) Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.

- (c) Any sign of any type or support thereof placed, extending, or projecting on a public right-of-way, except as authorized.
- (d) Any flashing, revolving, moving or animated sign; banners, streamers, animated display boards, pennants or propellers. The restriction of this subsection shall not apply to signs indicating public service information such as, but not limited to the time, date, weather, and community events.
- (e) Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- (f) Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- (g) Any unauthorized sign painted on or attached to a utility pole, rock, tree, fence, telephone booth, automated bank teller, or the like.
- (h) Any sign that blocks another sign, fire escape, door, window, parking or loading aisle or space.
- (i) Any sign painted directly on a building face.
- (j) Any unsafe or damaged sign.

SECTION SIX. PROHIBITION ON PORTABLE SIGNS.

- (a) The City Council hereby prohibits portable signs throughout the city to the following findings related to the protection of the public health, safety morals, and general welfare:
 1. Portable signs are not a uniquely valuable mode of communication; that is, ample methods of communication are available as alternatives to portable signs.
 2. Evidence has shown that portable signs are a threat to traffic safety.
 3. Portable signs are not in keeping with the city's aesthetic standards. Portable signs contribute to visual clutter in commercial and industrial centers.
 4. The city's only effective alternative in controlling the detrimental effects of portable signs is an outright prohibition in all cases.
- (b) All portable signs shall be deemed in violation .of this Ordinance if not removed within 90 days of the effective enactment date of this Ordinance.

SECTION SEVEN. SIGN AREA LIMITATIONS.

- (a) Unless otherwise provided in these sign relations, the total surface area devoted to all signs on a lot shall not exceed the limitations set forth in this section. All signs, except exempt signs, shall be included in this calculation.
- (b) Except for residential project entrance signs and exempt signs, the maximum sign area on a residential lot shall not exceed four square feet.
- (c) Except for exempt signs, the maximum freestanding sign area for all non-residential lots shall be determined by zoning district, as follows:

<u>District</u>	<u>Maximum sign area</u>
R District	1.5 square feet per 10 linear feet of proportional lot frontage but in no event exceeding 16

	square feet
AG District	2.0 square feet per 10 linear feet of proportional lot frontage but in no event Exceeding 32 square feet
B-1 District	3.0 square feet per 10 linear feet of proportional lot frontage but in no event Exceeding 50 square feet
B-2 District	6.0 square feet per 10 linear feet of proportional lot frontage but in no event Exceeding 200 square feet
B-3, M-1, and	9.0 square feet per 10 linear feet of proportional lot frontage but in no event M-2 districts exceeding,300 square feet

- (d) Shopping centers shall be permitted an additional freestanding sign area equal in 50% of the limitation set forth in (c) above. The additional sign area shall be added to the maximum set in subsection (c) above to determine the total maximum freestanding sign area permitted for a shopping center. In no event, however, may the total sign area for a shopping center exceed 75 square feet in the B-1 District, 300 square feet in the B-2 District, and 450 square feet in the B-3 Districts. Such freestanding sign may display the shopping center name and a directory of individual businesses within the center among other permitted on-premises display.
- (e) Billboards and off-premises signs shall be included in determining the maximum freestanding sign area permitted per lot, except in no event shall the area of a billboard exceed 500 square feet.

SECTION EIGHT. FREESTANDING SIGN LIMITATIONS.

- (a) No development may have more than one freestanding sign. However, if a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets. Billboards and off-premises signs shall be included in the determination of maximum number of freestanding signs per lot.
- (b) The maximum height of all freestanding signs shall be 35 feet in the B-3, M-1, or M-2 Districts; 25 feet in the B-2 District; 15 feet in the B-1 District; and 7 feet in all other districts.
- (c) Freestanding signs shall be separated from all driveways, parking aisles, loading aisles, parking spaces, and loading spaces.
- (d) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (e) Freestanding signs shall not be permitted on a residential lot.

SECTION NINE. ATTACHED SIGN LIMITATIONS.

- (a) Attached signs shall not be placed upon any roof surface, unless such roof has a pitch in excess of 60 degrees. In any event; the maximum height of any attached sign shall not exceed the height of the roof line.
- (b) Wall signs with a single face mounted parallel to a building face shall not project more than 12 inches from the building wall and shall not extend beyond the limits of the building face.
- (c) Projecting signs with two or more faces extending perpendicular from the building wall shall not project more than four feet from the wall; shall not exceed 15 square feet in area; and shall provide at least eight feet of clearance underneath the sign.
- (d) Canopy or marquee signs may be attached to roof-like structures extending from a building wall, provided such signs are made a part of the canopy or marquee and do not extend beyond its face.

- (e) Permanent window signs shall not be exempt from required sign permits and shall be included in determining maximum number of signs and maximum sign surface area.
- (f) No wall sign shall be painted on a building face.

SECTION TEN. BILLBOARD AND OFF-PREMISES SIGN LIMITATIONS.

- (a) Billboards and off-premises signs may only be permitted as a principal use on a lot within the B-3 District. Such signs shall be subject to all dimensional standards governing the B-3 District, in addition to the requirements of these sign regulations.
- (b) No billboard or off-premises sign shall exceed a height of 35 feet.
- (c) Billboards or off-premises signs shall be freestanding signs and as such shall be subject to the additional regulations governing freestanding signs, except where in conflict-with these special limitations for billboards and off-premises signs. No billboard or off-premises sign shall be attached to any building, any part of any building, or any structure other than structural support members specifically designed for a freestanding sign.
- (d) No billboard or off-premises sign shall be internally illuminated.

SECTION ELEVEN. RESIDENTIAL PROJECT ENTRANCE SIGNS.

- (a) Permanent ground signs to residential developments may be erected at principal entrances to the project. One sign shall be permitted on each side of the principal entrance to the development.
- (b) Entrance signs shall not exceed 250 square feet in area and six feet in height.
- (c) Entrance signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (d) No entrance sign shall be internally illuminated.

SECTION 12. ILLUMINATED & ELECTRONIC CHANGEABLE COPY SIGN LIMITATIONS.

Illumination. Sign illumination may be achieved via internal or external illumination of reasonable intensity to solely illuminate the sign. The light source shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses. If externally illuminated, illumination shall be achieved via a white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses. Such signs are also subject to the following:

- (a) No illuminated sign, other than a residential project entrance sign, shall be permitted within 100 feet of any residential district, unless the Administrator determines that the impact of such lighting beyond the boundaries of the lot where the illuminated sign is located is clearly inconsequential.
- (b) Internally illuminated signs shall be prohibited in the R districts, the B-1, or the AG district, except for church signs, vending machines, telephone booths automated tellers, vacancy information, open or closed messages, public service information (time, date, weather, etc.) displays that do not convey an advertising message where permitted in the district.

- (c) Except exempt signs and signs displaying public service information (time, date, weather, etc.), illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, or similar areas; and signs illuminated by flashing or intermittent light or lights of changing degrees of intensity are prohibited.
- (d) For each side of a building, there shall be no more than one (1) Neon Window Sign, as defined in Section 2 herein.
- (e) All illuminated signs whether deemed exempt from sign permits or not shall require an electrical permit and comply with Underwriter Laboratory (UL) standards and city electrical code standards.

Electronic Changeable Copy Signs, where permitted, shall be subject to the following standards.

1. Sign display technology shall be programmed so that the message or image on the sign changes no more often than every five (5) seconds.
2. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
3. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
4. Automatic level controls shall be used to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display units shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the message based on ambient light conditions. Maximum brightness levels shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 500 nits when measured from the sign face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.
5. Any sign using video technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within twenty-four (24) hours by the owner or operator of such sign.
6. The message area shall not exceed the permitted copy area for the applicable sign type in the district, or 200 sf, whichever is less.
7. The following limitations shall apply to the location of signs using video technology:
 - a. A sign on which the video technology includes 100 sf or more of sign area shall not be erected within 500 ft of a residential district.
 - b. A sign on which the video technology includes twenty (20) sf or more of sign area but less than 100 sf of sign area shall not be erected within 200 ft of a residential district.
 - c. A sign on which the video technology includes less than twenty (20) sf of sign area shall not be erected within 100 ft of a residential district.

SECTION THIRTEEN. TRAFFIC VISIBILITY PROVISIONS.

No permanent or temporary sign exceeding four square feet in area shall be permitted within 25 feet of an intersection street right-of-way line (50 feet if the intersecting street is an arterial highway), within fifteen feet from the front lot line, or within 10 feet from a private drive. This limitation may be waived if such sign does not obstruct visibility between a height of 30 inches and eight feet above the nearest street grade level or otherwise does not interfere with traffic visibility for entrance onto or exit from the lot and adjacent lots and the visibility of traffic flow

through nearby intersections, as determined by the Administrator. In any event, no sign, regardless of size, height, or design shall extend into any right-of-way, except as expressly authorized.

SECTION FOURTEEN. CONSTRUCTION AND MAINTENANCE OF SIGNS.

- (a) All signs shall conform with city building codes, which provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring.
- (b) All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
- (c) The area surrounding the base of any freestanding sign shall be kept clear of all debris or undergrowth.
- (d) No person may, for the purpose of increasing or enhancing the visibility of any sign, damage; trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by this Ordinance.

SECTION FIFTEEN. NONCONFORMING SIGNS.

- (a) If a sign displays or advertises information or any activity that is no longer current or is left blank for a continuous period of 30 days, that sign shall be considered abandoned and within 30 days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or replace the display or advertisement with a current message.
- (b) Illumination may not be added to a nonconforming sign.
- (c) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with these sign regulations.
- (d) The message of a nonconforming sign may be changed so long as the change does not create any new nonconformity, such as creating an off-premises sign where such a sign would not be permitted.
- (e) Unless otherwise provided in this section or elsewhere in this Ordinance, any sign that does not conform with the provisions of these sign regulations shall be amortized to conform with this Ordinance, as follows:
 - 1. Portable signs shall, within 90 days after the effective date of this Ordinance, be altered to comply with these sign regulations or be removed.
 - 2. All other nonconforming signs shall, within one year after the effective date of this Ordinance, be altered to comply with these sign regulations or be removed.
- (f) As soon as possible after the effective date of this Ordinance, the Zoning Administrator shall make reasonable effort to notify the person responsible for each such sign and inform such person of the nonconformity, required corrections to bring such sign into conformity, by what date the corrections need to be completed, and the consequences of failure to make the necessary corrections.

SECTION SIXTEEN. PENALTY.

Any person, firm or corporation within the corporate limits of the city committing a violation of this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), and/or may be imprisoned or sentenced to labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case. Provided, however, no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine or sentence of imprisonment established under state law. If

the violation or failure or refusal to obey or comply with any provision of this Ordinance is a continuing violation, each day's violation shall constitute a separate offense and shall be punished accordingly.

Secs. 210-229. Reserved.

ARTICLE V. ADMINISTRATION

Div. 1. Generally

Div. 2. Permits and Procedures

Div. 3. Nonconformity's

Div. 4. Amendments

Div. 5. Penalties and Remedies

Division 1. Generally

Sec. 300. Zoning Administrator.

- (a) Unless otherwise provided for in this ordinance, the provisions of this ordinance shall be administered and enforced by any city staff person appointed by resolution of the City Council to serve as Zoning Administrator. The City Council may also appoint by resolution such Deputy Zoning Administrators as it deems necessary to assist in the administration and enforcement of this ordinance.
- (b) The performance of the Zoning Administrator and Deputy Zoning Administrators shall be reviewed from time to time by the City Council. The Council upon a determination of unsatisfactory performance of any of these officials may remove and replace the official capacity of the affected individual at their pleasure. Any action shall be approved the Jefferson County Personnel Board.
- (c) These officials shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out their prescribed duties in the enforcement of this ordinance.

Secs. 301-309. Reserved.

Division 2. Permits and Procedures

Sec. 310. Permit compliance.

- (a) No building permit, certificate of occupancy, business license, or any other permit or license shall be issued by any City department, official, or employee except in full compliance with this ordinance.
- (b) Any permit or license issued by any City department, official, or employee where issued in conflict with or violation of any terms of this ordinance or other applicable codes or ordinances shall hereby be declared null and void.

Sec. 311. Certificate of occupancy.

- (a) No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied until the Zoning Administrator authorizes the issuance of a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance.
- (b) Within three days after the owner or his agent has notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator to order a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or if such certificate is refused, to state the refusal in writing with the cause.

Sec. 312. Building permit.

- (a) It shall be unlawful to obtain a building permit until the Zoning Administrator has determined that the permit application in all respects conforms with the provisions of this ordinance.
- (b) If the permit application is in conformity with the provisions of this ordinance, a building permit may be issued. If an application for a building permit is not approved for zoning, the cause for such disapproval shall be stated in writing on the application. Issuance of a building permit shall in no case be construed as waiving any provision of this ordinance.
- (c) Before issuing a building permit, the Zoning Administrator shall order an inspection of the site and examine the proposed development plans for compliance with this ordinance.
- (d) Any permit under which no construction work has been done above the foundation walls or other foundation support within ninety days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable for a 12 month term, subject, however, to the provisions of City codes in force at the time of said renewal.

Sec. 313. Plot plan.

- (a) It shall be unlawful for the Zoning Administrator to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed development is in conformance with this ordinance:
 - (1) The actual shape, proportion and dimensions of the lot to be built upon.
 - (2) The shape, location and dimensions of all rights-of-way, easements, buildings and structures (existing

and proposed), setbacks, driveways, off-street parking and loading areas, circulation, screening, buffer yards and landscaping. (Ref. Ord. # 95-0926-2).

- (3) The existing and intended use of all such buildings or other structures.
- (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this ordinance.

Sec. 314. Site plan review.

(a) *Application for site plan review.* New construction and substantial site development expansion of all planned developments shall require approval of a site plan prepared by a professional engineer licensed in the State of Alabama. One reproducible set of plans and five copies of each set shall be submitted to the Zoning Administrator, with the minimum information described below: (Ref. Ord. # 95-0926-2).

(1) *Cover sheet* with:

- a. Name and location of the development; name, address, and signature of the owner; name, address, and seal of the engineer.
- b. Vicinity map.
- c. Zoning and existing and proposed land use of the site.
- d. Date, scale, north arrow, and number of sheets.

(2) *Site layout*, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.

(3) *Drainage plan*, including paving, grading and excavation, erosion and sedimentation, stormwater detention, floodplain management controls.

(4) *Utilities plan*, including sewage disposal system and water system (public and private).

(5) *Fire control plan*, including fire lanes and hydrants.

(b) *Action on site plan.*

(1) The Zoning Administrator shall forward copies of the plans to the City Engineer, Fire Chief, Police Chief, and other appropriate officials and agencies for their review and written comments on the general completeness and compliance of the plans with this ordinance. The Zoning Administrator shall provide the applicant with all written administrative comments within two weeks of submittal.

(2) Upon satisfaction of the Zoning Administrator and City Engineer that all administrative concerns are properly addressed by the applicant, the corrected plans shall be forwarded to the Planning Commission for final site plan approval. The Planning shall thereafter decide by resolution to approve, modify, or reject the plan as submitted.

(3) A reproducible of the final approved site plan shall be submitted by the applicant and retained on file by the Zoning Administrator.

(4) All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial

accord with the final site plan. Where subdivision plat approval is also required for a development, site plan review shall be conducted simultaneously.

- (5) An approved site plan shall become null and void if significant development does not commence within 12 months of Planning Commission approval.

Sec. 315. Permits for unsewered areas.

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

Sec. 316. Conditional use procedures.

- (a) *Application for conditional use permit.* All permitted conditional uses where listed in each district shall require the submission of an application to the Planning Commission. An application for a conditional use shall be filed with the Secretary to the Commission at least 30 days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Secretary and shall include the following information and materials:
 - (1) Name, signature, and address of the property owner and agent of the property owner, if any.
 - (2) Address of the property under consideration.
 - (3) Zoning and land use of the property under consideration.
 - (4) Proposed conditional use.
 - (5) A vicinity map showing the location of the property on the maps of the Jefferson County Tax Assessor.
 - (6) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.
 - (7) Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Jefferson County Tax Assessor.
 - (8) A \$100 filing fee.
- (b) *Public notice of hearing.* At least 15 days prior to the scheduled Planning Commission hearing, the Secretary shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
 - (1) The name of the applicant.
 - (2) The location of the property.
 - (3) The proposed conditional use.
 - (4) The time, date, and location of the Planning Commission hearing.

- (c) *Planning Commission action.* The Planning Commission shall review the plot plan and use proposal for compliance with this ordinance and other applicable codes and ordinance. If deemed in compliance, the Planning Commission may still deny any proposal if it concludes, based upon the information submitted at the hearing, that the proposal, more probably than not will adversely affect the public interest and the intent of this ordinance, as contained in the purposes and consideration of this ordinance and the district intent where the proposal would be carried out. In particular, the Planning Commission shall determine that satisfactory provisions have been made concerning the following, among other considerations of this ordinance:
- (1) Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - (2) Off-street parking and loading areas, with particular attention to the items in (1) above.
 - (3) Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
 - (4) Screening and buffering of potentially adverse views and activities from surrounding properties.
 - (5) Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
 - (6) Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.
 - (7) Signs and lighting, with reference to glare, traffic safety, and visual harmony with adjoining properties.
 - (8) Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.
- (d) *Imposition of conditions.* The Planning Commission may impose such conditions for approval as it may deem necessary in the particular case to protect the public interest and the intent of this ordinance, in relation to the items listed in (c) above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure or use for which the conditional use was granted and not to a particular person. Violations of conditions lawfully attached to any conditional use shall be deemed violations of this ordinance.
- (e) *Appeal of Planning Commission action.* Appeal of the Planning Commission's decision may be filed by any party affected by the decision. Such appeal shall be filed with the City Council within thirty days of the Planning Commission decision. Within a reasonable period following receipt of the appeal, the City Council by majority vote shall decide to affirm, modify, or reverse the decision of the Planning Commission. A timely appeal shall suspend all actions on the conditional use permit.

Sec. 317. Special exception procedures.

- (a) *Application for special exception permit.* All permitted uses by special exception where listed in each district shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception shall be filed with the Secretary to the Board at least 30 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Secretary and shall include the following information and materials:
- (1) Name, signature, and address of the property owner and agent of the property owner, if any.

- (2) Address of the property under consideration.
 - (3) Zoning and land use of the property under consideration.
 - (4) Proposed use by special exception.
 - (5) A vicinity map showing the location of the property.
 - (6) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.
 - (7) Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Jefferson County Tax Assessor.
 - (8) A \$100 filing fee.
- (b) *Public notice of hearing.* At least 15 days prior to the scheduled Board of Adjustment hearing, the Secretary shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
- (1) The name of the applicant.
 - (2) The location of the property.
 - (3) The proposed use by special exception.
 - (4) The time, date, and location of the Board hearing.
- (c) *Board of Adjustment action.* The Zoning Board of Adjustment shall review the plot plan and use proposal for compliance with this ordinance and other applicable codes and ordinance. If deemed in compliance, the Board may still deny any proposal if it concludes, based upon the information submitted at the hearing, that the proposal, more probably than not will adversely affect the public interest and the intent of this ordinance, as contained in the purposes and consideration of this ordinance and the district intent where the proposal would be carried out. In particular, the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this ordinance:
- (1) Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - (2) Off-street parking and loading areas, with particular attention to the items in (1) above.
 - (3) Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
 - (4) Screening and buffering of potentially adverse views and activities from surrounding properties.
 - (5) Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
 - (6) Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.

- (7) Signs and lighting, with reference to glare, traffic safety, and visual harmony with adjoining properties.
- (8) Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.
- (d) *Imposition of conditions.* The Board may impose such conditions for approval as it may deem necessary in the particular case to protect the public interest and the intent of this ordinance, in relation to the items listed in above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure or use for which the special exception was granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed violations of this ordinance.

State law reference - Board of Adjustment, Code of Ala. 1975, § 11-52-80. **Cross references** - See § 82 for special exception uses in floodway, § 362 for meetings of the Board, § 363 for appeals to the Board, and § 364 for powers and duties of the Board.

Sec. 318. Administrative appeal procedures.

- (a) *Application for administrative appeal.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. An administrative appeal shall require the submission of an application to the Zoning Board of Adjustment. The application shall be filed with the Secretary to the Board at least 30 days before the scheduled hearing date before the Board of Adjustment. A timely appeal shall suspend all actions on the conditional use permit. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Secretary and shall include the following information and materials:
 - (1) Name, signature, and address of the property owner and attorney for the property owner, if any.
 - (2) Address of the property under consideration.
 - (3) The decision of the Zoning Administrator under appeal.
 - (4) A written statement specifying the grounds for appeal.
 - (5) Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Jefferson County Tax Assessor.
 - (6) A \$100 filing fee.
- (b) *Public notice of hearing.* At least 15 days prior to the scheduled Board of Adjustment hearing, the Zoning Administrator shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
 - (1) The name of the applicant.
 - (2) The location of the property.
 - (3) The decision of the Zoning Administrator under appeal.
 - (4) The time, date, and location of the Board hearing.
- (c) *Board of Adjustment action.* The Secretary shall transmit all papers constituting the record upon which the

action appealed was taken to the Board which shall take action to uphold, modify, or overturn the decision of the Zoning Administrator.

State law reference - Board of Adjustment, Code of Ala. 1975, § 11-52-80. **Cross references** - See § 362 for meetings of the Board, § 363 for appeals to the Board, and § 364 for powers and duties of the Board.

Sec. 319. Variance procedures.

- (a) *Justification for variance.* Variances to the terms of this ordinance may be granted individual cases upon a finding by the Board of Adjustment that the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this ordinance subject to a variance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:
- (1) The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
 - (2) Variances should be permitted only under peculiar and exceptional circumstances.
 - (3) Hardship alone is not sufficient; Alabama statutes require unnecessary hardship.
 - (4) Mere financial loss of a kind which might be common to all of the property owners in a district is not an unnecessary hardship.
 - (5) Variances should be granted sparingly, and spirit of this ordinance in harmony with the spirit of State law should be carefully preserved, to the end that the structure of this ordinance would not disintegrate and fall apart by constant erosion at the hands of the Board.
 - (6) When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.
- (b) *Application for variance.* An application for a variance shall be filed with the Secretary at least 30 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Secretary and shall include the following information and materials:
- (1) Name, signature, and address of the property owner and agent of the property owner, if any.
 - (2) Address of the property under consideration.
 - (3) Zoning and land use of the property under consideration.
 - (4) Nature of the variance with reference to applicable zoning provisions.
 - (5) Justification for the variance in accordance with all of the criteria in (a) above.
 - (6) A vicinity map showing the location of the property.
 - (7) A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.

- (8) Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Jefferson County Tax Assessor.
- (9) A \$100 filing fee.
- (c) At least 15 days prior to the scheduled Board of Adjustment hearing, the Secretary shall give written notice of the variance to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
 - (1) The name of the applicant.
 - (2) The location of the property.
 - (3) The nature of the variance and the applicable zoning provisions.
 - (4) The time, date, and location of the Board hearing.

State law reference - Board of Adjustment, Code of Ala. 1975, § 11-52-80. **Cross references** - See § 82 for variances to Flood Hazard District requirements, § 362 for meetings of the Board, § 363 for appeals to the board, and § 364 for powers and duties of the Board.

Secs. 320-329. Reserved.

Division 3. Non-conformities

Sec. 330. Purpose of provisions for non-conformities.

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

Sec. 331. Types of non-conformities.

- (a) *non-conforming building.* An otherwise legal building that does not conform with the yard, height, or other dimensional requirements for the district in which it is located or is designed or intended for a nonconforming use.
- (b) *non-conforming characteristics of use.* An otherwise legal characteristic of use, lot, or structure which does not conform with the off-street parking and loading standards, screening and buffer yard standards, sign standards, or any supplemental standards for the district in which it is located or is designed or intended for a nonconforming use.
- (c) *non-conforming lot.* An otherwise legally platted lot that does not conform with the dimensional requirements for the district in which it is located.
- (d) *nonconforming use.* The otherwise legal use of a building, structure, or lot that does not conform with the permitted uses for the district in which it is located.

Sec. 332. Continuation of non-conformities.

Non-conformities may be continued as provided by this section:

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

- (6) A non-conforming use may occupy any part of a structure or lot that was arranged or designed for such use unless occupancy of that part of the structure or lot has been discontinued for a period exceeding six months.

Sec. 333. "Repair and maintenance of non-conformities.

- (a) On any structure, devoted entirely or partly to a nonconforming use, work may be done on ordinary maintenance or repair and replacement of walls, fixtures, wiring, or plumbing, provided the cubic content of the structure, as it existed at the effective date of this ordinance or subsequent amendment, shall not be increased. The cost of the work shall not exceed ten percent of the appraised replacement cost of the structure or the part.
- (b) On any lot devoted entirely or in part to any nonconforming use, work may be done on ordinary maintenance or repair and replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities provided the extent of those amenities shall not be increased or rearranged.
- (c) Nothing in this division shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared unsafe by any official charged with protecting the public safety, on order of such official, nor shall anything in this division be deemed to exempt any such structure or amenity from any requirements of any federal, state, or local government regulation.

Sec. 334. Alteration, enlargement, or restoration of non-conformities.

- (a) No non-conforming use shall be enlarged within a structure or occupy a greater area of land than at the effective date of this ordinance or subsequent amendment.
- (b) No nonconforming use or structure shall be moved to any portion of the lot other than that occupied at the effective date of this ordinance or subsequent amendment.
- (c) No nonconforming use, structure or characteristic of use may be altered or enlarged or intensified in any way, which increases its nonconformity but may be altered or reduced to decrease its nonconformity.
- (d) If a nonconforming structure is removed or damaged in any manner to the extent that the restoration costs exceeds fifty percent of the original value of the structure immediately before the damaging occurrence, subsequent use of the lot shall be in full compliance with the district in which it is located.

Sec. 335. Change in use.

- (a) Any non-conforming use, which changes to a permitted use within the district in which it is located, shall not revert to a nonconforming use.
- (b) A nonconforming use may change to a new nonconforming use provided the new use is more in keeping with the district in which it is located and is less objectionable and measures less external impact than the existing non-conforming use. In determining whether the new use would be in greater conformity with this ordinance, impact criteria such as, but not limited to, the following shall be evaluated:
 - (1) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

Sec. 336. Appraised cost or value.

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

Secs. 337-339. Reserved.

Division 4. Amendments

Sec. 340. Authority to amend.

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

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

Sec. 341. Authorized petitioners.

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

Sec. 342. Petition for amendment.

- (a) A petition for amendment when initiated by the property owner or authorized agent of such owner shall be meet the application requirements of this section.
- (b) The application for re-zoning shall be made on a form available from the Zoning Administrator and be filed with the Zoning Administrator at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:
 - (1) Name, signature, and address of the property owner and agent of the property owner, if any.
 - (2) Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
 - (3) Present and proposed zoning and land use of the property under consideration.
 - (4) Reason for the rezoning request.
 - (5) A vicinity map, drawn to scale, showing the size and location of the property.
 - (6) For conditional re-zonings, a site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
 - (7) Public hearing notices on a form made available by the Zoning Administrator and stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners within 500 feet of the property subject to rezoning, as shown in the most recent records of the Jefferson County Tax Assessor.
 - (8) A \$100 filing fee.

Sec. 343. Planning Commission action.

- (a) In the case of a petition by a property owner, at least 15 days prior to the scheduled Planning Commission hearing, the Zoning Administrator shall give written notice of the re-zoning to all adjacent property owners within 500 feet of the property subject to rezoning. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as submitted with the rezoning application. The notice shall state the following information:

- (1) The name of the petitioner.
 - (2) The location of the property.
 - (3) The current and proposed zoning and land use of the property.
 - (4) The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.
- (b) The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this ordinance.
 - (c) At least six days public notice of the hearing shall be given in accordance with the publication or posting requirement in § 345 *Public notice of hearings*. The Planning Commission, by majority vote, shall report its recommendations to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty days of the hearing, unless the City Council grants an extension of such period. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Sec. 344. City Council Action.

- (a) Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.
- (b) The City Council shall give public notice of the hearing on the proposed amendment in accordance with § 345 *Public notice of hearings*.
- (c) Following notice and hearing, the City Council shall decide by majority vote to accept or reject the proposed amendment.
- (d) If the City Council takes no final action upon the proposed amendment within ninety days after receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been rejected and overruled by the Council.

Sec. 345. Public notice of hearings. (Ref. Ord. # 910212-3).

- (a) At least 15 days in advance of the public hearing before the City Council, the Council shall publish the proposed zoning ordinance amendment in full for one insertion in a newspaper of general circulation published within the City, together with a notice stating the time and place that the ordinance is to be considered by the City Council and stating further that at such time and place, all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance. One week after the first insertion, the City Council shall have published a synopsis of the proposed ordinance, which synopsis shall refer to the date of the newspaper in which the proposed ordinance was first published. If there is no newspaper of general circulation published within the City, then the City Council must cause the ordinance and notice to be posted in four conspicuous places within the City. The Council may both publish and post the hearing notice. At least 15 days in advance of the public hearing before the City Council, the Zoning Administrator shall again give written notice of the re-zoning to all adjacent property owners and all property owners located in whole or in part within 500 feet from the boundaries of the property, which is subject to the proposed change in zoning classification in the same manner as outlined in Sec. 343 (a).
- (b) At least six days in advance of the public hearing before the Planning Commission, the Commission shall publish notice of the proposed zoning ordinance amendment for one insertion in a newspaper of general circulation published within the City, stating the time, place, and object of the hearing and stating further that at such time and place all persons who desire shall have opportunity of being heard in opposition to or in favor of such ordinance. If there is no newspaper of general circulation published within the City, then the Planning Commission must cause the ordinance and notice to be posted in four conspicuous places

within the City. The Commission may both publish and post the hearing notice.

- (c) The applicant for a re-zoning shall be responsible for posting property with signs made available by the Zoning Administrator. Each placard shall note the proposed district change and the time and place of the Planning Commission hearing. Property shall be posted at least 15 days in advance of the public hearing before the Planning Commission and remain posted until the public hearing is completed. The applicant shall place the signs at reasonable intervals along the public street abutting the property.

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

Sec. 346. Conditional rezoning.

- (a) In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must be made prior to the public hearing held by the City Council and must adhere to the following criteria:
 - (1) The rezoning itself must give rise for the need for the conditions.
 - (2) Such conditions shall have a reasonable relation to the rezoning.
 - (3) Such conditions shall not include a cash contribution to the City.
 - (4) Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the *Hueytown Subdivision Regulations*.
 - (5) Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the *Hueytown Subdivision Regulations*.
 - (6) No condition shall be proffered that is not related to the physical development or physical operation of the property.
 - (7) No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for re-zoning is filed in accordance with this division.
 - (8) All such conditions shall be in conformity with the purposes and consideration of this ordinance.
- (b) The Zoning Administrator shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.
- (c) The official zoning map shall show by an appropriate symbol the existence of conditions attaching to the zoning. The Zoning Administrator shall keep in his office and make available for public inspection a *Conditional Zoning Index*. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-2C), and the zoning map shall reference the Conditional Zoning Index by ordinance number.
- (d) Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Sec. 347. Limitations on re-zoning amendments.

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

Secs. 348-349. Reserved.

Division 5. Penalties and Remedies

Sec. 350. Violations and penalties.

- (a) *Citation for violations.* The Zoning Administrator or any Police Officer of the **City** shall serve upon the responsible person or owner of the property which is in violation of this ordinance, a citation to appear in the Municipal Court of the City of Hueytown at a time and date specified thereon to answer the charge of such violation(s) of this article. Provided however, that prior to 12:00 noon on the date this matter is to be set before the Municipal Court, such person, firm or corporation charged in such citation, if he has not previously settled or been convicted of three or more such violations within twelve months of the date of such citation, may dispose of the citation by settlement in the following manner: pay to the Clerk of the Municipal Court a fine for the offenses charged in the amount of \$100 plus any and all charges otherwise payable to the City pursuant to the terms and conditions of the article. If the offense charged is the third such offense by the owner or person charged within twelve months from the date of such citations, settlement cannot be voluntarily made to the Clerk of the Municipal Court as referred to above. If the settlement of the charges set out in the citation is not made prior to 12:00 noon of the date the case is set for trial in Municipal Court and if the party charged fails to appear and answer such charge in the Municipal Court at the time or place set out in such citation or if the citation is not otherwise been disposed of by such court, a warrant shall be issued charging such party with the violation set out in the citation, which warrant shall be obtained, served and tried as provided by law for the arrest and trial of the offenses involving violations of the ordinances of the City. If a person receiving a citation as herein provided has within the prescribing twelve months from the date of such citation settled or been convicted of three or more such violations, he shall not be permitted to settle the instant alleged offense, but shall be required to stand trial in the Municipal Court.
- (b) *Penalty for violation.* Once the warrant has been issued and tried before the Municipal court, a person found guilty of such violations shall be guilty of a misdemeanor and shall be punished as provided by § 351 *Additional penalties* which shall include the payment of any fines levied by the Court plus any court costs as therein provided and issued by the court. Each day such offense continues shall constitute a separate offense.
- (c) *Issuance of citation.*
- (1) All citations shall be signed by the enforcement officer finding such violations and shall be sent by certified mail to the responsible person or to the owner of the property on which the violation is found.
 - (2) A warning of violation may be issued in writing, personal appearance, or telephone by the enforcement officer finding such violations. The warning shall give an opportunity for correction of any violations within 30 or less days before a citation is sent, as provided in (1) above.

Sec. 351. Additional penalties.

Any person, firm, or corporation committing an offense of any provision of this ordinance is declared to be a misdemeanor and shall upon conviction be punished by a fine of not less than one dollar nor more than five hundred dollars. In addition thereto, any person so convicted, may be imprisoned or sentenced to hard labor for the City of Hueytown, Alabama, for a period of not exceeding six months, at the discretion of the court trying the case. Provided, however, that no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine and sentence established under State law for the commission of substantially similar offenses.

Cross reference - Misdemeanor offenses. Ordinance No. 417, adopted December 13, 1977.

Sec. 352. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance, the Zoning Administrator or any

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

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

Secs. 353-359. Reserved.

ARTICLE VI. ZONING BOARD OF ADJUSTMENT

Sec. 360. Creation.

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

Sec. 361. Composition and appointment.

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

Sec. 362. Meetings.

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

Sec. 363. Appeals to the Board.

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

****State law reference** - Board of Adjustment, Code of Ala. 1975, § 11-52-80. **Cross references** - See § for special exception procedures, § for administrative appeal procedures, and § for variance procedures. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the Zoning Administrator and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Sec. 364. Powers and duties.

(a) The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto;

- (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; and
 - (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
 - (4) To exercise such powers and duties authorized by Sec. 11-52-80, Code of Alabama, 1975, as amended.
- (b) In exercising the powers mentioned in this section, such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
 - (c) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Sec. 365. Appeal of Board decision.

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

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

Secs. 366-369. Reserved.

ARTICLE VII. DEFINITIONS

Sec. 370. Purpose of definitions.

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

Sec. 371. Interpretation.

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

Cross reference - See § 318 for administrative appeal procedures.

Sec. 372. Word usage.

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

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

Sec. 373. General terms defined.

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

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

access. A way or means of approach to provide physical entrance to a property. access driveway. Refer to § 171 *Off-street parking and loading terms defined.*

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

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

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

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

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

applicant. A person submitting an application for development.

appraised cost or value. Refer to § 336. *Appraised cost or value.*

attached sign. Refer to *Division 4 – Sign Regulations.*

base flood or 100 year flood. The flood having a one percent chance of being equaled or exceeded in any given year. Refer to § 82. *F Flood Hazard District.*

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

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

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

billboard. Refer to *Division 4 – Sign Regulations.*

Board or Board of Adjustment. The Zoning Board of Adjustment of Hueytown, Alabama.

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

buffer yard. Refer to § 191. *Screening and buffer yard terms defined.*

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

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

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

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

building height. Refer to § 141. *Dimensional terms defined.*

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

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

BR. Refer to § 171. *Off-street parking and loading terms defined.*

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

City. The City of Hueytown, Alabama.

Commission or Planning Commission. The Planning Commission of Hueytown, Alabama.

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

commonly associated. Refer to § 25. *Combined principal and accessory uses.*

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

Council or City Council. The City Council of Hueytown, Alabama.

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

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

DU. Refer to § 171. *Off-street parking and loading terms defined.*

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

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

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

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

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

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

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

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

employee. Refer to § 171. *Off-street parking and loading terms defined.*

erect a sign. Refer to *Article IV, Division 4 – Sign Regulations.*

exempt sign. Refer to *Article IV, Division 4 – Sign Regulations.*

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

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

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

flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas during the 100 year base flood. Refer to § 82. *F Flood Hazard District.*

floodplain. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation during the 100 year base flood; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source during the base flood. Refer to § 82. *F Flood Hazard District.*

floodway. The designated area of the floodplain required to carry and discharge flood waters of a given magnitude during the base flood. Refer to § 82. *F Flood Hazard District.*

floodway fringe. That area of the floodplain not included in the floodway. Refer to § 82. *F Flood Hazard District.*

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

freestanding sign. Refer to *Article IV, Division 4 – Sign Regulations.*

GLA. Refer to § 171. *Off-street parking and loading terms defined.*

illuminated sign. Refer to *Article IV, Division 4 – Sign Regulations*.

illuminated sign, externally. Refer to *Article IV, Division 4 – Sign Regulations*.

illuminated sign, internally. Refer to *Article IV, Division 4 – Sign Regulations*.

immediate family member. Refer to § 104. *Accessory apartment*, § 105. *Accessory cottage*, and § 146. *Frontage exceptions*.

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

inoperative motor vehicle. Refer to § 171. *Off-street parking and loading terms defined*.

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

loading area. Refer to § 171. *Off-street parking and loading terms defined*.

loading space. Refer to § 171. *Off-street parking and loading terms defined*.

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

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

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

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

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

lot area or lot size. Refer to § 141. *Dimensional terms defined*.

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

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

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

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

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

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

ordinances, and regulations.

lot width. Refer to § 141. *Dimensional terms defined.*

lowest floor. Includes the lowest enclosed area of a structure (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this district. Refer to § 82. *F Flood Hazard District.*

manufactured home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein. If constructed on or after June 15, 1976 the unit bears a seal certifying compliance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. Also refer to § 82. *F Flood Hazard District.*

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

manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Refer to § 82. *F Flood Hazard District.*

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

mean sea level. The National Geodetic Vertical Datum (NGVD) of 1929 or other datum used as a reference for establishing various elevations within the floodplain. Refer to § 82. *F Flood Hazard District.*

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

non-con forming building. Refer to § 331. *Types of non-conformities.*

non-conforming characteristics of use. Refer to § 331. *Types of non-conformities.*

non-conforming lot. Refer to § 331. *Types of non-conformities.*

non-conforming use. Refer to § 331. *Types of non-conformities.*

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

number of signs. Refer to *Article IV, Division 4 – Sign Regulations.*

occupancy load. Refer to § 171. *Off-street parking and loading terms defined.*

off-premises sign. Refer to *Article IV, Division 4 – Sign Regulations.*

on-premises sign. Refer to *Article IV, Division 4 – Sign Regulations*.

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

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

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

parking aisle. Refer to § 171. *Off-street parking and loading terms defined.*

parking area. Refer to § 171. *Off-street parking and loading terms defined.*

parking space. Refer to § 171. *Off-street parking and loading terms defined.*

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

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

permanent sign. Refer to *Article IV, Division 4 – Sign Regulations*.

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

portable sign. Refer to *Article IV, Division 4 – Sign Regulations*.

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

property line. The lot line.

proportional lot frontage. Refer to *Article IV, Division 4 – Sign Regulations*.

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

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

screening. Refer to § 191. *Screening and buffer yard terms defined.*

shopping center. Refer to *Article IV, Division 4 – Sign Regulations*.

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

sign. Refer to *Article IV, Division 4 – Sign Regulations*.

sign area. Refer to *Article IV, Division 4 – Sign Regulations*.

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

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

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

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

sf. Refer to § 171. *Off-street parking and loading terms defined*.

start of construction. (includes **substantial improvement**). The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Refer to § 82. *F Flood Hazard District*.

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

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

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

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

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

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

street, major. A collector or arterial street.

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

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

structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings. Also refer to § 82. *F Flood Hazard District.*

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

substantial improvement. Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, *substantial improvement is* considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. Refer to § 82. *F Flood Hazard District.*

temporary sign. Refer to *Article IV, Division 4 – Sign Regulations.*

this ordinance. The Hueytown Zoning Ordinance.

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

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

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

yard. Refer to § 141. *Dimensional terms defined.*

yard, front. Refer to § 141. *Dimensional terms defined.*

yard, rear. Refer to § 141. *Dimensional terms defined.*

yard, side. Refer to § 141. *Dimensional terms defined.*

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

Sec. 374. Uses defined.

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

accessory apartment. An accessory dwelling unit attached to a single-family residence. Refer to § 104 for supplemental use regulations.

accessory cottage. An accessory dwelling unit detached and located on the same lot as a single-family residence. The term includes garage apartments. Refer to § 105 for supplemental use regulations.

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

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

animal shelter. Non-profit (Humane Society) or public organization providing shelter for small domestic animals.

arcade game machine. *A machine whose use could, or does, result in the winning or awarding of a prize, gift certificate, goods, services, property, or any other compensation or enumeration.*

bank or financial service. An organization involved in deposit banking, finance, investment, mortgages, trusts, stock brokerage, personal financial planning, and the like. Typical uses include commercial banks, credit unions, and savings institutions. This definition also includes automated teller machines. This definition excludes car title loan business, check cashing/credit service, money broker, payday advance/loan establishment, or title loan establishment.

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

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

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

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

campground. A group of buildings or structures on a site of 10 or more acres planned as a whole for seasonal recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities, bathrooms, and sale of personal care items and gifts. Refer to § 116 for supplemental use regulations.

car title loan business. An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

car wash. A business establishment engaged in washing or cleaning of automobiles and light vehicles. Such facility may be automated or employ the services of individuals to perform such services manually or may be a self-service, coin-operated facility. The establishment may be subject to the rules and regulations of the

Alabama Department of Environmental Management agency (ADEM) or other regulatory agencies.

cemetery. Human burial grounds. Refer to § 115 for supplemental use regulations.

check cashing/credit service. An establishment engaged in providing credit intermediation and related activities that facilitate the lending of funds, issuance of credit, or any other similar types of businesses. Typical uses include check cashing services, payday/advance loans, short term loans, deferred deposit loans, and title loans. This definition excludes kiosks, banks, financial institutions, and investment companies.

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

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

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

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

communication tower. A structure or tower used for the transmission of telephone, cellular, radio, television, and similar communication signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

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

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

construction service. A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

convenience store. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including, not more than one automotive fuel service island. Refer to § 117 for supplemental use regulations.

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

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

day care home. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children, elderly, or handicapped or infirm persons. Refer to §126.

domiciliary care facility. Licensed homes for the aged, intermediate institutions, and related institutions (not otherwise defined by this section), whose primary purpose is to furnish room, board, laundry, personal care, and other non-medical services, regardless of what it may be named or called, for not less than 24 hours in any

week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home.

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

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

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

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

- forages and sod crops;
- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
- bees and apiary products;
- fisheries, excluding fish and seafood processing;
- fur animals, limited to the breeding and raising of such animals; and
- fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

Refer to § 101 for supplemental use regulations.

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

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

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

garage or yard sales. The sale by a resident, conducted on the premises of a dwelling, of personal property belonging to the occupant of such dwelling. Refer to § 125 for supplemental use regulations.

garden apartment. Five or more attached multi-family dwellings within a building of three or less stories. Refer to § 106 for supplemental use regulations.

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

small gardening tools and equipment, and seeds.

group care residence. A group care home serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including child care homes for orphans or neglected children, handicapped or infirm homes for the mentally retarded or mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency facilities. The group care residence provisions of this ordinance meet or exceed the minimum requirements § 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multi-family zones*. Code of Alabama, 1975, as amended. Refer to § 107 for supplemental use regulations.

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

general retail business, un-enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and other outdoor display or sales.

heavy industry. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

hobby farm. A five acre or larger tract of land used for the production, keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract. Refer to § 102 for supplemental use regulations.

home improvement center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

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

home occupation. A business, profession, occupation, or trade conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the resident. Refer to § 118 for supplemental use regulations.

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

hotel or motel. A commercial facility offering transient lodging accommodation on a daily or weekly basis to nine or more guests, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities.

kennel. The keeping of more than three dogs over six months of age or the boarding or raising of small household pets for commercial purposes. Refer to § 103 for supplemental use regulations.

laundry service. A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under *personal service*), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

liquor lounge. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included within this definition are establishments which sell or serve only beer or wine as an incidental activity on the premises or establishments which sell liquor, beer, or wine in packages for off-premises consumption.

livestock sales. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities. Refer to § 119 for supplemental use regulations.

maintenance service. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

manufactured home park. A tract of land used or designed to accommodate a manufactured home community of multiple spaces for lease or condominium ownership. Refer to § 108 for supplemental use regulations, § 82 for *manufactured home* defined as a flood hazard term, and § 373 for *manufactured home* defined as a general term.

manufactured home subdivision. A manufactured home placed on a subdivided lot outside of a manufactured home park. Refer to § 109 for supplemental use regulations, § 82 for *manufactured home* defined as a flood hazard term, and § 373 for *manufactured home* defined as a general term.

manufacturing, general. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

manufacturing, light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

medical support service. A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician, and the like.

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

mini-warehouse. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods and commercial office materials, but not including the storage of materials for any activity other than dead storage. Refer to § 120 for supplemental use regulations.

money broker. A person, firm, or corporation who, either as a principal or agent, lends money or buys personal property under agreement whereby the seller is granted the right or option to repurchase, or who trades in or takes or buys assignments of wages, already earned by any other person employed or to be employed by any other person, or who engages in the business of lending money on wages, salaries, personal property, or on endorsements or personal security, where such loan is to be repaid on the installment plan with payments to be made periodically over a period of months or years, or who engages in the business of buying conditional sales contracts, or rent notes, or the discounting of contractors' notes, or any one of aforementioned acts.

multiplex. Three or four attached multi-family dwellings within a building of three or less stories. Refer to § 110 for supplemental use regulations.

multi-story apartment. Attached, multi-family dwellings within a building of four or more stories. Refer to § 111 for supplemental use regulations.

non-depository financial institution. Any car title loan business, check cashing/credit service, money broker, payday advance/loan establishment, or title loan establishment. This definition excludes:

- A state or federally chartered bank, savings and loan association, or credit union as defined by “bank or financial service”,
- A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

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

open air market. Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market. Refer to § 121 for supplemental use regulations.

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

patio home. A detached, single family dwelling constructed on-site in accordance with the Current City of Hueytown Building Code. The unit occupies a small lot and has an enclosed yard area with a porch or patio. Refer to § 112 for supplemental use regulations.

pawnbroker or pawn shop. A person or entity who engages in the business of lending money, usually in small sums, in exchange for Personal Property deposited with him or her that can be kept or sold if the borrower fails or refuses to repay the loan.

payday advance/loan establishment. An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

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

personal service. A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

pet cemetery. Burial grounds for small household pets, including funeral service and undertaking services.

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

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

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

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

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

recreation, indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

recreation, outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

research lab. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

resource extraction. The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining. Refer to § 123 for supplemental use regulations.

residential cluster subdivision. A tract of land planned and developed as an integral unit under single ownership or control. Clustering permits a developer to create smaller lots than in a conventional subdivision without substantially increasing the overall density. Land saved by clustering becomes usable common open space to the residents of the subdivision. Lots within the cluster subdivision are restricted to single family detached or attached dwellings, as permitted by the district. Refer to § 113 for supplemental use regulations.

restaurant, fast food. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-thru, or drive-in and may also include standard sit-down consumption.

restaurant, standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

salvage yard. A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

sanitary landfill. A State-approved site for solid waste disposal.

school. Public or non-profit school.

seasonal sales. Temporary seasonal sales of produce, ornamental plants, fire wood, Christmas trees, and other temporary sales that are unlike the usual activities on the lot where the sales occur.

shopping center, community or regional. A group of commercial establishments (as permitted in the district) located on a lot of ten or more acres planned and developed in a unified design with shared parking and driveway facilities and under common management authority.

shopping center, neighborhood. A group of commercial establishments (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

single family residence. A detached, single family dwelling constructed on-site in accordance with the Current City of Hueytown Building Code. Refer to § 114 for supplemental use regulations.

special event. Circuses, fairs, carnivals, festivals, benefits, religious events, or similar types of temporary outdoor events that run longer than one day but no longer than thirty days, are likely to attract large crowds, and are unlike the usual activities on the lot where the event occurs.

specialty retail center. A group of commercial establishments (as permitted in the district) located on a lot of one to less than three acres planned in a unified design with shared parking and driveway facilities and under common management authority. The center may be a new development or involve the re-subdivision and redevelopment of residential lots so as to create a planned grouping of buildings and commercial uses with common parking areas and access drives under a common management authority. Refer to § 122 for supplemental use regulations.

stable. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

studio. A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

title loan establishment. Any building, room, space or portion thereof where a person, company, or other legal entity engaged in the business of making loans in exchange for possession of the certificate of title to property or a security interest in titled property.

tourist home or bed and breakfast inn. An establishment, which may be a dwelling, which provides lodging for three to eight transient guests on a short term basis (daily or weekly).

townhouse. An attached or semi-detached, single family dwelling within a building of eight or less units.

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

vehicle and equipment repair, major. A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

vehicle and equipment sales, major. A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

vehicle repair service. A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

vehicle sales or rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

vehicle service station. A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

warehousing, wholesaling, and distribution, enclosed. A place of business engaged in warehousing, wholesaling, or distribution services within a building.

warehousing, wholesaling, and distribution, open. A place of business engaged in open air warehousing, wholesaling, or distribution services.

APPENDICES

APPENDIX A TABLE OF PERMITTED USES

KEY

- P = PERMITTED USE. Use permitted subject to appropriate permits being issued in accordance with this ordinance.
- C = CONDITIONAL USE. Use permitted subject to a conditional use permit being granted by the Planning Commission and further subject to appropriate permits being issued in accordance with this ordinance.
- S = SPECIAL EXCEPTION USE. Use permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this ordinance.
- N = USE NOT PERMITTED.
- AG = AGRICULTURAL DISTRICT.
- E-1 = SINGLE FAMILY ESTATE RESIDENCE DISTRICT.
- E-2 = SINGLE FAMILY ESTATE RESIDENCE DISTRICT.
- R-1 = SINGLE FAMILY RESIDENCE DISTRICT.
- R-2 = SINGLE FAMILY RESIDENCE DISTRICT.
- R-3 = SINGLE FAMILY RESIDENCE DISTRICT.
- R-4 = URBAN HOUSING DISTRICT.
- R-5 = MULTI-FAMILY HOUSING DISTRICT.
- R-MH = MANUFACTURED HOUSING DISTRICT.
- B-1 = NEIGHBORHOOD TRANSITION DISTRICT.
- B-2 = NEIGHBORHOOD CORE DISTRICT.
- B-3 = COMMUNITY BUSINESS DISTRICT.
- M-1 = LIGHT INDUSTRY DISTRICT.
- M-2 = GENERAL INDUSTRY DISTRICT.
- * = SUBJECT TO SUPPLEMENTAL USE REGULATIONS.

TABLE OF PERMITTED USES

USE CLASSIFICATION	ZONING DISTRICT													
	A G	E 1	E 2	R 1	R 2	R 3	R 4	R 5	R MH	B 1	B 2	B 3	M 1	M 2
<i>agricultural uses</i>														
*farm	P	N	N	N	N	N	N	N	N	N	N	N	N	N
*hobby farm	P	S	N	N	N	N	N	N	N	N	N	N	N	N
*kennel	P	S	S	S	S	S	S	S	N	N	N	N	N	N
<i>residential uses</i>														
*accessory apartment	P	S	S	S	N	N	N	N	N	N	N	N	N	N
*accessory cottage	P	S	S	S	N	N	N	N	N	N	N	N	N	N
combination dwelling	C	C	P	P	C	C	C	P	C	P	P	P	P	P
duplex	P	N	N	N	N	N	N	P	P	N	N	N	N	N
*garden apartment	N	N	N	N	N	N	N	N	N	C	C	C	N	N
*group care residence	P	S	S	S	N	N	N	C	N	N	N	N	N	N
*manufactured home park	N	N	N	N	N	N	N	N	P	N	N	N	N	N
*manufactured home sub-division	N	N	N	N	N	N	N	N	P	N	N	N	N	N
*multiplex	N	N	N	N	N	N	N	N	P	N	N	N	N	N
*multi-story apartment	N	N	N	N	N	N	N	N	C	N	N	N	C	N
*patio home	N	N	N	N	N	N	P	N	P	N	N	N	N	N
*residential cluster sub-division	N	C	C	C	C	C	C	C	C	N	N	N	N	N
single family residence	P	P	P	P	P	P	N	P	P	N	N	N	N	N
*townhouse	N	N	N	N	N	N	N	P	N	N	C	C	C	N
upper-story apartment	N	N	N	N	N	N	N	N	N	P	P	P	N	N
<i>institutional uses</i>														
airport	N	N	N	N	N	N	N	N	N	N	N	N	C	P
animal shelter	P	N	N	N	N	N	N	N	N	N	N	N	P	N
boarding house	P	N	N	N	N	N	N	C	N	P	P	P	N	N
*cemetery	P	C	C	C	C	C	C	C	C	P	P	P	N	N
community center	N	N	N	N	N	N	N	N	N	P	P	P	N	N
community service club	N	N	N	N	N	N	N	N	N	P	P	P	N	N
country club	P	N	N	N	N	N	N	N	N	P	P	P	N	N
day care center	N	N	N	N	N	N	N	N	N	P	P	P	N	N
day care home	P	P	P	P	P	P	P	C	C	N	N	N	N	N
domiciliary care facility	P	N	N	N	N	N	N	C	N	C	P	P	N	N
home instruction	P	P	P	P	P	P	P	P	P	P	P	P	N	N
hospital	C	N	N	N	N	N	N	N	N	P	P	P	N	N

USE CLASSIFICATION	ZONING DISTRICT														
	A G	E 1	E 2	R 1	R 2	R 3	R 4	R 5	R MH	B 1	B 2	B 3	M 1	M 2	
military installation	C	N	N	N	N	N	N	N	N	N	N	N	P	P	
nursing care facility	C	N	N	N	N	N	N	C	N	P	P	P	N	N	
park	C	C	P	P	C	C	C	C	C	P	P	P	P	P	
penal institution	C	N	N	N	N	N	N	N	N	N	N	N	N	N	
place of worship	C	C	C	C	C	C	C	C	C	C	C	P	N	N	
public assembly center	C	N	N	N	N	N	N	N	N	N	N	P	N	N	
public facility	P	S	S	S	S	S	S	S	S	P	P	P	P	P	
public utility facility	P	S	S	S	S	S	S	S	S	S	S	S	P	P	
public utility service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
school	C	C	C	C	C	C	C	C	C	P	C	P	N	N	
<i>commercial uses</i>															
animal hospital	C	N	N	N	N	N	N	N	N	P	P	P	N	N	
arcade game machines	N	N	N	N	N	N	N	N	N	N	N	C	N	N	
bank or financial service	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
broadcast studio	P	N	N	N	N	N	N	N	N	P	P	P	P	P	
business or professional office	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
business support service	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
*campground	C	N	N	N	N	N	N	N	N	N	N	N	N	N	
car title loan business	N	N	N	N	N	N	N	N	N	N	N	C	N	N	
car wash	N	N	N	N	N	N	N	N	N	N	N	P	P	P	
check cashing/credit service	N	N	N	N	N	N	N	N	N	N	N	C	N	N	
clinic	N	N	N	N	N	N	N	N	N	P	P	P	N	N	
commercial parking	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
commercial school	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
*convenience store	N	N	N	N	N	N	N	N	N	C	P	P	N	N	
entertainment, indoor	N	N	N	N	N	N	N	N	N	N	P	P	N	N	
entertainment, outdoor	C	N	N	N	N	N	N	N	N	N	N	P	N	N	
farm support business	C	N	N	N	N	N	N	N	N	N	N	P	P	P	
funeral home	N	N	N	N	N	N	N	N	N	P	P	P	N	N	
garden center or nursery	C	N	N	N	N	N	N	N	N	P	P	P	P	P	
general retail business, enclosed	N	N	N	N	N	N	N	N	N	N	P	P	N	N	
general retail business, unenclosed	N	N	N	N	N	N	N	N	N	N	N	P	N	N	
home improvement center	N	N	N	N	N	N	N	N	N	N	N	P	P	P	
*home occupation	P	P	P	P	P	P	P	P	P	P	P	P	N	N	
hotel or motel	N	N	N	N	N	N	N	N	N	N	N	P	N	N	
laundry service	N	N	N	N	N	N	N	N	N	N	P	P	P	P	
liquor lounge	N	N	N	N	N	N	N	N	N	N	C	C	N	N	

USE CLASSIFICATION	ZONING DISTRICT													
	A	E	E	R	R	R	R	R	R	B	B	B	M	M
	G	1	2	1	2	3	4	5	MH	1	2	3	1	2
*livestock sales	C	N	N	N	N	N	N	N	N	N	N	N	N	N
medical support service	N	N	N	N	N	N	N	N	N	P	P	P	N	N
money brokers	N	N	N	N	N	N	N	N	N	N	N	C	N	N
*mini-warehouse	N	N	N	N	N	N	N	N	N	N	N	P	P	P
*non-depository financial institution	N	N	N	N	N	N	N	N	N	N	N	C	N	N
*open air market	S	N	N	N	N	N	N	N	N	N	S	P	N	N
pawn broker or pawn shop	N	N	N	N	N	N	N	N	N	N	N	C	N	N
payday advance/loan establishment	N	N	N	N	N	N	N	N	N	N	N	C	N	N
personal service	N	N	N	N	N	N	N	N	N	P	P	P	N	N
pet cemetery	S	N	N	N	N	N	N	N	N	N	N	P	N	N
recreation, indoor	N	N	N	N	N	N	N	N	N	N	N	P	N	N
recreation, outdoor	C	N	N	N	N	N	N	N	N	N	N	P	N	N
restaurant, fast food	N	N	N	N	N	N	N	N	N	N	C	P	N	N
restaurant, standard	N	N	N	N	N	N	N	N	N	N	P	P	N	N
shopping center, community or regional	N	N	N	N	N	N	N	N	N	N	N	P	N	N
shopping center, neighborhood	N	N	N	N	N	N	N	N	N	N	P	P	N	N
*specialty retail center	N	N	N	N	N	N	N	N	N	C	P	P	N	N
stable	P	N	N	N	N	N	N	N	N	N	N	N	N	N
studio	P	N	N	N	N	N	N	N	N	P	P	P	P	P
title loan establishment	N	N	N	N	N	N	N	N	N	N	N	C	N	N
tourist home or bed and breakfast inn	S	N	N	N	N	N	N	N	N	P	P	P	N	N
vehicle repair service	N	N	N	N	N	N	N	N	N	N	N	P	P	P
vehicle sales or rental	N	N	N	N	N	N	N	N	N	N	N	C	C	C
vehicle service station	N	N	N	N	N	N	N	N	N	N	P	P	P	P
<i>industrial uses</i>														
communication tower	S	N	N	N	N	N	N	N	N	C	P	C	P	P
construction service	N	N	N	N	N	N	N	N	N	N	N	N	P	C
heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	N	P
industrial park	N	N	N	N	N	N	N	N	N	N	N	N	N	C
maintenance service	N	N	N	N	N	N	N	N	N	N	N	P	P	P
manufacturing, general	N	N	N	N	N	N	N	N	N	N	N	N	N	P
manufacturing, light	N	N	N	N	N	N	N	N	N	N	N	N	P	P
research lab	N	N	N	N	N	N	N	N	N	N	N	N	P	P
resource extraction	C	N	N	N	N	N	N	N	N	N	N	N	N	C
salvage yard	C	N	N	N	N	N	N	N	N	N	N	N	N	C
vehicle and equipment repair, major	N	N	N	N	N	N	N	N	N	N	N	N	P	P
vehicle and equipment sales, major	N	N	N	N	N	N	N	N	N	N	N	N	C	C
warehousing, wholesaling, and distribution, enclosed	N	N	N	N	N	N	N	N	N	N	N	N	P	P
warehousing, wholesaling, and distribution open	N	N	N	N	N	N	N	N	N	N	N	N	N	P
<i>temporary uses</i>														
*garage or yard sales	P	P	P	P	P	P	P	P	P	P	P	P	N	N
seasonal sales	P	S	S	S	S	S	S	S	S	S	P	P	P	P
special event	P	S	S	S	S	S	S	S	S	S	S	S	S	S

APPENDIX B COMPARATIVE ZONING CLASSIFICATIONS

Jefferson County Zoning District Comparison

JEFFERSON COUNTY ZONE

MOST COMPARABLE HUEYTOWN ZONE

residential zones

E-1 Estate	E-1 Single Family Estate Residence District
E-2 Estate	E-2 Single Family Estate Residence District
R-1 Single Family.	R-1 Single Family Residence District
R-2 Single Family.	R-2 Single Family Residence District
R-3 Two Family	R-4 Urban Housing District
R-4 Multiple Family	R-5 Multi-Family Housing District
R-5A Mobile Home Subdivision	R-MH Manufactured Housing District
R-5B Mobile Home Park	R-MH Manufactured Housing District
R-6 Single Family.	R-MH Manufactured Housing District
R-7 Residential Cluster	PUD Planned Unit Development District
R-T Townhouse	R-3 Single Family Housing District
R-G Garden Home	R-3 Single Family Housing District

specialty zones

A-1 Agriculture.	AG Agricultural District
A-2 Agriculture.	AG Agricultural District
Inst-1 Institutional	none
Inst-2 Institutional	none
U-1 Utilities	none
Cem-1 Cemetery	none
PC-1 Pet Cemetery	none
Air-1 Airport.	none
CC-1 Country Club.	none

commercial zones

C-P Preferred Commercial	B-1 Neighborhood Transition District
C-N Neighborhood Commercial	B-2 Neighborhood Core District
C-1 Commercial	B-3 Community Business District
C-2 Outdoor Amusement	B-3 Community Business District
C-3 Commercial	none
C-4 Package Liquor.	none
C-5 Commercial Adult Entertainment	none

industrial zones

1-1 Light Industrial.	M-1 Light Industrial District
1-2 Heavy Industrial	M-2 General Industrial District
I-2(A) Industrial	M-2 General Industrial District
1-3 Industrial.....	M-2 General Industrial District
I-3S Strip Mining.	none
1-4 Industrial Park	M-1 Light Industrial District
1-5 Sanitary Sewage.....	none
1-0 Obnoxious Odors	M-2 Heavy Industrial District
HW-1 Hazardous Waste	M-2 Heavy Industrial District

Comparison of Previous to Current Hueytown Zoning Districts

PREVIOUS ZONES

CURRENT ZONES

agricultural zones

AG-1 Agricultural

AG Agricultural

residential zones

R-1 Single Family.

R-1 Single Family Residence

R-2 Single Family.

R-2 Single Family Residence

R-3 Single Family.

R-2 Single Family Residence

R-4 Multi-Family.

R-4 Urban Housing or

R-5 Multi-Family Housing

R-5 Mobile Home Park

R-MH Manufactured Housing

R-T Townhouse

R-3 Single Family Housing

commercial zones

B-1 Local Business

B-1 Transition or

B-2 Neighborhood Core

B-2 General Business

B-2 Neighborhood Core or

B-3 Community Business

B-3 General Business

B-2 Neighborhood Core or

B-3 Community Business

B-4 General Business

B-2 Neighborhood Core or

B-3 Community Business

industrial zones

M-1 General Industry.

M-1 Light Industrial or

M-2 General Industrial

M-2 Heavy Industry.

M-2 General Industrial